



EMPLOYMENT SCREENING RESOURCES®

**FCRA Certifications for Employment-Purpose Background Check**

With regard to the consumer report and/or investigative consumer report you are ordering from Employment Screening Resources on

you, the "End-User", certify as follows:

PRINTED FIRST NAME

PRINTED LAST NAME

- i. A clear and conspicuous disclosure has been made in writing to the consumer by End-User (in a document that consists solely of the disclosure) stating that a consumer report and/or investigative consumer report may be obtained for employment purposes. The disclosure further stated that an investigative consumer report will have information bearing on the consumer's character, general reputation, personal characteristics, and mode of living, whichever are applicable. The disclosure also stated that the consumer has a right to request additional disclosures as to the nature and scope of the investigation, and that the consumer can exercise this right by making a written request to End-User within a reasonable period of time after the receipt of the disclosure;
- ii. End-User has provided the consumer an up-to-date copy of the federal notice entitled "A Summary Of Your Rights Under The Fair Credit Reporting Act"; and
- iii. The consumer has authorized in writing the procurement of the consumer report that is being ordered;
- iv. End-User has provided a written disclosure to the consumer that an investigative consumer report about him or her may be obtained.
- v. If a consumer requests information as to the nature and scope of Employment Screening Resources' investigation, End-User will comply with the requirements set forth in Section 606(b) of the Fair Credit Reporting Act
- vi. Information from the report to be provided by Employment Screening Resources will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation, or any other applicable law; and
- vii. If applicable, End-User will comply with the adverse action requirements described in Section 604(b)(3) of the Fair Credit Reporting Act, as well as any other pertinent adverse action requirements.

End-User makes the above certifications.

**THIS FORM MUST ACCOMPANY THE ATTACHED NOTICE, DISCLOSURE AND AUTHORIZATION DOCUMENTS FOR THE BACKGROUND CHECK TO BE PROCESSED.**



EMPLOYMENT SCREENING RESOURCES®

**DISCLOSURE of BACKGROUND INVESTIGATION**

In conjunction with your (a) application for employment, and if you are hired, at any time during your employment, your promotion, reassignment, or retention; (b) volunteer position; (c) work to be performed under contract or third- party assignment; and/or (d) qualifying for a business transaction ("Engagement"), ("Company") will use the services of an outside consumer reporting agency and may obtain a "consumer report" or "investigative consumer report" (collectively, "background reports") about you, including information relating to your work history and qualifications, personal background, character, general reputation, personal characteristics, professional standing, and/or mode of living. This agency will provide a written report of its findings to Company. Company uses Employment Screening Resources ("ESR"), a consumer reporting agency, to perform its Engagement-related background investigations.

ESR collects various types of information to prepare background reports that may include, but are not limited to, domestic and international: criminal records, civil records, sex offender databases, employment records, education records, professional credential and license records, department of motor vehicle records ("driving records"), military records, credit reports, professional and personal references, government sanctions and exclusions databases, drug and occupational health screening results, and where it applies to the position; DOT regulated employer records in compliance with 49 CFR 382.413 and/or Pilot Records Improvement Act records in compliance with 14 CFR parts 121, 125 and 135.

You may request more information about the nature and scope of any investigative consumer reports by written request to:

If this box is checked, the report being procured by Company will contain a credit report to be delivered in a State that restricts the use of credit information for employment purposes. The procurement of this credit report is permitted because you are being considered for the following position or role:

Acknowledgement of receipt: Disclosure of Background Investigation.

Printed Name

Signature

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Today's Date (MMDDYYYY)

PROVIDE AS A STAND ALONE DOCUMENT.  
DO NOT ATTACH TO OTHER PAPERWORK



EMPLOYMENT SCREENING RESOURCES®

**RIGHTS and ACKNOWLEDGMENTS**

**Your Rights under Federal Law**

I understand that I have the right, upon written request made within a reasonable time after receipt thereof, to request disclosure of the nature and scope of any investigative consumer report. The nature and scope of the most common form of investigative consumer report related to Engagement is investigation of employee performance, and/or personal and professional references. I may review or obtain a copy of any report(s) about me prepared by ESR by mail or in person as provided by federal law. ESR may be contacted by writing to Employment Screening Resources (ESR), 7110 Redwood Blvd., Suite C, Novato, CA 94945 or by calling 888-999-4474. You will find information about ESR's privacy practices at <http://www.esrcheck.com/Privacy-Policy/>.

