



First Advantage

**FA Corporate Screening Product Review
and Compliance Resources**

LA Unincorporated County Ban the Box Plus Ordinance

Disclaimer

Information contained within this presentation, including legislative summaries and sample documents, is intended only as a service to inform or be educational in nature. Nothing therein should ever be construed as legal advice or opinion, nor as the offer of such. FA Corporate Screening makes no representations about whether the use of this information or documents would ensure legal compliance by the end user with all applicable federal, state, and local requirements. You are strongly advised to consult with your own legal or other counsel regarding the use of background screening information, forms, and processes.



LAUnincorporated County Ban the Box Ordinance Overview

The unincorporated County of Los Angeles adopted Ordinance No. 2024-0012, amending Title 8 of the Los Angeles County Code to implement the Fair Chance Ordinance for Employers. The effective date for this ordinance is **September 3, 2024**. The ordinance will apply to private employers with five (5) or more employees performing at least two (2) hours of work each week within the unincorporated areas of Los Angeles.

This document will address some of the additional employer requirements as well as the FA Corporate Screening product capabilities along with some compliance resources to assist our clients with some of their new compliance obligations.

- **Please note, the City of Los Angeles still maintains a separate Fair Chance (ban the box) law for applicants and employees within the City of Los Angeles.**



LA Unincorporated County BTB+ Ordinance IMPORTANT CLIENT INFORMATION

- **FA Corporate Screening (FA CSS) Letter Templates**

Due to the additional employer requirements found in the LA Unincorporated County BTB+ law for the adverse action process, including the adverse action letters, It is recommended that FA Corporate Screening clients create their own LA Unincorporated County BTB+ letter templates for the Pre-AA and Final-AA letters. The client can then upload their LA Unincorporated County BTB+ templates into the FA CSS letter editing system. If the client already has or choses to use the standard FCRA Pre-AA and Final-AA letter templates in the FA CSS system, the client will need to modify/customize their standard FCRA templates to meet the requirements under the LA Unincorporated County BTB+ law.

- **FA Corporate Screening Letter Mailing**

The LA Unincorporated County BTB+ law requires employers to **mail and email** the LA Unincorporated County BTB+ letters (Pre-AA and Final-AA) however, at this time, the First Advantage Corporate Screening letter editing system only has the capability to **automatically mail** the LA Unincorporated County BTB+ letters and additional documents to the candidates on behalf of our Full Service clients. In order for FA CSS to also **email** the documents, Full Service clients will need to send a message through “**case messaging**” requesting FA CSS to email the LA Unincorporated County BTB+ letters and additional documents. Emailing of the documents will take place within 72 hrs. of the client's request to email.

Employer Requirement: Initial Individualized Assessment

(8.300.050 Fair Chance Process In Hiring and Employment Decisions)

According to the ordinance, if an Employer intends to deny an Applicant or Employee a position of Employment, rescind a Conditional Offer of Employment made to an Applicant, or take any other Adverse Action against an Employee, solely or in part because of the Applicant's or Employee's Criminal History, the Employer must first conduct an Initial Individualized Assessment that is documented in writing.

Unlike the City of LA, the unincorporated County of LA did not create a document for employers to use, this document will need to be created by the employer.

The Initial Individualized Assessment must include at a minimum, consideration of the following factors:

- a. The nature and gravity of the offense or conduct, including but not limited to, consideration of whether the harm was to property or people, the degree or severity of the harm or offense, the age of the Applicant or Employee when the conduct occurred, and the permanence of the harm or offense;
- b. The time that has passed since the offense or conduct and /or completion of the sentence;
- c. The nature of the Employment position sought or held, including consideration of the specific duties of the job, whether the Employment position offers the opportunity for the same or a similar offense to occur, and whether circumstances leading to the conduct for which the person was convicted or that is the subject of an Unresolved Arrest will recur in the Employment position.



LA Unincorporated County BTB+ Ordinance IMPORTANT CLIENT INFORMATION

- **FA Corporate Screening (FA CSS) Letter Mailing**

Once the client has created their Initial Individualized Assessment Form for the LA Unincorporated County BTB+ law, Full Service clients will be able to upload a copy of their assessment form into the FA CSS letter editing system for **automated mailing only**. In order for FA CSS to also **email** a copy of the initial assessment form to the candidate, the Full Service client will need to send a message through “**case messaging**” requesting FA CSS to email the document along with the Pre-AA notice. Emailing of the document(s) will take place within 72 hrs. of the client's request to email.

FA Corporate Screening Product Capabilities and Compliance Resources: (Initial Individualized Assessment Form)

Product Capabilities:

Clients will be able to upload a copy of their completed initial individualized assessment form into the FA Corporate Screening letter editing system. For Full Service clients the completed initial individualized assessment form will be mailed to the applicant/employee during the pre-aa letter process. (For emailing of the required documents, please see email process).

