



Background Screening Policy Recommendations

Warehouse Shipping Clerk

Generated September 29, 2026 for ACME Logistics (Pedro Chavez). 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
- Illinois
- City of Chicago
- Cook County

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)

REQUIRED

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.

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.

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 4 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**Illinois state law**

Applied because work is performed in Chicago, Cook County, Illinois. Private employers and employment agencies with 15 or more employees may not inquire into or consider criminal history until the applicant has been determined qualified and notified of an interview, or, if there is no interview, until a conditional offer (820 ILCS 75/15). Exempt: positions where a law excludes people with certain convictions, positions requiring a fidelity bond, and positions licensed under the Emergency Medical Services Systems Act. Penalties, as amended by P.A. 104-2 (eff. June 16, 2025): written warning with 30 days to cure, then up to \$500, then up to \$1,500 per violation. State executive agencies removed the question from initial applications under a 2013 administrative order, not this Act. The Cook County ordinance applies the same interview-stage timing rule to employers of any size, and the Chicago ordinance adds record-use limits and notice duties for every employer with one or more employees in the city.

Source: 820 ILCS 75 (Job Opportunities for Qualified Applicants Act); 775 ILCS 5/2-103.1 (Employee Background Fairness Act)

REMINDER**City of Chicago ordinance**

The current § 6-10-054 (as amended Apr. 19, 2023) no longer contains an application-stage timing rule; the timing limit for Chicago employers is the state Job Opportunities for Qualified Applicants Act (15 or more employees: no inquiry until the applicant is found qualified and notified of an interview, or until a conditional offer if there is no interview). The Chicago ordinance applies to every employer with one or more employees working in the city: employers may not inquire into or use arrest records (arrests without conviction, juvenile records, and sealed or expunged records), and may use a conviction record only where a law excludes people with the conviction, a standard fidelity bond would be denied, the offense has a substantial relationship to the job, or employment would pose an unreasonable risk to property or safety, after weighing time elapsed, number of convictions, nature and severity, surrounding facts, age at conviction, and rehabilitation. A preliminary written notice with the reasoning and at least five business days to respond, then a final written decision with notice of the right to file with the Chicago Commission on Human Relations, are required. Job ads may not state any preference or limitation the chapter prohibits (§ 6-10-055).

Source: Chicago Mun. Code § 6-10-054 (Human Rights Ordinance, added Nov. 5, 2014; amended Apr. 19, 2023 and Nov. 15, 2023); timing rule from Illinois Job Opportunities for Qualified Applicants Act, 820 ILCS 75

REMINDER**Cook County ordinance**

Employers with one or more employees that have a principal place of business in or do business in Cook County may not inquire into or consider criminal history until the applicant has been determined qualified and notified of selection for an interview or, if there is no interview, until after a conditional offer (§ 42-35(h)). Exempt: positions where a law excludes people with certain convictions and positions requiring a standard fidelity bond that the conviction would bar. The individualized-assessment, preliminary-notice, five-business-day, and final-notice duties come from the Illinois Human Rights Act (775 ILCS 5/2-103.1), which applies statewide, not from the county ordinance.

Source: Cook County Code § 42-35(h) (Human Rights Ordinance, ch. 42, art. II, Employment; Criminal Record or Criminal History)

When you may ask about criminal history

REQUIRED**Wait until after the applicant is selected for an interview or determined qualified**

Ask about, search for, or consider criminal history only after the applicant is selected for an interview or determined qualified. This is the strictest timing rule among the laws that apply to this position (Illinois, City of Chicago and Cook County).

Source: 820 ILCS 75 (Job Opportunities for Qualified Applicants Act); 775 ILCS 5/2-103.1 (Employee Background Fairness Act); Chicago Mun. Code § 6-10-054 (Human Rights Ordinance, added Nov. 5, 2014; amended Apr. 19, 2023 and Nov. 15, 2023); timing rule from Illinois Job Opportunities for Qualified Applicants Act, 820 ILCS 75; Cook County Code § 42-35(h) (Human Rights Ordinance, ch. 42, art. II, Employment; Criminal Record or Criminal History)

RECOMMENDED**Remove criminal-history language from job ads and applications**

Delete the conviction question from the application form and remove statements such as "no felonies" or "clean record required" from postings; most fair-chance laws (for example Colorado, New Jersey, Vermont, Maine, Washington, New York City, Philadelphia, Los Angeles, and Seattle) treat such statements as violations. Where the law requires it (Los Angeles County, Philadelphia), the posting must instead state that criminal history will be reviewed after a conditional offer.

