



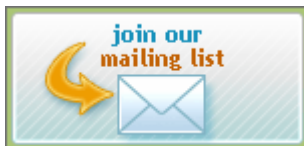
Handcuff Headlines

January 2010

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Dear Jeff,

Well, another year is ahead and 2009 is finally over. I think most of us would agree that last year was less than spectacular for business. But with all the turmoil and transition that the slow economy brought to HR departments everywhere, we would like to take a moment and examine some trends in HR that have developed. Are these trends and changes good, bad or just a waste of time?

➔ Social Media Sites: Evolution and Application

Careerbuilder.com reported that 1 in 5 employers (20%) is now checking various social media sites as a pre-employment screening tool. That number is up from 11% in 2006. The same survey indicated about 33% of hiring managers rejected candidates based on what they found while 24% found information that helped the manager make a decision to hire the applicant.

If we are to take this survey at face value (no pun intended), the indication is that thousands of job seekers are not being hired based on social media that in most cases cannot be verified. Most social media sites do not authenticate the identity of the person establishing the account. Is the use of this information in the hiring process legal?

The Fair Credit Reporting Act, the federal law that regulates consumer reports like background checks, defines consumer report as, "...any written, oral, or other communication of any information...bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristic...". At this point these social media sites can only be defined as consumer reporting agencies using the loosest of definitions. But it would be fair to conclude that if thousands of job applicants are losing jobs based on unverifiable data gathered from these sites, eventually the Federal Trade Commission will be asked to review the use of this information that is used in the hiring process.



KRESS suggestion: While we see absolutely nothing wrong with reviewing this type of information, have your attorney review the

practice and agree in writing that it is currently legal and establish a policy for what is and is not acceptable.

→ Contractor and PEO Background Check Requirements

With the downturn in the economy over the past year or more, many employers are using temporary staffing, contractors and PEO's in their desire to maintain control and minimize exposure to the turbulent economic times.



What most employers forget is that all of these organizations make no money if they fail to place workers at your job site. This profit motive is in direct contrast to the concept of background checks and drug testing requirements which exclude individuals from employment. It is perfectly acceptable to demand that these entities utilize a background check company you deem acceptable with specific requirements for the background checks and that you (the client) have the right to review any all background checks and drug test results of individuals on your worksite or at your facility. These agencies should have all the releases signed by their employees with language that would allow you to review the information.

In the twenty years of operation, KRESS has found that some temporary staffing firms, contractors and, even, PEO's use the least reliable, most inexpensive products to check the employee they place at your facility.

Inspect what you expect or don't expect very much.

Social media sites, background check requirements for contractors and downsizing and rehiring are just a few of the ups and downs that HR departments have suffered through this year. I'll be keeping my ear to the ground for new changes to come. I'm sure you will too.

Let's make a resolution that 2010 will be a little less stressful and little more successful than 2009. Have a great month!

Sincerely,

Jeff Rackler
KRESS Employment Screening

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