Compliance Resource:

FA Compliance has prepared a sample template for the LA Unincorporated County BTB+ Initial Individualized Assessment/Second Assessment, which clients may choose to use, or the client can create their own Initial and Second Assessment form(s).

- Step 1 > Add documents > Upload documents

First Advantage

EASE

powered by
Corporate Screening

New Order

brittany.king@fadvc.com

Dashboard

Adverse Action Audit Trail

Adverse Action Workflow

Review & Edit

Add Documents

Preview the Letter

Invite Order Test

Adverse Action Workflow [Full Service]

Step 1: Pre-Adverse Action Letter

Continue

Add Documents

Back

Select any states that apply, and/or upload other documents. When finished, click Continue.

☒ Copy of Report with FCRA Summary of Rights

☐ New York Article 23-A

☐ State of Washington Summary of Rights

☐ State of New Jersey Summary of Rights

☐ MA - CORI Process for correcting criminal records

☒ Uploaded Documents

Upload

Continue

By using the Adverse Action Workflow tool, client agrees that it is solely responsible for ensuring that the pre-adverse action and adverse action letters used by it (and sent by Corporate Screening) comply with all applicable federal, state and local laws, including but not limited to the Fair Credit Reporting Act, and state and local "Ban the Box" and "Fair Chance Act" laws. If Client chooses to rely in part or whole on sample letters provided by Corporate Screening, it accepts full responsibility for the legality and appropriateness of such letters. Client certifies that it has consulted with its own legal counsel as appropriate regarding the letter templates to be used and represents that they are appropriate and legally-compliant. Information contained here is intended only as a service to inform or be educational in nature. Nothing therein should ever be construed as legal advice or opinion, nor as the offer of such. Corporate Screening makes no representations about whether the use of this information or documents would ensure legal compliance by the client with all applicable federal, state, and local requirements. You are strongly advised to consult with your own legal or other counsel regarding the use of background screening information, forms, and processes.

DISCLAIMER: This document is intended for sample purposes only and is not intended as legal advice. We recommend you consult with an attorney to review this document prior to use to ensure your compliance with the LA Unincorporated County Fair Chance Ordinance.

LOS ANGELES UNINCORPORATED COUNTY FAIR CHANCE ORDINANCE INITIAL & SECOND ASSESSMENT FORM

INFORMATION

Employer Name:
Position Applied For:
Date of Criminal History Report:
Date of Initial Individualized Assessment:

Applicant Name:
Date of Conditional Offer:
Initial Individual Assessment Performed by:
Date of Second Assessment (if applicable):

The following factors were considered, as required by Section 8.300.050 of the Los Angeles County Code before making our preliminary determination:

1. Nature and gravity of the offense or conduct (consider whether the harm was done to property or people and the severity and permanence of the harm or offense).

2. Nature of employment position sought or held (consider whether the position applied for offers the opportunity for the same or a similar offense to occur, or whether circumstances leading to the conduct for which the person was convicted will recur in the position sought).

3. How much time has passed since the offense or completion of the sentence:

4. Age of the Applicant or Employee when the conduct occurred:

5. The specific duties and responsibilities of the job are:

Based on the factors above, we are considering rescinding our conditional offer of employment because:

To be completed for a Second Assessment (if applicable):

1. Nature and gravity of the offense or conduct (consider whether the harm was done to property or people; the severity and permanence of the harm or offense).

2. Age of the Applicant or Employee when the conduct occurred.

3. Nature of employment position sought or held (consider whether the position applied for offers the opportunity for the same or a similar offense to occur; whether circumstances leading to the conduct for which the person was convicted will recur in the position sought).

4. Specific duties of the job.

5. How much time has passed since the offense or completion of the sentence?

Based on the factors above, we are rescinding our conditional offer of employment because:

Employer Requirement: Preliminary Notice of Adverse Action (Pre-AA) (8.300.050 Fair Chance Process In Hiring and Employment Decisions)

After performing the Initial Individualized Assessment, if the Employer intends to withdraw or rescind the Conditional Offer of Employment and/or take any other Adverse Action, the Employer must provide to the Applicant or Employee a Preliminary Notice of Adverse Action (Pre-AA Notice). The Preliminary Notice of Adverse Action must be sent to the Applicant or Employee by both regular mail and email, if an email address is available and contain the following information:

