

# NEGLIGENT HIRING

## From Safety & Risk Control Services, Inc.

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For The Benefit Of Our Clients, Associates and Friends

The operations of Real Estate Management requires staff to work in close proximity to tenants and guests. Many employees have access to locked tenant areas and or secluded areas where unwanted activities can occur. The nature of this increases the potential for members to be brought into suits where employees act inappropriately or criminally.

There has been an emerging trend of law suits for “**negligent hiring**.” These claims are made when an employer has not done complete background checks on an employee and the employee commits some violent or criminal act. If the employee had a problem in his past that should have flagged the employer, negligent hiring is considered. The theory is that the employer knew or should have known that the employee posed a threat to the public and is thus liable for damage, even if the employees’ actions were outside the scope of employment. Placing the employee in the position to do the damage, is sufficient.

It should be noted that more than 28 state courts (including NY, NJ & PA) have formally adopted these standards. Most other states accept it on a case by case basis.

There are a number of ways of obtaining background information. It starts with obtaining permission from the employee to do the check. This should be a part of the application/hiring process. The wording should be prepared based on your state’s standards and reviewed by legal counsel. Most of the background checking services provide the release forms needed and legal standards for your locality.

The information that is obtained must pertain to the employees’ position and the information obtained should be safeguarded.

Sources of this information are categorized in two areas:

### Primary Sources

These are the agencies or organizations that maintain the information. I.e., State Motor vehicle departments for driving history, Municipal, County, State & Federal courts for criminal records checks and credit bureaus for credit information. These sources charge a fee for the information.

### Service Companies

These are companies who can compile the information from many sources for a fee plus any primary source fees. They are usually faster and more efficient in handling multiple requests. (A list of a few sources follows)

The following companies are just a few examples of companies.

**Avert Inc.**

301 Readington St.  
Fort Collins, CO 80524  
1-888-606-7869  
1-800-237-4011 (FAX)  
[www.avert.com](http://www.avert.com)

**Backgroundsonline.com**

1401 El Camino Ave. Suite 220  
Sacramento, CA 95815  
1-800-838-4804  
1-800-838-4654 (FAX)  
website: [www.backgroundsonline.com](http://www.backgroundsonline.com)

**CIC**

2941 West Bay Drive  
Bellaire Bluffs, FL 33770  
1-800-321-4473  
1-813-559-0232 (FAX)

**Edge Information Management**

190 S. Harbor City Blvd. Suite 401  
Melbourne, FL

**EMSI**

1111 W. Mockingbird Lane  
Dallas, TX 75247  
1-800-522-EMSI

**Information Finders Inc.**

4580 E. 50<sup>th</sup> St. Suite 16  
Tulsa, OK 74135  
1-918-491-6322  
1-918-491-6326 (FAX)

**RSI**

6365 Taft St. #2000  
Hollywood, FL 33024  
1-800-881-5993

NOTE: Safety & Risk Control Services, Inc. does not endorse or recommend any organizations named in this bulletin.