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Hiring Practices Audits

Employer hiring practices are coming under increasing scrutiny and attack from multiple sources. The EEOC remains heavily focused on potential disparate impact claims based on employer use of criminal background information in employment decisions. States and municipalities continue to legislate hiring practice restrictions such as so-called "ban the box" laws and social media laws that limit the information employers can seek during the hiring process, and how employers may make decisions based on such information. Class action lawsuits asserting background check process violations under the Fair Credit Reporting Act or similar state laws are on the rise. Employers continue to face litigation alleging negligent hiring and retention of employees, as well as claims from competitors whose employees are successfully recruited away. And companies remain under scrutiny regarding their compliance with federal and state immigration law requirements.







Alston & Bird conducts Hiring Practices Audits to assist employers in identifying and minimizing the variety of legal risks associated with their hiring process, and in implementing best practices and strategies throughout the hiring process.

A Hiring Practices Audit includes evaluation, analysis, and advice regarding the following areas:

- Compliance with the employment-related requirements of the Fair Credit Reporting Act and similar state laws
- Compliance with state and local "ban the box" laws, social media restrictions, privacy requirements, and similar laws that restrict the information that employers can request at various points in the hiring process
- Compliance with state and local laws that limit employers' ability to make decisions based on certain types of information obtained during the hiring process
- Policies and procedures for making employment decisions based on applicants' and employees' criminal background, and for properly balancing the risk of disparate impact discrimination claims against the risk of negligent hiring and retention claims
- Best practices to avoid unfair competition and tortious interference claims from a prior employer
- Proper policies and procedures regarding I-9s and E-Verify, as well as compliance with other federal and state immigration law requirements

For more information on Alston & Bird Hiring Practices Audits, please contact:

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