- a. Notice that the Employer intends to withdraw or rescind the Conditional Offer of Employment and/or take any other Adverse Action due to the Applicant's or Employee's Criminal History;
- b. An explanation of the Applicant's or Employee's right to respond to the Preliminary Notice of Adverse Action before that decision becomes final, including information regarding:
 - 1) the waiting periods and timelines to respond (8.300.050 & 8.300.060), which must be displayed in **bold font**, underlined, or in all capital letters (All-CAPS); and
 - 2) the response may include evidence challenging the accuracy of the Criminal Background Check Report or other Criminal History information, and/or voluntary submission of Evidence of Rehabilitation or Mitigating Circumstances;
- c. A copy of the initial individualized assessment;
- d. Notice of the disqualifying conviction(s) that are the basis for the intended Adverse Action; and
- e. A copy of the criminal background check report(s) obtained by the Employer, if any, and any other information or documentation relating to the Applicant's or Employee's Criminal History obtained by the Employer, including but not limited to, information or documentation obtained from internet searches, court records, news articles, and/or social media content.



LA Unincorporated County BTB+ Ordinance IMPORTANT CLIENT INFORMATION

- **FA Corporate Screening Letter Templates**

Due to the additional employer requirements found in the LA Unincorporated County BTB+ law specifically for the adverse action letters, it is recommended that FA Corporate Screening (FA CSS) clients create their own LA Unincorporated County BTB+ letter templates for the Pre-AA and Final-AA letters.

Clients who choose to customize the standard FCRA Pre-AA and Final-AA letter templates found in the FA CSS letter editing system will be responsible to ensure that their customized templates meet the requirements found in the LA Unincorporated County BTB+ law for the Preliminary (Pre-AA) and Final-AA letters.

FA Corporate Screening Product Capabilities and Compliance Resources: (Preliminary Notice of Adverse Action/Pre-AA)

Product Capabilities:

Clients can customize the standard FCRA Pre-AA letter to meet the requirements found in the LA Unincorporated BTB+ law using the FA CSS letter editing system. For Full Service clients, FA CSS will mail the customized Pre-AA letters. In the review & edit section, clients can see where the applicant/employee resides. In the audit history, clients can see the date the letter was printed and mailed. (For emailing of the required documents, please see email process).

Compliance Resource:

FA Compliance has prepared a sample template for the LA Unincorporated County Preliminary (Pre-AA) Notice, which clients may choose to use, or the client can create their own LA Unincorporated County BTB+ Preliminary (Pre-AA) Notice and upload to FA CSS.

- First Advantage | EASE powered by Corporate Screening

Home Center

rdavis@vgsps.org

Board

Compliance Audit Trail

Compliance Workflow

Review & Edit

Documents

Print Letter

Invite Order Test

Adverse Action Workflow [Full Service]

Step 1: Pre-Adverse Action Letter

Continue

Review & Edit

Exit

The letter below is customizable. [Be sure your contact information is included in the letter.](#)

If you or the recipient are located in a Ban The Box jurisdiction, your letter has specific requirements. Feel free to utilize our **Resource Center** for our latest templates and forms.

- Client will need to copy & paste into the editable letter box (if using our supplied template)

- Ease Dashboard> Applicant name > Adverse action

EmpTest NoSpec

Adjudication/Adverse Action [Full Service]

Approve

Select this option to approve this background check.

Review

Select this option if this background check needs review.

Cancel AAW

Start Step 2

If considering adverse action on this candidate there are certain procedures you must follow (including specific forms), some of which may be dependent on your location. Additional information is available in our [Resource Center](#).

Audit Trail for Case ID 2315610

Date	Time	User	Status	Notes
8/13/2024	10:21 AM	Ray KHYF Davies	✓	Step 1 - Pre-Adverse Action Initiated
8/13/2024	10:26 AM	Ray KHYF Davies	✓	Step 2 - Adverse Action Initiated
8/13/2024	12:23 PM	CS Staff	✓	Pre-Adverse Action Letter Printed
8/13/2024	12:23 PM	CS Staff	✓	Pre-Adverse Action Letter Mailed

DISCLAIMER: This document is intended for sample purposes only and is not intended as legal advice. We recommend you consult with an attorney to review this document prior to use to ensure your compliance with the LA Unincorporated County Fair Chance Ordinance.

Date:

APPLICANT FIRSTNAME LASTNAME

Address 1

Address 2

City, State, Zip

Dear FIRSTNAME, LASTNAME:

[Insert Employer Name] requested an Investigative Consumer Report from the Investigative Consumer Reporting Agency listed below. After reviewing the results of your criminal history, **[Insert Employer Name]** performed an initial individualized assessment. Based on the results of the initial individualized assessment, we have made a preliminary (non-final) decision to rescind our conditional offer of employment. The disqualifying conviction(s) that formed the basis for our decision:

Information Considered in Report

[Client will input the conviction(s) from the consumer report]

You have the right to respond to the company within **[The law requires at least five (5) business days which must be identified either in bold font and underlined or in all capital letters]** from the date this preliminary Notice of Adverse Action is received before our decision becomes final. If, within the **[At least five (5) business days, again in either bold font and underlined or in all caps]** you notify the company in writing at **[Company contact information]** that you dispute the accuracy of the criminal history information and you are taking specific steps to obtain evidence supporting that fact; and/or that you need additional time to obtain written evidence of rehabilitation or mitigating circumstances, you will receive an additional **[At least ten (10) business days is required by law which must be identified either in bold font and underlined or in all caps]** to respond to this Preliminary Notice of Adverse Action.

