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## **Employer Obligations**

### **Fair Credit Reporting Act**

- Employers are required to obtain a signed release from the applicant prior to the conducting of any type of background investigation. This release and/or notification must be a document separate from the application itself.
- Employers must keep a summary of applicant rights on file with individual applicant reports for use in the case of an adverse action situation.
- Should adverse action be taken (i.e. an individual is denied employment, promotion or retention,) employers must provide the candidate with a copy of the background report, a summary of applicant rights and a letter advising of adverse action prior to the action being taken. Additionally, included in the completed report, employers must provide applicants with the Consumer Reporting Agency's address and toll-free phone number.
- Arrest (i.e. non-conviction) record information on applicants not expected to reach or exceed an annual salary of \$75,000 must be limited to a 7-year search scope. Arrest record information on those reasonably expected to reach or exceed \$75,000 annually may date back as far as information is obtainable. Effective in October 1998, conviction information on all may date back as far as records allow.