
Summary of New FCRA Provisions

I.

Before ordering information for employment purposes, an employer must:

- disclose to the applicant in writing that a [consumer] report will be ordered
- obtain written consent to order any reports

(Attached is a sample “Disclosure and Release” form)

II.

Before refusing to hire an applicant based in whole, or in part, on report information an employer must:

- Notify the applicant of possible “adverse action”
- Show the reports to the applicant and provide the applicant with a “summary of rights” notice
- Provide oral, written or electronic notice of information included in the attached “Dear Applicant” letter

Sample Policy and Standards List

All Employees of _____ must meet these standards.

The following policies and procedures will apply to all prospective and current employees that have access to or operate company owned vehicles:

1. Applicants will not be considered for employment if they:
 - Have been convicted of a DUI or reckless driving within the past three (3) years.
 - Have had any combination of three (3) moving violations and/or accidents in the last three (3) years.
 - Have had more than one (1) At Fault accident in the past three years.
2. A motor vehicle record (MVR) check must be completed prior to any applicant's consideration for regular employment.
3. MVR's will be requested and reviewed a minimum of every twelve (12) months for all employees having access to or who operate a company owned vehicle. This could also include employees that operate a vehicle on behalf of the company or on company business.
4. A current employee will be placed on six (6) months probation and be required to attend a defensive driving school, at their own expense if a MVR search reveals any combination of two moving violations and/or at fault accidents.
 - A third moving violation, additional at fault accident or DUI conviction may result in the loss of your privilege to operate a company owned vehicle, employment suspension or termination.
 - Reckless use of a company owned vehicle or an at fault accident involving a company owned vehicle may result in probation, loss of company driving privileges, employment suspension or termination.

It is our mutual responsibility to insure, to the best of our abilities, that the company operates it's fleet as safely as possible, and this includes hiring new employees that are safe drivers and encouraging current employees to operate our and their personal vehicles in the safest possible manner.

I meet these standards.

Signature

Sample Disclosure and Release Form

DISCLOSURE AND RELEASE

In connection with my application for employment (including contract for services) with you, I understand that consumer reports which may contain public record information may be requested. These reports may include the following types of information: names and dates of previous employers, reason for termination of employment, work experience, accidents, etc. I further understand that such reports may contain public record information concerning my driving record, workers' compensation claims, credit, bankruptcy proceedings, criminal records, etc., from federal, state and other agencies which maintain such records; as well as information concerning previous driving record requests made by others from such state agencies, and state provided driving records.

I AUTHORIZE, WITHOUT RESERVATION, ANY PARTY OR AGENCY CONTACTED TO FURNISH THE ABOVE-MENTIONED INFORMATION.

I have the right to make a request, upon proper identification, to request the nature and substance of all information in its files on me at the time of my request, including the sources of information; and the recipients of any reports on me which has previously furnished within the two year period preceding my request. I hereby consent to your obtaining the above information.

I hereby authorize procurement of consumer reports(s). If hired (or contracted), this authorization shall remain on file and shall serve as ongoing authorization for you to procure consumer reports at any time during my employment (or contract) period.

Print Name

Social Security No.

Applicant's Signature

Date

Sample Letter of Obligation Under DOT

Dear Applicant:

This letter is to notify you that we may be unable to make you an offer of employment based on our obligations under DOT regulations, including information received from the Department of Motor Vehicles.

Attached is a copy of this information and a copy of your rights under the Fair Credit Reporting Act.

You have the right to dispute the accuracy or completeness of any information contained in such reports by contacting the Department of Motor Vehicles.

Thank you for your interest in our company.