Source: State and local fair-chance laws

RECOMMENDED**Run non-criminal checks first**

Sequence the order: identity and SSN trace, employment and education verification, license checks, and any permitted credit or MVR check before or with the offer; order the criminal search only once the conditional offer has been made. New York City and Los Angeles County make this sequencing mandatory.

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 not consider expunged, sealed, or impounded records or ask whether a record was ever sealed or expunged; applications must carry the statutory notice that such records need not be disclosed (20 ILCS 2630/12).

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: Juvenile records may not be inquired into or used (775 ILCS 5/2-103).

Source: State juvenile-records statutes; FCRA § 605

REQUIRED**Do not consider arrests, dismissed charges, or diversions that did not end in a conviction**

Illinois: Inquiring into or using arrest records, expunged, sealed, or impounded records, or juvenile records is a civil-rights violation (775 ILCS 5/2-103).

Source: State fair-employment and arrest-record statutes

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 Warehouse Shipping Clerk. 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; arrests and other non-convictions may not be reported after 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)

REMINDER**Salary and the seven-year rule**

Because this position is expected to pay \$58,000, below the \$75,000 federal threshold, screening companies may not report arrests, civil judgments, collections, or other non-conviction adverse items older than seven years. State thresholds (for example \$20,000 in Kansas, New Hampshire, and Washington; \$25,000 in New York; \$75,000 in Maryland and Texas; none in California, Colorado, Massachusetts, Montana, or New Mexico) are applied above where relevant.

Source: 15 U.S.C. § 1681c(b)(3)

Individualized assessment and required notices

REQUIRED**Written individualized assessment is mandatory here**

You do not currently use a written individualized assessment. It is required for this position. Before withdrawing an offer because of a record, document the nature and gravity of the offense, the time elapsed, and the nature of the job, give the applicant the record and your preliminary reasoning, wait the required period, consider any response, and then issue a final written decision. Illinois: No adverse action for a conviction unless there is a substantial relationship between the offense and the job or an unreasonable risk to property or safety, after weighing six factors: time since the conviction, number of convictions, nature and severity, facts surrounding the conviction, age at the time, and rehabilitation. Preliminary written notice naming the disqualifying conviction, the reasoning, a copy of the report, and the right to respond; at least five business days to respond; final notice with the conviction, the reasoning, any internal appeal, and the right to file with the Illinois Department of Human Rights. City of Chicago: The current § 6-10-054 (as amended Apr. 19, 2023) no longer contains an application-stage timing rule; the timing limit for Chicago employers is the state Job Opportunities for Qualified Applicants Act (15 or more employees: no inquiry until the applicant is found qualified and notified of an interview, or until a conditional offer if there is no interview). The Chicago ordinance applies to every employer with one or more employees working in the city: employers may not inquire into or use arrest records (arrests without conviction, juvenile records, and sealed or expunged records), and may use a conviction record only where a law excludes people with the conviction, a standard fidelity bond would be denied, the offense has a substantial relationship to the job, or employment would pose an unreasonable risk to property or safety, after weighing time elapsed, number of convictions, nature and severity, surrounding facts, age at conviction, and rehabilitation. A preliminary written notice with the reasoning and at least five business days to respond, then a final written decision with notice of the right to file with the Chicago Commission on Human Relations, are required. Job ads may not state any preference or limitation the chapter prohibits (§ 6-10-055). Cook County: Employers with one or more employees that have a principal place of business in or do business in Cook County may not inquire into or consider criminal history until the applicant has been determined qualified and notified of selection for an interview or, if there is no interview, until after a conditional offer (§ 42-35(h)). Exempt: positions where a law excludes people with certain convictions and positions requiring a standard fidelity bond that the conviction would bar. The individualized-assessment, preliminary-notice, five-business-day, and final-notice duties come from the Illinois Human Rights Act (775 ILCS 5/2-103.1), which applies statewide, not from the county ordinance.

