

STATE-SPECIFIC STATUTORY CONSUMER DISCLOSURES & NOTICES

If you reside in or are applying to work in one of the following states, please review the additional statutory disclosures required under applicable state laws:

CALIFORNIA RESIDENTS

Under California Civil Code § 1786.22, you have the right to inspect the files maintained on you by an investigative consumer reporting agency (ICRA) during normal business hours and upon reasonable notice. You may visually inspect your file in person with proper identification, obtain a copy by certified mail, or receive a telephonic summary. The ICRA must provide trained personnel to explain any information furnished to you.

Personal Information Privacy & Offshore Processing Notice:

Personal information collected during your background investigation will be processed in accordance with the CRA Privacy Policy available at:
<https://proficiencybackground.com/privacy-policy-2/>

Indicate whether personal information will be transferred outside the U.S.: Personal information is collected, processed, and retained securely within the United States.

NEW YORK RESIDENTS

Under New York Executive Law § 296(16) and Article 23-A of the New York Correction Law, you have the right to receive a copy of Article 23-A regarding the licensure and employment of persons previously convicted of one or more criminal offenses. Upon request, you will be informed whether a consumer report was requested and provided with the Consumer Reporting Agency's contact details.

Pursuant to New York General Business Law § 380-g(d), a full verbatim copy of Article 23-A of the New York Correction Law is appended to this notice below.

MINNESOTA & OKLAHOMA RESIDENTS

You have the right to receive a free copy of any consumer report or investigative consumer report requested on you.

WASHINGTON STATE RESIDENTS

Under Washington State law (RCW 19.182), you have the right to request a complete and accurate disclosure of the nature and scope of any investigative consumer report requested, as

well as a written summary of your rights under the Washington Fair Credit Reporting Act, by submitting a written request to the CRA.

MASSACHUSETTS, MAINE, & NEW JERSEY RESIDENTS

You have the right to contact the CRA to request a copy of any investigative consumer report requested on you. Upon written request, you will be provided with a statement detailing the nature and scope of the investigation requested.

APPENDIX: NEW YORK STATE CORRECTION LAW ARTICLE 23-A

LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

§ 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 department, agency, board or commission thereof.
- (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 or employment sought.
- (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.
- (5) "Employment" means any grant of permission or agreement for an individual to perform services for an employer in return for a wage, salary, or other compensation.

§ 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 grant of license.

§ 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 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.