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### Background Checks – July 2006

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#### GENERAL

**Q Why did the Red Cross decide to require background checks?**

**A** Background checks have been an area of focus at the American Red Cross and encouraged for many years. However, after the fraud and waste that occurred during our work aiding last year's hurricane victims, we decided that mandatory background checks on all employees and volunteers were necessary. Red Cross continues to reaffirm our accountability to the American public. The background check initiative, coupled with our previous efforts on this front, will help us achieve a more efficient and safer work environment for our employees and volunteers

**Q Apart from criminal background checks, what other methods can chapters, biomedical field units and national headquarters use to reduce workplace risk?**

**A** In addition to conducting background checks, units can reduce workplace risk by adopting and consistently adhering to sound management practices for both hiring and managing employees and volunteers. These practices include effective screening of applicants, including comprehensive interviews, thorough reference checks, placement in appropriate work settings, feedback and evaluation of performance and - *always* - proper supervision of staff.

**Q What is the National Background Check Office?**

**A** The National Background Check Office (NBCO) is a new office at national headquarters established to administrate this new initiative. All NBCO team members are available to help unit administrators, employees, volunteers, applicants, service regions, and other Red Cross offices with any issues or concerns that arise during this process. The NBCO will also monitor unit background check activities and deliver reports to senior leadership on the progress of the initiative. The NBCO's e-mail is [backgroundchecks@usa.redcross.org](mailto:backgroundchecks@usa.redcross.org) and its toll-free telephone number is 800-507-3960 (hours of operation are Monday – Friday, 8 a.m. ET – 7 p.m. ET).

**Q What members of the Red Cross are covered by this initiative?**

**A** All current employees and volunteers who never received a Red Cross background check and all applicants for employment and candidates to volunteer must undergo background checks under this initiative. Employees are all individuals on Red Cross payroll at any Red Cross unit, including regular fulltime and part-time positions, per-diem workers, and temporary workers on Red Cross payroll. Biomedical units and unionized chapters will also become part of the initiative on a phased implementation timeline under their collective bargaining agreements. Agency temporaries, contractors, and authorized service providers are not considered employees for the purposes of the background check requirement. Registered volunteers are volunteers who have demonstrated an ongoing commitment to the Red Cross and whose names and addresses are on file at the unit of affiliation. Included among the registered volunteers are DSHR members. Please note that no Red Cross member under the age of 18 will be required to undergo a background check.

**Q Are there any volunteers who do not need to register and undergo background checks?**

**A** Certain sporadic volunteers in exceptional circumstances may not be required to register and undergo background checks. If you need further guidance, please email [oncovinquiry@usa.redcross.org](mailto:oncovinquiry@usa.redcross.org).

**Q This initiative does not include employees who work through temporary agencies. How can Red Cross ensure that agency temps, who often work on site, have met background check standards?**

**A** Units should build background check requirements into contract language with temporary agencies. For example, national headquarters includes a background check requirement in its contract with Spherion (the Red Cross vendor for administrative clerical temporary workers) for temporary employees.

**Q What is included in the minimum Background Check Standard?**

**A** The Red Cross has established a minimum Background Check Standard that is required for employment or volunteer work with the organization. The [Background Check Standard](#) includes verifying each individual's social security number as well as reviewing his or her national criminal file for the past 7 years (in most states.) The national criminal file includes sex offender registries from most states, prison parole and release files, state criminal record repositories, the Federal fugitive file, and other proprietary information.

**Q How do state laws fit into the minimum Background Check Standard?**

**A** As [The Matrix of State-specific Background Check Laws](#) indicates, state laws differ on what an employer or potential employer can consider when it comes to conducting background checks and using the results in the employment decision-making process. The vendor will screen out convictions based on these state laws. Many states, including Colorado and Connecticut, insist that there be a connection between the job and crime committed before and employer can fire or refuse to hire an individual who has a negative background check. Other states, including Illinois and Maryland among others, will not consider convictions that have been expunged or sealed. Again, the result a unit receives from the vendor will automatically take these laws into account, further decreasing the burden on the unit.

