

## 10 WARNING FLAGS EVERY EMPLOYER SHOULD WATCH FOR!

Employee lawsuits often catch employers by surprise. Yet, an examination of the employee's application shows that an employer could often have predicted well in advance that they were hiring a lawsuit just waiting to happen. By looking for the following ten (10) danger signals, an employer can avoid hiring a problem in the first place.

1. **Applicant does not sign application.** An applicant with something to hide may purposely not sign the application form so they later cannot be accused of falsification.
2. **Applicant does not sign release form.** When a firm uses an outside agency to perform a credential check, federal law requires a separate disclosure and consent. An Applicant Release Form protects employers in two ways: It discourages applicants with something to hide and encourages candid interviews. If a firm does not perform some sort of credential check, they become the employer of choice for problem applicants. If a candidate fails to sign the consent, that is not a good sign.
3. **Applicant leaves criminal questions blank.** An applicant with a past problem may simply skip the questions about criminal record. Every employment application should ask, in the broadest possible terms allowed by law, if the applicant has a criminal record. Most jurisdictions only permit questions about convictions and pending cases only. Employers make a big mistake if they only ask about felonies since misdemeanors can be extremely serious. Although employment may not be denied automatically because of a criminal conviction, an employer may consider the nature and gravity of the offense, the nature of the job and the age of the offense in evaluating whether there is a sound business reason not to employ someone with a criminal record. If an applicant lies about a criminal record however, the false application may be the reason to deny employment.
4. **Applicant self-reports a criminal violation.** Just because an applicant self-reports an offense does not eliminate the possibility of other offences, or that it was reported in a misleading way to lessens its seriousness. An employer is well advised to check it out.
5. **Applicant fails to explain gaps in employment history.** It is critical to look for unexplained employment gaps. There can be many reasons for a gap in employment. However, if an applicant cannot account for the past seven to ten years, that can be a red flag. It is also important to know where a person has been because of the way criminal records are maintained in the United States. Contrary to popular belief, there is not a national criminal database available to most employers. Searches must be conducted at each relevant courthouse, and there are over 10,000 courthouses in America. However, if an employer knows where an applicant has been, it increases the accuracy of a criminal search, and

decreases the possibility that an applicant has served time for a serious offense.

6. **Applicant fails to give sufficient information to identify a past employer for reference checks.** If an applicant does not give enough details about past employers, that can be a sign of trouble. Verifying past employment is a critical and important tool for safe hiring. Some employers make a costly mistake by not checking past employment because past employers may not give detailed information. However, even if a reference check only reveals dates of employment and job titles, this critical information eliminates employment gaps. In addition, documenting the fact that an effort was made will demonstrate due diligence.
7. **Applicant fails to explain reason left past jobs.** Past job performance can be an important predictor of future success.
8. **Explanations for employment gaps or reasons for leaving past jobs do not make sense.** A careful review of this section is needed and anything that does not make sense must be cleared up in the interview.
9. **Excessive cross-outs and changes.** Can be an indication that an applicant is making it up as they go.
10. **Applicant failed to indicate or cannot recall the name of a former supervisor.** Another red flag. Past supervisors are important in order to conduct past employment checks. These danger signs assume employers use an application form. Some employers put their firm at risk by just using just resumes. However, using an employment application is considered a best practice. Resumes are not always complete or clear. Applications ensure uniformity and all needed information is obtained. It also protects employers from having impermissible information a resume may contain, and provides employers with a place for applicants to sign necessary statements that are part of the hiring process.