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EXAMINER

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Welcome

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Senate Committee Gives OK To Background Checks Bill

The Senate Finance Committee last month passed two bills that seek to prevent the abuse of elderly long-term care residents. Receiving a unanimous voice vote, the Patient Safety and Abuse Prevention Act. (S. 1577) would create a comprehensive nationwide system of background checks, preventing those with criminal histories from working within long-term care. "Today we are one step closer to passing a bill to give vulnerable seniors and their families the protection and peace of mind they deserve," said Herb Kohl, chairman of the Senate Special Committee on Aging, who introduced the bill, along with Sen. Pete Domenici. Under the bill, states would establish coordinated systems that include checks against abuse and neglect registries and a state police check. The background check process also would screen applicants against the FBI's national database of criminal history records. The Senate in March passed an amendment to the fiscal year 2009 Budget Resolution that will create a reserve fund to pay for a nationwide expansion of a three-year pilot program. The resolution is contingent on passage of the Patient Safety and Abuse Prevention Act. Meanwhile, the Senate Finance Committee in September also passed S. 1070, legislation that would authorize \$777 million to establish state and local training and assistance programs for long-term care employees. It also would establish a database used to identify and track elder abuse cases.

Source: McKnight's Long Term Care News

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U.S. Employers Offer and Value Wellness Programs

More than half of large U.S. employers offer wellness programs like gym memberships and weight loss assistance to their workers, and say these help reduce medical costs, according to a recent MetLife survey. The MetLife survey found that 70 percent of employers who offer wellness programs saw them as a "very important tool for employee retention." The 2007 survey of 1,380 full-time employees and 1,652 managers at companies with a minimum of two employees represents a mix of industries and geographic regions, MetLife said. It found that 57 percent of employers with 500 or more workers provide some sort of wellness program such as smoking cessation, weight management, an exercise plan or cancer screening. Only 16 percent of smaller employers do, the survey found. And about four out of five employers with wellness programs add incentives, with 40 percent offering gym memberships, 36 percent awarding gifts or prizes and 27 of employers offering a discounted employee contribution to medical plans. Only nine percent of employers impose financial penalties on employees who do not meet wellness guidelines, a percentage that has remained steady for two years, the survey found. "Health insurance is expensive, but employees surveyed for the MetLife study indicated that

medical coverage is the second most important factor affecting their loyalty to their employer after salary/wages," said Dr. Ronald Leopold, a vice president at MetLife Institutional Business. "Since medical coverage has essentially become 'table stakes' for competitive employers, a way to keep health insurance viable and offset future spending for chronic medical conditions can be to invest in targeted wellness and prevention programs," he added in a statement.

Source: Reuters

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Some Companies Find Success Letting Workers Telecommute

As gas prices and real estate costs have risen in recent years while Internet technology has become faster and more affordable, some companies have looked at telecommuting as an alternative to the traditional daily grind at the office. In fact, according to the Nemertes Research Group Inc.'s "Unified Communications and Collaboration Benchmark" study, as many as 71 percent of U.S. companies' offer full-time or part-time telecommuting to employees. Anthem Blue Cross Blue Shield of Kentucky doesn't use the word telecommuting but does have a system in place to allow some of its workers to use technology such as voice-over-Internet phone systems, high-speed Internet connections and computer conferencing to create a virtual workplace in their homes. The insurer, a division of Indianapolis-based Wellpoint Inc., simply calls those workers "work at home" employees, said Steve Saurer, Anthem's director of human resources. Anthem's initiative began in 2003. The program "was, in my opinion, fairly radical at the time," Saurer said. But over time, "you learn that it's not a big deal." In fact, he added, "it is almost the norm now." Saurer said work-at-home policies also help attract and retain the "best talent," a distinct advantage when recruiting nurses to provide health care advice to Anthem members. "We offer work at home and regular hours," benefits that nurses find attractive, he said. There are costs associated with setting up interactive voice-response systems, but costs are offset by real estate savings and productivity gains. At Anthem, "there is no decline in productivity, and in many cases, the home employees are more productive," Saurer said. And with a better balance between work and personal life, home workers "feel good about what they're doing."

Source: Louisville Business Journal

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The Holiday Party . . . Liability Perspective

In several states, if someone serves alcohol to a minor or visibly intoxicated person who then causes damages to a third party, the person who served alcohol may be liable for the damages suffered by the third party. This may apply whether the person who served alcohol was a bar owner or just a social host entertaining at home.

If an adult consumes drinks at a social gathering and later negligently injures himself or someone else, the homeowner ordinarily will not be liable. However, if it is someone under the legal drinking age who is served alcoholic beverages at the same social gathering, then either he or anyone injured by him may be able to sue and recover from the host for injuries sustained.

Therefore, anyone, including an employer, who expects to host persons under the age of 21 should take care to ensure that liquor is not made available to or brought in to be consumed by anyone who is under the legal drinking age.

Lawyers who represent plaintiffs injured by drunk drivers will continue to look for creative new legal theories for recovery against hosts who may have served liquor to these social guests who later cause injury. As a result, increased caution is essential when providing alcoholic beverages at a party.

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WVU Eyes Background Checks: Proposed Rule Would Apply To All New Hires

West Virginia University (WVU) officials are considering a new policy that requires background checks for all new employees and existing employees who are re-classified. The Faculty Senate Executive Committee discussed a plan to conduct background checks for all new faculty and staff at WVU, beginning July 1, 2009. Trisha Gyurke, director of employment services for WVU, said the proposal will likely be presented to the Board of Governors for consideration in April.

WVU currently has no campus wide policy to conduct background checks for employees, Gyurke said. WVU's Division of Human Resources conducts background checks on classified employees only. Health Sciences, WVU Police and a few other departments conduct background checks as needed, but in most cases, background checks are not conducted on faculty, non-classified staff, student employees or volunteers who work for WVU, Gyurke said. Under the new policy, background checks would also be performed for all new faculty and non-classified staff employees. Existing employees who receive a promotion that results in a change in status may also be reviewed, but Gyurke said WVU employees who remain in their current position would not be subjected to a background check. Background checks for student workers and volunteers may be implemented later, but Gyurke said that change is not being considered as part of the new policy.

The goal is to create a campus wide policy that treats all employees fairly. "It's a new day, new dawn," Gyurke said. "We want to do it fairly. We want to do it equitably. We want to treat people similarly in the

process." The background checks will cost WVU about \$50 per person. Gyurke said they can include a Social Security check, a driving history, verification of academic credentials and a criminal history review, depending on the needs of the department and the position. The criminal history check would include a review of sexual abuse and terrorist databases, but Gyurke noted that it would only yield convictions, not arrests. Most background checks list information dating back seven to 10 years, she said.

All the information gleaned from the background checks would be kept by the Division of Human Resources, which would administer the program. Records would be distributed on a "need-to-know basis" only, Gyurke said. A panel would be formed to review the background check results and provide recommendations.

Source: TradingMarkets.com

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Thank you! We'll see you next month!

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