

A Deeper Understanding of Background Checks

A [background check](#) is a process in which the specifics of an individual's past are revealed for the purposes of employment, obtaining access to classified information, or obtaining restricted items such as guns, etc...

They are frequently conducted to confirm information found on an employment application or résumé/curriculum vitae. They may also be conducted as a way to further differentiate potential employees and pick the one the employer feels is best suited for the position.

In the United States, the Brady Bill requires criminal background checks for those wishing to purchase handguns from licensed firearms dealers. Restricted firearms (like machine guns), suppressors, explosives or large quantities of precursor chemicals, and concealed weapons permits also require criminal background checks.

Background checks are also required for those working in positions with special security concerns, such as trucking, ports of entry, and airline transportation. Other laws exist to prevent those who do not pass a background check from working in careers involving the elderly, disabled, or children.

In addition any position requiring any kind of licensure such as in any professional position, ie... doctor, lawyer, real estate agent, accountant, nurse, etc... will require a background check by the agency granting the occupational license. DUI offenses will show on these checks but whether or not they keep you from obtaining the license is all in how you handle the matter.

So depending on the type of position or reason for the background check a DUI related offense will most likely show up in some way.

The amount of information included on a background check depends to a large degree on the sensitivity of the reason for which it is conducted—e.g., somebody seeking employment at a minimum wage job would be subject to far fewer background check requirements than somebody applying to work for the FBI.

As referenced above, occupational licenses will require a deeper investigation and interview process to determine if the DUI is a signal of an alcoholic problem which may prevent you from performing the duties for which the license may be granted. If so, then denial of license is most likely. If not then you should be ok provided they are comfortable with your interview (when they ask you specifically about the offense).

Here's what most background checks will uncover:

- **Criminal and incarceration records.**
- **Litigation records.** Employers are always terrified of employees who routinely file discrimination lawsuits even if a firing was clearly for cause. Also, in the

U.S., employers that do work for the government do not like to hire whistleblowers who have a history of filing *qui tam* suits.

- **Driving and vehicle records.** Employers in the transportation sector keep insurance premiums down by hiring those with a clean driving record--eg, those without a history of accidents or traffic tickets. Again you can find out what's on your driving record here: [Get Driving Record](#)
- **Drug tests** are used for a variety of reasons--corporate ethics, measuring potential employee performance, and keeping workers' compensation premiums down.
- **Education records.** These are used primarily to see if the potential employee had in fact received the level of education they claimed to have received.
- **Employment records.** These usually range from simple verbal confirmations of past employment and timeframe to deeper, such as discussions about performance, activities and accomplishments, and relations with others.
- **Financial information:** Individuals with poor credit scores, liens, civil judgments, or those who have filed for bankruptcy may be at an additional risk of stealing from the company.
- **Licensing records.** A government authority that has some oversight over professional conduct of its licensees will also maintain records regarding the licensee, such as personal information, education, complaints, investigations, and disciplinary actions.
- **Military records.** Although not as common today as it was in the past fifty years, employers frequently requested the specifics of one's military discharge.
- **Social Security Number** (or equivalent outside the US). A fraudulent SSN may be indicative of identity theft, insufficient citizenship, or concealment of a "past life".
- **Other interpersonal interviews.** Employers will usually wish to speak with potential employees' references to gauge employability. More intensive background checks can involve interviews with anybody that knew or previously knew the applicant--such as teachers, friends, coworkers, and family members.

The Controversy Surrounding Background Checks

Drug tests and credit checks for employment are highly controversial practices.

According to the Privacy Rights Clearinghouse: "While some people are not concerned about background investigations, others are uncomfortable with the idea of an investigator poking around in their personal history.

In-depth background checks could unearth information that is irrelevant, taken out of context, or just plain wrong. A further concern is that the report might include information that is illegal to use for hiring purposes or which comes from questionable sources."

In the case of an arrest that did not lead to a conviction, background checks can continue including the arrest record for up to seven years, per § 605 of the Fair Credit Reporting Act:

Except as authorized under subsection (b) of this section, no consumer reporting agency may make any consumer report containing . . . Civil suits, civil judgments, and records of arrest that from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

Subsection (b) provides for an exception if the report is in connection with "the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal \$75,000, or more"[\[1\]](#).

Some proposals for decreasing potential harm of incorrect or 'out of context' background checks to innocent applicants include:

- Furnishing the applicant with a copy of the report before it is given to the employer, so that any inaccuracies can be addressed beforehand; and
- Allowing only conviction (not arrest) records to be reported.

NOTE: Insist that this is done if you are denied employment for any reason. You have a right to see exactly what was said about you and WHY it was said. You also have the right to challenge anything in the report. This is very important, especially if you were able to expunge the DUI record and it still showed up for some reason (which is very common).

This is What Employers Are Looking For When Conducting a Background Check

In an effort to help you understand exactly what all of this means let's outline exactly what a potential employer is looking for when conducting one of these pre-employment background checks on you:

1. First, they are looking at the completeness of information provided. Part of the check is conducted on information that the applicant provides. Any omissions in what is provided versus what was asked for is an immediate red flag.
2. Address history.
3. Comparison between provided address history vs. what they find. Comparison in work history provided versus found.
4. Work locations, dates.
5. Education, degrees.

6. Criminal convictions, provided vs. found.
7. Credit history.

DUI as it Relates To Background Checks

As the material on our website states DUI offenses in most every state are criminal offenses and thus will show up on a criminal background check.

The criminal record background check is different from a motor vehicles background check or more commonly referred to as an MVR (motor vehicles record).

The DUI related offense will normally be on your criminal record for 10 years and maybe indefinitely depending on your actions. Contrary to popular belief a DUI does not 'come off' your record after a certain amount of time. You actually have to do something about it to get the record removed. That process is called expungement.

Again, as indicated, expungement is not available in every state but if your state allows it you NEED to do it. And if your state does not allow it then you should follow the minimization steps we provided you with in the [DUI Process Manual](#) to legally keep the record from showing up on background checks.

Even if your state allows expungement you should immediately begin the steps to minimize it until you can get it officially expunged.

Hopefully this helps give you a closer look at what background checks are, what is involved, what employers look for, how to prepare and where to go to get yours. If you want to see what's on yours, you can do so here:

<http://www.duiprocess.com/get-background-check.htm>

I hope this short report helps answer some of the more common questions I have been getting regarding DUI and background checks.

Again, I have many, many topics to cover and TONS of research that I have my team looking into along with negotiating group discounts for SR-22 insurance, etc...

HERE'S THE DEAL

My aim is to create a place where people can SHARE information about the system the same way the system shares information about you.

I mean the very same way the states communicate to each other about your offense(s) and drivers license infractions we are going to create a way for all of us to communicate to each other about:

- How to save money,
- Clear criminal records,
- Get drivers licenses back,
- Deal with ignition interlock devices
- Etc, etc...

We are going to create a place where information flows and a place where we ALL contribute and help people.

Please post your feedback about this short report to the blog at:

<http://www.duiprocess.com/blog>

under the post entitled, "DUI Background Checks" Just click on the link that says, "comments"

So again I hope this was helpful to you and stay tuned for more...

I'm just getting started!!!