

COMMERCIAL INVESTIGATIONS LLC

# CI TIMES



## SOCIAL NETWORKING & BACKGROUND SCREENING: CYBER SUPPLIED INFORMATION

More than ever, employers are searching the internet and social networking sites for information about their applicants. Human Resource managers are using Google and social networking sites such as MySpace and Facebook to help screen out candidates prior to interviewing them.

According to a survey cited by CNN.com in an article titled *Major Job Trends for 2008*, over 45 percent of hiring managers in 2008 plan to use the internet, including Google and social networking sites for background information regarding candidates. The same survey reports that 19 percent say they are going to increase their use of the internet as a screening tool in 2008. (<http://www.cnn.com/2008/LIVING/worklife/01/04/cb.job.trends/index.html>)

Employers are generally searching for any evidence of a poor work ethic or bad attitude towards former employers/co-workers, illegal activity or general inconsistencies with work and education history. Employers are also concerned about racist or sexist comments found online because of harassment concerns within their company.

Extensive or executive level background checks are also becoming more common as employers strive to hire candidates that will properly represent their companies. Many executives and HR managers admit that hiring the right candidates for their company is one of their greatest business challenges.

While Commercial Investigations (CI) recommends using every legal means necessary to make sure you are hiring the right candidate, there are challenges and risks with conducting your own internet searches. Self-published information on social networking sites is a great source of potentially incriminating information and thus can be a useful but flawed way to screen-out applicants.

The problem is that the internet and specifically sites like MySpace are a source of information that answers questions to unlawful pre-employment inquiries such as age, marital status, sexual orientation, religion and disabilities. Inquiries into these protected categories can be evidence of discrimination.

Many job candidates also change their profiles and web pages before beginning their job search. Someone who looks acceptable online today may have been easily screened out yesterday. Also, there are new social networking sites springing up daily. Searching only the top one or two can be a biased method to screen out

applicants.

Googling a candidate's name opens up a can of worms as well. Many individuals have common names or even same name and date of birth counterparts. The Google results are often not about the individual who is your candidate. It can be extremely time consuming to weed through all the results. If criminal case information comes up, it may be about an arrest or violation and not a conviction of a misdemeanor or felony. It is not recommended for employers to inquire about arrest information or violations and infractions. This is an illegal practice in New York.

John M. Bagyi, Esq., SPHR, of Bond, Schoeneck & King, PLLC, advises employers he represents to take a proactive approach if they intend to use the internet and social networking websites as part of the screening/hiring process. Specifically, John suggests employers develop policies concerning when and how such searches will be utilized to insure they are not selectively utilized, thereby opening the door to a discrimination claim. He also suggests employers erect a "wall" between those who review this information and those who will be making the hiring decision - with only information relevant to the hiring decision being shared with those making the hiring decision.

CI offers an inquiry called Cyber Investigations to cover a complete sweep of the main social networking sites as well as the internet. The inquiry also includes many proprietary database searches. The Cyber Investigation also includes a search of millions of "cached" pages to find information that applicants might have removed.

With CI's Cyber Investigation employers can choose the parameters of the data revealed in their reports. These parameters are customizable on an employer-by-employer basis. For example, an employer can indicate that they do not want to know personal characteristics that are protected by discrimination laws. Another popular choice is excluding legal activities, such as drinking by individuals over the age of 21. Even more specifically, an employer can choose to obtain information specific to their products or services and the subject's view point of those products or services, e.g. animal rights, abortion and even politics.

For more information regarding the *Cyber Investigations inquiry* or your background investigations policy, please contact a CI representative today at 800-284-0906.

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### CLIENT CLUE

#### NY STATEWIDE OCA FEE INCREASE

Please be advised that effective May 1<sup>st</sup>, 2008, the Office of Court Administration (OCA) has increased their data accessing fee by \$3.00 per search. Vendors were notified of the fee increase on April 28<sup>th</sup>, 2008. The data accessing fee for the NY Statewide search is now \$55.50.

