



Background Screening Policy Recommendations

Information Technology Sales

Generated September 29, 2026 for Tom's Mobile IT Solutions (Thomas McNeill). This report applies the federal, state, and local employment-screening laws that govern the position described below. Where rules conflict, the strictest rule is shown as required.

- Required or prohibited by law
- Strongly recommended to reduce legal risk
- Best practice
- Informational reminder

Jurisdictions applied

- Federal: FCRA, Title VII / EEOC guidance, ADA
- Ohio
- City of Cincinnati

Start here: the foundation of every screening policy

These items apply to every position you screen. Put them in place before anything else.

REQUIRED

Stand-alone disclosure and signed authorization before every report

Before you order any report from a background screening company, give the applicant a written disclosure that consists solely of the statement that a consumer report may be obtained for employment purposes, and get a signed (or e-signed) authorization. Keep waivers, extra terms, and state notices off the disclosure page; put state-required language on a separate page. Certify to the screening company that you have done this and will follow the adverse-action rules.

Source: 15 U.S.C. § 1681b(b)(2)

RECOMMENDED

Apply the same screening package to every applicant for the same position

Order the same searches and apply the same written decision criteria to every applicant for this position. Deviations by individual (for example, checking one candidate's credit but not another's) are the most common source of discrimination claims, and Title VII disparate-treatment liability attaches to employers with 15 or more employees. Document any exception and the business reason for it. You report fewer than 15 employees, so Title

VII does not yet reach you, but most state fair-employment laws do and the same rule keeps your process defensible.

Source: Title VII; EEOC Enforcement Guidance (2012)

REQUIRED

Two-step adverse action before any rejection based on a report

If a report may lead you to reject an applicant, first send a pre-adverse action notice with a copy of the report and the CFPB Summary of Rights, then wait at least five business days for the applicant to respond, and only then send the final adverse action notice naming the screening company, stating that it did not make the decision, and explaining the right to dispute and to a free copy within 60 days. Your answers show the two-step sequence is not in place today.

Source: 15 U.S.C. §§ 1681b(b)(3), 1681m

RECOMMENDED

Keep a written background screening policy and adverse-action procedure

A written policy that names the searches ordered for each position, the timing, the decision criteria, the individualized-assessment steps, and the adverse-action sequence is what regulators and plaintiffs ask for first. You do not have a complete written policy today; the draft language at the end of this report is a starting point.

Source: EEOC guidance; state requirements

REMINDER

When rules conflict, the strictest one wins

This position is subject to 3 layers of law (federal, state, and local). Where they differ, follow the most protective rule for the applicant; that is the rule shown as "required" below. Recommendations are current as of September 28, 2026.

REMINDER

Keep the file

Keep the disclosure, authorization, report, assessment notes, and notices for at least one year after the decision (two years for federal contractors); several laws require longer (Maryland four years, Los Angeles and San Francisco three years, Massachusetts CORI acknowledgments one year with a dissemination log). Store reports separately from the personnel file and dispose of them securely.

Source: 29 C.F.R. § 1602.14; FTC Disposal Rule

Laws applied to this position

REMINDER

Federal law

The Fair Credit Reporting Act governs every report prepared by a screening company; Title VII and the EEOC's 2012 guidance govern how criminal history may be used (15 or more employees); the ADA governs the timing of medical examinations.

Source: 15 U.S.C. § 1681 et seq.; 42 U.S.C. § 2000e

REMINDER**Ohio state law**

Applied because work is performed in Cincinnati, Hamilton County, Ohio. State agencies, counties, cities, and townships may not include criminal-history questions on application forms. No rule covers private employers; many Ohio cities and counties apply fair-chance rules to their own hiring.

Source: Ohio Rev. Code § 9.73 (HB 56, Mar. 23, 2016 — public employers)

REMINDER**City of Cincinnati ordinance**

Employers with 15 or more employees in the city may not ask about or rely on salary history and must provide a pay scale on request after a conditional offer.

Source: Cincinnati Mun. Code ch. 804 (Mar. 13, 2020)

When you may ask about criminal history

BEST PRACTICE**Consider waiting until after a conditional offer anyway**

No fair-chance timing law covers this position, so you may ask about convictions on the application. Waiting until after a conditional offer is still the better practice: it removes the question from the application (which the EEOC recommends), keeps one process for all your locations, and lets you show that the record was the only reason for a change in decision.

