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Are you an EmployeeScreenIQ client? .................................................................

How many people does your company employ? ..................................................
Once again, we present the findings of EmployeeScreenIQ’s annual survey of U.S.-based employers regarding their use of employment background checks. Nearly 600 individuals representing a wide range of companies completed the survey in late 2013 and early 2014. These employers use a variety of national and regional firms to conduct their background checks.

As with the past four surveys, the 2014 survey was designed to provide a reliable snapshot of:

- How participants currently utilize background checks
- How they respond to adverse findings on background checks
- Their paramount screening-related concerns
- Their practices concerning Fair Credit Reporting Act responsibilities, Equal Employment Opportunity Commission (EEOC) guidance and candidates self-disclosing criminal records

Individuals who participated in our survey included C-suite executives (10%), managers (28%), directors (22%) and others.
The 2014 survey results again confirm that employers continue to rely upon background checks to protect themselves, their workforces and their customers. Here are a few high-level findings from this year’s survey:

**Criminal Convictions Under-Reported?**
59% said that criminal convictions are reported on just 5% or less of their background checks. This estimate is significantly lower than the average “hit rate” (23%) of thousands of employers worldwide whom EmployeeScreenIQ serves. We believe this discrepancy is largely due to two possibilities: 1) a lack of thoroughness in the information that some screening providers offer to participants, and 2) the desire by some companies to save money or expedite turnaround time by conducting less exhaustive background searches.

**Looking Beyond Criminal Records**
Almost half of respondents (45%) said that job candidates with criminal records are not hired due to their indiscretions a mere 5% of the time or less. As in our past surveys, this finding again supports employers’ longstanding assertions that they often look beyond an applicant’s criminal past and that qualifications, references, and interviewing skills also greatly influence hiring decisions.

**Adoption Rates for EEOC Guidance on the Rise**
A majority of this year’s respondents (88%) have adopted the EEOC’s guidance on the use of criminal background checks. This is a significant jump from last year’s survey, which found that just 32% of respondents adopted the guidance at that time.
Still Asking for Self-Disclosure

Despite the rise in adoption of the EEOC’s guidelines, a majority of respondents (66%) continue to ask candidates to self-disclose past criminal convictions on job applications—and a total of 78% ask at some point during the hiring process. This continues despite the EEOC’s recommendation to refrain from asking for self-disclosure on the job application in addition to state and municipal laws that outright ban the practice.

Employers Appreciate Knowing

Just 8% of respondents indicated that job candidates are automatically disqualified when they self-disclose a criminal conviction prior to an employment background check.

Organizations at Risk

Nearly 40% of respondents do not send pre-adverse action notices to candidates who are not hired based in part on a criminal conviction. This is a direct violation of a federal statute—the Fair Credit Reporting Act (FCRA) and puts organizations at risk for class action lawsuits and other legal actions.

Giving Candidates a Chance To Explain

A total of 64% of respondents perform individualized assessments for candidates who have conviction records. While the 36% who do not perform individualized assessments may not be violating the letter of the law, they are at risk for claims of discrimination under title VII according to the EEOC guidance.

Online Snooping Isn’t Widespread

A substantial portion of respondents (38%) search online media for information about their candidates as part of the hiring process. It’s not an insignificant portion but the vast majority of employers forego this activity. 80% of those who check online sites turn to LinkedIn for information.
Resume Lies Becoming a Deal-Breaker

Half of all respondents reject 90% or more candidates when lies are discovered on their resumes. Another 23% of respondents estimate they hire candidates only 11% to 20% of the time when resume distortions are found. These findings strongly depart from those of last year’s survey, which indicated that employers were rather lenient regarding resume distortions.

Pervasive Credit Reports? No Way!

Contrary to the popular belief that employers check the credit history of everyone they hire, only 14% of respondents said they run credit checks on all new hires. A whopping 57% of respondents do not use credit reports as part of their hiring process. There are now 10 states that have enacted regulations curbing the use of credit reports, which could be partly responsible for their less widespread use.
**Question 1:** What percentage of your candidates do you estimate have criminal convictions reported on their employment background checks?

