

FTC Issues Another Guide on Background Checks

Article By:

Katharine H Parker

Daniel L. Saperstein

As we reported in a prior alert, in March of this year, the Federal Trade Commission (“FTC”) issued a short brochure—[Background Checks: What Job Applicants and Employees Should Know](#)—on the use of background checks in hiring and personnel decisions. This month, the FTC issued a follow-up guide—[Tips for Job Applicants and Employees](#)—that expounds on the agency’s March publication. Though the two guides are quite similar in form and content, the November publication further specifies the rights of applicants and employees under federal laws such as the Fair Credit Reporting Act (“FCRA”) when an employer runs a background check.

Although the FTC has seen its rulemaking authority under FCRA shift to the new Consumer Financial Protection Bureau, these brochures indicate that the agency has a continued interest in policing employer background checks. Given this sustained scrutiny, employers should review the new FTC guides and make sure that their practices and policies are in compliance with federal law and any state and local equivalents.

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