



Checklist for a Compliant Screening Process

BEFORE ORDERING BACKGROUND CHECKS ON A CANDIDATE:

1 - BACKGROUND CHECK "DISCLOSURE AND AUTHORIZATION" FORM

- Provides the candidate with a written notice that you will be obtaining a consumer report (background check report) on them for employment purposes;
- Have the candidate sign and date the Disclosure and Authorization form in which the candidate consents to the background check;
- Keep the originals of the signed Disclosure and Authorization form in a secure file; and
- Provide the candidate with a copy of the signed Disclosure and Authorization form.

Please note that Background Screeners of America may conduct random audits to ensure you are FCRA compliant by obtaining the proper authorizations.

If you plan to utilize our free QuickApp order feature, please be advised that a hard copy of the Disclosure & Authorization does not have to be obtained. This form is electronically signed and stored within our online system. The applicant has the option to download a copy of their Authorization at the time of application.

2 - SUMMARY OF APPLICANT RIGHTS

- Provide the candidate with a copy of the Federal Trade Commission ("FTC") document called "A Summary of Your Rights Under the Fair Credit Reporting Act" at the time that you provide the Background Check Disclosure and Authorization form.
- **New York:** Employers considering candidates who reside in or will work in New York should provide candidates with a copy of New York Correction Law Article 23-A.
- **California:** Employers considering candidates who reside in or will work in California should provide candidates with a copy of California's Summary of Rights.

If you plan to utilize our free QuickApp order feature, please be advised that the applicant will review and acknowledge receipt of the FTC Summary of Your Rights as well as NY Article 23-A and California Summary of Rights at the time of application.



BackgroundChecksInBulk.com

Where The Hiring Process Begins!

BEFORE REJECTING A CANDIDATE:

3 - ADVERSE ACTION

If you are considering denying employment based in whole or in part on the content of a background check report, in addition to complying with all applicable federal and state laws and regulations, including, but not limited to the EEOC guidance*, the FCRA requires the following:

Pre-adverse action notice:

- Send the candidate a pre-adverse action letter notifying him/her that you intend to take adverse action based on the information in his/her background check report;
- Include a copy of the background check report with the pre-adverse action letter;
- Include the FTC's "A Summary of Your Rights Under the FCRA" with the pre-adverse action notice (Additional state law summary of rights may be required – please consult with competent counsel to ensure compliance with all applicable state laws); and
- Provide the candidate a reasonable period to explain the information in the report or to dispute the accuracy of the reported information.

Adverse action notice:

- If, after a reasonable period, you still wish to deny employment based on a candidate's background check results, you must send him/her an adverse action letter.

The BackgroundChecksInBulk.com system has both Pre-Adverse and Adverse Action letters available to our clients, at no charge, at the click of a button. These letters pre-populate with your applicant's name and address, your company information, information on how to contact Background Screeners of America, a full Summary of Rights as well as a Consumer Copy of their report. The letters can be emailed directly to the applicant from our online system or printed as pdf format documents for you to mail to the applicant.

For any questions, please contact your dedicated Account Manager:

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