

## **DISCLOSURE REGARDING BACKGROUND REPORT**

Fastaff, LLC and US Nursing Corporation (“the Company”) will obtain a consumer report (a “background report”) about you from a consumer reporting agency for purposes related to your employment to the extent permitted by applicable law.

The report will contain information about your character, general reputation, personal characteristics, and/or mode of living. These reports may contain information regarding your criminal history, credit history, motor vehicle records (“driving records”), verification of your education and employment history or other background checks. The information in the report will be obtained from private and public record sources.

**THE REMAINDER OF THIS DOCUMENT IS INTENTIONALLY  
LEFT BLANK.**

**PLEASE PROCEED TO THE NEXT DOCUMENT.**

## **SUMMARY OF YOUR RIGHTS UNDER CALIFORNIA CIVIL CODE SECTION 1786.22**

**(a)** An investigative consumer reporting agency shall supply files and information required under Section 1786.10 during normal business hours and on reasonable notice.

**(b)** Files maintained on a consumer shall be made available for the consumer's visual inspection, as follows:

**(1)** In person, if he appears in person and furnishes proper identification. A copy of his file shall also be available to the consumer for a fee not to exceed the actual costs of duplication services provided.

**(2)** By certified mail, if he makes a written request, with proper identification, for copies to be sent to a specified addressee. Investigative consumer reporting agencies complying with requests for certified mailings under this section shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the investigative consumer reporting agencies.

**(3)** A summary of all information contained in files on a consumer and required to be provided by Section 1786.10 shall be provided by telephone, if the consumer has made a written request, with proper identification for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

**(c)** The term "proper identification" as used in subdivision (b) shall mean that information generally deemed sufficient to identify a person. Such information includes documents such as a valid driver's license, social security account number, military identification card, and credit cards. Only if the consumer is unable to reasonably identify himself with the information described above, may an investigative consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his identity.

**(d)** The investigative consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished him pursuant to Section 1786.10.

**(e)** The investigative consumer reporting agency shall provide a written explanation of any coded information contained in files maintained on a consumer. This written explanation shall be distributed whenever a file is provided to a consumer for visual inspection as required under Section 1786.22.

**(f)** The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. An investigative consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

## NEW YORK STATE CORRECTION LAW, ARTICLE 23-A

**§ 750. Definitions.** For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

**§ 751. Applicability.** The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

**§ 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.** No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

**§ 753. Factors to be considered concerning a previous criminal conviction; presumption.**

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

**§ 754. Written statement upon denial of license or employment.** At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

**§ 755. Enforcement.**

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

*Post where readily accessible to job applicants and employees.*

## CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE, MAYOR



### NOTICE TO JOB APPLICANTS AND EMPLOYEES

# San Francisco Fair Chance Ordinance

## Police Code, Article 49

Starting August 13, 2014, the Fair Chance Ordinance (San Francisco Police Code, Article 49) requires employers to follow strict rules regarding the use of arrest and conviction records in hiring and employment decisions. The ordinance covers job applicants and employees who would be or are performing work in whole, or in substantial part, in San Francisco and applies to employers who have 20 or more employees (regardless of the employees' locations).

**Certain matters are off-limits.** An employer may *never* ask about, require disclosure of, or consider: an arrest not leading to a conviction (other than an unresolved arrest that is still undergoing criminal investigation or trial); participation in a diversion or deferral of judgment program; a conviction that has been expunged or made inoperative; any determination in the juvenile justice system; a conviction more than 7 years old; and a criminal offense other than a felony/misdemeanor. Matters that are off-limits cannot be used by the employer for any reason at any stage of the hiring process.

**An employer cannot ask about an individual's conviction history or unresolved arrests at the start of the hiring process.** This includes through a job application form, informal conversation, or otherwise.

**A mandatory interactive process for matters not off-limits.** Only after a live interview has been conducted, or a conditional offer of employment made, is the employer allowed to ask about an individual's conviction history (except as to matters that are off-limits) and unresolved arrests. Only those convictions and unresolved arrests that *directly relate* to the individual's ability to do the job may be considered in making an employment decision.

Before the employer may take an adverse action such as failing/refusing to hire, discharging, or not promoting an individual based on a conviction history or unresolved arrest, the employer must give the individual an opportunity to present evidence that the information is inaccurate, the individual has been rehabilitated, or other mitigating factors. The individual has seven days to respond, at which point the employer must delay any adverse action for a reasonable time and reconsider the adverse action. The employer must notify the individual of any final adverse action.

*Evidence of rehabilitation* include satisfying parole/probation; receiving education/training; participating in alcohol/drug treatment programs; letters of recommendation; and age at which the individual was convicted. *Mitigating factors* include coercion, physical or emotional abuse, and untreated substance abuse/mental illness, that contributed to the conviction.

