**CLIENT’S PROTOCOL FOR SENDING ADVERSE ACTION**

If you deny employment based in whole or in part on information in the background report, you must send the Pre-adverse Action Letter along with the Summary of Rights and applicant’s report.  You should send all three documents.

The purpose is to give an applicant the opportunity to see the report with the information being used against them. If the report is inaccurate or incomplete, the applicant then has the opportunity to contact the Consumer Reporting Agency (Inquirehire) to dispute or explain what is in the report. Otherwise, applicants could be denied employment without knowing they were the victims of inaccurate information or incomplete data.

After sending those documents, you must send the applicant a Notice of Adverse Action informing them of your final decision.  We recommend you give them a copy of the Summary of Rights again.

While it seems redundant, the law clearly requires two notices.

\*Of Special Note: A question that arises is how long an employer must wait before denying employment based upon information contained in a Consumer Report. The FCRA does not address this question. However, most legal opinions advise the employer to wait a “reasonable” amount of time before making a final decision. The time period should be the time needed by the applicant to meaningfully review the report and make known to the employer or the Consumer Reporting Agency of any inaccurate or incomplete information.

**Important Notification: Inquirehire cannot provide legal advice. The information contained herein is for awareness and should not be considered as legal advice. Inquirehire recommends that you consult with legal counsel in regard to this document and your specific screening program, policies and procedures to ensure legal compliance.**