Source: 775 ILCS 5/2-103.1 (Mar. 23, 2021); Chicago Mun. Code § 6-10-054 (Human Rights Ordinance, added Nov. 5, 2014; amended Apr. 19, 2023 and Nov. 15, 2023); timing rule from Illinois Job Opportunities for Qualified Applicants Act, 820 ILCS 75; Cook County Code § 42-35(h) (Human Rights Ordinance, ch. 42, art. II, Employment; Criminal Record or Criminal History)

REQUIRED**Illinois notices and forms**

Employee Background Fairness Act preliminary and final notices, with a five-business-day response window, apply in addition to FCRA pre-adverse and adverse-action letters. Applications must state that the applicant need not disclose sealed or expunged records (20 ILCS 2630/12).

Source: 820 ILCS 75 (Job Opportunities for Qualified Applicants Act); 775 ILCS 5/2-103.1 (Employee Background Fairness Act)

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

REMINDER

Sex offender registry search

Included in your package; it is a reasonable addition for most roles and is required for positions serving vulnerable populations.

Employment credit reports

REMINDER

No credit report planned

Good: Illinois, City of Chicago and Cook County restrict employment credit checks, and this position would not qualify for an exemption.

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

REQUIRED**Do not ask about salary history**

Illinois — Employers may not ask about or seek prior pay from the applicant or a former employer; employers with 15 or more employees must include pay scale and benefits in postings (Jan. 1, 2025). Remove the question from applications and interview scripts, and tell your screening company not to request prior pay during employment verification.

Source: 820 ILCS 112/10(b-5), (b-10) (salary history); 820 ILCS 112/10(b-25) (pay scale posting, P.A. 103-539, eff. Jan. 1, 2025)

Other checks and verifications

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. California and Illinois restrict how E-Verify may be used (no pre-offer queries; specific notice duties).

Your process: what to change

RECOMMENDED**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

REQUIRED**Written individualized assessment is mandatory here**

See "Individualized assessment and required notices" above. You do not currently use a written individualized assessment. It is required for this position. Before withdrawing an offer because of a record, document the nature and gravity of the offense, the time elapsed, and the nature of the job,...

Source: 775 ILCS 5/2-103.1 (Mar. 23, 2021); Chicago Mun. Code § 6-10-054 (Human Rights Ordinance, added Nov. 5, 2014; amended Apr. 19, 2023 and Nov. 15, 2023); timing rule from Illinois Job Opportunities for Qualified Applicants Act, 820 ILCS 75; Cook County Code § 42-35(h) (Human Rights Ordinance, ch. 42, art. II, Employment; Criminal Record or Criminal History)

Draft policy language for this position

REMINDER**Background Screening Policy — Warehouse Shipping Clerk**

1. Purpose and scope. [Company Name] conducts background screening for the position of Warehouse Shipping Clerk 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 after the applicant is selected for an interview or determined qualified. 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. 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 Warehouse Shipping Clerk, 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	Warehouse Shipping Clerk
What type of employer are you?	Private company
How many employees do you have across all locations?	25
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?	At a fixed work site
Work site location	Chicago, Cook County, Illinois
Where is your company headquartered?	Illinois
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?	No
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	\$58,000
Will you ask the applicant about their prior salary or wage history?	No
Will you run a criminal history check?	Yes
Which criminal searches do you plan to run?	County courts (current and prior residences); Statewide repository; National multi-jurisdictional database; Sex offender registry
Which record types do you want to consider?	Felony convictions; Misdemeanor convictions; Pending charges
How far back do you want to look?	7 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?	None
Will you pull a motor vehicle record (MVR)?	No
Will you review the applicant's social media or other public internet content?	No
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?	Yes, both notices
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.