*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 (NON-CALIFORNIA)**

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.

If we do not hear from you within [##][[3]](#footnote-4) business days, we will make our hiring determination based on the information currently available to us.

If an adverse employment action is taken based upon information contained in the pre-employment background screen, the Company will provide you notice of such action.

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

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**SAMPLE ADVERSE ACTION NOTICE (NON-CALIFORNIA)**

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)] [[4]](#footnote-5).

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

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.

**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: 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. **Prince George’s County, MD; Montgomery County, MD;** this must be seven (7) days. **Philadelphia, PA:** this must be ten (10) days. **New York City, NY:** this must be at least three (3) business days after *receipt* by consumer of pre-adverse action letter. [↑](#footnote-ref-4)
4. Edit as applicable [↑](#footnote-ref-5)
5. **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-6)