



BACKGROUND SCREENING FAQs

Compliance Questions

What is the Fair Credit Reporting Act (FCRA)?

The Fair Credit Reporting Act (FCRA) is a federal law that helps ensure the accuracy, fairness, and privacy of information in a consumer credit file regulates the collection of consumers' credit information and access to their credit reports. Background screening is considered a “consumer report” under the FCRA, so it applies to reports. The act requires a permissible purpose to access the data and how the reports can be shared, and what can be shared. It also protects the consumer on how they receive a copy of their report and dispute information. Enforcement of the FCRA is overseen by the Federal Trade Commission (FTC) and the Consumer Financial Protection Bureau (CFPB).

Yardstik is the responsible consumer reporting agency and must abide by the FCRA. The FCRA requires Yardstik to credential each new user account and holds the end-user client to specific requirements.

Why do I need to complete the credentialing process so I can begin ordering background screens?

Yardstik is a Consumer Reporting Agency (CRA) and only provides business-to-business services. CRA's are also highly regulated to ensure only authorized users are requesting screens with a legally permissible purpose. Therefore, the following information is needed before the credentialing process completes:

- Copy of business license
- Signed End User Agreement
- Permissible purpose authorization
- Address of business
- Website address
- Dun and Bradstreet listing, etc.

Note: If requesting credit reports, there are additional credentialing requirements.

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What if I decide not to hire someone based on the results of a background check?

Employers are legally obligated to follow a series of steps if they decide not to hire based on employment background screening results. These steps are known as the “pre-adverse and adverse action process” and include the following actions:

- Pre-adverse action notice — before taking any adverse action, the employer must provide the applicant with a copy of their consumer report and a summary of the applicant’s rights under the FCRA.
- Waiting period — before taking adverse action, the employer must wait a reasonable period of time to allow the applicant time to dispute the accuracy of the consumer report. Industry-standard wait time is -10 business days.
- Adverse action notice — the employer must provide the following to the applicant when it has taken an adverse action:
 - Notice of the adverse action (i.e., not eligible for hire or denial of promotion)
 - The contact information of the consumer reporting agency that prepared the report
 - A copy of the Summary of Rights under the FCRA

To ensure you are compliant with this process, Yardstik has built this into our application to be managed via our technology.

What is adverse action?

An Adverse Action letter is required when a candidate’s background screen returns with a “consider” status, based on the client requirements, and the client decides that the information from the screen makes the candidate ineligible for hire.

The letter notifies the candidate of the pre-adverse status, along with a copy of the report results. The Federal Fair Credit Reporting Act (FCRA) requires a specific 3-step process to be followed for these situations. The purpose of this multi-step process is to give job applicants the maximum opportunity to correct any incomplete or inaccurate information provided in the background screen results. It also allows the applicant to discuss the background screen results with the employer if they so choose. This step is called an Individualized Assessment and is handled by the employer.



Screening Questions

Why should I spend the money for a background check and wait for results when I can order a background check on the Internet for less money and instantly see the results?

Most often, cheap and instant background screens are buying a single name scan of a database that only covers specific types of criminal records, and the database may not be regularly updated. Also, if you check the fine print of the agreements on instant online background checks, it may state the information cannot be used for hiring purposes. This could put you in violation of the Federal Credit Reporting Act (FCRA).

Does a nationwide search cover what I need?

A singular, truly accurate nationwide search is not available because there is no publicly accessible database covering state, county, and federal level felony and misdemeanor convictions.

Why does the nationwide search Yardstik uses need to go to the county/state level?

Yardstik uses a nationwide “locator” service to identify potential records that are contained in proprietary criminal record databases. This search does a broad search to identify jurisdictions in which a candidate may have a record. If a record is found, Yardstik will automatically complete a county or state search. This is a requirement of the FCRA when using these services and ensures that potential records are validated before allowing an employer to rule out a candidate. This process may take additional time based on the county or counties searched due to variances in systems.

How long does it take to complete a background screen?

It will generally take 2 - 3 days from when the candidate completes the invitation and submits his/her personal information.

Additional time in processing a screen could occur based on these factors:

- A county/state search is delayed due to court closures
- A county search requires a manual search of records (some counties do not have automated results, and a court researcher must review them)

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- Yardstik is waiting for the candidate to respond to an information discrepancy
- Employment verifications — take four days at minimum
- Common names can take additional time while validating personal information

Why is this screen taking so long?

Various scenarios could result in a screen taking longer than expected.

Anytime the candidate's name matches a possible record, additional research is needed through the court records by Yardstik. This may add time to the process, but it is critical to ensure accuracy.

Some county courts use automated systems, while others require on-site research by hand. If the initial information presented is incomplete or needs further research, it will generally go to an on-site research method. In these cases, Yardstik is dependent on the courthouse employees to complete a thorough investigation.

Yardstik must confirm each possible record before they can report it. Yardstik is regulated as a Consumer Reporting Agency under the Federal Fair Credit Reporting Act. They're required to follow strict processes to ensure the "maximum possible accuracy" of the public record information.

It's important to note that Yardstik conducting additional research does not mean that a record will be found or confirmed, and it should not influence hiring decisions. The final results will provide the information needed to take the next steps.

What are the additional fees on the invoice?

In addition to the background check cost, your reports may be subject to various third-party access fees, including county and state court access fees, DMV access fees, and employment/education verification fees. Yardstik does not mark up any fees, and the fees are a true pass-through.

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Technical Questions

Who should I contact if I have technical questions?

If you have technical questions regarding the Yardstik application, please contact support@yardstik.com for assistance.

How long does it take for a reply?

Our standard response time is within 24 business hours.

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