I have been provided with a copy of "A summary of Your Rights under the Fair Credit Reporting Act", and I have been advised that I should read, keep and refer to this important information.

**Your Rights under State Law**

**State of Washington** applicants and employees only: You have the right to receive a complete and accurate disclosure of the nature and scope of any investigative consumer report as well as a written summary of your rights and remedies under Washington law.

**Massachusetts and New Jersey** applicants, employees, and residents only: You have the right to inspect and promptly receive a copy of any investigative consumer report requested by the Company by directly contacting the consumer reporting agency identified above.

**New York** applicants, employees, and residents only: You have the right to inspect and receive a copy of any investigative consumer report requested by the Company by directly contacting the consumer reporting agency identified above.

California, Minnesota and Oklahoma applicants, employees or residents: Please check this box if you would like to receive a free copy of a consumer report if one is obtained by the Company.

New York applicants, employees or residents: I acknowledge receipt of Article 23-A New York Correction Law.

California applicants, employees or residents: I acknowledge receipt of the "NOTICE REGARDING BACKGROUND INVESTIGATION PURSUANT TO CALIFORNIA LAW".

Employees working in San Francisco City or County: I acknowledge receipt of Employee Rights under San Francisco Police Code Article 49.

Acknowledgement of receipt: Disclosure of Background Investigation.

[Empty rectangular box for printed name]

Printed Name

[Empty rectangular box for signature]

Signature

[Date grid: 8 empty boxes for MMDDYYYY]

Today's Date (MMDDYYYY)

**PROVIDE AS A STAND ALONE DOCUMENT.  
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EMPLOYMENT SCREENING RESOURCES®

**AUTHORIZATION AND CONSENT TO BACKGROUND INVESTIGATION**

By signing my name below, I hereby agree, authorize and consent to the (a) the preparation of consumer reports and investigative consumer reports ("background reports") about me by Employment Screening Resources (the "Agency" or "ESR"), a consumer reporting agency, as described in the Disclosure of Background Investigation, and (b) procurement of background reports about me by ("Company"), which I understand may contain information about my character, general reputation, personal characteristics, and/or mode of living.

I authorize, subject to any applicable laws protecting my privacy, any local, state, federal or international law enforcement agency; public or private agency; administrator; public or private institution, public or private school or university; information services bureau; employer; insurance company; credit bureaus; or any other party holding information under my name to furnish any and all background information requested by ESR for the purpose of providing background reports to Company. I acknowledge the information that can be disclosed to the Agency, if and as allowed by law, includes, but is not necessarily limited to, information concerning my employment and earnings history, education, motor vehicle history, criminal history, professional credentials and licenses.

I agree, authorize and consent to the release and disclosure of any and all information about me by ESR to Company, and where Company is pursuing my direct or temporary Engagement with a third party, Company may provide that third party with a copy of my Report.

This authorization electronically or physically signed by me shall be valid from the date of execution and throughout any subsequent association with Company as allowable by law. I agree that a copy of this document by fax or other electronic means shall be as valid as the original.

Acknowledgement of receipt: Disclosure of Background Investigation.

Printed Name

Signature

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Today's Date (MMDDYYYY)

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**PERSONAL INFORMATION**

**IN ORDER TO VERIFY MY IDENTITY FOR THE PURPOSES OF BACKGROUND IDENTIFICATION, I AM VOLUNTARILY RELEASING MY DATE OF BIRTH, SOCIAL SECURITY NUMBER AND THE OTHER INFORMATION BELOW FOR MY OWN BENEFIT AND FULLY UNDERSTAND THAT ALL ENGAGEMENT DECISIONS ARE BASED ON LEGITIMATE NON-DISCRIMINATORY REASONS.**

First Name (EXACTLY AS IT APPEARS ON YOUR DRIVER'S LICENSE)

Middle Name or Initial

Last Name (EXACTLY AS IT APPEARS ON YOUR DRIVER'S LICENSE)