May invoices will be sent the first week of June and will reflect this fee increase for those clients utilizing the OCA search. Please contact us if you have any questions or concerns regarding your background investigations policy.

## DUE DILIGENCE: CYBER SUPPLIED INFORMATION, MYSPACE REVEALS BAD DILIGENCE.

This month we review Due Diligence's online presence and Cyber Investigation report from CI. When recruiting and hiring, it's important to review and verify all available applicant supplied information. In today's digital age, applicants often have a vast online public presence. This can be a great source of more applicant supplied information to compare for inconsistencies with the application and resume.

CI's Cyber Investigation can be a valuable component of a background investigation. This inquiry can help verify applicant supplied information by comparing resumes, applications and consent forms with an applicant's online presence. Reviewing an applicant's online presence can be a tool for screening-out undesirables early in the hiring process or simply getting a better picture of who an applicant is beyond a resume.

CI's Cyber Investigation includes a review of an applicant's online presence including MySpace, Facebook, LinkedIn and Plaxo as well as many other social and professional networking sites. CI's Cyber search also includes a review of archived or "cached" web pages.

With more professionals having an online presence that includes pages on MySpace, Facebook and LinkedIn, much can be discovered about someone's past just by visiting their pages. In fact, many companies have turned to reviewing social networking sites as part of their recruitment process. Due has used MySpace and LinkedIn to network and as a part of conducting his job search. Still, many employers have mixed feelings about viewing an applicant's online presence. Viewing the information published online by applicants can be a valuable tool to screen out undesirables.

Due has a significant online presence and has outlined a good portion of his employment history—much of which contradicts his resume—in terms of employers and timeframe. Several other inconsistencies in Due's job application and resume can be spotted by reviewing more of his own posted information including job positions, titles and dates of employment. A verified date of birth is required to perform valid criminal record searches. The birth date provided on Plaxo or age displayed on MySpace can be compared to the birth date supplied by the applicant on his consent form. Although a DMV report is the preferred method to verify DOB.

Due Diligence has two MySpace pages, one for Due Diligence and one for his alias Bad Diligence. Both pages are assigned to different e-mail addresses. CI discovered both pages through its Cyber Investigation because an e-mail address on Due's resume was an address tied to Bad Diligence's page. In Bad Diligence's MySpace blog, he has bad mouthed his supervisors, co-workers and employers. Bad Diligence has

joined MySpace groups related to marijuana, methamphetamines and other drug use in general. He has also posted incriminating photos of himself showing illegal drug use.

Many professionals are linked to both current and prior co-workers through the popular networking sites so they may be less inclined to inflate job titles there which they may feel safe doing on a resume. The public nature of these sites can actually encourage honesty as there are more eyes viewing the information posted.

CI's Cyber Investigation on Due included searching national job search sites such as Careerbuilder.com, Monster.com as well as local job sites such as CapitalAreaHelpWanted.com. CI found a resume posted by Due on Monster.com. This resume showed Due used an alternate e-mail address other than the primary one he provided on his application. CI searched for profiles linked to this e-mail address and uncovered a MySpace profile under Bad Diligence. Bad Diligence appears to be an alias used by Due Diligence. This was determined through the photographs posted as well as matching school and company data.

Bad's web presence shows that he has a strong interest in the use of illegal drugs. There are several movie quotes in reference to these activities as well as pictures posted of potential drug use.

CI also searched several employment databases based on social security number. This search uncovered an extensive history of employment that includes undisclosed employers and brief tenures.

View CI's complete Cyber Investigation report on Due Diligence here:

<http://www.commercialinvestigationllc.com/DueDiligenceCyberInvestigationSampleReport.pdf>

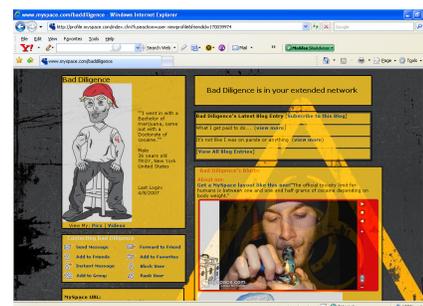
See the links to the right to view Due's online pages and see if you can spot the inconsistencies and incriminating data he has posted.



