



# Workers' Compensation Background Check

**4** EASY  
STEPS



## **DISPOSITION**

Disposition of the claim and any monetary information, such as a payout.

## **EMPLOYER**

Employer at the time of injury

## **DATE**

Date and filing number of the claim

## **NATURE**

The nature of the claim

The Information Gathered Typically Includes These

# Workers' Compensation Background Check

Crimcheck offers workers' compensation searches by request once an employer has made an employment offer to a candidate. These checks provide information regarding any previous workers' compensation claims a candidate may have had. Once a claim is filed it is considered public record and Crimcheck can help you gather the information you need.

## The information gathered typically includes:

- The nature of the claim
- Date and filing number of the claim
- Employer at the time of injury
- Disposition of the claim and any monetary information, such as a payout

Information for these reports is gathered directly from the state.

These checks may be delayed depending on the state a screen is being conducted as some states allow verifications by mail only.

## Facts to Know About a Workers' Compensation Background Screen

Not all states provide workers' compensation information. **Here is a list of the states that DO NOT have workers' compensation reports available:**

- Alabama
- Georgia
- Indiana
- Maine

- Nevada
- New York
- North Carolina
- Oregon
- Rhode Island
- Texas
- Utah
- Washington
- West Virginia
- Wisconsin

A workers' compensation search may only be requested and conducted post-employment offer. The use of workers' compensation records is defined under the ADA (Americans with Disabilities Act) which prohibits states from releasing claim information in a pre-employment screen.

Workers' compensation claims may not be requested with the intent of withdrawing an offer already made to anyone after a workers' compensation screen has revealed that a candidate has made a claim in the past. It is unlawful to discriminate against someone by penalizing a candidate who has exercised a lawful right in filing a workers' compensation claim. This is stated in Title I of the Americans with Disabilities Act of 1990. This Title also prohibits the discrimination against qualified individuals with a disability during the application process, hiring, promotions, compensation agreements and job training opportunities.

An employer may only use the information gathered from a worker's compensation screen if the limitations or restrictions an employee has following the claim will prevent them from performing the requirements laid out in the job description and

offer they have accepted.

It can be common for an applicant to leave a place of employment that they filed a claim with off their resume. While an applicant is protected by the **ADA from being asked medical history without an offer by an employer**, falsification on a job application can be a reason for rescinding an employment offer. Leaving off employment history may be considered by an employer as falsification.

## When to Request a Workers' Compensation Search

An employer who is hiring for a position requiring manual labor should consider the benefits of a workers' compensation screen. A workers' compensation screen could reveal previous work-related injuries that may make them incapable of performing the responsibilities of their new position.

These types of positions may be something as physically intense as working for a construction company or even someone who will be working on their feet all day in a retail role.