### Avoid 3 common pitfalls of considering Criminal Records in hiring

#### DON’T
- Ask about criminal history on the application

#### DO
- If important to the position, you can ask if an applicant has ever been convicted of a crime during the interview.

**WHY?**

Asking for criminal history on an application can appear as if applicants may be eliminated before the company has a full picture of the candidate. Some states have even banned requesting criminal history on the application outright. Even when it is not illegal, the EEOC advises evaluating criminal history as only one factor of an applicant’s fit for the position.

#### DON’T
- Run a background check prior to making an offer

#### DO
- Run a background check only after making an offer and according to a written company policy.

**WHY?**

Running a background check prior to the offer stage can be interpreted as discrimination based on an applicant’s race, ethnicity, or other protected class, and it can be very difficult for a company to prove otherwise in a discrimination lawsuit. Create a written company policy that outlines under what conditions you will run a background check and at what stage of the hiring process. This approach will help you avoid the appearance of discrimination while staying true to your hiring standards.

#### DON’T
- Set a predetermined hard and fast policy that eliminates candidates with adverse criminal history

#### DO
- Evaluate the criminal history of each candidate within the larger context of ability to perform the job

**WHY?**

Although a hard and fast policy may appear to make the process fair and objective, the EEOC has advised against this as it may eliminate candidates for reasons that have no relation to their ability to perform the job. The EEOC advises that employers should instead consider the circumstances and context of the crime and the likelihood that criminal history may be an indicator of the applicant’s ability to add value to the team and the position.