Date of Birth (MMDDYYYY)

Other Names Known By

Male

Female

Social Security Number

Driver's License Number (No Dashes - Format as Shown on License)

State

Current Address

Apt. #

# years at this address

City

State

Zip Code

Area Code

Daytime Phone Number

Area Code

Evening Phone Number

MY DESIGNATED EMAIL ADDRESS TO SEND ME NOTICES AND OTHER COMMUNICATIONS REGARDING MY BACKGROUND CHECK

MAY WE CONTACT YOUR "CURRENT EMPLOYER"? YES  YOU MAY CONTACT THEM NO  DO NOT CONTACT THEM

PLEASE PROVIDE ALL OTHER RESIDENTIAL ADDRESSES FOR THE PAST 7 YEARS

mm/yy mm/yy

Street Apt.# City State

Zip Code From To

Street Apt.# City State

Zip Code From To

Street Apt.# City State

Zip Code From To

Street Apt.# City State

Zip Code From To

Signature

Today's Date (MMDDYYYY)

PROVIDE AS A STAND ALONE DOCUMENT.  
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*Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.*

## **A Summary of Your Rights Under the Fair Credit Reporting Act**

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your "file disclosure"). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer

reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.

- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.** Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies :

#### **CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

**You have a right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.** The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is

placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**



<b>TYPE OF BUSINESS:</b>	<b>CONTACT:</b>
<p>1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement &amp; Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>
<p>5. Creditors Subject to the Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Administration area supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>

**NOTICE REGARDING BACKGROUND INVESTIGATION**  
**PURSUANT TO CALIFORNIA LAW**

intends to obtain information about you from an investigative consumer reporting agency and/or a consumer credit reporting agency for employment purposes. Thus, you can expect to be the subject of "investigative consumer reports" and "consumer credit reports" obtained for employment purposes. Such reports may include information about your character, general reputation, personal characteristics and mode of living. With respect to any investigative consumer report from an investigative consumer reporting agency ("ICRA"), the Company may investigate the information contained in your employment application and other background information about you, including but not limited to obtaining a criminal record report, verifying references, work history, your social security number, your educational achievements, licensure, and certifications, your driving record, and other information about you, and interviewing people who are knowledgeable about you. The results of this report may be used as a factor in making employment decisions. The source of any investigative consumer report and or consumer credit report (as those terms are defined under California law) will be **ESR**, 7110 Redwood Blvd., Suite C, Novato, CA Tel: 888-999-4474. You may find information about ESR's privacy practices at <http://www.esrcheck.com/Privacy-Policy/>.

The Company agrees to provide you with a copy of an investigative consumer report when required to do so under California law.

Under California Civil Code section 1786.22, you are entitled to find out from an ICRA what is in the ICRA's file on you with proper identification, as follows:

- In person, by visual inspection of your file during normal business hours and on reasonable notice. You also may request a copy of the information in person. The ICRA may not charge you more than the actual copying costs for providing you with a copy of your file.
- A summary of all information contained in the ICRA's file on you that is required to be provided by the California Civil Code will be provided to you via telephone, if you have made a written request, with proper identification, for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or charged directly to you.
- By requesting a copy be sent to a specified addressee by certified mail. ICRA's complying with requests for certified mailings shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the ICRA's.

"Proper Identification" includes documents such as a valid driver's license, social security account number, military identification card, and credit cards. Only if you cannot identify yourself with such information may the ICRA require additional information concerning your employment and personal or family history in order to verify your identity. The ICRA will provide trained personnel to explain any information furnished to you and will provide a written explanation of any coded information contained in files maintained on you. This written explanation will be provided whenever a file is provided to you for visual inspection.

You may be accompanied by one other person of your choosing, who must furnish reasonable identification. An ICRA may require you to furnish a written statement granting permission to the ICRA to discuss your file in such person's presence.