This notice shall be deemed to be received **[The law requires five (5) calendar days which must be identified either in bold font and underlined or in all caps]** after mailing to a California address, **[The law requires ten (10) calendar days which must be identified either with bold font and underlined or in all caps]** after mailing to an address outside of California.

You may voluntarily choose to provide evidence challenging the accuracy of the criminal history information, and/or voluntarily submit evidence of rehabilitation or mitigating circumstances. In lieu of submitting any written materials or documents, you may voluntarily choose to present evidence of rehabilitation or mitigating circumstances to **[Insert Employer Name]** in person, by telephone, or virtually, if the request is made to **[Insert Employer Name]** within **[The law requires five (5) business days which must be identified either in bold font and underlined or in all caps]** from receipt of the Preliminary Notice of Adverse Action. If you choose to provide written materials or documents, you may send any written additional information you would want us to consider to:

[Insert Employer Name]

Address 1

City, State, Zip

The Investigative Consumer Report was prepared by First Advantage Corporate Screening, an Investigative Consumer Reporting Agency. You may view their Privacy Policy at: [First Advantage | Global Privacy Center](#). You may also dispute the accuracy or completeness of any information in the report directly with First Advantage Corporate Screening by contacting:

First Advantage Corporate Screening

7271 Engle Rd. Ste. 200

Cleveland, OH 44130

(800) 229-8606

www.corporatescreening.com

LA Unincorporated County Sample Preliminary (Pre-AA) Notice

ABC Company
123 East Ave.
Unincorporated LA County, CA

05/13/2024

FIRSTNAME LASTNAME
456 West Rd.
Unincorporated LA County, CA 00000

Dear FIRSTNAME, LASTNAME:

ABC Company requested, with your consent, an Investigative Consumer Report from the Investigative Consumer Reporting Agency listed below. After reviewing the results of your criminal history, ABC Company performed an initial individualized assessment. Based on the results of the initial individualized assessment, we have made a preliminary (non-final) decision to rescind our conditional offer of employment. The disqualifying conviction(s) that formed the basis for our decision:

Information Considered in Report

Los Angeles County, CA - FELONY CONVICTION (BURGLERY) - Case# 888999
Disposition: PAROLE - Disposition Date: 03/Feb/2019

You have the right to respond to ABC company within FIVE (5) BUSINESS DAYS from the date this Preliminary Notice of Adverse Action is received before our decision becomes final. If, within the FIVE (5) BUSINESS DAYS you notify ABC company in writing at HR@abccompany.com, that you dispute the accuracy of the criminal history information and you are taking specific steps to obtain evidence supporting that fact; and/or that you need additional time to obtain written evidence of rehabilitation or mitigating circumstances, you will receive an additional TEN (10) BUSINESS DAYS to respond to this Preliminary Notice of Adverse Action.

This notice shall be deemed to be received FIVE (5) CALENDAR DAYS after mailing to a California address, TEN (10) CALENDAR DAYS after mailing to an address outside of California.

You may voluntarily choose to provide evidence challenging the accuracy of the criminal history information, and/or voluntarily submit evidence of rehabilitation or mitigating circumstances. In lieu of submitting any written materials or documents, you may voluntarily choose to present evidence of rehabilitation or mitigating circumstances to ABC company in person, by telephone, or virtually, if the request is made to ABC Company within FIVE (5) BUSINESS DAYS from receipt of the Preliminary Notice of Adverse Action. If you choose to provide written materials or documents, you may send any written additional information you would want us to consider to:

ABC-HR
P.O. Box 100
Los Angeles County, CA 00000
Fax: 800-222-3333
Email: HR@abccompany.com

The Investigative Consumer Report was prepared by First Advantage Corporate Screening, an Investigative Consumer Reporting Agency. You may view their Privacy Policy at: [First Advantage | Global Privacy Center](#). You may also dispute the accuracy or completeness of any information in the report directly with First Advantage Corporate Screening by contacting:

First Advantage Corporate Screening
7271 Engle Rd Ste. 200
Cleveland, OH 44130
(800) 229-8606
www.corporatescreening.com

