

SOURCE: *Security Director's Digest*

DATE: *July 2, 1997*

TITLE: *Negligent Hiring Lawsuits are Preventable*

NEGLIGENT HIRING LAWSUITS ARE PREVENTABLE, EXPERTS SAY

Pre-Employment Background Investigations Help Employers

A significant legal issue is merging with the potential to affect all employers. Under the doctrine of negligent hiring, employers are being sued for the criminal acts of other employees – and the pre-employment background investigation has evolved as the pivotal factor in deciding liability.

Pre-employment background investigations attempt to confirm all information given by a job applicant. They are also used to uncover facts which are intentionally omitted – such as a criminal conviction or substance abuse problem, according to Kevin Prendergast, vice president and legal counsel for Research Associates, Inc., one of the nation's leading corporate investigation firms.

"Increasingly, companies are being sued – and found negligent – for hiring the wrong individuals," Prendergast said. For example, when a 27-year-old department store executive was sexually assaulted by a security guard where she worked, the woman didn't sue the attacker – she sued her employer for hiring him. That is called negligent hiring and it's becoming more popular.

Negligent hiring cases have created a need for employers to thoroughly investigate the backgrounds of potential employees.

Public record sources are a good start, but not all criminal activity becomes a public record.

In many cases, for instance, substance abuse problems are not a matter of public record. Yet this would be critical information for many positions, such as a nurse, doctor, school bus driver or heavy equipment operator.

"A professional, comprehensive investigation can prevent negligent hiring lawsuits because they improve a company's chances of hiring good, problem-free employees," Prendergast said.

"The pre-employment background investigation is also a company's best defense should a negligent hiring lawsuit occur. They establish, often beyond doubt, that the company was prudent and acted responsibly during the hiring process," he said.

***Editor's Note:** Research Associates, Inc. is a full service corporate investigation company offering services to small businesses and Fortune 500 companies throughout the country. RAI employs 50 employees at its headquarters in Cleveland, Ohio. For more information, contact: Kevin Prendergast, Vice President, Research Associates, Inc., 27999 Clemens Rd., Cleveland, OH 44145-1141. Phone: 800-255-9693 or 440-892-1000. FAX: 440-892-9439. www.raiglobal.com.*