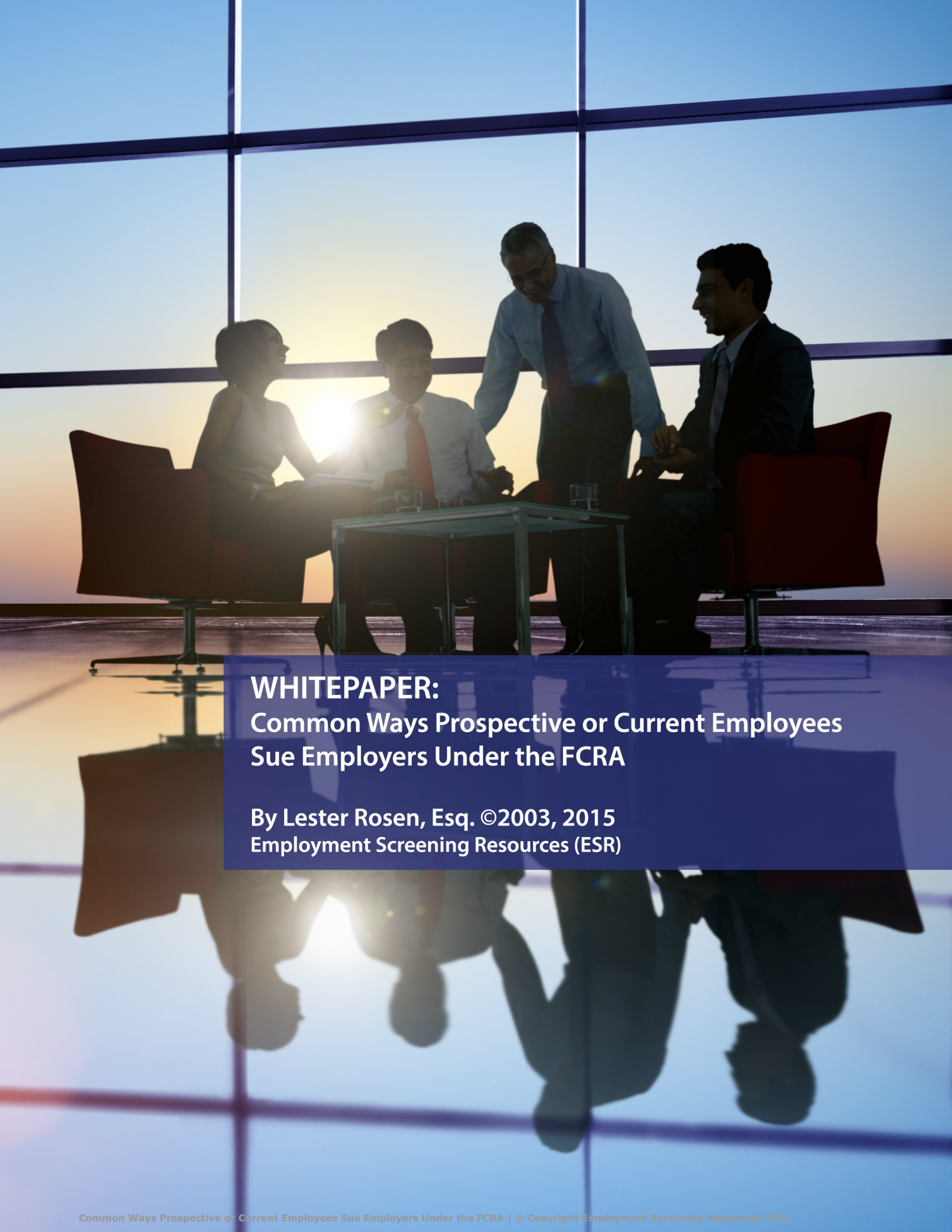

WHITEPAPER:
Common Ways Prospective or Current Employees Sue Employers Under the FCRA

By Lester Rosen, Esq. ©2003, 2015
Employment Screening Resources (ESR)

