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[Company Letterhead]

[Date]

Personal & Confidential

[Name]

[Street Address]

[City, State and Zip]

Dear [Name]:

We are writing to inform you that we, [INSERT COMPANY NAME] have now made a final decision not to employ you. [CRA NAME], a consumer reporting agency, provided your background report to us. The decision was based, in whole or in part, on information in the background report.

[If applicable: Specifically, the decision was based on the criminal records identified previously in our last letter to you / the following criminal records (if basis may have changed): [identify records].]

[Optional, and if applicable: Specifically, the information in the report evidenced falsification and/or material omission during the hiring process.]

[Optional, and if applicable: Specifically, the decision was based on the following non-criminal record related information in the report: {motor vehicle records / drivers license records or status / drug test results / credit report information (list specific items) / license verification results, government exclusionary or sanctions database results}.]

[CRA NAME's] contact information is as follows:

[CRA NAME]

[CRA ADDRESS]

[CRA PHONE, OTHER CONTACT INFO]

[CRA NAME] did not make the decision and cannot provide you with information about it. You, nevertheless, have a right to contact [CRA NAME] at any time to dispute any information in the background report that is inaccurate or incomplete.

You should already have received a copy of the background report but have a right to obtain additional free copies from [CRA NAME]. You have 60 days from the date you receive this notice to request additional free copies of any such reports from [CRA NAME].

California: In California, you have the right to file a complaint with the California Civil Rights Department (previously known as the Department of Fair Employment and Housing), and in the unincorporated areas of Los Angeles County, you have the right to file a complaint with the Los Angeles County Department of Consumer & Business Affairs ("DCBA") for violation of the County's Fair Chance Ordinance for Employers.

Gainesville, Florida: This notice is being 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.

Illinois: You have the right to file a complaint with the Department of Human Rights. In Chicago, Illinois, you also have the right to file a Complaint with the Chicago Commission on Human Relations.

Washington D.C.: You have a right to file an administrative complaint with the D.C. Office of Human Rights pursuant to the Fair Criminal Record Screening Act of 2014.

Massachusetts (*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.

No individual was authorized to communicate any adverse action pertaining to you prior to today's date. If you believe you received any communications inconsistent with this, please contact us at **[CONTACT INFORMATION]**.

Thank you for your interest in the Company.

Sincerely,

[EMPLOYING ENTITY/ENTITY MAKING DECISION BASED ON REPORT]

Enclosures: Los Angeles City Individual Reassessment Form (if applicable); Los Angeles County – Unincorporated Areas – Second Individualized Assessment (if applicable); Illinois Notice (if applicable)
<https://bca.lacity.gov/Uploads/fciho/Ban%20the%20Box%20Individual%20Assessment%20and%20Reassessment%202.1.22%20fillable.pdf>

ILLINOIS NOTICE

If we decided not to employ you based in whole or in part on criminal record history information, the particular criminal records we relied upon are identified below:

[Insert]

A brief explanation of our reasoning as to why these criminal records were ultimately concerning is:

In the position for which you were made a conditional offer **[describe key risk factors]**. **[Describe brief rationale for why criminal history related to those risk factors as well as any consideration of additional information provided by the candidate]**. As a result, we believe there is a substantial relationship between the criminal history noted above and the employment at issue, so we believe employment with us would involve an unreasonable risk to our **[and our customer's]** property and/or to the safety or welfare of the public and our other employees.

Unincorporated Areas of Los Angeles County, California

Second Individualized Assessment

We have now completed our second individualized assessment of whether your criminal record history has a direct, adverse and negative bearing on your ability to perform the duties or responsibilities necessarily related to the applicable job, such that it justifies a decision not to employ you, by considering the following factors:

1. The nature and gravity of the offense or conduct, including but not limited to, consideration of whether the harm was to property or people, the degree severity of the harm or offense, your age when the conduct occurred, and the permanence of the harm or offense.

[Insert consideration of this factor, e.g.:

- **Grading of the Offense(s): {Felony / Misdemeanor / Other}**
- **Seriousness of Sentence(s) {probation length / time in prison / fines, etc., violations of any probation or conditions}**
- **Age When the Offense(s) Occurred: {age}**
- **Whether Offense Concerned Harm to Property: {Yes / No}**
- **Whether Offense Concerned Harm to People: {Yes / No}**
- **Other Comments on Permanence of Harm: {insert}**

2. The time that has passed since the offense or conduct and/or completion of the sentence.

[Insert consideration of this factor, e.g.,:

- **Time since offense: {years / months}**
- **Time since disposition: {years / months}**
- **Time since end of completion of sentence: {years / months}**

3. The nature of the employment position at issue, including consideration of the specific duties of the job, whether the position offers the opportunity for the same or a similar offense to occur, and whether circumstances leading to the conduct for which the person was convicted or that is the subject of an unresolved arrest will recur in the position.

[Insert consideration of this factor, e.g.,:

- **Job title or category: {insert}**
- **Opportunity for the same or similar conduct to occur based on job duties: {insert}**

4. Any and all evidence of rehabilitation or mitigating circumstances, whether provided in written form or orally.

[Insert brief summary of consideration of any materials submitted and why they mitigate in favor of employment or denial of employment]

5. Any documents disputing the accuracy of the criminal history information the Company identified as a potential basis for its employment decision, and/or documents or information providing an explanation regarding that criminal history information.

[Insert brief summary of consideration of any materials submitted and why they were persuasive or not]

EXPLANATION OF TIMING: If the Company is providing this notice more than thirty (30) calendar days after you provided a timely response to our pre-adverse action notice, the reason for this is:

{Insert either "Not Applicable" or circumstances involving a business or personal emergency, or a description of circumstances or delays outside of the Company's control resulting in a delay}

FINAL DECISION: After carefully considering all of the above, our final decision is that you are **[eligible for employment in the position / not eligible for employment in the position]**.

SAMPLE