**ARTICLE 23-A**  
**LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY**  
**CONVICTED OF ONE OR MORE CRIMINAL OFFENSES**

<b>Section</b>	<b>750. Definitions.</b>
	<b>751. Applicability.</b>
	<b>752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.</b>
	<b>753. Factors to be considered concerning a previous criminal conviction; presumption.</b>
	<b>754. Written statement upon denial of license or employment.</b>
	<b>755. Enforcement.</b>

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**§ 750. Definitions.** For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

**§ 751. Applicability.** The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

**§ 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.** No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

- (1) there is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or
- (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

**§ 753. Factors to be considered concerning a previous criminal conviction; presumption.** 1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

**§ 754. Written statement upon denial of license or employment.** At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

**§ 755. Enforcement.** 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules. 2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

*Post where readily accessible to job applicants and employees.*

## CITY AND COUNTY OF SAN FRANCISCO



EDWIN M. LEE, MAYOR

### **NOTICE TO JOB APPLICANTS AND EMPLOYEES**

## **San Francisco Fair Chance Ordinance**

### **Police Code, Article 49**

**Starting August 13, 2014, the Fair Chance Ordinance (San Francisco Police Code, Article 49) requires employers to follow strict rules regarding the use of arrest and conviction records in hiring and employment decisions.** The ordinance covers job applicants and employees who would be or are performing work in whole, or in substantial part, in San Francisco and applies to employers who have 20 or more employees (regardless of the employees' locations).

**Certain matters are off-limits.** An employer may *never* ask about, require disclosure of, or consider: an arrest not leading to a conviction (other than an unresolved arrest that is still undergoing criminal investigation or trial); participation in a diversion or deferral of judgment program; a conviction that has been expunged or made inoperative; any determination in the juvenile justice system; a conviction more than 7 years old; and a criminal offense other than a felony/misdemeanor. Matters that are off-limits cannot be used by the employer for any reason at any stage of the hiring process.

**An employer cannot ask about an individual's conviction history or unresolved arrests at the start of the hiring process.** This includes through a job application form, informal conversation, or otherwise.

**A mandatory interactive process for matters not off-limits.** Only after a live interview has been conducted, or a conditional offer of employment made, is the employer allowed to ask about an individual's conviction history (except as to matters that are off-limits) and unresolved arrests. Only those convictions and unresolved arrests that *directly relate* to the individual's ability to do the job may be considered in making an employment decision.

Before the employer may take an adverse action such as failing/refusing to hire, discharging, or not promoting an individual based on a conviction history or unresolved arrest, the employer must give the individual an opportunity to present evidence that the information is inaccurate, the individual has been rehabilitated, or other mitigating factors. The individual has seven days to respond, at which point the employer must delay any adverse action for a reasonable time and reconsider the adverse action. The employer must notify the individual of any final adverse action.

*Evidence of rehabilitation* include satisfying parole/probation; receiving education/training; participating in alcohol/drug treatment programs; letters of recommendation; and age at which the individual was convicted. *Mitigating factors* include coercion, physical or emotional abuse, and untreated substance abuse/mental illness, that contributed to the conviction.

**No Retaliation.** An employer may not take an adverse action against an applicant or employee for exercising their rights under the ordinance or cooperating with the Office of Labor Standards Enforcement OLSE.

If you need more information, or wish to report an employer that you believe has violated this ordinance, please contact the OLSE at 415-554-5192 or email [FCE@sfgov.org](mailto:FCE@sfgov.org).

OFFICE OF LABOR STANDARDS ENFORCMENT

City Hall, Room 430 1 Dr. Carlton B. Goodlett Place San Francisco CA 94102-4685 Tel. (415) 554-6235 Fax (415) 554-4791

**THESE TWO PAGES ARE NOT PART OF THE  
DISCLOSURE AND CONSENT DOCUMENTS**

The following is a listing of the permitted purposes for obtaining employment related credit reports in the 10 states, 2 cities and the District of Columbia, that restrict their use for **private sector employers**. If you are located in one of these states or are employing someone who currently resides in one of them, you should select the appropriate state permitted purpose and fill it in on page one of the consent forms. If you operate outside of those states and are obtaining a credit report for employment purposes it is best practice to check the box and fill in the blank by choosing a reason from the selections below or the purpose for obtaining a credit report taken from your screening policy.

