Background Checks: What Independent Petroleum Marketers Need to Know

When making personnel decisions - including hiring, retention, promotion, and reassignment - employers should “strongly” consider the backgrounds of applicants and employees.

Employment background checks, also known as consumer reports, can include criminal records, credit report, work history, educational background, and even social media use. However, employers must be diligent in adhering to strict guidelines regarding background checks.

Independent Petroleum Marketers job applicants have legal rights, which the FTC and EEOC enforce to protect in the U.S. One such law, put in place by the FTC, regulates background checks and is called the Fair Credit Reporting Act (FCRA). The information used to make employment decisions must be job–related and not based on any protected category, to avoid discriminatory hiring practices. Discrimination related to background checks can take different forms, to include:

a) Discrimination based on race, color, national origin, sex, religion, disability, genetic information (including family medical history), and age (40 or older) is prohibited.

b) Treating job applicants with the same criminal records differently because of their race, color, religion, sex, national origin, or another protected characteristic is considered “disparate treatment discrimination.” For example, asking only people of a certain race about their financial histories or criminal records is evidence of discrimination.

c) Credit checks and other background checks requiring employee consent. Without consent, such checks can be illegal, depending on what type of check is conducted.

FCRA (Fair Credit Reporting Act) legislation establishes legal immunity for Independent Petroleum Marketers that outsource background checks. This protection covers defamation, privacy invasion and hiring negligence lawsuits.

a) Under this law, Independent Petroleum Marketers need properly disclose and obtain written permission to run this kind of inquiry before you request the report. This permission must be in writing and in a stand-alone document, not as part of another document such as an employment application.

b) Background check results and other hiring records (regardless of whether the applicant was hired or not) must be retained for one year after the records were made or after a personnel action was taken, whichever comes later.

Why Laborchex?

Laborchex provides a comprehensive portfolio of employment screening searches, verifications, and compliance tools. Covering all 50 states including Canada, PR, Guam & US Territories. International criminal searches available upon request.

Laborchex specializes in utilizing a consultative approach to help small independent retailers that sell heating oil, gasoline and related products and services determine what screening packages are best suited for them. Our extensive experiences and expertise help PMAA Members develop both employment background screening and drug testing programs that meets or exceeds the best practices for independent petroleum marketers.

Through PMAA’s partnership with Laborchex, PMAA Members get discounted pricing to employment background screening services. At Laborchex, we pride ourselves on offering background screening solutions that are fast, accurate, affordable, and compliant. We provide discounted pricing to PMAA Members. To learn more, call 1-800-880-0366 or visit us at our website or contact Kym Lewis.

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