Sample Pre-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 _____:

You recently authorized [Employer] (the "Company") to obtain consumer reports and/or investigative consumer reports about you from a consumer reporting agency. The Company is considering taking action based, in whole or in part, on information in such report(s), including the following specific criminal history items identified in the report: [Identify specific criminal history Items.]

Enclosed please find (1) a copy of the report we obtained from Validity Screening Solutions, PO Box 25406, Overland Park, KS 66225, (913) 322-5999, https://validityscreening.com, (2) A Summary of Your Rights Under the Fair Credit Reporting Act, and (3) any applicable state or local notices (as described below or listed in the enclosures). 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.

If you believe there is additional information that may help us better evaluate your fitness for this position, including evidence challenging the accuracy of the conviction history report or evidence of rehabilitation or mitigating circumstances, please promptly contact us by phone at INSERT or email at INSERT. Evidence of rehabilitation may include, among others, completion of a mental health or substance use disorder treatment program, a job training program, a GED or post-secondary education program, service to the community, work history in a related field since the time of the conviction or incarceration, or any active occupational licensure, commercial driver licensure, or other licensure necessary to perform the specific duties of the job. We will evaluate the information in your report and that you provide in accordance with applicable law.

Deadline to Respond: If we do not hear from you within the time periods below, we will make our hiring determination based on the information currently available to us.

- **If the decision is not based on criminal history:** five (5) business days from the date that you receive this letter.
- **If the decision is based on criminal history:**
  - Applicants and residents outside of California: five (5) business days from the date that you receive this letter **unless** you live or are applying for work in Prince George's County (MD) (seven (7) days), Montgomery County (MD) (seven (7) days), or Philadelphia (PA) (ten (10) business days).
  - **California applicants or residents applying to work or working outside of unincorporated Los Angeles County:** Seven (7) business days from the date of this letter. If you advise us in writing within five (5) business days that the criminal record information is inaccurate and that you are obtaining supporting documentation, you will be given an additional five (5) business days to provide us with that information.

SAMPLE

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- APPLICANTS FOR EMPLOYMENT IN UNINCORPORATED LOS ANGELES COUNTY: __ BUSINESS DAYS FROM THE DATE OF THIS LETTER. IF YOU ADVISE US IN WRITING WITHIN FIVE (5) BUSINESS DAYS THAT THE CRIMINAL RECORD INFORMATION IS INACCURATE AND THAT YOU ARE OBTAINING SUPPORTING DOCUMENTATION OR THAT YOU NEED ADDITIONAL TIME TO OBTAIN EVIDENCE OF REHABILITATION OR MITIGATING CIRCUMSTANCES, YOU WILL BE GIVEN AN ADDITIONAL 10 BUSINESS DAYS TO PROVIDE US WITH THAT INFORMATION.

Additional State and Local Information if the Decision is Based on Criminal History

- Unincorporated Los Angeles County Applicants: In lieu of providing written documentation in response to this letter, you have the right to present your information orally via an in-person, virtual, or phone meeting by making such a request within five (5) business days from receipt of this letter.
- Unincorporated San Diego County Applicants: You have the right to file a complaint with the California Civil Rights Department and the County of San Diego Office of Labor Standards and Enforcement (OLSE).
- Illinois Applicants, Employees, and Residents: The criminal history item(s) identified above may result 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].
- Philadelphia Applicants, Employees, and Residents: You have the right to file a complaint with the Philadelphia Commission on Human Relations. Additional information about your rights under the Philadelphia Fair Chance Hiring Law can be found at the link below.

Sincerely,

_____

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
- Criminal Record Information Policy in Massachusetts
- New York City Fair Chance Act Notice form
- City of Los Angeles Fair Chance in Hiring Ordinance Assessment
- Initial Individualized Assessment of Criminal History (Unincorporated Los Angeles County)
- City of Philadelphia Fair Chance Hiring Law (https://www.phila.gov/services/crime-law-justice/report-a-crime-or-concern/discrimination-and-unfair-practices/file-a-complaint-about-criminal-record-discrimination-in-employment/)

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