Screening Employees and Volunteers

A Web Seminar for Nonprofit Staff and Board Members

Tuesday, June 15, 2004
1:00 pm EDT

John C. Patterson
Senior Program Director
Nonprofit Risk Management Center
1130 17th Street, NW Suite 210
Washington, DC 20036
john@nonprofitrisk.org
(202) 785-3891
Staff Screening

Objectives: Individuals completing this training will be able to employ a systematic screening process when selecting employees and volunteers to staff their programs thereby lowering the risks that selected staff members will present identifiable risks to the individuals served by the organization, other staff members and the organization itself.

I. Introduction
Screening is an important risk management tool for nonprofit organizations offering services to vulnerable individuals—children, the elderly and those with disabilities. This training introduces a screening process that, when used in conjunction with other risk management strategies, assists organizations to create safer environments in which to deliver their programs.

While screening is an important—and necessary—risk management tool, let us stress that no screening process will completely identify individuals who constitute dangers to vulnerable people. Other risk management strategies must be employed. The safety of your service recipients requires constant diligence by your organization’s staff.

II. Overarching principles
The screening process that we will present is based upon four overarching principles: legal compliance, systematic application of procedures, matching level of screening with position-specific risk factors, and applying uniform selection criteria to all applicants for a specific position.

A. Legal and Contractual Compliance
Nonprofit organizations must comply with any federal, state or local laws applicable to the screening process. For example, if your organization performs criminal history records checks of applicants for employment using a third-party vendor, you must comply with the federal Fair Credit Reporting Act. Other applicable laws include civil rights and other non-discrimination statutes and privacy laws. Some states, notably California, have additional limitations on permissible areas of inquiry. You need to examine your application process and ensure that it complies with state and federal laws.

If your organization has collective bargaining agreements with labor organizations or receives grant funds from a governmental entity, your organization may have other contractual obligations with which it must comply.
It has been increasingly common for nonprofit organizations to seek legal counsel’s review of their screening practices in order to avoid the possibility of inadvertent violations of the law and subsequent liability exposure.

B. Systematic application of procedures
The screening process consists of several steps, which, if taken sequentially, offer both thoroughness and efficiency. The process is incremental, with decisions made at each step to eliminate individuals who do not meet the requirements of the positions being filled.

The process also meets the requirement to screen more carefully individuals for positions that have more risk associated with them. For example, a mentor meeting one-on-one with a child has more opportunity to violate the child sexually than a volunteer at the library who reads stories to groups of children for an hour. The mentor needs to be screened much more carefully due to the increased risk.

Each step in the screening process is designed to obtain relevant information concerning the qualifications of individuals to meet the requirements for which applicants are applying. In most cases, organizations are seeking the same information from multiple sources in different ways. For example, the application from the staff member may list past experience; checking with references verifies that the information on the application is accurate and the description of the position given by the applicant has not been exaggerated. If the information were inconsistent, the organization would be wise to deny the applicant a position.

The application process for the position should be completed before an applicant is placed with the organization. The pressures to fill vacancies may tempt supervisors to start applicants before they complete all of the required steps. This short cut is a prescription for possible disaster.

We would caution again that organizations should not place too much trust in the results of the screening process. Even the most thorough of screening processes cannot predict with utmost certainty how well an applicant will perform in a position or whether an applicant may constitute a threat to individuals receiving services from your organization, your organization’s assets, or its reputation in the community it serves.
C. Levels of Screening
As previously stated, the level of screening for a particular position should take into account the nature of the position and the opportunities the position affords to misuse the organization’s trust to cause harm.

All staff positions—employees and volunteers—should be subject to a basic screening process. This process includes a written application, face-to-face interviews, and reference checks. Additional screening such as police records checks and credentials verification should be performed based upon specific requirements of positions for which applications are being taken—including, of course, compliance with any statutory and contractual requirements.

D. Uniform Criteria
In addition to controlling risk, the application process needs to be fair. Fairness requires that all applicants for a particular position be evaluated by the same criteria and the criteria should be related to the demands of the position as well as the needs of the organization.

Selection criteria establish the minimum qualifications for each position. The screening process should surface additional assets the individual brings to the organization and should be considered when selecting staff to fill vacancies. It is important to consider unrelated knowledge and skills that may offer advantages to the organization, but they should not be allowed to overshadow deficiencies in the core requirements or major concerns that surface during the screening process.

III. Position descriptions
The written position description is the keystone for the screening process. It makes possible the development of selection criteria based upon the specific responsibilities of the position taking into account the potential risks that a position may have. For this reason, a position description needs to be inclusive of all usual duties the person placed in the position will be expected to perform. It also should list occasional duties that require specific skills, knowledge or credentials, or for which there are identifiable risks or liability exposures for the organization. For example, the organization may expect someone in a particular position to run errands, when necessary, using their private vehicle. To fulfil this responsibility, the person needs to have an acceptable driving
record, insurance on the vehicle, a current driver’s license, and, of course, a vehicle.

