Employment Law And The Hiring Process

Background checks are a company's way of checking a prospective employee's information to ensure that what was put on the application and information that was given is true and accurate. The background check is done based on the criteria the employer has stipulated such as prior employment, education, criminal records or credit history depending on the position the employee is applying.

The reason background checks are done and are important is to avoid individuals that may misrepresent themselves and their skills. Some companies bypass this very important step and may regret it in the long run by hiring employees that are not qualified or don't have the necessary skills to do the job.

Background checks are important in helping employers with the evaluations of skills of prospective employee's for open positions. This is also a protective measure to guard the company from potential risk and is generally part of the hiring process.

The checks are done as a tool to measure a prospective employee's mistakes, character, and possible hiring risk to the company. It's also used to make sure that the individual will fit in with the standards that the organization has set forth.

There is usually a fee associated with the background check that the company usually picks up as part of the hiring process. These checks can be done online or depending what type of organization the employee is applying it may be done in-house. Once the checks are done it sent to the employer or someone that is qualified to read the checks to decide on the employee's background.

Two widely used background checks are criminal and credit history checks. Depending on the type of employment the applicant is seeking the employer would mandate the background check to be performed. Some of the backgrounds can be very complex with the data that the employer is seeking or just the basic information.

The most common background check is a criminal history check. A criminal background check depending on how far back the employer is willing to go, will verify the employee's criminal history, educational history and employment history. However, if the check is only done for a state, only information in that state will pull up.

There are several companies that run criminal background checks and the cost very depending on what the employer wants to be investigated. Criminal background checks done by the county generally have a minimal cost but will include any felonies, arrest information and misdemeanors. While State background checks cost are generally the same but may not have as much information.

The second common background check is an educational background check. This is used when a degree is required for a position the employer is hiring. The employer wants to confirm that prospective employee in fact has the degree that they say they have. It is used to check dates

of attendance and whether a degree was attained. This information can be confirmed be the records or school's registrar's office.

Education background checks generally only takes a few days to confirm. Some institutions may require a written request, or the employer may just ask for a copy of the employee's degree.

As part of the post-screening hiring process, employers will typically send potential employees to have some type of drug test done. There are five common types of drug test, Urine, Saliva, Hair, Blood, and Rapid test. An employer covered the cost of the pre-employment drug test for potential employees. Depending on the test the employer is requesting cost can very from $10 to $30, of course the more extensive the test such as testing of hair the cost can be greater.

The most common drug test is the urine test. This test can detect both legal prescription drugs and illegal drugs in the system. This is also the most cost-effective and effortless way to test for drugs. The detection can tell if the person being tested has used legal or illegal drugs within the past few days.

The next test is the saliva drug test, this is the next most common drug test after the urine test. This test is also known as a mouth swab test. This test is used to detect drugs used in a few hours up to two days. This test can test for such drugs as alcohol, barbiturates, benzodiazepines, cocaine, ecstasy, marijuana (THC), opiates, amphetamines, phencyclidine (PCP), and methamphetamines.

The next drug test is more invasive as it requires the individual to stuck with a needle. However, this test doesn't have a long shelve life, it metabolized quickly from the body. Just like the blood test it can test for alcohol, amphetamines, cocaine, fentanyl, marijuana, methamphetamines, opiates, phencyclidine, nicotine, and tramadol, with some minor differences.

The hair drug test can test for drug use for a longer period such as 90 days. The collector takes about 100-120 strands cut close to the scalp. This is done in front of the collector therefore there is less risk of manipulation. The hair test can check for the following drugs cocaine, marijuana and THC, cocaine, opiates, amphetamine and methamphetamine, ecstasy, phencyclidine, and alcohol.

The final drug test is a rapid test, it detects drugs that metabolizes quickly and that cannot be found later of testing. This can also be done at the employee's place of work and the result only take about four hours to come back. However, results usually results must be confirmed within two to three days. The rapid test uses urine or saliva for testing.

Bona Fide Occupational Qualification (BFOQ) the qualification that employer can consider when deciding when it comes to hiring and retaining employees for essential positions. This qualification however must be deemed necessary for a business. An employer needs to prove it is necessary that a certain class of worker, for example, race, sex, age, and national origin these characteristics of bona fide occupational qualifications, must prove for employment success. Some examples of the Bona Fide Occupational Qualification have forced retirement for airline and bus employees due to age and safety requirements. Emergency personal being required to be bilingual is another example of BFOQ.

Affirmative action is the policy that employers or organizations hire employees based on race,

national origin, sex, or religion. This is usually done to have a balanced workforce; this law was created to help the disadvantaged with employment and educational opportunities. In most recent times, many have called for affirmative action to be removed, as it seemed unfair just hire someone based on the color, race, sex, national origin or religion. Companies should only hire based on qualifications, but some still argue that affirmative action is still needed in society today.

Conclusion

This paper discussed background checks and the need for background checks. There are two popular kinds of background checks that employers check for criminal and educational. This is done as a preventive risk measure for the company.

The paper also discussed five drug test options. Those options are urine, blood, saliva, rapid and hair. The cost for the pre-employment drug test is handled by the employer. That cost can range based on what the employer wants to be checked.

Also, discussed was the Bona Fide Occupational Qualification (BFOQ) which an employer can use when in considering hiring or retaining employees for essential positions. However, this must be proven essentially necessary for the success of the business.

Lastly, the paper discussed affirmative action and that it’s a policy that employers hire disadvantaged employees based on color, race, national origin, or religion. This is usually done to have a balanced workforce; this law was created to help the disadvantaged with employment and educational opportunities

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