

# Botched criminal checks are new work hazard

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STAMFORD, Conn. — Jessica Smith thought she was a shoo-in for a cashier's job at an Office Depot in Minnesota last summer. The store manager was encouraging, saying he just needed to run a criminal background check.

But a week later, Smith received a rejection letter that cited a lengthy rap sheet.

"I have no record," Smith, 19, said as she flipped through court documents.

Smith, who fought for six weeks to clear her name before eventually landing the job, was a casualty of one of the latest trends in business hiring. Companies increasingly rely on pre-employment background checks to ease security concerns and protect against costly lawsuits.

"It's very important and it's getting more important," said Robert Belair, a privacy lawyer in Washington, D.C., and editor of the *Privacy and American Business* newsletter.

But the burgeoning field lacks consistent standards, causing errors that can disqualify reputable job applicants, some industry experts and consumer advocates say. When criminals slip through with clean records, the consequences are more severe.

Early this month, FedEx Corp. was accused in a lawsuit of hiring a sex offender who was later charged with molesting an 8-



DOUGLAS HEALEY/The Associated Press

FedEx Corp. is accused of hiring a sex offender who later was charged with molesting a boy at this Fairfield, Conn., store.

year-old boy while at work in Fairfield, Conn.

FedEx spokeswoman Sandra Munoz said the company's background check did not reveal a criminal history. The company conducts background checks on all job candidates, she said.

"That person is either lying or Federal Express is wildly incompetent in how they do the background checks," said Neal Rogan, the boy's attorney.

But people with knowledge of the industry were not surprised by the charges.

"This is an industry that has delivered historically a very low quality product," said Tal Moise, chief executive of Verified Person, a New-York based company

that performs background checks.

A national task force funded by the Justice Department this month recommended national standards for the industry.

The FedEx employee worked in Connecticut but had a criminal record in Maine, according to the family's lawsuit.

The FBI's criminal database is generally not public, except for law enforcement and some organizations.

State depositories are often sealed or prohibitively slow.

"It's very easy to miss it, even if it's done properly," said Mary Poquette, co-chairwoman of the National Association of Professional Background Screeners. □