As with last year’s survey, the vast majority of respondents said that criminal convictions are rarely reported on their job candidates’ background checks. Specifically, 59% said that criminal convictions are reported on just 5% or less of their background checks, while 18% said that convictions are reported on 6% to 10% of their checks. These estimates are significantly lower than the “hit rate” of thousands of employers worldwide who work with EmployeeScreenIQ. Collectively, our clients averaged a 23% criminal conviction hit rate in 2013.

This discrepancy could be due to less thorough information gathering practices used by some screening providers or employers conducting their own background searches in order to save money or expedite turnaround time. No matter the reason, employers who use less-exhaustive background checks could be putting their organizations at serious risk with lower quality results.
Question 2: What types of conviction records would disqualify a candidate from employment at your company? (Select all that apply.)

As we have reported in past years, it’s not surprising that respondents expressed greater concern over convictions (particularly felony convictions) related to crimes of violence, theft, and dishonesty. However, there is a significant decrease in concerns related to drug offenses. Based on the findings, the bottom line is that an overwhelming majority of respondents are hesitant to hire candidates who have felony convictions in their past. And while felonies are seemingly of greatest concern, this data also supports the notion that misdemeanor convictions matter to employers. Nearly half of all employers are concerned about misdemeanor convictions related to crimes of violence or theft and dishonesty.

Notably, the percentages in almost every category rose over those of last year’s results. This may indicate a generally heightened sense of awareness and/or concern regarding incidents of workplace violence, employee theft, and negligent hiring lawsuits.

An interesting takeaway from the respondents’ comments for this question is that many employers desire to be more flexible in their hiring decisions. However, external factors such as federal and state regulations or client contractual obligations sometimes hinder their flexibility. This is somewhat
ironic, as some governmental bodies are going after employers for being inflexible, while others are creating rules for stricter hiring standards.

**A selection of respondents’ comments:**

“We pride ourselves on high integrity in the organization. Safety is paramount. Felony convictions in the above areas could put not only our employees but the public at risk.”

“There are no automatic disqualifiers for us. We look at the whole picture to determine whether the candidate is hired. We consider how long ago the convictions were, employment history, relevance of offense to job (in theft instances), etc. First, however, is the issue of whether the candidate discloses the convictions on their employment application.”

“Every candidate's record is reviewed on a case-by-case basis as related to the specific job for which they are applying. For example, if they apply for a cashier's position, they cannot have any theft convictions.”

“We have a contract with our clients that we will not hire any felons and anyone having misdemeanor dealing with theft, fraud or violence.”

“We review each applicant individually. We don’t automatically disqualify a candidate for the above—rather, we make individual decisions based on interview, attitude, history, etc. We believe in second chances but are very concerned about the safety of our employees and company too.”

“We are a law enforcement agency, so we do not hire people with felony convictions or convictions of crimes involving violence or dishonesty.”

“We have employees who work in close quarters and handle and/or are exposed to dangerous work conditions that require strict compliance with safety standards and reporting. We cannot afford to employ folks whose background indicate a propensity for violence, dishonesty or use of controlled substances that could impair good judgment.”

“The candidates we hire will have direct patient care and would have access to various types of drugs including controlled substance drugs. We have to be very selective with candidates that may have been violent and have a history of drug convictions.”
Question 3: If you were considering hiring a candidate whose background check contained a troubling criminal conviction, which of the following would make your organization more likely to hire him/her? (Select all that apply.)

- Certificate of rehabilitation (from the courts or a legislative agency): 46%
- Nothing would make us more likely to hire individuals with troubling criminal records: 41%
- Indemnification or other safe harbor relief from negligent hiring claims: 23%
- Tax credit: 6%

Although employers are increasingly concerned about protecting their organizations and not exposing themselves to unnecessary risks, there are programs that make hiring individuals with criminal records a less risky proposition. While these programs exist, it is widely held that they are fairly limited and woefully underutilized.

