



The Lynx Link

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NAPBS Conference Addresses Concerns About New Laws that Could Affect Background Checks

The big story coming out of the fifth annual conference for the National Association of Professional Background Screeners (NAPBS) held recently in New Orleans is that there are over 600 bills on the floor of Congress that will affect this profession if passed. States are also addressing similar issues concerning the controlling of information, who should have it, and how it should be protected.



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**Background investigations and screening
are our only business.**

Some of it will benefit businesses; most will just make all of our jobs more challenging. Following are some of the primary concerns addressed during this conference:

- Fair Credit Reporting Act (FCRA) – following the rules concerning the use of adverse letters.
- Social Security and immigration rulings.
- Handling disputes from potential employees.
- Protecting consumer information and the growing concern with ID theft.
- International Screening, i.e. it is becoming part of the background investigation process and what will be able to be verified.
- Education on these important issues

Following are some basic FCRA rules.

Background Screening Companies and Employer Compliance with the FCRA

The FCRA, a federal law passed in 1970, has been amended several times. Many states also have their own set of FCRA rules.

Common misconceptions exist about background screening,

information sources, and the procedures and requirements to obtain background reports. Following is information to correct some of the most significant misconceptions.

- The FCRA applies to all background screening, not just screening that includes credit.
- Unless it is a case of suspected wrongdoing, an applicant must always receive disclosure and authorize the background investigation, even if the background report will only contain public information.

Adverse Action Procedure

Step 1:

Before you take an adverse action, you must give the individual a pre-adverse action disclosure that includes a copy of the individual's consumer report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." This is a document prescribed by the Federal Trade Commission.

Step 2:

After you've taken an adverse action, you must give the individual notice, orally, in writing, or electronically, that the

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Caution: HR Email Virus Scam Circulating

Don't be duped into believing an email from the Equal Employment Opportunity Commission (EEOC) charging your company with an employment violation is for real.

The Feds are putting out the word to be very careful of any email identifying the sender as the EEOC that addresses complaints or violations. The email is probably a fraud trying to get the recipient to click to "to get the details" after they've read the main message of the email. Do it and your computer is infected with a Trojan horse virus.

The contents of the email include an EEOC logo under the subject heading, "**Employer Liability for Harassment**," and the email typically looks like the following:

FROM: Equal Employment Opportunity Commission

SUBJECT: "Harassment Complaint Update For"

"This is an automated email that confirms the registration of harassment complaint number _____. This harassment complaint can lead to law enforcement action. You can download and print a copy of this complaint to keep for your personal records here. Our staff will keep you updated regarding the status of our investigation. To check the status of your complaint access:"

At this point, the person reading the email is asked to click a link for further details. Doing so introduces the virus to your computer.

EEOC policy states that any contact with an employer regarding complaints or violations is always sent through the U.S. Postal Service and never by email.

Does the EEOC really contact you by email concerning complaints, violations or charges? NO! In fact an email of any type is a red flag that the contact is bogus. EEOC policy states that any contact with an employer regarding complaints or violations is always sent through the U.S. Postal Service and never by email.

Generally speaking, you should be wary of any email notification claiming to be from a government agency unless, of course, you have personally requested information through an email correspondence. The government does not use email for notifications. This includes the IRS, which you should be especially cautious of at this time of the year.

Economic Stimulus Increases Phishing Scam

The IRS is warning all taxpayers that phishing scams have increased since announcement of the IRS stimulus package. Consumers are being warned to never return any personal information to any email received saying it is from the IRS, and to be especially cautious if it references the economic stimulus payments being sent to taxpayers over the next few months.

A phishing scam involves an email claiming to be from a legitimate government agency or company and asking for your personal information. The emails usually look real and use logos and colors identical to the actual ones of the legitimate parties. They'll often use language that indicates that they already have your information but are just trying to verify it. **NEVER ANSWER THESE EMAILS.**

If you should get such an email, note the information they are requesting, print it for reference, and delete the email. Then go to the actual website. **Do not** access the website via the email you received.

This also pertains to phone calls from an agency or company asking for personal information. No matter how sincere the caller, ask for the caller's name, then call the actual company or agency and ask if there is really a problem.

Always be suspicious of any email or call asking for your personal information.

Look For Updated Forms



Updated Forms & Information Available on the Website

The Employer Lynx website continues to evolve. An important update for all Employer Lynx users, especially those who have used our services for a while now, is the Order Form and Release Form for each respective client category. To find out the changes, please do the following.

- Go to the Employer Lynx website homepage at www.employerlynx.com
- On the website, click “Clients Area” (green banner). Then click your respective client category and enter your user name and password. This will take you to Screening Orders form, Applicant Release form, and Product Descriptions.

Please note that the Order and Release forms have been updated. Please begin using the new forms as soon as possible.

The Order form is similar to those previously used, but the Release form is very different, and you are urged to begin using this updated Release form in place of all previous Release forms. The first and most requested change you’ll notice is the page size that is now standard 8 1/2 x 11 instead of the legal paper size used in past years. This reduced page size is easier to use and to attach to your employment applications. It also is more concise for DOT driver usage, as well as California applicant compliant.

You are encouraged to include

Release forms with all company employment applications. By doing so, applicants will be made aware that employment screenings may be conducted, by whom and to what extent. Secondly, if you have an interest in a specific candidate or group of applicants, you will have their consent to proceed with a background investigation, thus eliminating the necessity to locate the applicant, get the release completed, signed and returned to you before you can forward it to Employer Lynx with your screening instructions on the Order Form.

Any Order and Release forms you are presently using will be eventually phased out, so it is important that you take a minute to access, familiarize yourself with, and print copies of the new forms and begin using them. This will help standardize all users and take the older forms, some portions of which may no longer be compliant with state and federal rules and regulations, out of use. Your cooperation with the transition is appreciated.

If you have questions or experience problems accessing the new editions of these forms on the Employer Lynx website, please call Employer Lynx at 775-883-3373.

Look for more updates and changes that we are making to the Employer Lynx website to better address your requests and comments.

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action has been taken in the adverse action notice. It must include:

- The name, address and phone number of the background screening company that supplied the report.
- A statement that the credit reporting agency (CRA) that supplied the report did not make the decision to take the adverse action and cannot give a specific reason for it; and
- A notice of the individual’s right to dispute the accuracy or completeness of any information the CRA furnished, and his or her right to an additional free consumer report from the CRA upon request within 60 days. (This is not the credit report but the employment report.)

These letters and a copy of “A Summary of Your Rights” can be located on our website, www.employerlynx.com, and for Internet users, on the home page.

A good website to go to for information is www.ftc.gov.us.com.

If you have any questions concerning this subject, please give me a call. We now have a guide to selected U.S. travel and identity documents. If you have any questions, just give me a call.

-K.J. Smith

Final Thoughts

Our
Commitment
To
You...

Employer Lynx, Inc.

Accurate
Comprehensive
Consistent
Timely
Legal
Background Reports

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