



Criminal History Reporting Practices

Multiple factors determine what information may be reported on criminal history reports. ADP® Screening and Selection Services (SASS) simultaneously takes into account a variety of factors when reporting criminal history information – outlined below to provide a cohesive look at criminal history information.

Beyond what information may be reported in a criminal history report, employers may have additional legal restrictions (such as “Fair Chance” and “Ban-the-Box” laws) at state, local jurisdiction or federal levels, regarding whether, when and how they can use the information they receive in background check reports. SASS recommends that you consult with your own human resources and legal professionals in developing hiring policies and practices that are appropriate for your business and the positions for which you are hiring, in light of the laws that may apply to the background check reports you receive from your consumer reporting agency (CRA).



Standard versus Extended Criminal History Reports

Standard criminal history reports are referred to as seven-year reports and generally provide seven years of information. Extended criminal history reports provide information beyond seven years, where legally permissible. Clients may order either, although an additional agreement is required for access to extended criminal history reports, and what they order will impact how far back SASS will provide criminal history information.



FCRA Reporting Guidelines and Background Screening Industry Best Practices

The Fair Credit Reporting Act (FCRA) protects consumers (including applicants and employees) and has requirements and restrictions which CRAs, end users of reports and data providers must follow. SASS complies with all FCRA reporting restrictions in its reporting practices. Additionally, SASS is committed to helping clients follow industry best practices related to the use of background screening data. For example, SASS has adopted the Equal Employment Opportunity Commission’s (EEOC) guidance on the use of criminal history arrest and conviction information in employment decisions as part of its criminal history reporting practices.



State Compliance Rules

Certain states have also placed regulatory reporting restrictions on CRAs. For example, Kentucky allows the reporting of convictions only while California, Massachusetts, Montana and New Mexico prohibit reporting cases beyond seven years from the date of conviction, release or parole. SASS adheres to these and other state and local compliance restrictions, where applicable.



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Identification Process

Identification, which means making sure the information contained in the criminal history report is tied to the correct consumer, is a significant aspect of criminal history reporting practices. SASS considers an array of identification criteria, including applicant identifiers provided by the client as compared to the identifiers on the case provided by the court, as well as taking into account the commonality of the name. It is absolutely essential clients provide complete applicant information, including a middle name if there is one. If an applicant has a middle name and it is NOT provided, the results may be impacted.



Source Restrictions and Information Availability

Each source of criminal history information, whether it is individual courthouses, statewide central repositories, online court records, or database providers, may have limitations on how far back records are accessible or reported, as well as how public record searches may be conducted. SASS accesses information in accordance with access options and availability of records for each source searched. There is no standardization for how courts must store information or report records. A few examples are outlined below:

- Information-housing practices vary from court to court. Some courts store information electronically while others utilize paper indexes.
- Some courts offer public access terminals or case indexes at the court location for public records searches, while other courts require clerk-assisted searches, and still other courts offer online searches.
- Most courts do not have social security numbers on file and, therefore, public records searches are conducted by name.
- There may be restrictions on what information can be released from a state's central repository to a non-law enforcement entity such as SASS.



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