

EMPLOYMENT APPLICATIONS AND RESUMES

By Karen Sutherland

The employment application process has become more regulated in recent years, and a law that will add a new twist went into effect in June 2006. Several years ago, a law was passed allowing employers to obtain background checks from the State Patrol for applicants for positions involving unsupervised access to children and vulnerable adults. The background checks are optional and protect employers against claims of negligent hiring. The law also included a list of questions that applicants must answer under penalty of perjury for positions where they would have unsupervised access to children or vulnerable adults. The initial list of required questions was quite lengthy, and has since been modified.

The 2006 legislature passed a bill that makes it unlawful to grant or award, or offer to grant, a false academic credential. It also makes knowingly issuing a false academic credential a class C felony and knowingly using a false academic credential or to falsely claiming to have a credential issued by an accredited institution of higher education a gross misdemeanor. The law applies to making such representations in a written or oral advertisement or other promotion of a business, or to representations made with the intent to:

- Obtain employment;
- Obtain a license or a certificate to practice a trade, profession, or occupation;
- Obtain a promotion, compensation or other benefit, or increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation;
- Obtain admission to an educational program in this state; or
- Gain a position in government with authority over another person, regardless of whether the person receives compensation for the position.

In other words, employers be attuned to the representations made on a resume or employment application because of the negative effect of a false credential on the employer, and also because of the potential for liability if the employer is using the false educational information in its representations to accrediting boards or the public.

This brief article is a broad summary only. It lacks specificity about the law and about the effects of different fact patterns, and thus shall not be applied without consulting an attorney. It also focuses on Washington State law and federal law, and the laws of other jurisdictions may vary materially. The information set forth in this article is a broad and general overview of complex topics, and is not legal advice. It also does not take into account any changes to the law or in interpretations of the law that may have occurred since it was written. For more information, contact Karen Sutherland at ksutherland@omwlaw.com