Employer Requirement (If applicable): Second Individualized Assessment (8.300.050 Fair Chance Process In Hiring and Employment Decisions)

The employer must consider all information and documents, whether written or oral, timely submitted by the Applicant or Employee before making a final decision or taking Adverse Action. The Employer will need to perform a Second Individualized Assessment, which shall be documented in writing. For the second assessment, the employer must consider the following factors:

1. The nature and gravity of the offense or conduct, including but not limited to, consideration of whether the harm was done to property or people, the degree or severity of the harm or offense, the age of the Applicant or Employee when the conduct occurred, and the permanence of the harm or offense.
2. The time that has passed since the offense or conduct and/or completion of the sentence.
3. The nature of the Employment position sought or held, including consideration of the specific duties of the job, whether the Employment position offers the opportunity for the same of a similar offense to occur, and whether circumstances leading to the conduct for which the person was convicted or that is the subject of an unresolved Arrest will occur in the Employment position.
4. Any and all Evidence of Rehabilitation or Mitigating Circumstances, whether provided in written form or orally.
5. Any documents disputing the accuracy of the Criminal Background Check Report or Criminal History information, and/or documents or information providing an explanation regarding Criminal History information.

FA Corporate Screening Product Capabilities and Compliance Resources: (Second Individualized Assessment Form)

Product Capabilities:

Clients will be able to upload a copy of their completed second individualized assessment form into the FA Corporate Screening letter editing system. For Full Service clients, the completed second individualized assessment form will be mailed to the applicant/employee during the Final-AA letter process. (For emailing of the required documents, please see email process).

Compliance Resource:

FA Compliance has prepared a sample template for the LA Unincorporated County BTB+ Second Individualized Assessment form, which clients may choose to use, or the client can create their own Second Assessment form.

- Step 1 > Add documents > Upload documents

Test FCR123

Adverse Action Workflow [Full Service]

Step 2: Adverse Action Letter

Continue

✓

Add Documents

Back

Select any states that apply, and/or upload other documents. When finished, click Continue.

☒

Copy of Report with FCRA Summary of Rights

☐

New York Article 23-A

☐

State of Washington Summary of Rights

☐

State of New Jersey Summary of Rights

☐

MA - CORI Process for correcting criminal records

☒

Uploaded Documents

Upload

Continue

By using the Adverse Action Workflow tool, client agrees that it is solely responsible for ensuring that the pre-adverse action and adverse action letters used by it (and sent by Corporate Screening) comply with all applicable federal, state and local laws, including but not limited to the Fair Credit Reporting Act and state and local "Ban the Box" and "Fair Chance Act" laws. If Client chooses to rely in part or whole on sample letters provided by Corporate Screening, it accepts full responsibility for the legality and appropriateness of such letters. Client certifies that it has consulted with its own legal counsel as

DISCLAIMER: This document is intended for sample purposes only and is not intended as legal advice. We recommend you consult with an attorney to review this document prior to use to ensure your compliance with the LA Unincorporated County Fair Chance Ordinance.

LOS ANGELES UNINCORPORATED COUNTY FAIR CHANCE ORDINANCE INITIAL & SECOND ASSESSMENT FORM

INFORMATION

Employer Name:
Position Applied For:
Date of Criminal History Report:
Date of Initial Individualized Assessment:

Applicant Name:
Date of Conditional Offer:
Initial Individual Assessment Performed by:
Date of Second Assessment (if applicable):

The following factors were considered, as required by Section 8.300.050 of the Los Angeles County Code before making our preliminary determination:

1. Nature and gravity of the offense or conduct (consider whether the harm was done to property or people and the severity and permanence of the harm or offense).
2. Nature of employment position sought or held (consider whether the position applied for offers the opportunity for the same or a similar offense to occur, or whether circumstances leading to the conduct for which the person was convicted will recur in the position sought).
3. How much time has passed since the offense or completion of the sentence:
4. Age of the Applicant or Employee when the conduct occurred:
5. The specific duties and responsibilities of the job are:

Based on the factors above, we are considering rescinding our conditional offer of employment because:

To be completed for a Second Assessment (if applicable):

1. Nature and gravity of the offense or conduct (consider whether the harm was done to property or people; the severity and permanence of the harm or offense).
2. Age of the Applicant or Employee when the conduct occurred.
3. Nature of employment position sought or held (consider whether the position applied for offers the opportunity for the same or a similar offense to occur; whether circumstances leading to the conduct for which the person was convicted will recur in the position sought).
4. Specific duties of the job.
5. How much time has passed since the offense or completion of the sentence?