**Q Are units provided any flexibility on background checking standards?**

**A** Units must follow the [minimum Background Check Standard](#) but may add additional standards that are job-related and appropriate to meet business needs. By signing the required consent form that allows the Red Cross to conduct the background check, the employee, volunteer, or applicant also authorizes the Red Cross to perform any number of background reviews, including credit checks and motor vehicle checks. However, the minimum Background Check Standard is limited to verification of the individual's social security number and a clear review of his or her criminal record for the prior 7 years in most states.

**Q How many years does the background check review?**

**A** Only conduct within 7 years (in most states) before the date of the background check may be considered in making volunteer service and employment decisions. When it comes to employment decision-making, the 7-year limit for employment history is based on the [Fair Credit Reporting Act \(FCRA\)](#), which the Red Cross has extended to volunteer service as well.

**Q Does the background check include researching the state Sex Offender registries?**

**A** Yes. The vendor includes a search of sex offender registries in all states. If an individual is listed on a sex offender registry, he or she will not be able to work or volunteer for the Red Cross, even if the crime committed occurred more than 7 years ago.

**Q How will I know if my background check has cleared?**

**A** All individuals who have completed a clear background check will receive notification from their unit of affiliation. In addition, they will receive a certificate and identifying code from the vendor that will allow them—and any other potential employer, landlord, or lender to whom they provide the code—to review the results of the background check on a secure website.

**Q What happens if a background check reveals that the individual does not meet either the minimum Background Check Standard or any additional standards required by the unit?**

**A** The purpose of conducting background checks is two-fold: To protect the people the Red Cross serves and to protect the organization as a whole from unwanted negative publicity that undermines the confidence of the American people in our work. If a unit receives a negative background check on an individual who either currently works with the unit as an employee or volunteer or is applying to do so, the unit must decide if retaining or hiring the individual is in the best interests of the organization. Before taking any action, the unit must review the FCRA and any applicable state laws in order to remain legally compliant. [The Matrix of State-specific Background Check Laws](#) outlines important information regarding individual state laws and background checks. In addition, the National Background Check Office is set up to help units and individuals through this process. Finally, the vendor will automatically issue letters informing individuals who receive negative background checks, which will ease the unit's administrative burden.

**Q When should a unit conduct a background check on incoming employees and volunteers?**

**A** Prior to the extension of an offer of employment or volunteer service. The background check should be the last step in the intake process. The only exception to this rule relates to people who volunteer during an emergency when access to computers and telephones may be limited and the first priority is delivering immediate aid. In those instances, volunteers may perform work for up to 7 days before being required to register and undergo a background check.

**Q What is the difference between a background check and reference check?**

**A** A reference check is one type of background check and usually refers to the process of verifying employment, education/degree, and licensure. The vendor offers all types of background checks, although only the National Criminal File Search and social security verification are necessary to meet the minimum Background Check Standard.

**Q I do not have any funds budgeted for this requirement. Will national headquarters fund this initiative?**

**A** Until October 31, 2006, national headquarters will pay for all background checks at (at the minimum standard level) for all those requiring background checks, including new applicants for employment, new candidates for volunteer service, and all current employees and volunteers who never received a background check. Starting November 1, all units will assume responsibility for funding all background checking activity. The vendor has been notified that the change in billing will occur on November 1, 2006. National headquarters has negotiated a very reasonable rate of \$3.50 per background check (based on the minimum Background Check Standard).

**Q How much does one background check cost?**

**A** The minimum Basic Background Check Standard of a social security verification and criminal history for the prior 7 years, as allowed by law, will cost \$3.50. This price includes not only the check itself, but also vendor services such as screening out offenses beyond the defined period and providing responses to all inquiries on background check results.

**Q Does the individual pay for the background check?**

**A** No. National headquarters funds retroactive background checks for existing employees and volunteers and background checks for prospective new employees and volunteers through October 31, 2006. As of November 1, 2006 chapters and biomedical field units will need to build in background checking as a cost of doing business.

**Q What is the Fair Credit Reporting Act?**

**A** [The Fair Credit Reporting Act](#) is the federal law that governs the acquisition and use of most background information on applicants for employment and employees. Among other things, it requires consumer reporting agencies to provide disclosures and receive written authorizations to conduct background checks, and requires employers to inform the applicant or employee of its intention to take an adverse employment action based in whole or in part on a consumer report.

