



Combat Negligent Hiring

By Maria Fratiello

So you've conducted the interview, found your perfect candidate, and made the employment offer. Now just have the person start right away, so your hole is filled— NOT! There's still a lot of work to do. Background checks, drugs tests, references, OH MY!

Your goal is to hire and retain hard working, productive, safety conscious employees. A thorough background investigation and reference check may be able to determine if that applicant is really a welcome addition to your team. You need to exercise reasonable care to avoid hiring a dangerous person. Having documented these efforts can be very helpful in defending a negligent hiring claim. Negligent hiring is a cause of action that makes an employer liable to a third party (such as your customer) when an employee causes injury/damage and the employer knew (or should have known) that the worker was likely to cause harm. Due diligence is a major step in the hiring process that cannot be ignored.

Before any type of background check is started, the applicant must sign a release form. Disclose to the applicant that a background check is being prepared by a third party. Types of things to be reviewed include drug screening, Social Security number, criminal history, employment verification, and motor vehicle record. See the list of local providers of such services listed below.

Contact all references, especially and preferably the applicant's former supervisors. Some items to verify with prior employers are employment dates, position titles, description of duties, ability to get along with others, reliability, reason for leaving, and rehire eligibility.

Employers who fail to conduct proper background checks may be liable for an employee's future actions. Pre-employment investigations must consistently be implemented with all candidates regardless of class or position. All job offers must be dependant on the positive outcome of the results.

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