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Whitepaper:
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The current trend of litigation over pre-employment background checks is not limited to lawsuits against background firms. Lawsuits, particularly class action suits, against a prospective or current employer that requested the background check are mushrooming. These lawsuits are most frequently brought under a federal law that controls the process of pre-employment background checks in the United States, the Fair Credit Reporting Act (FCRA). Many lawsuits have been brought against firms that are well known names across the country such as Amazon, Uber, Whole Foods, Wells Fargo, Chuck E. Cheese, Hertz, Bank of America, Home Depot, Paramount Pictures, Michaels Stores, and LinkedIn, just to name a few.[1]

These suits against employers have become very common. Ironically, these suits often could have been easily avoided. More often than not, employers are sued for violating FCRA 101—simple rules and procedures that are clearly set out in the law. Most of the claims involve aspects of the employer's screening process that could be easily remedied to comply with the FCRA such as reviewing the forms used. In other instances, the employer simply needed to send the applicant certain information required under the FCRA or some other very simple FCRA compliance practice to avoid a lawsuit.

There have been cases where employers have settled claims for millions of dollars simply because they did not spend a few minutes reviewing their process or have a competent FCRA lawyer or other expert review their practices. Often times it's just a failure to dot your "i's" and cross your "t's".

The goal of this whitepaper is not to provide legal advice but is intended only for educational purposes. The cases explored in this whitepaper are not meant to represent all lawsuits filed, but are lawsuits that represent important lessons for employers. In addition, this is not a complete list of areas where employers face exposure to FCRA class action lawsuits, but a summary based upon current cases.

"More often than not, employers are sued for violating FCRA 101—simple rules and procedures that are clearly set out in the law."

The mere fact that a lawsuit was filed is not proof that any party did anything wrong. It is not the intention of this paper to report on the disposition of each case if the specific case is still pending because the status of these cases can change without notice. The pending cases are included merely to show areas of legal compliance concerns that have triggered lawsuits.

Since the FCRA is a federal law, these lawsuits are brought in federal court. Even though many states have their own rules and laws regulating background checks, FCRA class actions are a frequently used vehicle, especially since employers sued often operate in more than one state and the FCRA provides an opportunity to seek a large damage award.

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Part of the reason that FCRA class action lawsuits make a tempting target is that the damages being sought can be enormous. Under the FCRA, if there is an allegation of a "willful" violation, a class action lawsuit can ask for damages in the amount of $100 to $1,000 for every consumer impacted. For an employer that handles a large volume, that adds up quickly. In addition, class action lawsuits commonly ask for attorney's fees and court costs, which can be substantial.

Employers also face the possibility of claims for punitive damages. A 2007 U.S. Supreme Court case made it much easier for plaintiffs to seek punitive damages for an FCRA violation that is deemed "willful." The U.S. Supreme Court in Safeco vs. Burr 551 U.S. 47 (2007) ruled an entity can face punitive damages if it acts "willfully" under the FCRA by either knowingly or recklessly disregarding its statutory duty. Employers risk exposure to punitive damages if it is shown they should have known they were acting out of compliance with the FCRA. That means that even if an employer was operating under a good faith belief they were following the law, if the belief was "objectively" unreasonable, punitive damages can be awarded. For more information on the Safeco vs. Burr case, read the ESR article "Supreme Court Decision on Willfulness under FCRA May Have Dramatic Impact on Employers and Screeners." [2]

Adding to the trend is the fact that there is, currently, apparently no requirement in an FCRA lawsuit that one single consumer is harmed in any way whatsoever. Class action lawsuits can be brought based on the semantics of the FCRA, or failure for an employer or background screening firm to dot an "i" or cross a "t" even though no one was harmed in any way. In one case, Robins v. Spokeo, the San Francisco, CA-based Ninth Circuit U.S. Court of Appeals ruled an unemployed job seeker may sue a data aggregator that inaccurately described him as wealthy and well educated by alleging a violation of the federal FCRA "without showing actual harm." The job seeker claimed his job search was hampered by his description as a high earner with a graduate degree on Spokeo, "a search engine that aggregates information about individuals." However, he made no showing that he, in fact, was harmed. The Court allowed the suit to proceed even without any showing of damages. One piece of good news for employers is that the United States Supreme Court agreed to hear that case, so this is an area of law to continue to watch. [3]

Class action lawsuits can be brought based on the semantics of the FCRA, or failure for an employer or background screening firm to dot an "i" or cross a "t" even though no one was harmed in any way.

