Sample Adverse Action Notice

Sample documents should NOT be construed as legal advice, guidance or counsel. Employers should consult their own attorney about their compliance responsibilities under the Fair Credit Reporting Act and applicable state law. Validity Screening Solutions expressly disclaims any warranties or responsibility or damages associated with or arising out of information provided.

Date

NAME
ADDRESS
CITY, ST ZIP

Dear _____:

We write to inform you that [Employer] (the "Company") **[(... 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 consumer report and/or investigative consumer report, including the following specific criminal history items contained in the report: [Identify specific criminal history items].

A copy of this report was previously given to you. The agency that provided the report, Validity Screening Solutions, can be reached at PO Box 25406, Overland Park, KS 66225, (913) 322-5999, https://validityscreening.com. This agency did not make this employment decision and is unable to supply you with specific reasons why the decision was made. 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. You also have the right to dispute the accuracy or completeness of any information in the report by contacting the consumer reporting agency above directly.

See below for additional disclosures for California, Gainesville (FL), Georgia, Illinois, Massachusetts, Erie County (PA), and Washington.

Sincerely,

_____

CALIFORNIA APPLICANTS, EMPLOYEES, RESIDENTS 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.

CALIFORNIA APPLICANTS, EMPLOYEES, RESIDENTS ONLY (IF THE DECISION IS BASED ON CRIMINAL HISTORY): The Company's procedure for you to challenge or request that we reconsider our decision is as follows: [INSERT OR DELETE THE TEXT IF NO PROCEDURE EXISTS]. You have a right to contest the decision by filing a complaint with the California Civil Rights Department.

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CITY OF LOS ANGELES APPLICANTS (IF THE DECISION IS BASED ON CRIMINAL HISTORY): Enclosed is a copy of the written reassessment required by the Los Angeles Fair Chance Initiative for Hiring Ordinance OR Because we did not receive additional information from you, enclosed is a copy of the written assessment required by the Los Angeles Fair Chance Initiative for Hiring Ordinance, a copy of which was provided with your pre-adverse action letter.

UNINCORPORATED LOS ANGELES COUNTY APPLICANTS (IF THE DECISION IS BASED ON CRIMINAL HISTORY): Enclosed is a copy of the reassessment of your criminal history information. You have the right to file a complaint with the Los Angeles County Department of Consumer and Business Affairs or the California Civil Rights Department, as applicable.

GAINESVILLE, FLORIDA APPLICANTS AND EMPLOYEES ONLY (IF THE DECISION IS BASED ON CRIMINAL HISTORY): This notice is provided in accordance with the City of Gainesville Code of Ordinances, Chapter 14.5, Section 14.5-181, which regulates the process and timing of criminal background checks conducted on job applicants.

GEORGIA APPLICANTS, EMPLOYEES, RESIDENTS ONLY (IF THE ADVERSE DECISION IS BASED ON CRIMINAL HISTORY OBTAINED FROM THE GEORGIA CRIME INFORMATION CENTER): The Company obtained criminal history information about you from the Georgia Crime Information Center, which included the following record that was used to disqualify you from the position sought: INSERT.

ILLINOIS APPLICANTS, EMPLOYEES, RESIDENTS ONLY (IF THE DECISION IS BASED ON CRIMINAL HISTORY): The criminal history item(s) identified above has resulted in adverse action because INSERT REASONING EXPLAINING WHY RECORDS ARE SUBSTANTIALLY JOB-RELATED AND/OR PRESENT AN UNREASONABLE RISK TO PROPERTY OR THE SAFETY/WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC. The Company's procedure for you to challenge or request that we reconsider our decision is as follows: [INSERT OR DELETE THE TEXT IF NO PROCEDURE EXISTS]. You have a right to file a complaint with the Illinois Department of Human Rights and/or the Chicago Commission on Human Relations, as applicable.

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MASSACHUSETTS APPLICANTS, EMPLOYEES, RESIDENTS ONLY: 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.

ERIE COUNTY (PA) APPLICANTS AND EMPLOYEES ONLY (IF THE DECISION IS BASED ON CRIMINAL HISTORY): Enclosed is a copy of your consumer report. You have 10 business days to provide information concerning the accuracy of the criminal history information in your consumer report or additional information you wish the Company to consider. The Company will consider all additional information provided by you. A copy of your consumer report is included with this letter.

WASHINGTON STATE APPLICANTS AND EMPLOYEES ONLY (IF THE DECISION IS BASED ON CRIMINAL HISTORY): Attached is our assessment of the criminal history item(s) identified above.

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