Based on the factors above, we are rescinding our conditional offer of employment because:

Employer Requirement: Final Notice of Adverse Action (8.300.050 Fair Chance Process In Hiring and Employment Decisions)

If after performing the Second Individualized Assessment, the Employer makes a final decision to withdraw the Conditional Offer of Employment or take any other Adverse Action, the Employer must notify the Applicant or Employee in writing by both regular mail and email, if email address is available, of all the following:

1. Notice that the Employer has made a final decision to withdraw the Conditional Offer of Employment or take Adverse Action against the Applicant or Employee.
2. A copy of the Second Individualized Assessment.
3. Notice of the disqualifying Conviction(s) that are the basis for the final Adverse Action.
4. Information regarding any existing procedure the Employer has for the Applicant or Employee to challenge the decision or request reconsideration.
5. **Notice of the Applicant's or Employee's right to file a complaint with the Los Angeles County Department of Consumer & Business Affairs ("DCBA"), and with the state's Civil Rights Department.**

If the Employer is providing the Final Notice of Adverse Action more than thirty (30) calendar days after the Applicant or Employee provided a timely response to the Employer's Preliminary Notice of Adverse Action, it will be presumed the Employer's delay in responding to the Applicant or Employee was untimely, and in violation of this Section. In order to rebut this presumption, the Employer must provide a written explanation in the Final Notice of Adverse Action justifying why the final decision was not made within thirty (30) days, which may include, but is not limited to, circumstances involving a business or personal emergency, or a description of circumstances or delays outside of the Employer's control.



LA Unincorporated County BTB+ Ordinance IMPORTANT CLIENT INFORMATION

- **FA Corporate Screening Letter Templates**

Due to the additional employer requirements found in the LA Unincorporated County BTB+ law specifically to the adverse action letters, It is recommended that FA Corporate Screening (FA CSS) Full Service clients create their own LA Unincorporated County BTB+ letter templates for the Pre-AA and Final-AA letters.

Clients who choose to customize the standard FCRA Pre-AA and Final-AA letter templates found in the FA CSS letter editing system will be responsible to ensure that their customized templates meet the requirements found in the LA Unincorporated County BTB+ law for the Preliminary (Pre-AA) and Final-AA letters.

FA Corporate Screening Product Capabilities and Compliance Resources: (Final Notice of Adverse Action/Final-AA)

Product Capabilities:

Clients can customize the standard FCRA Final-AA letter to meet the requirements found in the LA Unincorporated BTB+ law using the FA CSS letter editing system. For Full Service clients, FA CSS will mail the customized Final-AA letters. In the review & edit section, clients can see where the applicant/employee resides. In the audit history, clients can see the date the letter was printed and mailed. (For emailing of the required documents, please see email process).

Compliance Resource:

FA Compliance has prepared a sample template for the LA Unincorporated County Final Notice of Adverse Action (Final-AA) which clients may choose to use, or the client can create their own LA Unincorporated County BTB+ Final Notice of Adverse Action (Final-AA) and upload to FA CSS.

- Step 1 > Review and Edit (Mailing address is the individual's current address)
- Client will need to copy & paste into the editable letter box (if using our supplied template)

Mailing Address: 4707 Shrader Ct. Apt-A

Mailing City: Henrico

Mailing State: VA

Mailing Zip Code: 23228

Rich text editor toolbar: B I U [icon] S X' X, 13 [icon] [icon] [icon] [icon]

(DATE)

{SUBJECT_NAME}

{SUBJECT_STREET}

{SUBJECT_CITY}, {SUBJECT_STATE} {SUBJECT_ZIP}

Dear {SUBJECT_NAME}:

We regret to inform you that Mount Sinai Health System is unable to offer you employment.

This decision was based in whole or in part on information contained in a report from Corporate Screening Services, Inc., 16530 Commerce Court, Cleveland, OH 44130, Phone: 800-229-8606, Fax: (440) 243-4204, www.CorporateScreening.com, a copy of which was previously given to you. The agency did not make this employment decision and is unable to supply you with specific reasons why the decision was made. Under Section 612 of the Fair Credit Reporting Act, 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. Under Section 611 of that Act, you also have the right to dispute with the consumer reporting agency the accuracy or completeness of any information in the report by contacting the consumer reporting agency above.

Massachusetts applicants or employees only (this section applies only if the report referenced above)

Paste the letter template here

- Ease Dashboard> Applicant name > Adverse action

EmpTest NoSpec

Adjudication/Adverse Action [Full Service]

Approve Select this option to approve this background check.

Review Select this option if this background check needs review.

Start AAW Step 1 Select this option to start the pre - adverse action process.

If considering adverse action on this candidate there are certain procedures you must follow (including specific forms), some of which may be dependent on your location. Additional information is available in our [Resource Center](#).