Employers should also keep in mind that the FCRA is the not the only potential area of risk when it comes to background checks. The Equal Employment Opportunity Commission (EEOC) has also brought legal action against employers on the basis of the unfair use of criminal records in a way that allegedly causes a discriminatory disparate impact.[4]

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However, at the end of the day, employers still need to perform background checks since just one bad hire that could have been avoided by a background check can create a significant legal and financial nightmare for not only the employer, but someone who may be potentially harmed. The walkaway lesson is that employers are caught in a Catch-22: If they do not perform background checks, there is a statistical certainty that they will hire someone who is dangerous, unfit, or unqualified, and can face lawsuits, such as actions for negligent hiring. If an employer does screening incorrectly, they can face litigation. The only clear path to success is to perform screening but to take all appropriate and necessary steps to ensure it is being done correctly.

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One positive note: there are cases where employers have prevailed in the face of highly technical arguments. In 2015, in a case against a national bank, a court found that the electronic release did not violate the FCRA.[5] In another case, a major motion picture studio had a FCRA class action lawsuit dismissed where the alleged violations were highly technical in nature.[6] A case against business connection site LinkedIn alleging violations of the FCRA were also dismissed. [7] In another case, a federal court dismissed a case where technical arguments were made such as combining the required forms in one packet.[8] However, the bottom line is that through paying careful attention to the basics of the FCRA, the lawsuits could have potentially been avoided in the first place.

The following is a listing of areas where employers should review their practices and procedures to avoid litigation under the FCRA. In reviewing these cases, this white paper often utilizes the FTC version of the FCRA instead of the code contained in the official U.S. Code.[9]

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1. Employer failed to obtain written authorization from the job applicant to obtain the consumer report or provide a required disclosure to the consumer

A basic and fundamental rule of any effort by an employer to conduct a background check through a background screening firm is that it must be done with the applicant's consent and with legally required notices to applicants. When it comes to hiring, background checks cannot be done in secret.

The FCRA requires that the prospective employer receive written authorization from the prospective employee before conducting a background check. Section 604(b)(2) states clearly that:

(2) Disclosure to Consumer.

(A) In general. Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless –

(i) a clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is
procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and

(ii) the consumer has authorized in writing (which authorization may be made on the document referred to in clause (i)) the procurement of the report by that person.

One plaintiff applied for a job at a California Extended Stay America hotel in July of 2013. This plaintiff alleged that ESA Management obtained background check reports, including results from a sex registry search and criminal records search, on the job applicants but failed to obtain written authorization from each applicant prior to conducting the background check.[10]

Another class action lawsuit alleged that New England Motor Freight conducted criminal histories, credit reports, and driver history records on 7,000 truck drivers without their permission. This case settled for $875,000.[11]

2. Employer's failure to provide plaintiff with document consisting solely of the stand-alone disclosure

This is by far the most common claim seen in lawsuits brought against employers. The FCRA, in Section 604(b)(2) (15 U.S.C. §1681b(b)(2)), requires that the employer disclose to the job applicant that a background check may be obtained in a disclosure that must be made in writing and "in a document that consists solely of the disclosure."

> ***"This is by far the most common claim seen in lawsuits brought against employers."***

Many plaintiffs claim that the employer did not disclose that the employer was obtaining a background check in a stand-alone document. In one ongoing case, the plaintiff alleges that his former employer violated this section of the FCRA because the employer's disclosure forms also contained liability release provisions into the document. The plaintiff alleges that this violated the FCRA because the disclosure document was not a "stand-alone form" and it included additional agreements.[12]

Yet another plaintiff alleged that one company failed to provide stand-alone disclosure because the disclosure notice is on a page combined with unrelated information such as general summaries of the company's business.[13]

Therefore, it has been clearly established that an employer's disclosure form must consist of a document consisting solely of the disclosure. Even including wording on standard matters such as at-will employment and hours of work on the same page can lead to a lawsuit. This is an extremely avoidable basis for a lawsuit and employers can proactively save themselves from a lawsuit simply by modifying their job application accordingly.

3. Release Authorization contained language purporting to release the employer and anyone providing information from liability

Closely related are claims Plaintiffs have recently filed in several cases where they allege that the employer has included a liability release in its application or employment forms.[15] The cases not only argue that such a release is contrary to the "standalone form" rule cited above, but that the very notion of a release violates the FCRA.