Source: EEOC Enforcement Guidance (2012)

Which records you may consider

REQUIRED**Never consider sealed, expunged, set-aside, or pardoned records**

Every jurisdiction that applies bars their use. Applicants may lawfully deny that these records exist, and screening companies may not report them. Clean-slate laws now seal eligible records automatically in many states, so a record that appeared on a report last year may be off-limits this year. Employers may ask only about convictions that remain unsealed, unless the question bears a direct and substantial relationship to the position (Ohio Rev. Code § 2953.34(N)(2)); applicants may answer as if a sealed case never happened, and may not be questioned about expunged convictions at all. An employer that hires a person holding a certificate of qualification for employment is immune from negligent-hiring liability if it knew of the certificate at the time of the alleged negligence (§ 2953.25(G)).

Source: State sealing and expungement statutes

REQUIRED**Never consider juvenile records**

Juvenile adjudications are confidential in every state that applies to this position and may not be requested or used.

Source: State juvenile-records statutes; FCRA § 605

RECOMMENDED**Treat arrests and non-convictions with caution**

You plan to consider arrests, dismissed charges, or diversions. No jurisdiction here flatly prohibits it, but an arrest is not proof of conduct, the EEOC treats reliance on arrests as a disparate-impact risk, and screening companies may not report non-convictions older than seven years (the seven-year limit is lifted for this position because it pays \$75,000 or more). Consider only pending charges whose underlying conduct is job-related, and only after looking at the facts.

Source: EEOC Enforcement Guidance (2012); 15 U.S.C. § 1681c

RECOMMENDED**Pending charges: job-related conduct only, and re-verify before deciding**

Pending charges may generally be considered when the alleged conduct relates to the job, but do not treat a charge as a conviction. Re-check the disposition before any final decision.

Source: State fair-chance laws

REQUIRED**Convictions: consider only those that relate to this job**

Felony and misdemeanor convictions may be considered, but only through the individualized assessment described below and only where the offense relates to the duties of a Information Technology Sales. Blanket exclusions ("no felonies") are unlawful in the fair-chance jurisdictions that apply here and are treated as presumptively discriminatory by the EEOC everywhere.

Source: EEOC Enforcement Guidance (2012); state fair-chance laws

How far back you may look

BEST PRACTICE**Recommended lookback: seven years**

No state seven-year cap covers this position. Under the federal FCRA, convictions may be reported at any age, and because the position pays \$75,000 or more, non-convictions may also be reported beyond seven years. Recommended scope: seven years. The EEOC treats older records as weaker evidence of risk, and a fixed written limit is easier to defend than open-ended review.

Source: 15 U.S.C. § 1681c; EEOC Enforcement Guidance (2012)

Individualized assessment and required notices

RECOMMENDED**Use a written individualized assessment**

You do not currently use one. No statute here mandates the assessment for this position, but the EEOC treats it as the safe harbor against disparate-impact claims: document the nature and gravity of the offense, the time elapsed since the offense or sentence, and the nature of the job; notify the applicant of the potential exclusion; and consider any explanation before deciding.

Source: EEOC Enforcement Guidance (2012)

Recommended searches for this position

RECOMMENDED

County criminal search: current and prior counties of residence

The county court is the source of record; order a search in each county where the applicant has lived or worked in the lookback period, identified through an SSN trace and address history. Statewide and national databases supplement, not replace, county searches.

Source: Industry standard; FCRA § 613 accuracy duties

RECOMMENDED

Statewide repository search where the state offers one

Add the statewide search for each work and residence state that has a usable repository; it catches counties the address history misses. Some states (California, for example) have no public statewide search, and repository data quality varies.

REQUIRED

Database results must be verified at the source before you act on them

A national multi-jurisdictional database is a locator tool. Before any adverse decision, the record must be confirmed against the court of record (the FCRA requires screening companies to keep public-record information complete and current, and several states bar reliance on unverified database hits). Never reject on a database-only result.

Source: 15 U.S.C. § 1681k

Employment credit reports

REMINDER

No credit report planned

No credit-check restriction applies here. If you add one later, limit it to roles with financial responsibility and document the job-related reason.

Drug and marijuana testing

REMINDER

No drug testing planned

You indicated no drug testing for this position. If you add it later, re-run the builder: several of the jurisdictions here restrict marijuana testing and require written policies.

Salary history

BEST PRACTICE**Salary-history questions are permitted here, but not recommended**

No salary-history ban applies to this position. Roughly half the states and many cities prohibit the question, so a single nationwide practice of not asking is simpler, and pay-equity claims are easier to defend when offers are based on the budgeted range rather than prior pay. The City of Cincinnati ban applies to employers with 15 or more employees and does not reach you at your current size. If you grow past that threshold, the ban applies.