Audit Trail for Case ID 2315610

Date	Time	User	Status	Notes
8/13/2024	10:21 AM	Ray Kffff Davies	✓	Step 1 - Pre-Adverse Action Initiated
8/13/2024	10:26 AM	Ray Kffff Davies	✓	Step 2 - Adverse Action Initiated
8/13/2024	12:23 PM	CS Staff	🖨️	Pre-Adverse Action Letter Printed
8/13/2024	12:23 PM	CS Staff	✉️	Pre-Adverse Action Letter Mailed
8/29/2024	2:39 PM	CS Staff	🖨️	Adverse Action Letter Printed
8/29/2024	2:39 PM	CS Staff	✉️	Adverse Action Letter Mailed

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Date:

APPLICANT FIRSTNAME LASTNAME

Address 1

Address 2

City, State, Zip

Dear FIRSTNAME, LASTNAME:

After performing a second individualized assessment, we regret to inform you that we have made a final decision to rescind our conditional offer of employment. The disqualifying conviction(s) that formed the basis for our decision:

Information Considered in Report

[Client will input the conviction(s) from the consumer report]

[If your company has an existing procedure for the applicant or employee to challenge the decision or request reconsideration, include it in the final-aa notice]

[Insert the following information per the FCRA and CA ICRAA] The Investigative Consumer Reporting Agency, First Advantage Corporate Screening, played no part in our decision to take adverse action and is unable to provide you with the specific reasons why the adverse action was taken. You may view their Privacy Policy at: [First Advantage | Global Privacy Center](#).

[Insert the following information per the FCRA and CA ICRAA] You are entitled to obtain a free copy of your investigative consumer report/consumer report by contacting First Advantage Corporate Screening within sixty (60) days of receipt of this notice. You may also dispute the accuracy or completeness of any information in the report directly with First Advantage Corporate Screening by contacting:

First Advantage Corporate Screening
7271 Engle Rd. Ste. 200
Cleveland, OH 44130
(800) 229-8606
www.corporatescreening.com

You have a right to file a complaint with the Los Angeles County Department of Consumer & Business Affairs and with the CA Civil Rights Department.

DISCLAIMER: This document is intended for sample purposes only and is not intended as legal advice. We recommend you consult with an attorney to review this document prior to use to ensure your compliance with the LA Unincorporated County Fair Chance Ordinance.

LA Unincorporated County Sample Final AA Notice (Response received from Consumer)

ABC Company
123 East Ave.
Unincorporated LA County, CA

05/13/2024

FIRSTNAME LASTNAME
456 West Rd.
Unincorporated LA County, CA 00000

Dear FIRSTNAME LASTNAME:

After performing a second individualized assessment, we regret to inform you that we have made a final decision to rescind our conditional offer of employment. The disqualifying conviction(s) that formed the basis of our decision:

Information Considered in Report

Los Angeles County, CA - FELONY CONVICTION (BURGLERY) - Case# 888999
Disposition: PAROLE - Disposition Date: 03/Feb/2019

The Investigative Consumer Reporting Agency, First Advantage Corporate Screening, played no part in our decision to take adverse action and is unable to provide you with the specific reasons why the adverse action was taken. You may view their Privacy Policy at: [First Advantage | Global Privacy Center](#).

Pursuant to the federal FCRA & the CA ICRAA, you are entitled to obtain a free copy of your investigative consumer report/consumer report by contacting First Advantage Corporate Screening within sixty (60) days of receipt of this notice. You may also dispute the accuracy or completeness of any information in the report directly with First Advantage Corporate Screening by contacting:

First Advantage Corporate Screening
7271 Engle Rd. Ste. 200
Cleveland, OH 44130
(800) 229-8606-www.corporatescreening.com

You have a right to file a complaint with the Los Angeles County Department of Consumer & Business Affairs and with the CA Civil Rights Department.

DISCLAIMER: This document is intended for sample purposes only and is not intended as legal advice. We recommend you consult with an attorney to review this document prior to use to ensure your compliance with the LA Unincorporated County Fair Chance Ordinance.

Date:

APPLICANT FIRSTNAME LASTNAME

Address 1

Address 2

City, State, Zip

Dear FIRSTNAME, LASTNAME:

We regret to inform you that we have made a final decision to rescind our conditional offer of employment. The disqualifying conviction(s) that formed the basis for our decision:

Information Considered in Report

[Client will import the conviction(s) from the consumer report]

[If your company has an existing procedure for the applicant or employee to challenge the decision or request reconsideration, include it in the final-aa notice]

[Insert the following information per the FCRA and CA ICRAA] The Investigative Consumer Reporting Agency, First Advantage Corporate Screening played no part in our decision to take adverse action and is unable to provide you with the specific reasons why the adverse action was taken. You may view their Privacy Policy at: [First Advantage | Global Privacy Center](#).