In Groshek v. Alliance Hospitality Management, the plaintiff applied for a job with Alliance Hospitality Management on or before August 8, 2012.[16] On August 8, 2012, the plaintiff received an offer of employment with the defendant conditioned on his completion of three pages of documents. One such page bore the heading, "Candidate Release Authorization" and below this heading was a liability release that read, in part: "I hereby release the employer and all persons, agencies, and entities providing information or reports about me from any or all liability arising out of the requests for or release of any of the above mentioned information or reports." This release was on a page that included other extraneous information.

The plaintiff alleges that not only did this release provision violate the FCRA because it was not on a page that consisted solely of the disclosure, but that the release provision itself violated the FCRA. The plaintiff claims that inclusion of this liability waiver in a disclosure form violates 15 U.S.C. section 1681b(b)(2)(A)(i).

4. Failure to comply with "pre-adverse action" requirements or allow sufficient time for a consumer to respond.

Another common lawsuit centers around claims that an employer failed to follow the required procedures where a consumer report results in an adverse action against the applicant. An employer risks litigation when it fails to provide the job applicant with a copy of the consumer report and a "pre-adverse action notice, as well as a summary of the prospective employee's rights under the FCRA." This claim is sometimes accompanied with alleged violations of analogous state credit reporting laws . [17]

Section 604(b) of the FCRA requires that the employer certify that they will provide the applicant with a copy of their background report and a statement of their rights[18] *prior* to taking any adverse action against the applicant. Many times, prospective applicants will sue because they are fired or not hired first, and then *later* learn about the results of their background check that caused the employer's adverse action. [19]

One plaintiff applied to work at a Dollar General store and Dollar General submitted a request for a background check on the plaintiff. Plaintiff did receive a letter from the background check company, a copy of his consumer report, and a written summary of his rights under the FCRA. However, this letter was dated just one day before Dollar General decided to not hire the plaintiff, and the plaintiff did not receive the letter until three days after Dollar General's decision. Plaintiff alleged that this was a violation of FCRA pre-adverse action rules in section 604.[20]

One interesting case, Miller v. Johnson & Johnson, demonstrates an employer's attempt to avoid the pre-adverse action notice requirement.[21] There, the plaintiff alleged that he received a job offer from the defendant that was contingent on passing a background check. The plaintiff had a background check company conduct a background check and based on the results of the report, the plaintiff's application was flagged for review. At that point in time, Johnson & Johnson re-scinded plaintiff's job offer. The employer did not provide plaintiff with a pre-adverse notice. Defendant argued that it did not take "adverse action" against Miller before Miller received this obligatory notice, but rather it had only made an internal decision to rescind his employment offer. The court rejected this argument and found that Johnson & Johnson had actually informed Miller that he was not going to be hired before Miller received the pre-adverse action notice. The takeaway point from Miller is that employers should not try to categorize their decisions as something else in order to avoid their duties under the FCRA. Before they make any kind of adverse decision, they should always comply with the FCRA rules and provide the applicant or employee with the required documents.

It should be noted that the obligation to provide pre- and post-adverse action notices and the accompanying notices are an employer's obligation. However, these are considered duties that can be delegated to a background screening firm.

5. Failure to provide applicant with a post-adverse action notice

Section 615 of the FCRA requires employers to provide applicant with a post-adverse action notice after the employer takes adverse action. In this post-adverse notice, the employer must inform the applicant that adverse action has been taken based on information contained in a consumer report. The notice must also include the name, address, and phone number of the consumer reporting agency that provided the consumer report, a statement that the consumer reporting agency did not decide to take the adverse action and cannot provide the consumer with specific reasons for the adverse action, a notice that the applicant has the right to obtain a free copy of his report from the consumer reporting agency within 60 days, and the applicant has the right to dispute the accuracy of any information in the report.

