


# Hiring in Hospitality: 4 Tips for Background Checks

*How Restaurants, Resorts, and Casinos Can  
Find the Best People in a Tight Job Market*



From a front desk staff person welcoming guests and processing their payments to a cash handler in a casino who encounters large sums of money every day, the trust level needed for employees in the hospitality sector is incredibly high. Finding potential team members who have the right professional experience and soft people skills is a crucial part of the modern hiring process, as is making sure candidates don't have incidents in the past that bring their integrity into question.

Due to the basic need to find trustworthy people to fill job openings in the hospitality industry, the regulatory requirements make it vital to have a robust process for pre-screening candidates and conducting ongoing screenings of employees to make sure no problematic behavior is missed.

Despite the apparent understanding of the importance of background checks, many organizations struggle to implement efficient and well-designed screening processes, often leading to costly and undesirable consequences. The unintended consequences of poorly designed background screening processes, such as “false positives” or inadvertent non-compliance with government regulations, have the potential to undermine

the very purpose of background checks, wasting valuable resources and even exposing organizations to legal liabilities.

To address these challenges and optimize the effectiveness of background screening, this e-book presents a comprehensive guide to designing and implementing a solid background check policy that will accommodate the needs of hospitality businesses.



# 1 TIP

## Comply with the Law

Being compliant is table stakes. The Fair Credit Reporting Act (FCRA) requires employers to make certain disclosures on a stand-alone form and get authorization from the candidate for that background screen; as well as follow a multi-step “adverse actions” process, prior to making any negative hiring decision. In such an instance, the candidate needs to receive a copy of the report, be allowed to dispute (thus the need to document the process, see later), and potentially there needs to be a re-investigation and a reconsidering of the initial report considering new findings.

The Equal Employment Opportunity Commission (EEOC) provides guidance on what a reasonable individual assessment of someone looks like if that person is not hired based on their criminal history information. This individual assessment needs to be undertaken before any adverse hiring decision is made.

Next to that, specific state law requirements exist, mainly in the gaming industry, with for example Nevada mandating that casino employees obtain a Work Card and undergo a series of background checks as a condition of obtaining that card.





## Customize Criminal Criteria

Once an organization is certain its background screening process is compliant, the EEOC and in some cases state “clean slate” legislation recommends creating a “narrowly tailored” background screening policy that takes into consideration the duties and responsibilities of the job, and that any limiting criteria be based on business necessity. When talking about a narrowly tailored policy, employers should consider job-specific exposures, and risks, and not just company-wide considerations. Companies employ people for diverse roles. A blanket policy of excluding or creating red flag regardless of policies can be problematic. For instance, traffic violations and DUIs may be relevant to professional driving positions, but perhaps not so much for people with desk jobs.

Organizations also need to decide how far back they want to go. Knowing what federal, state, and local (e.g. “ban-the-box”) laws apply to your organization is an excellent place to start. These laws provide direction, guidance, and timeframes allowed for considering criminal offenses. The longer it’s been since an offense, the harder it may be for the employer to show that offense is job related or required or based on some business necessity.

# 3<sup>rd</sup> TIP

## Consider Other Job-specific Criteria

Criminal background checks are the most popular category of background screening checks. However, criminal background checks are not the only ones relevant in the hiring process for most jobs. In many instances, companies will also want to check a candidate's past work experience, education, licenses, and references. Furthermore, decisions need to be made on where the bar is placed, and the job market conditions will have a bearing on those decisions.

Outside of the criminal and driving record checks at national and county levels mentioned earlier, for hospitality workers we often see employers including address and name history trace products, employment history verification, education verification, and exclusion list searches.

One special dynamic of the hospitality sector is that some employers rehire the same seasonal workers year after year, which may allow them to exclude from their re-check orders those services (like credential verifications) that do not change over time.



# 4 TIP

## Document the Workflow

With the potential that candidates can dispute and even litigate an adverse action and government agencies tasked to check for compliance, organizations should ensure they create, maintain, and consistently adhere to their business policy for hiring and running background checks. Doing so will enable companies to defend themselves as the need may occur. Companies have everything to gain regarding efficiency and compliance from having a well-designed background screening program.





# Conclusion

In conclusion, the efficient design and implementation of a solid background check policy is crucial to the success and legal compliance of any hospitality business in today's tight job market. The four key tips discussed in this e-book—adhering to the law, setting job-specific criminal criteria, establishing other job-specific criteria, building and documenting a consistent workflow, and thoroughly documenting the process—are vital components to establishing a well-organized background screening process. Ensuring that these practices are followed, can help hospitality businesses minimize their risks of false positives, lawsuits, and non-compliance with government regulations while also fostering a fair and equitable hiring environment.

## Get Started with Orange Tree

If you're ready to update your background check procedures, [reach out to us at Orange Tree](#) and we'd be happy to discuss the background check program that's best for your hospitality business. At Orange Tree, we have spent more than 30 years developing an accelerated background check process to address the common challenge of lengthy turnaround times. By leveraging advanced technology and streamlined workflows, we can provide faster and more efficient background checks that minimize wait times and enable our hospitality clients to make informed hiring decisions more promptly. Our accelerated process, dedicated account managers, and innovative technology ensure that our clients can efficiently fill open positions and focus on their core business objectives.

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