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Private Guards to Be Checked Under New Law

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A little noticed provision in the new national intelligence law will help companies provide a safer workplace.

The law requires that states create a system this year that permits employers of private security guards to access FBI fingerprint records, allowing them to screen out applicants with criminal records.

The new uniform, national system will replace a hodgepodge of state rules that have been ineffective in weeding out many candidates whose criminal pasts weren't available to employers. But it will make finding qualified applicants even harder for security firms, which already struggle to compensate for a turnover rate of roughly 50%. About 79,000 guards are hired each month to maintain the current nationwide workforce of 1.9 million.

Although FBI fingerprint checks are already required for those seeking jobs with federal agencies, banks and financial institutions, child or elder care providers and certain other employers, criminal records still turn up for about 12% of applicants. And in 2003, FBI fingerprint checks of over 69,000 applicants for private "guard cards" in California found criminal histories for almost 26%. Over half of them were denied employment because of convictions for sex-related offenses, burglaries, robberies or assault crimes.

For employers, the new checks of security guards will help ensure that convicted criminals don't end up in positions of authority where they're able to victimize the workers they're paid to protect. Workplace violence is a growing concern in the U.S., with an estimated 18,000 assaults and 20 murders per week. The National Center for Health Statistics estimates that violence and aggression from hostile workers cost employers around \$13.5 billion annually in medical costs plus 1.75 million days of time lost on the job.

Nationwide FBI screening is "a huge step in making workplaces safer and responding to the threat of terrorism," says Jack Lichtenstein, director for government affairs and public policy for ASIS, an association of security professionals.

Several provisions of the federal law aim to safeguard the privacy rights of applicants for security guard jobs. First, no record checks can proceed without an applicant's permission, and employers are barred from running background checks more often than once a year, absent "good cause" for more-frequent checks. Employers are required to provide any information they receive to the job candidate, and the law establishes stiff criminal penalties for employers that use such information for any purpose other than screening candidates for security guard jobs.

The new law applies only to security guard applicants, but it's likely the first step in a broader state-federal system for screening job candidates.

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