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One class action lawsuit claimed trucking conglomerate Swift Transportation Co. violated the FCRA by neglecting to tell more than 10,000 job applicants that they could access and contest the background checks used in their hiring process. In yet another case, the court denied the defendant's motion for summary judgment where the plaintiff claimed that GEICO denied employment to approximately 800 people without sending them a proper adverse action notice in violation of 15 U.S.C. §1681m(a). [23]

6. Failure to update forms

Although it is easily preventable, some applicants sue their employers simply because the employer has not updated their forms pursuant to the FCRA. Kmart recently settled a class action lawsuit for $3 million dollars on that claim alone. In that case, the plaintiff alleged that he had been offered employment with Kmart pending the results of his background check. He soon received a copy of his background report along with an outdated statement of his rights under the FCRA. This statement was a copy of the version the FTC released in 1997, rather than the updated form the FTC later released in 2005. The 1997 form listed inaccurate contact information for the FTC and the Federal Reserve and also omitted important rules such as the fact that consumers have the right to dispute incomplete and wrong information on their consumer report. [24]

Although it is easily preventable, some applicants sue their employers simply because the employer has not updated their forms pursuant to the FCRA.

7. Employee screening policy disqualifies applicants based on criminal history that is unrelated to the job

Employers can also be sued for subjecting their job applicants to an overly broad and unduly harsh criminal background check. In one such case, nine African-American men alleged that criminal background check policy of Washington Metropolitan Area Transit Authority (WMATA) disproportionately barred qualified African-Americans workers from WMATA jobs because the WMATA screening policy is based on criminal history that is unrelated to the job or occurred so long ago that it is irrelevant to any sort of determination about the applicant's character. The plaintiffs claimed that such results violate their civil rights. [25]

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8. Failure to Follow State Law

Closely related to FCRA claims are claims that an employer failed to follow state laws. Numerous states have their own rules and procedures governing the process of obtaining background checks and how information can be used. Although many state laws closely follow the FCRA, there are some states with their own special and unique requirements above and beyond the FCRA, creating potential compliance concerns for firms that operate in more than one state. In one California case involving retail theft databases, the claim was made that the FCRA was violated because dismissed cases were being reported that under California law that were prohibited under a state civil rights law. The FCRA in turn requires that an employer not utilize a background report in violation of any state or federal civil rights law . Therefore the use of a dismissed criminal record violated the FCRA. [27]

9. Lawsuit for actions of staffing firm

Where employers rely upon the services of third party staff vendors, it is also important to ensure that all FCRA processes are being followed by the vendor. In one case, major national online retailer Amazon was sued along with a staffing firm on the basis that the staffing firm did not comply with the FCRA. The case raises important considerations when it comes to employers that work with staffing vendors. In the lawsuit, even though it was the staffing firm that allegedly failed to provide the required notice process, the case is also aimed at Amazon, which is the company where the applicant would be placed and would likely be working under the direction and control of Amazon. It underscores the need for employers to work carefully with staffing providers to ensure that the FCRA requirements are being followed.

The dangers of FCRA lawsuits against employers for the actions of their staffing vendors may have increased with the recent decision by the National Labor Relations Board (NLRB) in a case where the definition of "joint" employer was arguably expanded by holding that the ability of an employer to exercise control over a worker can crate joint employment.

This line of reasoning can potentially open up more employer liability for acts of the staffing vendor.[29]

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Conclusion

Class action lawsuits for alleged FCRA violations, even if no one is actually harmed, have sharply increased in 2015, rising 26.8 percent from May 2015 to June 2015 and 67.4 percent from June 2015 over June 2014. As mentioned in the introduction to this whitepaper, there may a proverbial light at the end of the tunnel. In April of 2015, in the case of Spokeo, Inc. v. Robins, the U.S. Supreme Court granted the 'Petition for a Writ of Certiorari' to question whether online people search website Spokeo should continue to face a class action lawsuit for alleged FCRA violations. Spokeo was petitioning for a review of the judgment of the U.S. Court of Appeals for the Ninth Circuit in this case. [31]

Class action lawsuits for alleged FCRA violations, even if no one is actually harmed, have sharply increased in 2015, rising 26.8 percent from May 2015 to June 2015 and 67.4 percent from June 2015 over June 2014.

The 'Question Presented' in the Petition was: *Whether Congress may confer Article III standing upon a plaintiff who suffers no concrete harm, and who therefore could not otherwise invoke the jurisdiction of a federal court, by authorizing a private right of action based on a bare violation of a federal statute*. The U.S. Supreme Court must consider whether plaintiffs can sue for a technical violation of the federal law even when they cannot show they have been harmed economically by the inclusion of inaccurate information.

