**Hiring: Pre-Employment Screening:**

The initial hiring interview should include the applicant being advised - and required to sign an affidavit of understanding and agreement - that the background check will be accomplished in accordance with the Fair Credit Reporting Act (FCRA), the Americans with Disabilities Act (ADA), the Equal Employment Opportunity Commission (EEOC) and all other applicable federal and state laws and local requirements. In order to comply with the EEOC, the applicant should be advised that the entire background check will be considered in making a hiring decision, but that any criminal record will carry significant weight if it shows that the applicant has a record of crimes against persons, domestic abuse, drug addiction, pedophilia, etc. The applicant should also be advised, and the affidavit should state, that **any and all documents** acquired in the interview process may be considered in determining whether the applicant will be hired.

**All applications, documents, affidavits, interviews, etc. shall be placed in a secured and locked area with limited access/authority to enter the area and inspect those documents.**

1. Check references as to training and professional certification, other professional credentials and overall competency of the applicant.
2. Check driver’s license records. Accepted industry standards do not allow repossession activity by individuals operating a tow truck with a suspended or revoked driver’s license, and do not recognize the use of nonemployees assisting in the self-help repossession process.
3. Check criminal history to make sure the applicant is not a convicted felon, drug or alcohol abuser or sex offender, does not have a propensity for violence and is mentally competent. An applicant who has been convicted of a crime against persons, such as assault, battery, domestic violence, etc., should not be considered for employment as a Field Recovery Specialist.
4. Require the applicant to be professionally certified through a nationally accepted collateral recovery certification program or provide proof of such certification. In considering an in-house program, also consider that courts generally lend considerably more credibility to nationally recognized, independent programs. Further, in a profession deemed by courts across the country as involving “inherent” risks, it is not unreasonable to require those who service self-help repossession assignments to be subject to at least annual Continuing Education. The certification program should include but not be limited to the following subjects:
5. Fair Debt Collection Practices Act (FDCPA)
6. Gramm-Leach-Bliley Act (GLBA)
7. Telephone Records Privacy Protection Act (TRPPA)
8. Service members Civil Relief Act (SCRA)
9. Uniform Commercial Code (UCC)
10. Breach of the Peace
11. Defensive Driving
12. Ethics, Professional Conduct and Communication
13. Crimes Against Persons and Property
14. The Collateral Recovery Process
15. Confirm that the applicant has a valid repossessor’s license if it is required by the state where the applicant will be servicing repossession assignments.

**Training:**

1. Upon hiring, the employee should be supervised in the field by a professionally trained and certified supervisor until the supervisor is satisfied that the employee understands the various federal and state laws, and local ordinances that impact the self-help repossession process where the employee will be servicing those assignments. In addition, the employee must demonstrate that he/she: has a sufficient understanding of what constitutes a Breach of the Peace; has adequate communication skills when confronting the debtor(s) and/or bystander(s); knows when to stop the repossession process and leave during a confrontation with the debtor(s) and/or bystander(s); and knows to immediately document any confrontation in writing on the company’s Incident Reporting Form.
2. Make sure the employee understands that he/she cannot threaten, intimidate or use force or profanity while communicating with debtor(s) and/or bystander(s) during the repossession process.
3. Make sure the employee understands that he/she cannot enlist the assistance of law enforcement in a self-help repossession.
4. Make sure the employee understands the process, and recognizes the duty to follow proper procedures in inventorying and protecting personal property and Nonpublic Personal Information contained in the repossessed collateral.
5. Make sure the employee is property trained in tow truck use so that repossessed collateral is not damaged while being towed.
6. Make sure the employee understands that accepted industry standards prohibit nonemployees, untrained or under-trained individuals and minor children from assisting in the physical act of repossession. Such individuals increase the potential for added risks and volatile situations.
7. Make sure the employee understands the definition of Nonpublic Personal Information (NPPI) and that, under no circumstances, is he/she allowed to divulge NPPI to a third party.
8. Make sure the employee understands that he/she is to take only information to the field that has been provided to them by designated office staff.
9. Make sure the employee understands the importance of a timely and accurate condition report.
10. Make sure the employee understands a comprehensive status report is second in importance only to the actual repossession.
11. The certified supervisor shall ensure the employee signs all training forms as the specific training areas are completed.
12. Institute an ongoing training policy that requires Continuing Education at least once each year. Every Continuing Education course should include Defensive Driving and Breach of the Peace. The employee should sign an affidavit that he/she has completed such training.
13. **The certified supervisor should record the employee’s progress in writing and provide this documentation to the Training Officer, who shall place such reports in the employee’s secured personnel file**