

INDIANA EMPLOYMENT BACKGROUND CHECK LAWS

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When you submit your resume and apply for a new job, naturally the company or business will want to know about your background and check your credentials.

In addition to ensuring you have the necessary education, training, experience, and skill to perform the job properly. They may also feel the need to ensure there is nothing in your past which could create problems or liability for them in the future.

If you have [criminal charges](#) on your record, this could end up creating problems. Criminal convictions can prevent you from getting a job or from working in certain fields. This is one of the many reasons why you need an experienced Indiana criminal defense attorney.

Fighting to protect your interests.

Jobs that Require Employment Background Checks in Indiana

Not every employer will pursue a criminal background check as a condition of employment. Certain fields require that you must pass a background check.

This includes, but not limited to the following:

- Commercial vehicle drivers;
- Public transportation workers;
- Police, fire officials and other public service employees;
- Government officials and office workers;
- Indiana state and local court judges and employees;

- Teachers and recreational instructors;
- Non-profit employees;
- Daycare workers;
- Housekeepers and maintenance crew;
- Hospital administrative personnel and staff;
- Medical providers, nurses, and emergency medical services employees;
- Bank employees and other financial services workers;
- Security guards and private detectives.

While many of these require background checks as a condition of employment or licensing. Other employers have the right to request one simply as a matter of company policy.

How Employment Background Checks Work

In order to obtain a background, the employer will have to have your consent. Disclosures that a background check will be performed are often included as part of your application.

Signing and submitting the application provides your consent. Information required to run the check generally includes your name, address, and Social Security number.

Depending on the type of criminal background check you get, you have to do fingerprinting. The most basic type of search will disclose only those cases in which you were convicted, while more extensive searches will reveal everything from traffic tickets to cases that were dismissed or disposed of without a hearing being held.

There are three basic types of criminal background checks in Indiana:

1. **Limited Criminal History Search:** Conducted through the Indiana State Police, a limited criminal history search will disclose any felonies or Class A misdemeanors on your record.
2. **Expanded Criminal History Check:** As outlined in I.C., 20-26-2-1.5, an expanded criminal history check will include your arrest history in all counties throughout Indiana as well as any out of state arrests or charges.
3. **National Full Criminal History Report:** Submitted through Indiana's Electronic Fingerprinting Network, this provides an exhaustive search that reveals charges on information about cases on both a state and federal level.

State and federal agencies usually conduct high-level back checks. However, anyone with a computer can find out if you have been charged with a crime or traffic violation. Such as DUI, here in Indiana and in other areas.

Court records and dockets are often open to the public, making it easy for an employer to check your background themselves or through a third-party criminal background check service.

Many of these services charge a yearly fee, letting them run an unlimited amount of background checks on both potential and current employees.

Your Rights When it Comes to Background Checks

In addition to a background check, some employers may elect to run a pre-employment credit check as well.

As this is often standard in the financial field, where how you handle money could have a potential impact on your job, and in customer service jobs that involve money handling duties, it is becoming more common among workers in all industries.

According to the public policy website [Demos](#), this practice is keeping otherwise qualified workers from obtaining employment. Fortunately, there are rules and regulations that apply when it comes to employers obtaining background information on prospective employees.

Even if they do nothing more than call a previous workplace, for the most part, that person can only provide basic information about you, such as when you worked there and for how long, without your prior express consent.

When it comes to local, state, and federal background checks or credit checks conducted by third-party agencies, state and federal law protects your rights.

Under Indiana laws, your protections become limited, but specific in terms of restricting background checks without your knowledge and involvement. Under federal laws, the law is more extensive and specific.

The [Federal Trade Commission's Fair Credit Reporting Act](#) provides employees with the following rights when it comes to background checks being conducted:

- Right to be told if the information in your file is being used against you;
- The right to know the information contained within your file;
- Right to a free disclosure if you have been denied a job based on information in your report, or you suspect identity theft or fraud;
- The right to dispute incomplete or inaccurate information;
- Right to have agencies make corrections within 30 days;
- The right to have outdated negative information removed; and
- The right to seek damages against anyone who violates the above rights.

If fired or not hired due to abuses of state or federal background screening systems, which includes conducting background checks without your consent. You may have the right to pursue a civil suit awarding you damages for the violation.

Contact Our Indianapolis Criminal Defense and Civil Attorneys for Help

The best way to avoid potential conflicts over criminal charges on your background records is to have a strong Indianapolis criminal defense attorney on your side to defend you against your charges.

If you have been arrested and charged with a crime or if you have concerns about an improper background check, call or [contact Eskew Law](#)