

Negligent Hiring Law & Legal Definition supplied by US legal definitions
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Negligent hiring is a claim made by an injured party against an employer based on the theory that the employer knew or should have known about the employee's background which, if known, indicates a dangerous or untrustworthy character. Pre-employment background checks, employee drug testing, and employment physical exams are some of the ways negligent hiring claims can be avoided.

Roughly half of the states legally recognize that an employer is responsible for, and can be held accountable for, checking the background and references of any job applicant before placing that applicant in a position of high public contact. Employers have been found liable for negligent hiring or retention of dangerous or incompetent employees in most states, including, among others, Alaska, California, Florida, Georgia, Illinois, Kansas, Maryland, New Mexico, and New York. Some of the types of business employees most at risk to do harm due to failure to make informed hiring decisions include real estate agents (who have keys or know pass-lock combinations), rental apartment personnel, condominium personnel, delivery persons, service and maintenance persons, nursing and convalescent home workers, home health care aides and utility personnel.

The purpose of the Federal Privacy Act, 5 U.S.C. § 552(a), is to protect individuals against the possible invasion of personal privacy by federal agencies. The Act requires that agencies which maintain a system of records allow individuals to gain access to those records which they claim to be inaccurate. The Act further places restrictions upon the disclosure of such records to other persons or another agency. The Act doesn't apply to private employers, except those government contractors who have a contract to operate, by or on behalf of a federal agency, a system of records to accomplish an agency function.