### MYSPACE REVEALS BAD DILIGENCE

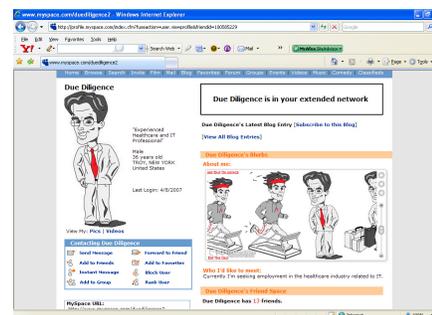
Bad's MySpace page:

<http://www.myspace.com/baddiligence>



Due's MySpace page:

<http://www.myspace.com/duediligence2>



### MEET DUE DILIGENCE

#### Cyber Supplied Information

In this edition we review Due's Cyber Investigation Report and online presence, including his MySpace, LinkedIn, Facebook and Plaxo pages.

View CI's complete Cyber Investigation report on Due Diligence here:

<http://www.commercialinvestigationllc.com/DueDiligenceCyberInvestigationSampleReport.pdf>

To see Due's past reports, view his page online at

[www.commercialinvestigationllc.com/duespage](http://www.commercialinvestigationllc.com/duespage)

## STAFF PROFILE: DANIEL CONFER, ACCOUNT REPRESENTATIVE

Commercial Investigations has promoted Daniel Confer to Account Representative. Daniel started at CI as an Intern Investigator during his last semester at Bryant & Stratton College in the fall 2007. Daniel became a full-time Investigator Trainee upon graduation in December of 2007.

Daniel received his Associates Degree with honors (Magna Cum Laude) and was on the Dean's List each semester. He was a Student Ambassador and received numerous awards including a Certificate of Recognition and Achievement and the Student of the Semester Award.



DANIEL CONFER—ACCOUNT REPRESENTATIVE

Daniel was in the Criminal Justice program at Bryant & Stratton and has prior marketing and sales experience. Daniel will be enrolling in the SAGE Colleges After Work Program (SAW) in fall working towards his bachelor's degree.

## COMMERCIAL INVESTIGATIONS LLC

A LICENSED PRIVATE INVESTIGATIVE AGENCY

Dedicated to providing innovative Private Investigative solutions to its clients and working with them to develop tailored services that meet their needs.

Services provided include:

### BACKGROUND INVESTIGATIONS

CI provides accurate, timely, cost-effective and fully compliant reports delivered with exceptional client service.

### CONSULTING SERVICES

CI assists you in implementing a compliant background investigation process as well as providing assistance in implementing in-house procedures.

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### ∞ INQUIRY SPOTLIGHT ∞

#### CYBER INVESTIGATION

An employer's interest in a subject's online life, because of its potential effect on their business, necessitates CI's CYBER INVESTIGATION. A subject's online life relates to:

- How a subject might follow a company's IT protocol by providing a track record of responsible use of information systems including data protection.
- Involvement in illegal activity and/or groups with concerns that are adverse to a company's products and services.
- Offensive postings and activities by a subject that may reflect negatively on the employer and jeopardize its reputation.

Starting with a subject's cyber identities and disclosed online activities, CI's CYBER INVESTIGATION searches through current and archived Internet sites. The search includes an exclusive illicit activity search of current and archived sites identified as potential places for illegal and offensive behavior. This exclusive search covers data collected over a seven plus year period.

For more information on CI's CYBER INVESTIGATION inquiry, or to add this inquiry to your current requests, please contact a CI representative.

This publication is designed to provide accurate and authoritative information with respect to the subject matters covered. It is distributed with the understanding that CI is not engaged in rendering accounting or legal services.