According to the Spokeo, Inc. v. Robins page on the SCOTUS (Supreme Court of the United States) Blog, the Supreme Court heard oral arguments in the case on Monday, November 2, 2015.[32] A follow-up analysis of the arguments revealed that a ruling that plaintiffs only have to allege a violation of a right created by a statute without needing to show concrete real world harm from the violation "did not seem likely" and that plaintiffs "need to be able to point to actual harm from a violation of a statute, rather than just the violation of the statute itself." However, Justice Elena Kagan focused on whether Robins was actually injured when Spokeo published false information about him.

According to the analysis: *This would allow Robins's lawsuit to go forward, without forcing the Court to choose between opening the federal courts to frivolous but possibly massive class-action lawsuits (Spokeo's prediction if Robins were to prevail) and closing the courthouse doors to potentially important privacy, civil rights, environmental, and patent lawsuits (Robins's prediction if Spokeo were to prevail)*.[33]

For updates on Spokeo, Inc. v. Robins, please visit http://www.scotusblog.com/case-files/cases/spokeo-inc-v-robins/.

Any decision made by the Supreme Court in the case of Spokeo, Inc. v. Robins will have a dramatic impact on future FCRA litigation. However, given that the majority of these cases are brought on grounds that employers can easily remedy, any employer performing background checks is well advised to review their procedures with a knowledgeable screening partner or an attorney familiar with the FCRA.

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End Notes:

[1] This whitepaper is focused on employers. A previous ESR whitepaper focused on trends in litigation against background screening firms, called "Common Ways Consumer Reporting Agencies ae Sued under the FCRA." See: http://www.esrcheck.com/Whitepapers/Ways-CRAs-Sued-Under-FCRA/index.php

[2] See: http://www.esrcheck.com/Articles/Supreme-Court-Decision-on-Willfulness-Under-FCRA-May-Have-Dramatic-Impact-on-Employers-and-Screeners/197/

[3] See: http://www.esrcheck.com/wordpress/2015/04/27/supreme-court-to-consider-fcra-lawsuit-against-people-search-website/

[4] The EEOC and the Federal Trade Commission (FTC), the federal agency that enforces the FCRA, have combined to write a helpful overview on how to comply with both acts. See: http://www.eeoc.gov/eeoc/publications/background_checks_employers.cfm

[5] See: http://www.esrcheck.com/wordpress/2015/05/15/fcra-lawsuit-against-bank-of-america-denied/

[6] See: http://www.esrcheck.com/wordpress/2015/03/31/fcra-class-action-lawsuit-against-paramount-pictures-dismissed/

[7] See: http://www.esrcheck.com/wordpress/2015/04/16/linkedin-granted-motion-to-dismiss-in-fcra-lawsuit/

[8] See: http://www.esrcheck.com/wordpress/2015/10/09/lawsuit-against-kohls-over-background-checks-dismissed/

[9] The FCRA is contained in a number of different statutes. For convenience purposes, the staff of the Federal Trade Commission (FTC) has prepared a version of the FCRA that is found online that uses section numbers (601-629). See; http://www.consumer.ftc.gov/sites/default/files/articles/pdf-0111-fair-credit-reporting-act.pdf Although employers, background screeners and attorneys may frequently utilize the FCRA section numbers (e.g. 604) the actual statutes are found in the U.S. Code published by the Government Printing Office. So for example, FCRA Section 604(b)(2) that deals with the issue of a 'standalone discourse" is more precisely located at 15 U.S.C. §1681b(b)(2). The term "15 U.S.C. means chapter 15 of the United States Codes.

[10] Yahaira Camacho, et al. v. ESA Management, LLC., 3:14-cv-01089 (S.D. Cal., 2014, ongoing).

[11] See: http://www.ttnews.com/articles/basetemplate.aspx?storyid=35124

[12] Colin Speer v. Whole Foods Market Group, Inc., 8:14-cv-03035-RAL-TBM (M.D. Fla., 2014, ongoing).

[13] Roman v. Staples, Inc., 0:14-cv-61731-RNS (S.D. Fla., 2014, dismissed).

[14] Mack v. Panera, LLC., 0:14-cv-61672-WJZ (S.D. Fla., 2014, dismissed).

[15] Groshek v. Time Warner Cable, Inc., 2:15-cv-00157-WEC (E.D. Wis., 2015, ongoing).