**Q Will the Fair Credit Reporting Act disclosures be available in Spanish?**

**A** Yes, the consent and release and Fair Credit Reporting Act are available in [Spanish](#) on CrossNet and the background check website.

**Q How does the vendor run each individual background check?**

**A** The individual will enter all requested information (typically, name, address, social security number, driver's license number, and other personal data) onto the established

background check web site. The unit administrator will authorize the background check and the vendor will then conduct the background check and provide the results to the local unit administrator. If any follow up action is required, the local unit administrator will follow up with the individual.

**Q My unit doesn't have the resources to hire a unit administrator. What should we do?**

**A** All units must participate in this initiative starting in July, 2006 and this effort requires an administrator to set up and monitor the account with the vendor. Fortunately, most of the administrative and technical work is performed by the vendor and thus the workload on the unit administrator should be minimal.

**Q How can I learn more about a unit administrator's duties and the background check process?**

**A** Both [CrossNet](#) and the vendor offer easy-to-follow, step-by-step training that will help unit administrators set up and use their MyBackgroundCheck.com account. Both sites also offer insight about how to manage the results.

**Q Are DSHR members included in this new background checking process?**

**A** Yes, all incoming DSHR candidates must meet the minimum Background Check standard as well as produce a valid state-issued driver's license. The unit with which the DSHR candidate is affiliated (chapter, biomedical region or national headquarters) will be responsible for directing the individual to the background check website. Until October 31, 2006, funding for DSHR background checks will come from national headquarters. Starting November 1, 2006, the DSHR candidate's unit of affiliation will assume the funding responsibility.

**Q If I already cleared my DSHR background check, do I need to initiate another background check?**

**A** Only if your unit has added additional requirements beyond the minimum Background Check Standards for local employment or volunteer service. If your unit has established the American Red Cross minimum Background Check Standard as its requirement and your clear background check is reflected in the DSHR system, you do not need to initiate a new background check.

**Q Shouldn't the background check standards vary according to roles? Why is a common set of minimum standards being applied?**

**A** A consistent set of standards ensures the same process is used to review and evaluate backgrounds regardless of role. Additional standards beyond the minimum requirements for certain roles may be implemented for legitimate business purposes.

**Q How often will background checks be run? Are we doing this just once?**

**A** At this time, background checks will be completed once for all employees and volunteers.

**Q A long-time volunteer refuses to go to the background check vendor website and initiate a background check. As his supervisor, how should I handle this situation?**

**A** This is a very sensitive issue. All employees and volunteers must undergo a background check. Unless otherwise prohibited by law, employment or volunteer service will cease by October 31, 2006 if the individual has not initiated a background check and received a clear background check.

**Q How can a candidate initiate a background check if they don't have internet access?**

**A** Candidates may access the Red Cross background check website through any computer with internet access, such as local libraries and schools. Units are encouraged to assist candidates who do not have home internet access.

**Q One of our volunteers does not have a social security number. How will the background check be initiated?**

**A** In these situations, the volunteer should complete all requested information with the exception of the social security number.

**Q What if I am employed under a collective bargaining agreements?**

**A** Employees who are under a collective bargaining agreement will be take part in the background check initiative on a phased implantation timeline based on those agreements.

### **BACKGROUND CHECKS AND LOCAL UNIT BACKGROUND CHECK POLICIES**

**Q May a unit establish different standards for employment and volunteer service than those required by this new initiative?**

**A** Yes, provided both meet the minimum standards. As an example, a unit may decide to add an employment verification check to its potential employees' checks, but maintain the minimum standard (social security number verification and a National Criminal File Search) for its volunteers and candidates to volunteer.

**Q Are Red Cross chapter and biomedical field units required to develop a policy on background checks for all employees and volunteers?**

**A** Yes. Units are required to have a policy on criminal background checks and implement background checks for all employees and volunteers. [A sample policy](#) is available on CrossNet, including language on both background checks and reference checks.

**Q When a unit implements a background check policy, is it acceptable to look only at prospective employees and volunteers and "grandfather in" existing employees and volunteers?**

**A** No. Such an approach does not meet our commitment to the American public. The American Red Cross must screen all employees and volunteers, regardless of how long

they have worked for us, unless they have already undergone a Red Cross background check. After all retroactive checking is complete, units must continue running Red Cross background checks on all incoming employees and volunteers.

