

## **SAMPLE HIRE/NO HIRE GUIDELINES**

The Sample Hire/No Hire Guidelines are intended only as a guideline and are in no way intended to provide you with legal advice. Please consult a labor-law attorney prior to implementing these guidelines. The purpose of this guideline is to assist your company in developing a Human Resources policy when implementing a pre-employment screening program. This guideline also creates a good basis to start a dialog between HR specialists when formulating a company's HR policy.

**Included here are guidelines from several different companies.**

### **No Hire Based On Criminal/Civil Record or Social Security Number Check:**

1. Any felony or misdemeanor conviction relating to theft, including obtaining property by deception, burglary, shoplifting, as well as convictions for attempts thereof (except bounced checks).
2. Convictions for receiving stolen property.
3. Convictions for violations involving violence (homicide, sexual assault, weapons convictions, battery, willful cruelty and unjustifiable punishment to a child.
4. Intentional misrepresentation of social security number.  
  
(Note: felony fraud)
5. Misrepresentation of eligibility to work based on immigration status.
6. Conviction for possession, use, manufacture and/or distribution of an illegal or control substance, except in CA for a misdemeanor marijuana conviction more than two years old.
7. Any conviction that the candidate does not disclose or denies having (except the misdemeanor CA marijuana charge).

### **No Hire Based On Education Degree Check (where a degree is a condition of the assignment):**

1. Educational/Technical qualifications claimed that have not been attained.

This may include no degree earned/ no record of degree, wrong or different major.

Also note: for many clients no degree earned is considered a no-hire or “fail”, even when not needed for the job.

**No Hire Based On Motor Vehicle Check (some companies, but not all, include: where driving is a condition of the assignment):**

1. Drivers license currently suspended or revoked.
2. 2 or more driving violations in a three (3) year period.
3. Any DUI/DWI convictions within the last five (5) years.

**OTHER CATEGORIES**

**A. No Hire Based on Credit:**

For clients that perform credit checks:

1. A history of bankruptcy, or bankruptcy unrelated to a divorce (this can be checked against civil record for dates), general inability to meet credit obligations (usually when large sums are involved), repossessions, etc.
2. Credit History that may indicate candidate under unusual financial pressures.

B. Some clients will not accept any DMV record other than minor traffic infractions. For example one DUI would not be an acceptable risk factor. However, in today's hiring market there are very few employers using this criterion.

C. Most of our clients have a single person that makes the final decision on other "shades of gray" cases. This person is often either a Director of Human Resources/ Staffing Manager level or Security Director/ Manager level. This single point ensures a higher degree of uniform approach.

D. More clients are looking closely at litigation histories—is the candidate litigious? I do not have any specific hiring guidelines for this category, mostly reviewed case-by-case.

E. Observing trends and patterns in data discrepancies can be an excellent screening tool when doing background checks. A pattern involves two discrepancies and a trend would be if three items show a discrepancy—each of these on their own may not appear to be significant. For example: Candidate has employment dates that are two months off, plus one DUI, and their job title is different than stated on the application or salary is different, or education does not check out but is not required to perform their job.

This information can be very revealing about the character and integrity of the applicant. Of course, it is always possible that the person was simply not careful in completing their application form, however, in terms of risk management these are important factors to consider.

F. Some clients require a “second level review” before disqualifying a candidate.

Examples in this category include:

- job title and/or position responsibilities are different than those claimed by applicant
- Former salary more than xx% less than that claimed by candidate
- dates of employment claimed vary by more than xx months.
- Pattern/ review where one or more circumstances not included above indicate a less-than-qualified candidate.