A selection of respondents’ comments:

“We would be more likely to hire someone for their actions after the criminal conviction. Did they change their life around? Are they making better decisions? What were the circumstances surrounding the conviction.”

“It really depends. We are a health care organization so we can’t take any chances with patient safety, but we do have lots of jobs that do not involve direct patient care, so we may be more lenient on some of those roles.”

“We are mandated by State and Federal laws that require us to not hire these individuals.”

“As mentioned, it is mandated by state law that certain convictions disqualify a candidate. This answer does depend on the nature of the crime. Some can be hired if rehabilitated.”

“We are highly regulated. We cannot hire someone with a felony conviction.”

“The need for an employee is not worth the risk of hiring someone with a ‘troubling criminal conviction’.”
“Too many qualified candidates looking for jobs. Don’t need to be involved with people with a troubled legal history.”

“If the conviction was deemed a disqualifying event, then we would not hire the person. When potentially disqualifying information is revealed, we do an individual review to consider the offense and its job relatedness and confer with the hiring manager and an attorney in our Law Department.”

“There is too high a risk that the person could resort to prior behaviors risking fellow employees and thus presenting considerable liability issues for the Company. We are in a no-win situation with current legislation and litigation risks.

“A certificate or tax credit wouldn’t affect us one way or the other. Our main concern is providing a safe working and learning environment, and we take that obligation seriously.”

**Question 4:** Of your candidates who are found to have criminal convictions, estimate the percentage that you disqualify as a result of those convictions.

These results reinforce the impression that employers aren’t simply disqualifying vast numbers of job candidates out of hand due to criminal convictions. It appears from the vast majority of comments we received in Question 2 that employers are considering other factors, including the severity of the crimes, the crimes’ relation to the job applied for, the time passed since the conviction and whether the candidate is a repeat offender. In fact, these are all considerations that the EEOC recommends employers use when making hiring decisions.
Question 5: When determining the hiring eligibility of your candidates, how far back in time do you search for criminal convictions?

These results are extremely similar to those of last year’s survey. Almost half of the respondents go beyond seven years in their criminal background checks, an ongoing indication of the heightened care employers are applying to their hiring practices. However, based on the responses to Question 1 of the survey—in which 77% of respondents estimate that they saw convictions for 10% or less of their candidates—we wonder how many of these employers are finding the records they’re interested in evaluating. According to our research, 67% of all criminal records that we report have occurred within the past seven years. Twelve percent of all records reported are seven to 10 years old, 18% reported are 11 to 20 years old and the remaining 3% are older than 20 years.

The survey responses make one thing obvious: most employers want to consider as much data as possible to make an informed hiring decision.

Question 6: How has the adoption of the EEOC’s guidance on employers’ use of criminal background checks affected your hiring process? (Select all that apply.)

While half of all respondents indicated that the EEOC’s guidance has had no impact on their hiring process—and another 12% haven’t adopted the guidance—the remainder are pretty clearly split in their assessment of the guidance. Ten percent said it has had a positive impact but 54% said that it has a negative impact on costs, time-to-fill, clarity, or the candidate experience in general.
Overall, 88% of respondents this year indicated that they’ve adopted the EEOC’s guidance as opposed to just 32% of respondents at the time of last year’s survey.

**Question 7: Do you ask candidates to self-disclose past criminal convictions on their job applications?**

In spite of the EEOC’s recommendation to remove the question that asks applicants to self-disclose past criminal convictions and a myriad of similar state and municipal laws, 66% of respondents continue to ask candidates to self-disclose past criminal convictions on job applications—and a total of 78% ask at some point during the hiring process.

It is important to point out that asking about criminal history on a job application is still legal in most jurisdictions—but there are a growing
number of states and cities prohibiting the practice. Our sense is that these so-called ban the box laws will continue to be adopted throughout the country at both the state and city level. And while these laws may force employers to remove the question from the job application, our advice for employers is to ask the question later in the hiring process.

