
The Background Screening Credentialing Council has drafted the following response to a question we have received regarding the US Employment Screening / General Background Screening BSOAP Standard, this letter applies to US Versions 2.0, 3.0 and General Version 1.0. This response is provided *for educational purposes only* and does not constitute legal advice, express or implied of the BSCC, or the Professional Background Screening Association. Consultation with legal counsel is recommended in all matters of employment law.

For the purposes of this Letter, and to ensure our response applies to both Standards, the terms Organization and CRA may both be used.

TITLE: Clause 6.1 Background Checks for Personnel Charged with Enforcement of Policy and Clause 6.2 – Background Checks for Workers

Question: Our company has several services lines in addition to background screening would "***all Organization / CRA owners, officers, principals and Organization / CRA workers charged with enforcement of company policy,***" be our entire executive team comprised of the following or just those specifically assigned to or handles background screening?

Example 1: CEO and all VPs of every business unit (Sales, Operations, Client Relations, IT, etc.)

Example 2: CEO, VPs of Compliance and Operations only along with Directors, managers and works.

Response: Thank you for your inquiry.

Your question applies to Sections 6.1 and 6.2 of that Standard which read as follows:

Clause 6.1 (bold added for emphasis). :

*Organization / CRA must have and follow a policy requiring criminal background checks and government sponsored sanction list checks be **conducted on all Organization / CRA owners, officers, principals and Organization / CRA workers charged with enforcement of company policy.** Checks must be conducted at official, appropriate government repositories to cover 7 years of residential history and such records must be retained unless otherwise prohibited by applicable law. Record checks must be conducted at least once every two years covering the time period since the last check was completed and records retained for the duration of enforcement responsibility. Any criminal conviction(s) or sanctions listing(s) must be evaluated to determine if the individual may remain in an enforcement capacity based on: 1) nature and gravity of offense or conduct, 2) time passed since offense, conduct, or completion of sentence and 3) nature of current enforcement role (commonly referred to as "Green Factors").*

The Attributes of and Suggestions for Onsite Audit (what the auditor will look for in policy, procedure, activity) specify for clarity:

This clause refers only to the entity being accredited and not any parent company. It covers owners, managers, and CRA workers charged with enforcement of company policy.

Clause 6.2 (bold added for emphasis):

*Organization / CRA must have and follow a policy requiring criminal background checks and government sponsored sanction list checks **be conducted on all Organization / CRA workers**. Checks must be conducted at official, appropriate government repositories to cover 7 years of residential history and such records must be retained unless otherwise prohibited by applicable law. Such record checks must be conducted at least once every two years and records retained as long as Organization / CRA worker provides services to Organization / CRA. Any criminal conviction(s) or sanctions listing(s) must be evaluated to determine if the individual may remain his/her current position or any other position with Organization / CRA based on: 1) nature and gravity of offense or conduct, 2) time passed since offense, conduct, or completion of sentence and 3) nature of current or desired role (commonly referred to as "Green Factors").*

Your inquiry seems to raise the question of whether the managers/VPs of Sales, Operations, Client Relations, Technology for the organization / consumer reporting agency are included in the scope of this background check requirement. The simple answer is yes. As indicated in the standard including the attributes of and suggestions for onsite audit, the owners, managers and Organization / CRA workers "charged with enforcement of company policy are required to be screened."

In example 1: "CEO and all VPs of every business unit (Sales, Operations, Client Relations, IT, etc.)", if every CEO and VP of the business units oversees consumer reporting products/services, then, yes, 6.1 applies.

In example 2: "CEO, VPs of Compliance and Operations only along with Directors, managers and works.", CEO, VPs of Compliance and operations along with directors and managers who are "charged with enforcement of company policy" would fall under 6.1. Assuming the last word was intended to be "workers", Clause 6.2 which covers all other Organization / CRA workers would likely apply (unless such workers are responsible for enforcement of company policy).

Thank you for submitting your inquiry and giving the BSCC an opportunity to review. We believe we have responded fully to your inquiry. Please let us know if you have any further questions.