

SAMPLE PRE-ADVERSE ACTION NOTIFICATION

Date

Dear _____:

On [Date], you authorized [Employer] to obtain consumer reports and/or investigative consumer reports about you from a consumer reporting agency. The Company is considering taking action in whole or in part based on information in such report(s). Enclosed please find (1) a copy of the report we obtained from **Occuscreen, LLC, 805 Broadway Street, Suite 215 Vancouver, WA 98660**, (2) a summary of your rights under the Fair Credit Reporting Act, and if applicable, (3) Article 23-A of the New York Correction Law, (4) A Summary of Your Rights Under New Jersey Law, (5) A Summary of Your Rights Under Washington Law, and (6) a copy of the Company's Background Check Policy and *Information Concerning the Process for Correcting a Criminal Record* in Massachusetts.

We will evaluate the information in your report on an individualized case-by-case basis in accordance with the law and EEOC guidance. If you believe that there is additional information that may help us better evaluate your fitness for this position, please contact us immediately. You may identify any errors, inaccuracies and/or otherwise respond to the information contained in the report within five business days from the date of this letter. If you choose to do so, you must contact [Employer Contact Information]. If we do not hear from you within 5 days, we will make our determination on the information currently available to us. If you wish to dispute the accuracy of the information in the report directly with the consumer reporting agency (*i.e.*, the source of the information contained in the report), you should contact the agency identified above directly.

Sincerely,

[Employer]

Enclosures: A Summary of Your Rights Under the FCRA

Consumer Report

Article 23-A of the New York Correction Law

A Summary of Your Rights Under New Jersey Law

A Summary of Your Rights Under Washington Law

Background Policy in Massachusetts

DCJIS information sheet in Massachusetts

SAMPLE ADVERSE ACTION NOTIFICATION

Date

Dear _____:

We regret to inform you that Employer [(... is unable to offer you employment), or (... will terminate your employment effective _____), or (... has decided not to offer you a promotion)].*

This decision was based in whole or in part on information contained in a report from **Occuscreen, LLC, 805 Broadway Street, Suite 215 Vancouver, WA 98660, (888) 833-5304, www.occuscreen.com**, a copy of which was previously given to you. The agency did not make this employment decision and is unable to supply you with specific reasons why the decision was made. Under Section 612 of the Fair Credit Reporting Act, you have the right to obtain a free copy of the report if you submit a written request to the agency identified above no later than 60 days after you receive this notice. Under Section 611 of that Act, and state law you also have the right to dispute the accuracy or completeness of any information in the report by contacting the consumer reporting agency above.

Massachusetts applicants or employees only (this section applies only if the report referenced above is a credit report): You have the right to obtain a free copy of your credit report within sixty days from the consumer credit reporting agency which has been identified on this notice. The consumer credit reporting agency must provide someone to help you interpret the information on your credit report. Each calendar year you are entitled to receive, upon request, one free consumer report. You have the right to dispute inaccurate information by contacting the consumer credit reporting agency directly. If you have notified a consumer credit reporting agency in writing that you dispute the accuracy of information in your file, the agency must then, within thirty business days, reinvestigate and modify or remove inaccurate information. The consumer credit reporting agency may not charge a fee for this service. If reinvestigation does not resolve the dispute to your satisfaction, you may send a letter to the consumer credit reporting agency, to be kept in your file, explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about the disputed information in a report it issues about you.

California applicants or employees only (this section applies only if the report referenced above is a credit report): You have the right to obtain a free copy of your credit report within 60 days from the consumer credit reporting agency which has been identified on this notice and from any other consumer credit reporting agency which compiles and maintains files on consumers on a nationwide basis. Under California law, you also have the right to dispute with the consumer reporting agency the accuracy or completeness of any information in the report.

Sincerely,
Employer

*Identify any adverse action taken on the basis of the consumer report.