**Question 8: If a candidate self-disclosed a criminal conviction prior to an employment background check:**

These percentages are fairly similar to those from last year’s survey but there are notable variances. “It would make no difference” jumped up by 5% over 2013’s survey, while the “more inclined to hire” response fell by 16%. Only 8% of respondents indicated that the candidate would be automatically disqualified. Overall, the majority of employers are indicating that self-disclosure doesn’t hurt a candidate’s chances of employment—and may, in fact, improve them.

**A selection of respondents’ comments:**

“We rescind offers for failure to disclose so self-disclosing any criminal conviction is a requirement.”

“We look for honesty in considering candidates. Being up-front and honest about convictions is important.”

“If they do not disclose and background hits, then it is falsifying the application.”

“Although I would appreciate their honesty, if a candidate had a disqualifying conviction, we would not hire.”
“It raises a ‘red-flag’ regardless since it’s just as easy to be scammed by someone who exhibits an open response. You just cannot be sure the person has been rehabilitated.”

“Even with bringing it up before if it is one of the ones we don't allow it will not pass. Letting me know before hand is good but doesn't make you exempt.”

**Question 9:** If you decide not to hire a candidate based in part on a criminal conviction, do you send a pre-adverse action notice to them?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>37%</td>
<td>63%</td>
</tr>
</tbody>
</table>

Frankly, we’re concerned that nearly 40% of respondents do not send a pre-adverse action notice to candidates who are not hired based in part on a criminal conviction. These respondents are, by their own admission, violating the law and putting their organizations at risk for violating a basic principle of the Fair Credit Reporting Act (FCRA). And make no mistake—a significant number of class action lawsuits are related to employers violating this tenet of the FCRA. We spend a considerable amount of time educating employers on this process and our general sense is that those not in compliance do not realize they’re executing the process improperly. All employers who do not send pre-adverse action notifications should seek immediate guidance from their background screening partner or in-house legal counsel.

**Question 10:** Do you perform individualized assessments for candidates with conviction records (so they can explain the circumstances of their records)?

Clearly, employers already had practices in place or are adapting their hiring practices to incorporate the recommendations suggested by the
EEOC. We believe the adoption rate will continue to grow in the coming years unless the courts reject the guidance.

Similar to the ban the box issue, the EEOC guidance on individualized assessments was a *recommendation*, not a mandate. Therefore, those who have not developed a process in this regard are not violating any laws. Even so, we would be remiss if we didn’t point out that demonstrating compliance with this recommendation is the clearest path to insulating yourself from discrimination claims.

**Question 11:** If you answered "yes" to question 10, how do you perform the individualized assessment?

While no governmental or legal body has yet clarified how individualized assessments are to be conducted (or what the “preferred” method might be), the majority of respondents are using either in-person or telephone interviews. Regardless of how you conduct these assessments, we suggest that you clearly document your policy and process.
Question 12: Does your organization conduct online media searches for candidates as part of your hiring process?

Once again, we see that the business world’s enthusiastic embrace of online media does not translate to the hiring process. As in last year’s survey, nearly two-thirds of respondents say they do not consult online media when researching their candidates. However, 38% of employers—a significant portion—do consult some form of online media.

We must point out that other surveys have shown that employers are checking up on potential employees through Google and other online searches. Whether or not employers consider these searches “background checks,” the FTC has ruled that some social media data aggregators are, in fact, subject to the same laws as traditional background checks.

Question 13: If you answered "yes" to question 12, which sites do you use? (Select all that apply.)

- LinkedIn: 79%
- Search Engine (Google, Bing, Yahoo!, etc.): 63%
- Facebook: 48%
- Twitter: 24%
- Blogs: 13%
- Other: 13%
As you might expect, LinkedIn is the go-to site for most employers when it comes to screening job candidates, which is understandable when you consider that employers are most concerned about lies regarding qualifications (see Question 14). A vast majority of these employers also turn to search engines such as Google, Bing, and Yahoo! Also noteworthy is the use of both Facebook and Twitter.