**Q What risks does a chapter or unit face if it fails to develop and follow a policy regarding criminal background checks?**

**A** The greatest risk is that the unit could inadvertently place or retain an employee or volunteer in a position for which they are not suited because of their criminal history. A bad selection can result in negligent hiring exposure, sexual harassment incidents, financial loss, false claims, theft, workplace disruption or time wasted in recruiting and training. Performing criminal background checks is one way to reduce these risks.

**Q My unit already has a background and reference check program in place and our standards are different from the minimum requirements. Is that an issue?**

**A** No, it is not an issue provided your requirements include a national criminal or county criminal search over the past 7 years, except where state law has different rules, and a social security number verification. If your policy does not meet this minimum Background Check Standard, then you will need to redraft the policy accordingly. In addition, you must now use the identified, mandatory vendor to conduct the background checks.

**Q My unit already uses a third party vendor to conduct background and reference checks. May that vendor be used for incoming candidates and current employees and volunteers?**

**A** No, the sole vendor for all background checks performed by the Red Cross on its employees and volunteers at this time is [www.MyBackGroundCheck.com](http://www.MyBackGroundCheck.com).

### Questions about the Vendor

**Q Why did we decide to use MyBackGroundCheck.com?**

**A** MyBackGroundCheck.com is a large California-based background check vendor with a product tailored to the screening requirements of large organizations. Established in January 1994, it is a current member of the Better Business Bureau with no registered complaints to date. The Red Cross researched approximately a dozen national background check vendors before choosing MyBackGroundCheck.com, using such criteria as vendor responsiveness, demonstrated ability to develop a product compatible with the Red Cross business model, and competitive pricing.

**Q Red Cross had previously established a relationship with ChoicePoint. Why use a different vendor now?**

**A** Red Cross made a business decision to explore other vendors. Currently, MyBackGroundCheck.com is the selected vendor.

**Q How will Red Cross know if our unit has complied with the standard vendor requirement?**

**A** Red Cross will include a review of this requirement as part of the standard auditing

process. In addition, one role of the National Background Check Office is to monitor background check activity throughout the organization.

**Q Why is a standard vendor required? My unit has been doing business with a different vendor for years.**

**A** There are several important reasons Red Cross has chosen to establish a single, mandatory vendor for all background checks. It is important that background check results are maintained and available from one vendor to ensure all employees and volunteers receive consistent background checks that are transferable among units. Keep in mind that the vast majority of contracts initiated by field units probably do not have any minimum usage requirements or exclusivity clauses. Units should begin using the approved vendor and phase out of existing vendor relationships, and should not renew contracts with prior vendors as they expire. If you have concerns about any contract issues, you may contact the National Background Check Office for guidance.

**Q I received a letter directly from the background check vendor at my home. Does this mean there is a problem with my background check results?**

**A** No. The vendor will send you a letter informing you that your background check is complete and provide you with a certificate and PIN number that allows you to view the results of the check on a secure website.

**Q The consent and release form references credit reports. Are credit checks included in the background check?**

**A** The American Red Cross minimum Background Check Standard does not include a credit check. The consent and release form is generic and designed to address all types of reports that could be included as part of a background check, under any circumstance. Please contact your unit if you have questions about what types of checks you will undergo.

**Q “Mode of living” is mentioned on the consent form on the MyBackGroundCheck.com site. Why?**

**A** As is true for the credit information referenced, “mode of living” is standard, generic language used in consent forms. A minimum Background Check Standard will not investigate your mode of living.

### Confidentiality Questions

**Q How will social security numbers and other identifying information be protected to remain confidential?**

**A** All social security numbers and other identifying information submitted for background check purposes are maintained in confidential electronic files. Red Cross professionals reviewing background check results will only be granted access through a password-protected system.

**Q Who will have access to the background check results?**

**A** Only local unit administrators, who will have password-protected access to the information, and the National Background Check Office staff as necessary.