Source: Pay-equity best practice

Other checks and verifications

RECOMMENDED**Motor vehicle record**

This position involves driving; order the MVR with the other post-offer checks and re-check annually for regular drivers. Motor vehicle records may be obtained for employment purposes under the Driver's Privacy Protection Act (18 U.S.C. § 2721(b)(3) and (b)(13); § 2721(b)(9) separately permits employers to obtain or verify CDL-holder information required under 49 U.S.C. chapter 313). Obtain written consent and order through a screening company or the state DMV; many states require a state-specific MVR release.

Source: 18 U.S.C. § 2721

REMINDER**Employment verification**

Confirm dates, titles, and eligibility for rehire. Do not ask prior employers for pay history where a salary-history ban applies (and Massachusetts and Washington extend the ban to screening vendors).

RECOMMENDED**Social media review: never request passwords, and wall off protected information**

Review only public content, have someone outside the hiring decision (or a screening company operating under the FCRA) collect it, remove protected-characteristic information (religion, pregnancy, disability, age, national origin, union activity, lawful off-duty conduct) before it reaches the decision-maker, and apply the same review to every finalist for the position.

Source: EEOC / Title VII

REMINDER**E-Verify is voluntary for this position**

E-Verify is voluntary under federal law except for federal contractors with the FAR E-Verify clause (48 C.F.R. 52.222-54: enroll within 30 days of award, verify new hires within three business days of hire, and verify existing employees assigned to the contract). Every employer must still complete Form I-9 for each new hire: Section 1 by the first day of work and Section 2 within three business days of the first day of work (8 C.F.R. § 274a.2). The current Form I-9 is the 01/20/25 edition (expires 05/31/2027); USCIS also accepts the 08/01/23 edition through 05/31/2027. Several states mandate E-Verify for private employers above a size threshold; the state rule is shown where it applies. Industry-limited mandates in your states do not reach this employer: Ohio: Mandate limited to construction: nonresidential construction contractors, subcontractors, and labor brokers must verify each employee hired for a nonresidential construction project (buildings, highways, bridges, utilities and related

infrastructure, excluding residential and agricultural buildings) through E-Verify and keep the verification for three years after hire or one year after separation, whichever is later; they may not keep an employee after a final nonconfirmation (§§ 4151.02–4151.03). The attorney general enforces with civil penalties, and state agencies must require compliance in nonresidential construction contracts (§ 4151.07). No mandate for other private employers.

Your process: what to change

REQUIRED

Two-step adverse action before any rejection based on a report

See "Start here: the foundation of every screening policy" above. If a report may lead you to reject an applicant, first send a pre-adverse action notice with a copy of the report and the CFPB Summary of Rights, then wait at least five business days for the applicant to respond,...

Source: 15 U.S.C. §§ 1681b(b)(3), 1681m

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Keep a written background screening policy and adverse-action procedure

See "Start here: the foundation of every screening policy" above. A written policy that names the searches ordered for each position, the timing, the decision criteria, the individualized-assessment steps, and the adverse-action sequence is what regulators and plaintiffs ask for first. You do not have a complete written policy today;...

Source: EEOC guidance; state requirements

RECOMMENDED

Use a written individualized assessment

See "Individualized assessment and required notices" above. You do not currently use one. No statute here mandates the assessment for this position, but the EEOC treats it as the safe harbor against disparate-impact claims: document the nature and gravity of the offense, the time elapsed since the...

Source: EEOC Enforcement Guidance (2012)

Draft policy language for this position

REMINDER

Background Screening Policy — Information Technology Sales

1. Purpose and scope. [Company Name] conducts background screening for the position of Information Technology Sales to verify qualifications, protect employees, customers, and property, and comply with applicable law. This policy applies to all applicants for the position. The same searches and criteria apply to every candidate for the position.
2. Consent. Before any report is obtained from a consumer reporting agency, the candidate receives a stand-alone written disclosure and provides written authorization. State-required notices are provided on a separate page. [Company Name] certifies its compliance to the screening company.

3. Timing. Criminal history is not requested on the application or in job advertisements. [Company Name] asks about, searches for, and considers criminal history only on the application. Non-criminal checks (identity, employment, education, license) are completed first.

