

**NOTE TO READER: THIS FORM IS ONLY A SAMPLE AND SHOULD NOT BE USED UNLESS YOU FIRST OBTAIN LEGAL ADVICE FROM YOUR OWN LEGAL COUNSEL.**

### **DISCLOSURE CONCERNING PROCUREMENT OF CONSUMER REPORTS**

**[insert name of company]** (the “Company”) will procure a consumer report on you from a consumer reporting agency in connection with your application for employment with, or your request for an independent contractor assignment with, the Company and, if you are hired or retained, at any time during the course of your employment with, or independent contractor assignment for, the Company for purposes related to your employment or assignment, to the extent permitted by applicable law.

The report will contain information bearing on your character, general reputation, personal characteristics, and/or mode of living. The types of information that may be obtained include, but are not limited to, background references; employment history; credit history; criminal and civil court, education, and driving records; and verification of prior employment. The information in the report will be obtained from private and public record sources.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK. PLEASE PROCEED TO THE NEXT PAGE.**

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**AUTHORIZATION TO PROCURE CONSUMER REPORTS**

I have carefully read, and I understand, this Disclosure and Authorization form. By my signature below, I consent to the release to [insert name of company] ("Company") of consumer reports prepared by a consumer reporting agency (the "Agency"). I understand that if the Company hires me for employment, or retains me as an independent contractor, the Company may rely on this Authorization to obtain additional reports on me without asking for my consent again to the extent permitted by applicable law.

I also authorize all of the following to disclose to the Agency and its agents all information about or concerning me, including but not limited to: my past or present employers; learning institutions, including colleges and universities; law enforcement and all other federal, state and local agencies; federal, state and local courts; credit bureaus; drug and alcohol testing facilities; motor vehicle records agencies; all other private and public sector repositories of information; and any other person, organization, or agency with any information about or concerning me. The information that can be disclosed to the Agency and its agents includes, but is not limited to, information concerning my employment and earnings history, credit history, education, motor vehicle history, criminal history, professional credentials and licenses.

**If you live, or are applying for a position in, California, Minnesota or Oklahoma:** If you check the box below, the consumer reporting agency will send you a free copy of the report at the same time that the report is made available to the Company. ☐ I request a free copy of the report.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Full Name Printed

\_\_\_\_\_  
Maiden Name or Other Name Used

\_\_\_\_\_  
Present Address

\_\_\_\_\_  
How Long?

\_\_\_\_\_  
City/State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Former Address

\_\_\_\_\_  
How Long?

\_\_\_\_\_  
City/State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Birth Day/Month

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Driver's License Number

\_\_\_\_\_  
State of License

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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### **ADDITIONAL STATE LAW NOTICES**

If you live, or are applying for a position in, any of the states listed below, please review the additional notice that applies to you.

**CALIFORNIA:** The Company will procure the consumer report from the following consumer reporting agency: Corporate Security Solutions, Inc. 3595 West Lake Mary Blvd., Suite 5C, Lake Mary, Florida 32746; telephone (800) 203-4731 ("Agency"). The Agency's privacy policy is located at <http://eyeforsecurity.com/privacy-policy/>.

You may review the file maintained on you by the Agency. You may also obtain a copy of that file, upon submitting proper identification, paying duplication costs, and by appearing in person at the Agency's offices on reasonable notice and during normal business hours, or by mail. You also may receive a summary of the file by calling the Agency. The Agency has trained personnel available to explain your file to you, including any coded information. If you appear in person, one other person may accompany you, provided that person furnishes proper identification. A more detailed Summary Of Your Rights Under California Civil Code Section 1786.22 has been provided with this form.

**MINNESOTA:** Upon your written request, the consumer reporting agency named above will make a complete and accurate disclosure of the nature and scope of the report provided to the Company. Minnesota law requires the consumer reporting agency named above to provide this disclosure within five days after the request is received or the consumer report is requested, whichever is later.

**NEW YORK:** Upon request to [insert job title], the Company will inform you whether or not the Company requested a consumer report. If a report was requested, the Company will provide the name and address of the consumer reporting agency furnishing the report. You may inspect and receive a copy of the report by contacting the agency. Article 23-A of the New York Correction Law is has been provided with this form.

**WASHINGTON STATE:** You have the right to ask the Company to provide you with a summary of your rights under the Washington Fair Credit Reporting Act.

SAMPLE

**A SUMMARY OF YOUR RIGHTS UNDER CALIFORNIA  
CIVIL CODE SECTION 1786.22**

**(a)** An investigative consumer reporting agency shall supply files and information required under Section 1786.10 during normal business hours and on reasonable notice.

**(b)** Files maintained on a consumer shall be made available for the consumer's visual inspection, as follows:

**(1)** In person, if he appears in person and furnishes proper identification. A copy of his file shall also be available to the consumer for a fee not to exceed the actual costs of duplication services provided.

**(2)** By certified mail, if he makes a written request, with proper identification, for copies to be sent to a specified addressee. Investigative consumer reporting agencies complying with requests for certified mailings under this section shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the investigative consumer reporting agencies.

**(3)** A summary of all information contained in files on a consumer and required to be provided by Section 1786.10 shall be provided by telephone, if the consumer has 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 the consumer.

**(c)** The term "proper identification" as used in subdivision (b) shall mean that information generally deemed sufficient to identify a person. Such information includes documents such as a valid driver's license, social security account number, military identification card, and credit cards. Only if the consumer is unable to reasonably identify himself with the information described above, may an investigative consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his identity.

**(d)** The investigative consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished him pursuant to Section 1786.10.

**(e)** The investigative consumer reporting agency shall provide a written explanation of any coded information contained in files maintained on a consumer. This written explanation shall be distributed whenever a file is provided to a consumer for visual inspection as required under Section 1786.22.

**(f)** The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. An investigative consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

## NEW YORK STATE CORRECTION LAW, ARTICLE 23-A

**§ 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.

**Preemption.** Where federal or state law imposes a criminal history requirement that conflicts with a requirement of the Fair Chance Ordinance, the federal or state law will apply.

**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 ENFORCEMENT**

**9/14**

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