Positions descriptions should not be limited to paid jobs. They are also important tools for volunteer positions. For volunteers, position descriptions define the expectations of the organization to ensure that each volunteer understands the tasks that they are being asked to perform, the time commitment required, and the location where the work will be performed.

IV. Application Forms
Written application forms are another important tool for screening both employees and volunteers. Application forms offer advantages over resume submissions as they provide a uniform set of information to the reviewers upon which to base selection decisions. Application forms also may include information from organizations to applicants such as a notification that incomplete applications or falsification of information provided by the applicant will result in rejection of the application or termination of the applicant if he or she has already been placed.

Most organizations use standardized application forms that serve to identify the applicant, tell where the applicant lives and how to contact him or her, and give a summary of experience in both employed and volunteer positions. Many standard application forms ask for contact information for references and also include questions concerning criminal records and driving records.

Application forms may also be customized for each position to obtain specific information needed to screen applicants. For example, if the position requires caring for children, the application may ask questions about past experiences working with children, the disciplinary techniques the applicant prefers and specific questions about child abuse or criminal conduct in which children were involved.

Experienced human resource professionals indicate that more than a third of applications and resumes inflate the applicants’ qualifications, exaggerate duties or responsibilities of past employment, or completely fabricate experience and credentials. Very rarely is an organization justified in making placements solely on the basis of information from the application and resume.
Applications should require signatures attesting to the truthfulness and completeness of the information provided by the applicant. Applicant signatures should also signify authorization for the organization to verify the information on the application from any source and to protect the organization and the individuals providing information from any liability. The statement below is a sample of suggested language for signature blocks on applications:

**Disclaimer Language for a Volunteer Application**

*Read Carefully before Signing This Application*

I hereby consent to permit [Name of Nonprofit] to contact anyone it deems appropriate to investigate or verify any information provided by me to discuss my suitability for a volunteer position, including my background, volunteer experience, education or related matters. I expressly give my consent to any discussions regarding the foregoing and I voluntarily and knowingly waive all rights to bring an action for defamation, invasion of privacy, or similar cause of action, against anyone providing such information.

I hereby authorize any organization affiliated with [Name of Nonprofit] to investigate my background as necessary for the consideration of my application for the position of ______________________.

I further authorize all persons, schools, companies, organizations, credit bureaus, and law enforcement agencies to supply all information concerning my background and to furnish reports thereon and I hereby release them and any organization affiliated with [Name of Nonprofit] from any and all liability and responsibility arising from their doing so.

I certify that the answers given by me to all questions on this application and any attachments are, to the best of my knowledge and belief, true and correct and that I have not knowingly withheld any pertinent facts or circumstances. I understand that any omission or misrepresentation of fact in this application may result in refusal of or separation from volunteer service upon discovery thereof.

Applicant’s Signature ______________________ Date ________
V. Interviews
Face-to-face interviews are critical elements for both employee and volunteer screening. Interviews are much more effective if the interviewers have received training for conducting effective interviews. Such training should include techniques for putting applicants at ease, areas of legitimate inquiry, impermissible areas of inquiry, evaluation of applicants' responses, and closing the interview.

Interviews are a time consuming, but necessary, part of the screening process. Interviewers need to prepare for the interview by reviewing information from the position description and the application. Interviewers should prepare a list of questions based upon the position. Other questions should be prepared based on the information provided on the application or resume.

Some organizations have found it useful to have a team of interviewers conduct interviews. It is important that the applicant not be overwhelmed, therefore, the number of interviewers should be limited to no more than three. If more than one interviewer conducts the interview, they need to observe a protocol so that the applicant finishes responding to an interviewer’s question before being asked a question by the other.

Interviews should provide ample opportunity for the applicant to ask questions about the organization and the responsibilities of the position. Applicants’ questions may provide additional insight for the interviewers on the level of interest and amount of thoughtful consideration the applicant has given to submitting their applications.

At the conclusion of the interview, the interviewer should explain the next steps in the screening process and what the applicant may expect. If the interviewers feel that the applicant will not be successful or is unqualified for the position, no further commitment is warranted. If the interviewers feel that the applicant has a future with the organization, the applicant should be asked if he or she would like his or her application advanced to the next stage.

VI. Reference Checks
Despite feelings by some that reference checking yields very little information, it is an important step in the screening process. The first two steps in the screening process rely upon information provided by the applicant. The remainder of the screening process is devoted to obtaining information from other sources to verify information obtained from applicants. Checking references is an important tool for verifying
past employment and volunteer service and for obtaining other information about the applicant relevant to the duties of the position.

When checking references, questions should be asked that are open-ended—allowing the reference to answer in their own words. In no case should the reference be given the information from the applicant to answer the question. For example, references should be asked, "How long have you known the applicant?" and not "The applicant said that he has known you for 15 years, is this correct?"

When possible, it is best to check with people who have direct knowledge of the applicant such as direct supervisors rather than HR personnel. Personal references may not be able to give insight on job performance, but may be able to shed light on personality traits and non-job related background—driving habits, criminal history background, and other attributes such as ability to relate to children if the position requires it.