### California

- Employment with a Financial Institution
- Managerial position
- Employment with California Department of Justice
- Employment with the Police or Law enforcement
- Information is required by state or federal law
- Position has access to debit/credit card information, social security numbers and dates of birth
- Position has signatory authority of bank, debit/credit cards
- Position has authority to transfer funds from employer account
- Position has authority to enter into financial contracts on behalf of employer
- Position has access to confidential or proprietary information of employer
- Position has access to cash of \$10,000 or more of employees or customers/clients

### Colorado

- Position sets the direction or control of a business, division, unit or an agency of a business
- Position has a fiduciary responsibility to the employer
- Position has access to customers', employees', or the employer's personal or financial information
- The authority to issue payments, collect debts or enter into contracts
- Position involves contracts with defense, intelligence, national security or space agencies of the federal government
- Employer is a bank or financial institution
- The credit report is required by law for this position

### Connecticut

- Management position that involves setting the direction or control of a business, division, unit or an agency of a business
- Position has access to personal or financial information of customers, employees or the employer, other than information customarily provided in a retail transaction
- Fiduciary position with responsibility to the employer as defined under the law
- Position has an expense account or corporate debit or credit card
- Position has access to certain confidential or proprietary business information, as defined under the law
- Position has access to the employer's nonfinancial assets valued at \$2,005 or more

### Hawaii

- Credit report is a bona fide occupational qualification for this position as defined in HRS Â§ 378-3-(2)
- Managerial or Supervisory position as defined in HRS Â§ 378
- Pursuant to a requirement of federal or state law

### Illinois

- Position requires bonding, security, or otherwise required per state or federal law
- Position has unsupervised access to more than \$2,500
- Position has signatory power over businesses assets of more than \$100
- Management position with control of the business
- Position has access to personal, financial or confidential information, trade secrets, or state or national security information

### Maryland

- Managerial position that involves setting the direction or control of a business, or a department, division, unit, or agency of a business
- Position involves access to personal information of a customer, employee, or employer, except for personal information customarily provided in a retail transaction
- Fiduciary position including the authority to issue payments, collect debts, transfer money, or enter into contracts
- Position is provided an expense account or a corporate debit or credit card
- Position has access to confidential business information

### Nevada

- Employer is required or authorized by state or federal law to obtain a credit report
- Employer believes the consumer has engaged in activity which may violate a state or federal law

- Reasonably related to the position as per Chapter 613 of NRS

## New York City

- Non-clerical role with regular access to trade secrets, intelligence information or national security information
- Job entails signatory authority over third-party funds or assets valued at \$10,000 or more
- Position has authority to enter into financial agreements valued at \$10,000 or more
- Position where regular duties involve "modifying digital security systems established to prevent the unauthorized use of the employer or client networks or databases"
- Position as a Police Officer
- Public official position involving a "high degree of public trust"
- Position must be bonded under federal, state or local law
- Federal or state law requires that the employee in this position has a security clearance

## Oregon

- Position is with a federally insured bank or credit union
- Credit report for this position is required by state or federal law
- Position is that of a public safety officer as defined by state law
- One of this position's essential functions requires access to financial information not customarily required in retail transactions other than a loan or extension of credit that is, beyond check information or debit or credit card numbers
- This position requires a credit report as a condition of bonding or insuring the employee

## Philadelphia, PA

- Position requiring the employee to be bonded under city, state, or federal law
- Supervisory or managerial position that involves setting the direction or policies of a business, division, unit or similar part of a business
- Position involving the authority to make payments, transfer money, collect debts, or enter into contracts
- Position requiring access to financial information pertaining to customers, employees, or the employer, other than retail transactions
- Position requiring access to valuable confidential or proprietary information

## Vermont

- Credit report for this position is required by state or federal law or regulation
- This position involves access to confidential financial information
- The employer is a financial institution or credit union as defined by state law
- This position is that of a law enforcement officer, emergency medical personnel, or a firefighter as defined by state law
- Fiduciary position including the authority to issue payments, collect debts, transfer money, or enter into contracts
- A credit report for this position is a valid and reliable predictor of employee performance in the specific position of employment
- This position involves access to an employer's payroll information

## Washington

- Pursuant to requirement of federal or state law
- Position where good credit is substantially job related and reason is disclosed in writing

## Washington DC

- Required by D.C. law to obtain a credit report for this position
- Position is with a financial institution, that involves access to personal financial information