[16] Groshek v. Alliance Hospitality Management, LLC., 3:15-cv-00065-wmc (W.D. Wis., 2015, ongoing).

[17] Mohamed v. Uber Technologies Inc., et al., 3:14-cv-05200 (N.D. Cal., 2014, ongoing).

[18] See: http://www.esrcheck.com/file/CFPB-Summary-of-Rights-Under-FCRA-2015.pdf

[19] Cox v. TeleTech@Home.Inc., 1:14-CV-00993 (N.D. Ohio, ongoing) where plaintiff alleged that defendant willfully violated the FCRA by emailing him to allegedly rescind his offer of employment based on information found in his consumer report. Plaintiff claims that he received this email rescinding his employment before receiving a pre-adverse action notice from the background check provider and his consumer report.

[20] Marcum v. Dolgencorp Inc., 3:12-cv-00108-JRS-DJN (E.D. Va., 2012, settled).

[21] Miller v. Johnson & Johnson, 6:13-cv-01016 (M.D. Fla., 2013, settled).

[22] Ellis v. Swift Transportation Co. of Arizona LLC., 3:13-cv-00473 (U.S. District Court for the Eastern District of Virginia, 2013, settled).

[23] Mathews v. Government Emples. Ins. Co., 23 F.Supp.2d 1160 (S.D. Cal. 1998, motion for summary judgment denied).

[24] Pitt v. Kmart Corp., 3:11-cv-00697-JAG (E.D. Va., 2013, settled).

[25] Little v. WMATA, 1:14-cv-01289-RMC (D.C. Cir., 2013, consolidated with ongoing case).

[26] Section 604 reads in part:

(b) Conditions for Furnishing and Using Consumer Reports for Employment Purposes.

(1) Certification from user. A consumer reporting agency may furnish a consumer report for employment purposes only if (A) the person who obtains such report from the agency certifies to

the agency that (i) the person has complied with paragraph (2) with respect to the consumer report, and the person will comply with paragraph (3) with respect to the consumer report if paragraph (3) becomes applicable; and (ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation;

End Notes (cont.):

[27]See: http://www.esrcheck.com/wordpress/2014/02/11/class-action-lawsuit-challenges-legality-retail-theft-databases-california-background-checks/

[28]See: http://www.esrcheck.com/wordpress/2015/04/10/class-action-lawsuit-against-major-national-online-retailer-underscores-need-to-comply-with-the-fcra/

[29]See: http://www.eeoc.gov/eeoc/publications/background_checks_employers.cfm

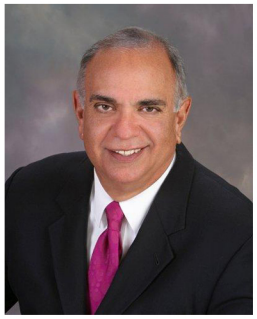
[30]See: http://www.esrcheck.com/wordpress/2015/05/20/fcra-lawsuits-rise-sharply-in-2015/.

[31]See: http://www.esrcheck.com/wordpress/2015/04/27/supreme-court-to-consider-fcra-lawsuit-against-people-search-website/.

[32]For updates in the case of Spokeo, Inc. v. Robins visit http://www.scotusblog.com/case-files/cases/spokeo-inc-v-robins/.

[33]Argument analysis: Second time around no easier for Justices in standing case" on SCOTUS blog at http://www.scotusblog.com/2015/11/argument-analysis-second-time-around-no-easier-for-justices-in-standing-case/.

***NOTE:** This white paper is for educational purposes only and NOT legal advice or research. For any specific legal advice, employers should consult with their labor attorneys.*



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Employment Screening Resources® (ESR) – 'The Background Check Authority®' – is a nationwide background screening firm located in the San Francisco, CA-area that is accredited by The National Association of Professional Background Screeners (NAPBS®). ESR successfully completed a SOC 2 Type 2 Audit Report that confirms that ESR meets high standards set by the American Institute of Certified Public Accountants (AICPA) for the security, confidentiality, and privacy of consumer data used in background checks. ESR founder and CEO Attorney Lester S. Rosen is author of "The Safe Hiring Manual" and a nationally recognized expert in background screening issues.

To learn more about ESR, **please call toll free 888.999.4474 or visit www.esrcheck.com.**