The most common methods of checking references are by mail and by telephone. Using the telephone to check references offers the advantage of speed and the ability to interact with the individual providing the reference. Mailing a questionnaire to a reference with standard queries does provide documentation from the reference, but may slow the screening process while waiting for responses to return.

If applicants offer general letters of endorsement, it is wise to confirm with the purported authors of the letters that they indeed wrote the recommendations. Technological developments have enabled word processing programs to create official looking letterhead and have added to the ability of applicants to further falsify their credentials.

If references verify the information offered by applicants on their applications and interviews, and do not give credible information contradicting applicants, the organization is ready to complete the screening process. If the position only requires a basic screening, then applicants successfully completing these steps are ready to be offered positions.

Applicants for positions of trust and those who will work extensively with vulnerable individuals such as children, the elderly and people with disabilities may be subjected to further screening as warranted by the nature of their responsibilities.

VII. Other Screening Checks
There are several kinds of additional checks that organizations may include in their screening processes. Some of these are costly and therefore should be reserved for applicants who are likely to be placed upon completion of the additional checks.

One of the most common checks for individuals working with vulnerable individuals is a criminal history records check. A few years ago, it was very rare for employees—much less volunteers—to be screened using criminal history records. Federal legislation was enacted in 1994 that encourages states to permit nonprofit organizations the use of criminal history records repositories to screen both volunteers and employees. This legislation, “The National Child Protection Act of 1993,”(NCPA) limits the cost of screening volunteers to $36 ($18 for the state and $18 for the FBI). Unfortunately, this cost is higher than most organizations can absorb. The NCPA also requires the use of fingerprints for identification purposes and this requirement further complicates the screening process.

Another set of official databases used for screening are the state sex offender registries. Many states have placed their sex offender registries online where they are accessible via the Internet. When using sex offender registries for screening, organizations need to be aware that states use different criteria for listing sex offenders and may not list some individuals who have criminal histories that should serve to disqualify them from working with vulnerable individuals. The advantages to using sex offender registries are lower cost (many are free), and speed (the response, if the registry is online, is instantaneous).

Another source for criminal history records checks that is growing in usage is private vendors. Technology has made it possible for Internet-based records checks to be performed rapidly and at lower cost using name, social security numbers and date of birth. Such services are often spin-offs from the same corporations that perform credits checks. When using these services, organizations must comply with the provisions of the “Fair Credit Reporting Act” (FCRA) as third party criminal history records checks are considered to be “consumer reports” and thereby covered by the FCRA.

Questions are often asked about the relative effectiveness of fingerprint-based vs. name-based records checks. This question may be moot since the primary reason to perform a check is to discourage individuals from applying for a position in which they could be a potential threat to vulnerable individuals. All databases including the
FBI’s national crime information system have flaws and none will identify all individuals with criminal history records. It cannot be stressed enough that screening is only the first step in protecting vulnerable service recipients. Other policies and procedures must be implemented by nonprofit organizations to better protect their service recipients.

Another common records check used for screening is a department of motor vehicles records check (MVR). This is particularly important if the individual will operate a motor vehicle on behalf of the organization. If the vehicle capacity is larger than 15 passengers, an MVR check plus additional screening is required by the federal government pursuant to obtaining a commercial driver’s license (CDL). The CDL requirements apply irrespective of whether the driver is an employee or volunteer. MVR checks are obtained through your state’s motor vehicle department, usually for a cost of $2.00 or less. Sometimes the insurance company may request a list of drivers that will be driving for the organization and perform the MVR. In these cases, the insurance company may only inform the organization if the individual is insurable or not—due to privacy concerns it may not explain why.

Drug screening is another area that organizations may need to include in their staff selection process. This is especially true of positions in drug-rehabilitation programs, those in which heavy machinery or motor vehicles will be operated, and positions in medical facilities that place staff members in close proximity to controlled substances. Drug screening should be performed in conformity with the applicable privacy laws and written policies of the organization.

VIII. Conclusion
Staff screening is an important tool helping to insure that organizations obtain the personnel needed to offer quality services to the community and at the same time exclude individuals who constitute identifiable threats to the safety of service recipients, other staff members and ultimately the viability of the organization. Staff screening is but one of the tools that organizations must employ to accomplish these goals.

Once staff members have been selected, the organization is responsible for ensuring that they receive the necessary training and supervision to perform their duties and assist the organization to accomplish its mission.

The screening process is incremental in that decisions are made at each step to select the individuals who will advance to the next step. In
this manner, the more costly screening tools are reserved to screen applicants who are most likely to be accepted and placed with the organization. For example, if the written application fails to meet the qualifications of the position, it is unnecessary to conduct interviews, reference checks or any further screening thereby saving personnel time and monetary expenses.

The Nonprofit Risk Management Center’s website (www.nonprofitrisk.org) offers numerous additional resources related to staff screening.