*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. DISA Global Solutions expressly disclaims any warranties or responsibility or damages associated with or arising out of information provided. Employers seeking credit reports must provide additional notices pursuant to state law.*

**SAMPLE PRE-ADVERSE ACTION NOTICE (ALL JURISDICTIONS)**

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 items identified in the report:

* [IDENTIFY SPECIFIC ITEM(S)] [[1]](#footnote-2)

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.”][[2]](#footnote-3)

Enclosed please find (1) a copy of the report we obtained from **DISA Global Solutions, 11740 Katy Freeway, Suite 900, Houston, TX 77079, (800) 752-6432,** [www.disa.com](http://www.disa.com); (2) *A Summary of Your Rights Under the Fair Credit Reporting Act*, and (3) any applicable state or local notices (as described at the end of this letter).

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 that 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 calling [COMPANY PHONE NUMBER]. 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 listed below, we will make our hiring determination based on the information currently available to us.

* **Applicants residing outside of California**: five (5) business days from the day that you receive this letter (seven (7) days for applicants residing in Prince George’s County, MD or Montgomery County, MD).
* **California applicants residing outside of unincorporated Los Angeles County:** [##] business daysfrom the date that you receive this letter, which is deemed received [##] business/calendar days from the date of this letter. If you advise us in writing within the next 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. [[3]](#footnote-4)
* **APPLICANTS FOR EMPLOYMENT IN UNINCORPORATED LOS ANGELES COUNTY**: [##] BUSINESS DAYS FROM THE DATE THAT YOU RECEIVE THIS LETTER, WHICH IS DEEMED RECEIVED [##] BUSINESS DAYS FROM THE DATE OF THIS LETTER. IF YOU ADVISE US IN WRITING WITHIN THE NEXT 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.[[4]](#footnote-5)

If you are applying for a position in unincorporated Los Angeles County, 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.

If you are applying for a position in unincorporated San Diego County, 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).

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)[[5]](#footnote-6)

*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. DISA Global Solutions expressly disclaims any warranties or responsibility or damages associated with or arising out of information provided. Employers seeking credit reports must provide additional notices pursuant to state law.*

**SAMPLE ADVERSE ACTION NOTICE (ALL JURISDICTIONS)**

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)] [[6]](#footnote-7).

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 items contained in the report:

* [IDENTIFY SPECIFIC ITEM(S)] [[7]](#footnote-8)

A copy of this report was previously given to you. The agency that provided the report, **DISA Global Solutions,** may be reached at **11740 Katy Freeway, Suite 900, Houston, TX 77079, (800) 752-6432,** [www.disa.com](http://www.disa.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.

**California applicants, employees, residents ONLY** (this section applies only if the adverse decision is based on criminal history information): This Company’s procedure for you to challenge or request that we reconsider our decision is as follows: [INSERT PROCEDURE OR DELETE THE PREVIOUS SENTENCE IF NO PROCEDURE EXISTS]. You have the right to contest the decision by filing a complaint with the California Civil Rights Department.

**California applicants, employees, residents 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.

**City of Los Angeles Applicants:** 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:** 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.

**Illinois applicants, employees, residents ONLY** (this section applies only if the adverse decision is based on criminal history information): 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 PROCEDURE OR DELETE THE PREVIOUS SENTENCE 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.

**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.

**Gainesville, Florida applicants and employees ONLY** (this section applies only if the adverse decision is based on criminal history information): 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.

**Philadelphia or Erie County, PA applicants and employees ONLY** (this section applies only if the adverse decision is based on criminal history information): 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.

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Enclosures: City of Los Angeles Reassessment
Unincorporated Los Angeles County Second Individualized Assessment
Philadelphia, PA Consumer Report
Erie County, PA Consumer Report

1. **CA; IL; MA; Seattle, WA; Montgomery County, MD; Prince George’s County, MD; Philadelphia, PA; Gainesville, FL; Erie County, PA; New York City, NY.** You must add the specific item(s) of potentially disqualifying information. You may include all jurisdictions if that would be easier from an administrative standpoint. [↑](#footnote-ref-2)
2. **IL:** After conducting the required interactive assessment, employers must specify the reason(s) why the criminal record(s) are preliminarily disqualifying. [↑](#footnote-ref-3)
3. **CA:** you must wait five (5) business days from the “receipt” of this letter prior to sending a final adverse action letter. If you do not have confirmation of receipt, the five days begins (a) two (2) business days after the letter is emailed; (b) five (5) calendar days after the letter has been sent via regular mail to a CA address; (c) ten (10) calendar days after the letter is sent via regular mail to a non-CA US address; and (d) twenty (20) calendar days after the letter is sent via regular mail to a non-US address. [↑](#footnote-ref-4)
4. **Unincorporated Los Angeles County:** you must both mail *and* email (if you have the applicant’s email) this letter to the applicant. The five business days is based on the regular mail periods. [↑](#footnote-ref-5)
5. **New York City, NY; CA:** if there are other documents relating to the criminal history (e.g. court records, Google searches, etc.) they must be attached as well. [↑](#footnote-ref-6)
6. Edit as applicable [↑](#footnote-ref-7)
7. **CA; IL; Montgomery County, MD; Prince George’s County, MD; New York City, NY; Portland, OR; Philadelphia, PA; Erie County, PA; Austin, TX; Gainesville, FL; Seattle, WA:** You must add the specific item(s) of disqualifying information. You may include all jurisdictions if that would be easier from an administrative standpoint. [↑](#footnote-ref-8)