**Question 14:** What information found during an online media search would cause you to disqualify a candidate? (Select all that apply.) Only respond if you answered "yes" to question 12.

<table>
<thead>
<tr>
<th>Information</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lies relating to qualifications</td>
<td>73%</td>
</tr>
<tr>
<td>Discriminatory comments related to another’s race, gender, religion, etc.</td>
<td>63%</td>
</tr>
<tr>
<td>Unprofessional criticism of previous employer</td>
<td>49%</td>
</tr>
<tr>
<td>Inappropriate photos</td>
<td>47%</td>
</tr>
<tr>
<td>Information about drinking or drug use</td>
<td>47%</td>
</tr>
<tr>
<td>Poor communication skills (spelling, grammar, etc.)</td>
<td>35%</td>
</tr>
</tbody>
</table>

While lies about qualifications are the most troubling details that respondents find online, the majority would also disqualify candidates for discriminatory comments—and almost half disqualify candidates for unprofessional criticism of past employers, information related to drug and alcohol use, and inappropriate photos. Clearly, employers are looking for clues about negative traits that could cross over into the workplace or tarnish their companies’ reputations.

**Question 15:** What information found in an online media search would help support your decision to hire a candidate? (Select all that apply.)

Again, there are no real surprises in these results but they reinforce the notion that qualifications and professionalism are paramount in employers’ ultimate selection of job candidates. These results also support the
contention that employers are not using online searches only to disqualify candidates but to help validate their hiring decisions.

![Chart showing various attributes and their percentages.]

**Question 16:** What percentage of your candidates do you estimate distort information on their resumes?

When comparing this year’s results to last year’s, the largest share of respondents shifted from the first category (0% to 15%) to the second category (16% to 30%), despite the total of both categories remaining almost identical. Perhaps employers are becoming more aware of the widespread problem of job seekers distorting the truth on resumes.

Interestingly, most job seekers are well aware that employers use background checks to review potential new hires. Even so, individuals continue to “tweak” their resumes and hope they won’t be caught. Clearly, employers must remain vigilant in their screening practices.
Question 17: What percentage of candidates do you estimate are hired in spite of distortions on their resumes?

This year’s findings indicate that employers consider resume distortions as a serious breach of trust and confidence, which directly impacts candidates’ chances of getting hired. In fact, this data suggests employers are more concerned about resume distortions than criminal convictions. According to half of the respondents, only a small percentage (10% or less) of candidates get hired in spite of resume lies. And only 10% of employers hire these candidates with any frequency (76% of the time or more). This data strongly departs from our 2013 findings, in which more than half of all respondents indicated that very few candidates who distorted information on their resumes were not hired. This year’s findings show that the situation has reversed dramatically.

A selection of respondents’ comments:

“The distortion would have to be fairly minor—for example, dates of employment off by a month or two; job title might be inflated from Supervisor to Manager; etc."

“We generally don't hire candidates with major distortions on their resumes. I query minor distortions and verify them.”

“If we are aware of a purposeful distortion of resume information, we will likely not proceed with that candidate due to dishonesty.”

“If we know of distortions of qualifications or work history, we would likely not hire them. Distortions of skills and knowledge often do not become clear until after a hire.”
“If someone blatantly misrepresented themselves we would not hire them. Most people attempt to increase their salary.”

“If the distortion is relatively immaterial in comparison to the greater sum of their experience/background (such as a date being off by a few months, etc.), it makes little sense to penalize the candidate for what may be a simple oversight.”

“We would not hire someone that lies on their resume. Not a good sign of character.”