**Preemption.** Where federal or state law imposes a criminal history requirement that conflicts with a requirement of the Fair Chance Ordinance, the federal or state law will apply.

**No Retaliation.** An employer may not take an adverse action against an applicant or employee for exercising their rights under the ordinance or cooperating with the Office of Labor Standards Enforcement OLSE.

If you need more information, or wish to report an employer that you believe has violated this ordinance, please contact the OLSE at 415-554-5192 or email [FCE@sfgov.org](mailto:FCE@sfgov.org).

OFFICE OF LABOR STANDARDS ENFORCEMENT

9/14

City Hall, Room 430 1 Dr. Carlton B. Goodlett Place San Francisco CA 94102-4685 Tel. (415) 554-6235 Fax (415) 554-4791

# City of Los Angeles

CALIFORNIA



**ERIC GARCETTI  
MAYOR**

## **NOTICE TO APPLICANTS & EMPLOYEES FAIR CHANCE INITIATIVE FOR HIRING ORDINANCE**

This Employer is subject to the Fair Chance Initiative for Hiring Ordinance (FCIHO) (LAMC 189.00).

### **THESE ARE YOUR RIGHTS...**

**1. Employers cannot inquire about or seek information about an Applicant's Criminal History until after a Conditional Offer of Employment has been made to the Applicant\*.**

✓ This includes job solicitations and applications or during any conversations and interviews.

**2. If an Employer decides to rescind an offer of employment based on information discovered during the criminal background check, the Employer is required to perform an Individualized Assessment.**

✓ Individualized Assessment - a written assessment that effectively links the specific aspects of the Applicant's Criminal History with risks inherent in the duties of the Employment position sought by the Applicant.

✓ If the offer is rescinded, the Applicant must receive:

- Written notification,
- Copy of the Individualized Assessment, and
- Copies of any documentation used in the Employer's decision.

**3. The Applicant has the right to the Fair Chance Process.**

✓ The Applicant has the opportunity to provide information or documentation to an Employer regarding the accuracy of their Criminal History or Criminal History Report. Such evidence of rehabilitation or other mitigating factors should be considered in the Employer's assessment.

✓ The Employer is required to hold the job open for at least five (5) business days from the notification date of the proposed adverse action to allow an Applicant to submit such documentation. The Employer is required to review any documentation to reassess their decision.

FOR ADDITIONAL INFORMATION OR ASSISTANCE, CALL:

City of Los Angeles  
Department of Public  
Works Office of Wage  
Standards 1149 S.  
Broadway, Suite 300Los  
Angeles, CA 90015

Phone: (844) WagesLA - Email: WagesLA@lacity.org

\*Note: Not all applicants/employees are covered under the FCIHO. Please see the ordinance (LAMC 189.00) for more details.

## CALIFORNIA INVESTIGATIVE CONSUMER REPORTS DISCLOSURE FORM

**Fastaff, LLC and US Nursing Corporation** (the “Company”) may procure one or more investigative consumer reports (“Report(s)”) about you for employment purposes (including independent contractor or volunteer assignments, as applicable) from the following consumer reporting agency or agencies (“CRA(s)”):

First Advantage  
P.O. Box 105292  
Atlanta, GA 30348  
(800) 845-6004  
<https://fadv.com>

Please understand that:

- The Company shall use information contained in such Reports solely for employment purposes including, but not limited to, hiring, promotion, and retention.
- Information obtained by the CRA(s), and included in any Report(s) provided to the Company, may be obtained through a variety of means including inspection of lawfully available documents and information and/or direct or indirect contact and interviews with former employers, schools, financial institutions, landlords, public agencies and others such as your neighbors, friends, associates and others with whom you are acquainted who may have such knowledge.
- Investigation(s) to be conducted by the CRA(s), the results of which would be included in the Report(s) provided to the Company, may include various types of information about you including, but not limited to, your character, general reputation, personal characteristics, mode of living, bankruptcies, lawsuits, judgments, paid tax liens, unlawful detainer actions, employment history, education history, driving record, drug/alcohol testing results, and criminal record, subject to any limitations imposed by applicable federal, state and local law.
- Information about the privacy practices of the CRA(s) is available at <https://fadv.com/privacy-policy.aspx>.
- Subject to certain situations provided by applicable law, you have the right to a copy of any Report(s) the Company obtains about you from the CRA(s) if you check off the box above your signature on the accompanying *California Authorization for Investigative Consumer Reports* form.
- Per California Civil Code § 1785 *et seq.* and § 1786 *et seq.*, if any Report is requested by the Company about you, you may view the file the CRA maintains on you during its regular office hours. You also may (1) obtain a copy of this file, upon submitting proper identification and paying the copying costs, by mail or by appearing at the CRA’s offices in person during its regular office hours after providing reasonable advance notice of your planned appearance; and (2) receive a summary of this file from the CRA over the telephone, at your expense, upon submitting proper identification and a written request to the CRA for telephone disclosure. The CRA has trained personnel available to explain its file to you, including any coded information, and, if you appear in person at the CRA’s offices, you may be accompanied by another person so long as that person furnishes proper identification to the CRA.

