



Katie's Korner Q2 2021

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About Peopletrail

Peopletrail® is a leading US-based consumer reporting agency, providing advanced background checks and pre-employment screening solutions globally.

As a leading consumer reporting firm, we make ordering a background check more secure, accessible, and flexible for our clients. Our background screening products' depth serves a broad client base ranging in multiple industries and company sizes.

FBI Background Checks

Not all backgrounds are created equally.

It is sometimes hard to explain to individuals outside the industry the difference in the quality of backgrounds varies across the board. It is hard at times to explain that many cheap backgrounds are not doing a thorough search. In addition, due to the age of technology and the CSI Effect, individuals tend to have higher expectations for the capabilities of forensic and research technology. However, this is simply not the case.

Many individuals tend to believe that FBI Fingerprints and Backgrounds are the gold standards, but that is not the case. "Despite clear federal mandates that require the background reports to be complete and accurate, 50 percent of the FBI's records fail to include information on the final disposition of the case. The missing information is frequently beneficial to job seekers. For example, one-third of felony arrests do not result in a conviction and many others are reduced to misdemeanors," states NELP.

Actionable Insight® you can trust.

NELP goes on to explain that, "The U.S. Department of Justice's Bureau of Justice Statistics (BJS) latest data on state arrests reported to the FBI database shows that about half the states failed to include complete disposition information in at least 25 percent of their cases, and 10 states did not have updated information in 50 percent or more of their cases. (See Figure 1). Despite the formation in 2009 of a Disposition Task Force and an FBI state auditing regime, only a small number of states improved their performance from 2006 to 2012, while 10 states fell further behind, with their reporting rates actually worsening."

The FBI Background is problematic for employers because it is vital to make hiring decisions on up-to-date, accurate, and quality information. This is best achieved by going directly to the courts, but there is not a universal court system or database in the United States that covers all jurisdictions of Federal, State, and Local courts. Plus, the majority of cases are tried at the State and Local levels.

"Despite their high visibility, the federal courts deal with only one percent of the nation's judicial business. The state and local courts—the latter usually at the county, municipal, and township level—hear most of the judicial cases. Annually over 25 million cases enter state and local systems; every year, one in nine Americans is directly involved in some sort of litigation or court proceeding." (Source: <https://www.theusaonline.com/government/courts.htm>)

Many cases are being seen on these lower levels, and due to funding and draconian processes, many of these courts do not have a database available to search records. In addition, many of the courts' records are not digitized and primarily exist on physical paper.

Lastly, these courts tend to be completely separate entities from each other and do not share information with other courts within their areas. An example of this can be seen in municipal courts; these courts do not report cases to the county or state and vice versa. This requires us to go to each separate court to find possible records directly.

This level of meticulous research is how we stay ahead of our competition in quality. This is how we go above the "Golden Standard" of the FBI because our quality is trying to ensure maximum possible accuracy and the most comprehensive review on the background checks we provide.

Working Remote and Screening

A background check is a standard employment process. Whether the background is for pre-employment, retention, promotion, or reassignment, it is a vital process to ensure a person's criminal record, education, employment history, and other past activities are in line with an organization's standards and requirements for the position in question.

Employers are wondering if working remotely should affect screening processes, and it is not. The need to exam a person's past activities is still crucial in the workplace. Organizations are still hiring for positions that require a specific type of education or experience.

Just as an employer must consider the cost of a bad hire, hiring bad remote employees comes with the same consequences.

For example, these are some of the costs of a bad hire may entail:

- Any fees associated with locating, enlisting, and enticing the new hire.
- Expenditure, time, and safety measures utilized to onboard and train a new employee.
 - Remote employers are having to provide technology and access to internal systems, which is an additional cost and potential security concerns.

- When an employer has Staff Turnover, this is can costs if the employee quits or is terminated and that position needs to be substituted.
- Negligent hiring damages including harm to the business, other staff, or customers

As stated earlier in this article, hiring remote employees should not be that different from hiring on-premise employees.

Employers must continue to be committed to comply with all the provisions of the Fair Credit Reporting Act, as amended, and all other applicable statutes, federal, state, and local laws or regulations.

Therefore, it is vital to review where the employee is a resident and where they are seeking prospective or continued employment. We, at Peopletrail, were already asking these questions before the pandemic. Therefore, we are not unaccustomed to this situation. Our software asks applicants to certify these two locations and based on their answers; certain jurisdiction-specific notices can be given to the applicant.

Although we are able to give samples of these certain jurisdiction-specific notices, it is vital for clients to be aware of the applicable statutes in both the employer's and employees' locations to ensure maximum compliance to the laws.

What does it mean when a case is dismissed with prejudice?

The plaintiff is barred from bringing an action on the same claim. Dismissal with prejudice is a final judgment, and the case becomes res judicata on the claims that were or could have been brought in it.

A court has inherent power to dismiss an action with prejudice if it is vexatious, brought in bad faith, or when there has been a failure to prosecute it within a reasonable time. When a plaintiff who has commenced an action fails to comply with discovery devices, a court, which has issued the order of compliance, may sua sponte dismiss the case with prejudice.

In criminal prosecutions, dismissal with prejudice bars the government from prosecuting the accused later on the same charge. A dismissal with prejudice is made in response to a motion to the court by the defendant or by the court sua sponte if the accused is deprived of the constitutional right to a speedy trial.

What is a Prayer for Judgment Continued in North and South Carolina?

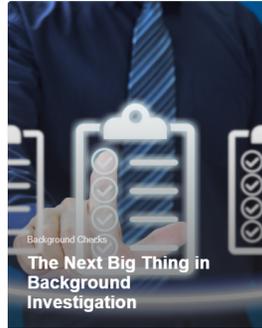
A PJC, Prayer for Judgment Continued, is most commonly requested in traffic-related offenses such as speeding offenses, red light tickets, and other types of NC Chapter 20 motor vehicle violations. A PJC is only granted by the court (the judge) and is not something that the district attorney can offer.

A prayer for judgment continued, or PJC is essentially a free pass from a judge. Think of it as North Carolina's "get out of jail free card," though it's for non-jail-able offenses. Under a PJC, a judge can find a person guilty of a violation without entering any judgment for a criminal or traffic offense.

In other words, a person may be guilty of a traffic offense, but will not receive any points on his or her license, nor will the courts assess a fine for the citation. You will, however, be responsible for court costs, which generally total around \$190. An individual can use a PJC once every three years to offset insurance points and two PJCs every five years to avoid DMV points. In certain situations, you can use a PJC to avoid the consequences of a traffic offense, aside from the court costs.

PJC is primarily found in N. Carolina and South Carolina.

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