

The Costs of Not Checking

The result of not doing a background check could be theft, embezzlement, a shooting, a sexual assault, or a lawsuit.

By Carroll Lachnit

The result of not doing a background screening could be theft, embezzlement, a shooting, a sexual assault, or a lawsuit. In California, plaintiffs suing companies for negligent hiring win about 60 percent of the time, says employment-law attorney Patti White, a partner in the San Jose office of Littler Mendelson. In 2000, the average verdict in losing such a case was \$870,390, says Barry J. Nadell, president of InfoLink Screening Services.

Nadell and White gave the following specific examples of the cost of doing nothing:

Trusted Health Resources hired Jesse L. Rogers in 1991 as an aide in a home health-care program, but never conducted a criminal-background check and so failed to discover that Rogers had six larceny-related convictions in Massachusetts. Rogers was later convicted of stabbing to death John Ward, a quadriplegic under his care, and the victim's grandmother. Ward's parents brought suit against Trusted Health, winning compensatory and punitive damages of \$26.5 million and sending Trusted Health into bankruptcy.

An Oakland civil jury awarded more than \$11 million to a woman's husband after she was murdered in 1998 by a carpet cleaner dispatched by America's Best Carpet Care. The man had never undergone the kind of background check that would have uncovered his violent criminal past.

Manor Park Nursing Home in Texas failed to do a criminal background check of an employee who later sexually assaulted a resident of the nursing home. The jury awarded the plaintiff \$1.1 million.

A county in Texas failed to do a background check on a reserve deputy sheriff it had hired. After just a few days on the job, he injured a passenger in a car during a traffic stop. The reserve deputy had a criminal record, including assault and battery, was on probation at the time of the attack, and also had an outstanding arrest warrant. The jury awarded the injured passenger \$818,000.

Workforce, February 2002, p. 52

Carroll Lachnit is Executive Editor for Workforce Management. E-mail editors@workforce.com to comment.