4. Searches. The screening package for this position consists of: county criminal court search in each county of residence and employment during the lookback period; statewide criminal search where available; national criminal database and sex-offender registry search, with all results verified at the source; employment verification; motor vehicle record. The lookback period is seven years. Records older than the lookback period, sealed, expunged, set-aside, or pardoned records, juvenile records, and arrests or charges that did not result in a conviction (other than pending charges whose alleged conduct relates to the position) are not considered.

5. Decision criteria. A conviction is considered only if it relates to the duties of the position. For a Information Technology Sales, the offense categories with a documented relationship to the job are listed in the position screening matrix. No candidate is rejected automatically because of a record.

6. Individualized assessment. Before withdrawing an offer because of a record, the hiring manager and Human Resources document the nature and gravity of the offense, the time elapsed since the offense or completion of the sentence, and the nature of the position; provide the candidate with the record and the preliminary reasons; allow at least 5 business days for the candidate to respond with evidence of inaccuracy, rehabilitation, or mitigating circumstances; consider the response; and issue a final written decision.

7. Adverse action. If a report may lead to an adverse decision, [Company Name] sends a pre-adverse action notice with a copy of the report and the Summary of Rights, waits the period in section 6, and then sends a final adverse action notice that names the screening company, states that the screening company did not make the decision, and explains the candidate's dispute rights and right to a free copy of the report.

8. Salary history. [Company Name] does not ask candidates or prior employers about compensation history. Offers are based on the budgeted range for the position.

9. Records and confidentiality. Screening reports and assessment records are stored separately from personnel files, accessible only to those involved in the decision, retained for [one / two / four] years after the decision, and then securely destroyed.

10. Review. This policy and the position screening matrix are reviewed at least annually and whenever the position, its work locations, or applicable law changes. Rules current as of September 28, 2026.

Source: Draft for review by counsel

Your answers

Job title	Information Technology Sales
What type of employer are you?	Private company
How many employees do you have across all locations?	8
Is your organization in any of these regulated industries?	None of these
Will the background check be obtained from a background screening company (a consumer reporting agency) or run in-house by your staff?	Screening company

Where will this position perform its work?	Fully remote
Where does the applicant live?	Cincinnati, Hamilton County, Ohio
Where is your company headquartered?	Ohio
Who is being screened?	New applicant
Employment status	Full-time
Is this a managerial or executive position, or exempt from overtime under the FLSA?	No
Does the position involve any of the following?	None of these
Will the applicant drive as part of the job?	Occasionally, in their own vehicle
Is this a safety-sensitive position under federal law, state law, or your own written policy?	No
Is a background check for this position required by a federal or state law, a licensing board, a government contract, or a bonding or insurance requirement?	No
Does the position require a security clearance or work on a federal contract?	No
Does the position require a professional license or certification?	No
How is this position paid?	Annual salary
Expected annual compensation	\$128,500
Will you ask the applicant about their prior salary or wage history?	Yes
Will you run a criminal history check?	Yes
Which criminal searches do you plan to run?	Not sure, recommend for me
Which record types do you want to consider?	Felony convictions; Misdemeanor convictions; Pending charges; Diversion or deferred adjudication; Convictions older than 7 years
How far back do you want to look?	10 years
When do you currently ask about criminal history?	Only after a conditional offer
Will you use a written individualized assessment (nature of the offense, time elapsed, relation to the job) before rejecting an applicant because of a record?	No
Will you apply the same criteria to every applicant for this position?	Yes
Will you request an employment credit report?	No
Will you drug test?	No
Which verifications will you run?	Employment history
Will you pull a motor vehicle record (MVR)?	No
Will you review the applicant's social media or other public internet content?	Yes

Will any automated, algorithmic, or AI-based tool be used to score, rank, or screen applicants or background reports?	No
Will you rescreen employees or use continuous monitoring after hire?	No
Will you check federal exclusion lists (OIG, SAM)?	No
Has the applicant lived, worked, or studied outside the U.S. in the past 7 years?	No
At what stage do you currently run the background check?	After a conditional offer
Do you give applicants a stand-alone FCRA disclosure and get written authorization before ordering the report?	Yes
When a report leads you to reject someone, do you send a pre-adverse action notice, wait, and then send a final adverse action notice?	Not sure
What would you like the builder to produce?	Both

Important

This report is general compliance information prepared from the laws in effect on the date shown. It is not legal advice and does not create an attorney-client relationship. Laws change frequently and local rules may add requirements; confirm the recommendations with your employment counsel before adopting a policy. screeningpolicy.com and Langley Porter AG LLC do not make hiring decisions and are not a law firm.