**Question 18: What types of resume distortions/discrepancies would cause you not to hire a candidate? (Select all that apply.)**

<table>
<thead>
<tr>
<th>Distortion/Discrepancy</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claims to have earned a degree not actually earned</td>
<td>84%</td>
</tr>
<tr>
<td>Misleading statements about reasons for leaving past employers</td>
<td>62%</td>
</tr>
<tr>
<td>Distortions/discrepancies in employment dates to cover gaps</td>
<td>53%</td>
</tr>
<tr>
<td>Embellished job responsibilities</td>
<td>44%</td>
</tr>
<tr>
<td>Distortions/discrepancies in salary</td>
<td>30%</td>
</tr>
</tbody>
</table>

Although lying about earning a degree topped respondents’ concerns (84%), our experience shows that only about 8% of candidates actually lie in this way on their resumes. The findings also show that respondents are far less troubled by candidates distorting their salaries or job responsibilities than they are about distorting the reasons for leaving past employers or lying about earning a degree. Covering up gaps in employment dates fell right in the middle of the spectrum.

**Question 19: What is the primary reason you conduct employment background checks?**

This question revealed that respondents are conducting employment background checks for a number of different reasons—and no single reason is an overwhelming favorite.
Question 20: Is it important that your employment background screening provider be accredited by the National Association of Professional Background Screeners (NAPBS)?

While the majority of respondents (58%) indicated they consider NAPBS accreditation important for their screening providers, more than 40% of respondents have no idea what this important accreditation is or they don’t care about it. For those who do not know, it’s a critical “seal of approval” that has been achieved by less than 2% of all background screening providers, and it ensures that these providers are using practices and procedures that comply with industry best practices. You can learn more about the NAPBS and accreditation at the organization’s website, www.napbs.com.
**Question 21: How often do you evaluate your employment background screening program for quality, compliance, accuracy, etc.?**

The good news is that a combined 46% of respondents are evaluating their background screening programs on a regular basis—annually (36%) or quarterly (10%). The bad news is that 54% of respondents are not taking this prudent step to protect their organizations, with a startling 23% saying they *never* do so. Employers should regularly audit their screening programs to help protect themselves and their people. Take note: Not long ago, a large and well-known consumer reporting agency was assessed $2.6 million in penalties by the Federal Trade Commission for failing to use reasonable procedures to assure the accuracy of its criminal background checks—a violation of the Fair Credit Reporting Act. If you’d like suggestions on how to better protect your company, download a copy of our article, *HR’s Guide to Effective Evaluation of Background Screening Providers*.

In comparison to last year’s survey results, the largest fluctuation was in the percentage of respondents who said “annually” (which rose by 10% this year) and the percentage of respondents who said “never” (which dropped by 9% this year). There was almost no comparative change in the other responses.
Question 22: Does your organization utilize employment credit reports in your hiring process?

More than half of all respondents indicated that they do not use credit reports as part of their hiring process, and only 14% say that they always use credit reports. These findings are notable because they fly in the face of “common wisdom” and quite a few media reports, which hold that employers everywhere commonly use credit reports when looking into the backgrounds of job candidates. Obviously, this is not the case.

Question 23: If you answered "yes" to question 22, what percentage of candidates do you estimate are denied employment based on the results of credit reports?

Of the respondents who do utilize credit reports as a hiring tool, a combined 79% frequently do not deny employment to candidates because of these checks. Again, this may fly in the face of conventional wisdom. Only 4% of respondents said that they deny employment 20% of the time or more based on credit reports.
Demographics

Are you an EmployeeScreenIQ client?

- Yes: 77%
- No: 23%

How many people does your company employ?

- 1 to 100: 28%
- 101 to 250: 15%
- 251 to 500: 14%
- Over 5,000: 13%
- 501 to 1,000: 12%
- 1,001 to 2,500: 10%
- 2,501 to 5,000: 8%
About EmployeeScreenIQ

EmployeeScreenIQ helps employers make smart hiring decisions. The company achieves this through a comprehensive suite of employment background screening services including the industry's most thorough and accurate criminal background checks, resume verification services and substance abuse screening. EmployeeScreenIQ is accredited by the National Association of Professional Background Screeners (NAPBS), a distinction earned by less than two percent of all employment screening companies. For more information, visit www.EmployeeScreen.com.