**Q Can my unit initiate a background check on behalf of an employee or volunteer without his or her knowledge?**

**A** No. The Fair Credit Reporting Act requires the consumer (applicant, employee or volunteer) to personally consent to the background check process before it begins and to remain informed of the process every step of the way. Furthermore, each unit administrator must agree to use this service only for valid business purposes.

### Results Questions

**Q How are candidates notified if additional follow-up is required on their background check results?**

**A** Notification will be provided to the candidate via a standard, formal notification process required under the FCRA.

**Q I've heard the terms "pre-adverse" and "adverse" action letters. What are they?**

**A** A pre-adverse letter informs the individual that something on his or her background check does not meet the Red Cross minimum Background Check Standard. It explains the individual's rights and provides information about correcting any errors with the vendor. The vendor sends the letter approximately 4 days after it completes the background check. If the matter remains on the individual's record, the vendor will send an adverse action letter after 20 days that explains that, because the background check results do not meet the Red Cross minimum standard, the individual cannot work or volunteer for the Red Cross.

**Q How do state laws on the use of criminal background checks fit into the Red Cross initiative?**

**A** As [The Matrix for State-specific Background Check Laws](#) indicates, state laws differ on what an employer or potential employer can consider when it comes to background checks. The vendor will screen out convictions based on these state law laws. Many states, including Colorado and Connecticut, insist that there be a connection between the job and the crime committed before an employer can fire or refuse to hire an individual who has a negative background check. Other states, including Illinois and Maryland among others, will not consider convictions that have been expunged or sealed. Again, the result a unit receives from the vendor will automatically take these laws into account, further decreasing the burden on the unit.

**Q What do I do if one of my current employees or volunteers does not clear the minimum background check standards?**

**A** The vendor will automatically send a pre-adverse action letter to the individual. At that point, local management must decide if they will allow the individual to remain in the work environment during the time period after the issuance of the pre-adverse action

letter and before the final decision about employment/volunteer service. It is highly recommended that employees remain in paid status (administrative leave) during this interim time period. If an adverse action letter is issued, the volunteer or employee must be terminated as of the issuance of the adverse action letter unless otherwise prohibited by law.

**Q Does the vendor automatically send a pre- or adverse action letter to all individuals who have something on their background check report?**

A To ease administrative burden on the part of the unit, the pre- adverse and adverse action letters will be sent automatically. However, the unit administrator may delay the issuance of the letters for valid business reasons that he or she must clearly state on its communication with the vendor.

**Q My background check results indicate I have been convicted of a crime, but I've never even been arrested. How did this happen?**

A Background check reports produce results based on date of birth/name matches and social security matches. It is possible that someone with the same name and date of birth as you has committed a crime. It is also possible that you made a simple, inadvertent error when you entered your personal information. If you feel your background check result is due to an error, you can dispute it through the vendor as indicated on the letter that you received about your background check report.

**Q What if information is received, through a source other than the vendor, that indicates that the applicant, employee or volunteer will not meet the minimum Background Check standard?**

A Please contact the National Background Check Office or a human resources professional within the Red Cross for guidance. [State laws](#) vary on how such historical information may be used in management decisions.

**Q I understand that some crimes in my state may not be available in the national criminal database. Is that an issue?**

A The national criminal database contains only the information that is reported by the state. Access to records of certain types of crimes varies by state. (See [The Matrix of State-specific Background Check Laws](#) for more information.) Your unit has the option of running a county criminal search, but doing so would go beyond them minimum standards.

**Q How do I appeal the decision to remove or reject me from employment or volunteer service?**

A To dispute the decision concerning your employment or volunteer service with the Red Cross, please follow the applicable grievance process available at your unit.

**Q A candidate from my unit received final notification that they had been removed from employment or volunteer service. After receiving this notification, he was informed by the vendor or another party that his background check result changed and that he now clears the background check standards. What should he do?**

**A** The individual should request to be reinstated through their unit of affiliation.

**Q How will background check results transfer between units?**

**A** Unit administrators are responsible for sharing results with other units. Additionally, individuals who received background checks through MyBackGroundCheck.com receive a background check report and certification that they can provide to any Red Cross unit(s) to which they may transfer. The sending and receiving unit should compare standards and in some instances a new check for additional unit requirements may be needed.