

## FCRA MADE EASY... 4 STEPS

**1. EMPLOYERS MUST INFORM THE APPLICANT THAT THEY WILL BE CONDUCTING A BACKGROUND CHECK AND/OR INVESTIGATIVE CONSUMER REPORT.**

Employers must provide a clear and written conspicuous disclosure to the applicant before a report is obtained. If an Investigative Consumer Report will be obtained (interviews, references) the employer must notify the applicant that an Investigative Consumer Report is being obtained, inform the applicant of their right to additional information as to the scope of the report and provide a copy of the "Summary of Your Rights". This must be sent to the applicant within 3 days.

For convenience purposes, the disclosure and release form provided by RSBS contains the disclosure for an Investigative Consumer report on the same form.

**2. EMPLOYERS MUST GET WRITTEN PERMISSION FROM APPLICANT TO PERFORM A BACKGROUND CHECK AND/OR INVESTIGATIVE CONSUMER REPORT.**

Employer must obtain written authorization from applicant before obtaining the consumer report. (See sample RSBS Disclosure and Authorization/Release for Employment Purposes & Summary of Your Rights\*)

**3. IF EMPLOYER RECEIVES NEGATIVE INFORMATION ON REPORT, THEY MUST GIVE THE APPLICANT A COPY OF THE REPORT AND THE FTC DOCUMENT "SUMMARY OF YOUR RIGHTS" BEFORE THEY TAKE ANY ACTION AGAINST APPLICANT.**

If Employer receives any adverse information and intends to take adverse action, the Employer must first provide the application with a copy of the report along with the FTC Document "Summary of Your Rights". The purpose of this is to allow the applicant the opportunity to correct any inaccurate or incomplete information on the report. Employer must give applicant a reasonable period of time to review the materials and respond. (See RSBS Sample letter – Pre-Adverse Action & Summary of Your Rights\*)

**4. AFTER THE EMPLOYER TAKES THE ADVERSE ACTION AGAINST THE APPLICANT, THEY MUST GIVE THE APPLICANT ANOTHER NOTICE THAT CONTAINS INFORMATION FROM THE DOCUMENT "NOTICE TO USERS OF CONSUMER REPORTS."**

After the adverse action has actually been taken, Employer must give the applicant another notice that contains the information taken from page two of the "Notice to Users of Consumer Reports" (FCRA 615). (See RSBS Sample letter – Adverse Action\*)

\*We are not attorneys. Any information and/or forms are provided "AS-IS" and are to be used at your own risk.