

BACKGROUND/REFERENCE CHECKS

Montana CONWEB

<https://app.mt.gov/conweb/>

This website enables searches for the records of convicted felons in the state of Montana. This website is maintained by the Montana Department of Corrections.

Montana Sexual and Violent Offender Registry

<http://www.doj.mt.gov/svor/search.asp>

The Montana Sexual and Violent Offender Registration Unit collects information about registered sexual and violent offenders from the registering agency, which may be a court, a state or local correctional facility or a probation or parole agency, or directly from offenders

National Sex Offender Public Registry

<http://www.nsopw.gov/Core/Conditions.aspx>

This Web site is provided as a public service by the U.S. Department of Justice. Using this Web site, interested members of the public have access to and may perform a national search or search participating state Web site public information regarding the presence or location of offenders, who, in most cases, have been convicted of sexually-violent offenses against adults and children and certain sexual contact and other crimes against victims who are minors.

Driving Records

<http://doj.mt.gov/driving/drivingrecords.asp>

Cost: \$4.00 by mail with

a self addressed stamped envelope or a valid credit card to pay the \$7.25 fee for each record requested online. (Alternately, if you would like the record sent via fax, enclose an additional \$3 for each record and do not send a self-addressed envelope)

Background Checks

<http://doj.mt.gov/enforcement/criminaljustice/backgroundchecks.asp>

Cost: \$11.50 per request

CRIMINAL BACKGROUND INVESTIGATIONS

Be sure to inform applicants if you will be conducting a background investigation and get expert assistance. Advertising background checks in your job announcement may prevent questionable applicants from even applying. Make sure these investigations are carefully planned, justified and executed. If someone was only arrested and not convicted, the law does not view this as adequate grounds for denying employment.

Even a conviction is not always grounds for denying employment. It could be challenged based on how long ago it happened, how serious the infraction was or how relevant it is to the job for which the person is applying. You could also be challenged if you subject only certain applicants to background checks.

To conduct a criminal background check you may call the Department of Justice, Criminal Records Division at (406) 444-3625.

I hereby authorize any person, educational institution, or company I have listed as a reference on my employment application to disclose in good faith any information they may have regarding my qualifications and fitness for employment.

Signed: _____

Date: _____

Fair Credit Reporting Act

FCRA is a relatively complex law. To assist employers, the FTC publishes a guide titled "Using Consumer Reports: What Employers Need to Know." The guide is available online at:

<http://business.ftc.gov/documents/bus08-using-consumer-reports-what-employers-need-know>

* Requires written consent of applicant and (pre and post) notice of adverse action.

For additional information, employers may contact the FTC at:

Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580
202-326-2222
www.ftc.gov

Applicant Release Of Information

Today's Date: _____

Print Full Name: _____

The following information is required by law enforcement agencies and other entities for positive identification purposes when checking records. It is confidential and will not be used for any other purposes.

Print any other last names you have used: _____

Home Address: _____

City: _____ State _____ Zip _____

Social Security Number _____ Date of Birth _____

Drivers License Number _____ State Issuing License _____

Name on Drivers License _____ Sex: Male _____ Female _____

In connection with my application for employment with (employer name), I hereby authorize a thorough background check by (employer name) including: (1) investigation of my work history, including employment verification and professional reference checks; (2) education verification; (3) criminal record or history check and (4) credit check.

I hereby authorize without reservation any law enforcement agency, school, employer or credit bureau contacted by (employer name) to furnish the information described in Section 1 without restriction.

Signature _____

State Laws

In addition to FCRA, employers must comply with the Montana statute regulating the use of consumer reports ([31-3-101 et seq. MCA](#) and [40-5-261 MCA](#) {Child Support}) if they hire a third party to conduct a background check. More information about Montana's law is presented below:

Childcare providers - ARM 37.95.161 DAY CARE FACILITIES

Private investigators and security guards - [MCA 37-60-303 \(6\)](#) LICENSE OR REGISTRATION QUALIFICATIONS

Teachers & School employees - ARM 10.57.201A CRIMINAL HISTORY BACKGROUND CHECK

Insurance producers, adjustors, consultants, administrators - [MCA 33-17-201](#) LICENSE REQUIRED OF INSURANCE PRODUCER—FORMS—BACKGROUND EXAMINATIONS

REFERENCE CHECKING—FREQUENTLY ASKED QUESTIONS

Why should I spend my time checking job references?

The best predictor of success on the job is past performance.

Aren't most employers reluctant to give references?

They shouldn't be as long as they provide relevant, factual information. Giving and getting job references is a legitimate business activity in which both parties have an interest and/or liability. Even verifying the dates of employment and the job duties gives you some credible information. Asking appropriate, non-threatening questions with gentle persistence can also go far in obtaining more information. Should a previous employer fail to warn you about critical, safety-sensitive situations, that employer may have liability if you hire a person who

repeats a similar activity at your business. Document that you asked questions even if the employer won't answer.

Some applicants just look suspicious. Is it okay to check references on just those individuals?

Be consistent and fair in the treatment of all applicants to avoid discrimination claims. If you check references on any applicants, check references on all applicants.

Is it okay to check references without telling an applicant that you are?

Some applicants may not even apply if you let them know through job announcements or advertising that you will be checking references. You should get permission from applicants before contacting previous or current employers by asking for a written release on your job application.

Should I ask for personal references?

Asking for personal references may be suspect for discrimination as applicants often list religious contacts. Besides, savvy applicants only list personal references that will give positive responses and personal references will probably not have relevant job performance information.

When other employers call me for references, I'm not sure with whom I'm talking or what to say.

Good point! You can ask the person calling what the questions will be and tell the person you will pull the personnel file and call back. This gives you time to prepare responses and allows you to verify who is calling through a callback procedure.

Which questions should I answer?

Answer only those questions that are objective and relevant. You have no obligation to answer improper questions. Don't volunteer information. Ask why the person needs certain information if you don't know. Answer questions evenly and unemotionally. Ask for more specifics if you don't understand a question.

TIPS ON CHECKING REFERENCES

- Prepare reference questions ahead of time so you can consistently ask the same question about all applicants.
- Call or write to each reference given.
- Suggest that the person gather information and call you back if he/she seems unprepared.
- Document all information that you receive.
- Also document unsuccessful tries at gathering information to protect you from negligent hiring claims.
- If you can't get the requested information from references, ask the job applicant for more information or to clear the way for you with the references he or she gave.
- Ask factual and objective questions – not opinions.
- Don't make a job offer until you've completed your reference checking.

QUESTIONS TO ASK WHEN CHECKING REFERENCES

- **Employment History:** Ask about positions held, dates of employment, promotions, job duties, performance, attendance records, and termination or separation reasons.
- **Performance:** Avoid subjective appraisal information – base on written evaluations. How well did the employee perform? Overall, was performance satisfactory? Unsatisfactory? Does your file show your company’s overall evaluation of the employee?
- **Conduct:** Did the employee have an acceptable attendance record? Does your file show any documented disciplinary problems? Follow up and probe any responses – What was the nature of the problem? What was the resolution? Was it corrected?
- **Termination or separation:** Why did the employee leave? Is the employee eligible for rehire? (More objective than “would you rehire?”) If not, why not? Does the file show the reason not eligible? Is there a termination fact sheet or an exit interview?
- **Closing:** Is there anything else we should know about this applicant?

