

Who goes there? Your best defense in protecting your company is to ask questions

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Who is in your building? Do you know? Do you care? If you answered no to any of these questions than you could be in for a rude awakening. In today's environment there are more building owners and managers that are outsourcing their basic services to third party providers; the most common are security, janitorial and landscaping functions. The reason for this is a simple one, economics. Plain and simple it is far less

expensive for a building owner or management company, condo, co-op or gated community to use outsourced workers.

In most cases the low bidder wins the contract, but just what are you getting for that low bid. Here are some of the questions that you should be asking any vendor that you are going to be doing business with especially if the vendor is going to have a major presence at your facility or your property.

- Do you screen your employees/sub-contractors?
- Are you licensed?
- Are you insured and what are the limits?
- Will you name my company as an additional named insured?
- Do you carry worker's compensation insurance?

Many of these questions are traditional business questions; however, how a company screens their em-

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ployees is not. Not all screening is equal, are companies only checking where the applicant tells them they lived, did they validate the person is who they say they are (I-9), are they using database searches, statewide searches or county searches or checking to see if they are on a sexual offenders list and do they validate previous employers and experience?

Many screening firms offer a variety of services and packages. It is difficult to understand exactly what

types of searches are appropriate. An example would be that most people think a statewide criminal search is the best, however some states do not offer a statewide search, most statewide searches do not include all of the counties within the state and other states only provide a department of corrections which only shows incarcerated felons not all convicted felons.

Michael Pachuta, president of Credential Check Corp. said that many companies conducting pre-employment screening do not fully understand the searches that are available or their provider is not offering the best available search. Sometimes it is a matter of cost but the typical screening is only around \$50 per applicant.

So you are now satisfied with the way the vendor does their background investigations, but are they drug screening each and every employee that they hire? Do they have a random drug screen policy, what about for cause, post incident and or accident?

These are also important questions that should be asked during the bid process and not after the bidder is selected. Not all service providers are doing all of the above-mentioned things. Doing a thorough screening of prospective service providers can help in lowering your general liability policy. In speaking with Chris Robichaud of Szerlip & Company, I was told that in underwriting these issues are addressed and the factor (the base for computing a insurance rate) are adjusted up or down depending on what type of screening the company that are servicing is providing. Because this tends to limit the exposure that a carrier has as related to a potential lose.

In speaking to Gary Bradley of Bradley & Gmelich of Los Angeles, who represents a number of security providers and the Calsaga organization. The courts are holding employers to higher standards because there are so many ways to conduct pre-employment screening. Both the number of negligence suits and the amount of damages involved are increasing. Courts are toughening their definition of reasonable care, and this is expected to intensify as available security systems become more sophisticated.

The cost for an out of court settlement of a negligent hiring lawsuit is approximately \$170,000. Juries are holding employers to higher and higher standards when it comes to negligent hiring. There has been a significant increase in negligent hiring lawsuits in the past few years. Many companies are being sued, and found guilty of negligence, for hiring individuals that present a danger to others. Many of these companies are required to pay for damages that are in the millions of dollars.

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