**CALIFORNIA AUTHORIZATION FOR INVESTIGATIVE CONSUMER REPORTS AND  
CONSUMER CREDIT REPORTS FORM**

In connection with my application for employment or employment (or independent contractor assignments, as applicable) with **Fastaff, LLC** and **US Nursing Corporation** (the "Company"), I hereby agree and give my authorization and consent as follows:

1. I agree and give my authorization and consent for the Company to obtain (and, if I am hired, the Company may later request and obtain at any time during my employment), one or more investigative consumer reports and/or consumer credit reports ("Report(s)") about me from the consumer reporting agency or agencies ("CRA(s)") identified in the Company's *California Investigative Consumer Reports Disclosure Form* without asking for my authorization again, throughout my employment or my contract period, as allowed by law.
2. I acknowledge that I received with this *Authorization* a document entitled *California Investigative Consumer Report Disclosure Form*, which identifies the purposes of such reports, the nature and scope of the investigations requested, and the sources of the requested information.
3. I give my authorization and consent for all such persons and sources to provide the CRA(s) with any requested information about me consistent with this *Authorization*.
4. I understand that I have the right to a copy of any Report(s) that the Company obtains on me from the CRA(s).

*If checked:* I request that a copy of any Report(s) be provided to me consistent with applicable law.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

**ADDITIONAL STATE LAW NOTICES**

If you live, or are applying for a position in, any of the states listed below, please review the additional notice that applies to you concerning the Company’s procurement of a background report about you from a consumer reporting agency (the “Agency”).

<p><u>State of Washington applicants and employees only:</u> If the Company requests an investigative consumer report from a consumer reporting agency, you have the right to receive a complete and accurate disclosure of the nature and scope of the investigation requested by Company. You also have the right to request from the Agency a written summary of your rights and remedies under the Washington Fair Credit Reporting Act.</p>
<p><u>Massachusetts and New Jersey applicants and employees only:</u> You have the right to inspect and promptly receive a copy of any investigative consumer report requested by the Company by contacting the Agency identified above directly.</p>
<p><u>New York applicants and employees only:</u> You have the right, upon request, to be informed of whether or not a consumer report was requested from a consumer reporting agency by contacting the Agency. If a consumer report is requested, you will again be provided with the name and address of the consumer reporting agency furnishing the report. You may also inspect and receive a copy of the report by contacting the Agency with the contact information above. By signing below, you also acknowledge receipt of Article 23-A of the NY Correction Law.</p>
<p><u>Minnesota applicants and employees only:</u> You have the right, upon written request to the Agency, to receive a complete and accurate disclosure of the nature and scope of any consumer report. The Agency must make this disclosure within five (5) days of receipt of your request or of Company’s request for the report, whichever is later. Please check this box if you would like to receive a copy of a consumer report if one is obtained by the Company. <input type="checkbox"/></p>
<p><u>Oklahoma applicants and employees only:</u> Please check this box if you would like to receive a copy of a consumer report if one is obtained by the Company. <input type="checkbox"/></p>

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

**ACKNOWLEDGMENT AND AUTHORIZATION REGARDING BACKGROUND REPORTS**

By my signature below, I consent to the release to Fastaff, LLC and US Nursing Corporation (“the Company”) of consumer reports prepared by a consumer reporting agency (the “Agency”). I understand that if the Company hires me, the Company may rely on this Authorization to obtain additional reports on me without asking for my consent again to the extent permitted by applicable law. I understand the Company will not order a consumer report on me until after extending the conditional offer of employment.

I also authorize the following to disclose to the Agency information needed to prepare a background report for the Company, subject to any applicable laws protecting my privacy: my past or present employers; learning institutions, including colleges and universities; law enforcement and all other federal, state and local agencies; federal, state and local courts; drug and alcohol testing facilities; and motor vehicle records agencies. By signing below, I acknowledge the information that can be disclosed to the Agency, if and as allowed by law, includes, information concerning my employment and earnings history, education, motor vehicle history, criminal history, professional credentials and licenses. By signing below, I also authorize the Company to share any consumer reports obtained about me with third-party clients of the Company in connection with possible assignments or placements.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## Personal Information Necessary to Facilitate Background Check

Please provide the following information in order to facilitate a background check.

Name: \_\_\_\_\_  
First Name Middle Name (Required if applicable) Last Name

Please provide any previous names, maiden names, nicknames or other aliases that have ever been associated with your name:

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

Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

SSN: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Current Home Address:

\_\_\_\_\_  
Street Address (No P.O. Boxes) City State Zip County

How long have you lived at your current address? \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ Driver's License State: \_\_\_\_\_