[Insert the following information per the FCRA and CA ICRAA] You are entitled to obtain a free copy of your investigative consumer report/consumer report by contacting First Advantage Corporate Screening within sixty (60) days of receipt of this notice. You may also dispute the accuracy or completeness of any information in the report directly with First Advantage Corporate Screening by contacting:

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LA Unincorporated County Sample Final AA Notice (No Response from Consumer)

ABC Company
123 East Ave.
Unincorporated LA County, CA
05/13/2024

FIRSTNAME LASTNAME
456 West Rd.
Unincorporated LA County, CA 00000

Dear FIRSTNAME LASTNAME:

We regret to inform you that we have made a final decision to rescind our conditional offer of employment. The disqualifying conviction(s) that formed the basis of our decision:

Information Considered in Report

Los Angeles County, CA - FELONY CONVICTION (BURGLERY) - Case# 888999
Disposition: PAROLE - Disposition Date: 03/Feb/2019

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Employer Requirement: Waiting Period(s) Prior to Employer Taking Adverse Action (8.300.050 Fair Chance Process In Hiring and Employment Decisions)

The Applicant or Employee shall have at least five (5) Business Days to respond to the Preliminary Notice of Adverse Action (pre-aa) before the Employer can make a final decision on whether to withdraw the Conditional Offer of Employment and/or take an Adverse Action. If, within the five (5) Business Days described above, the applicant or Employee notifies the Employer in writing that they: 1) dispute the accuracy of the Criminal Background Check Report or Criminal History information that was the basis for the Preliminary Notice of Adverse Action and that the Applicant or Employee is taking specific steps to obtain evidence supporting that assertion; and/or 2) the Applicant or Employee needs additional time to obtain written Evidence of Rehabilitation or Mitigating Circumstances, then the individual shall be provided at least ten (10) additional Business Days to respond to the Preliminary Notice of Adverse Action.

The employer cannot take any Adverse Action or fill the Employment position sought by the Applicant or Employee until five (5) Business Days have passed from the time the individual received the Preliminary Notice of Adverse Action and the Employer has not received a response from the Employee, or if the Applicant or Employee timely responds to the Preliminary Notice of Adverse Action, until such time that the Employer issues the Final Notice of Adverse Action to the Applicant or Employee.

- a. *In lieu of submission of any written materials and/or documents, upon the Applicant's or Employee's request, an Employer shall provide the Applicant or Employee with an opportunity to present Evidence of Rehabilitation or Mitigating Circumstances orally to the Employer, via in-person, virtual or telephone contact, if the Applicant or Employee makes the request within five (5) Business Days from receipt of the Preliminary Notice of Adverse Action. The meeting with the Applicant or Employee and the Employer shall take place within ten (10) Business Days of the request to present Evidence of Rehabilitation or Mitigating Circumstances orally.*

FA Corporate Screening Product Capabilities: The standard FCRA recommended wait time between the Pre-AA and Final-AA letters is automatically applied, which is five (5) business days. It will be up to the employer to initiate step 2 (sending final-aa letter) in accordance with the time frames established in the LA Unincorporated County BTB+ Law.

Timeline relating to Mailing and Email Delivery of Employer Notices.

- If notice is transmitted through a format that does not provide a confirmation of receipt, such as a written notice mailed by an Employer without tracking delivery enabled, **the notice shall be deemed received five (5) calendar days** after the notice is deposited for delivery to a California address, **ten (10) calendar days** after the notice is deposited for delivery to an address outside of California.
- If notice is transmitted through email, the notice is deemed received two (2) Business Days after it is sent; however, Applicant and Employee timelines to respond to the notice will be calculated based on the date the notice was mailed by the Employer.

Waiting Period(s) prior to Employer Taking Adverse Action.

- The Applicant or Employee shall have at least **five (5) business days** to respond to the preliminary notice of adverse action before the employer can make a final decision on whether to withdraw the conditional offer of employment and/or take an adverse action.
- If, however, **within the five (5) business days** described above, the applicant or employee notifies the employer in writing that they: 1) dispute the accuracy of the criminal background check report or criminal history information that was the basis for the Preliminary Notice of Adverse Action and that the applicant or employee is taking specific steps to obtain evidence supporting that assertion; and/or 2) the applicant or employee needs additional time to obtain written evidence of Rehabilitation or Mitigating circumstances, then the individual shall be provided at least **ten (10) additional business days** to respond the Preliminary Notice of Adverse Action.

Additional Requirements/Key Employer Information:

Employer Requirement: Job Postings and Announcements.

- In all job solicitations, bulletins, postings, announcements and advertisements, an Employer will include language stating that qualified Applicants with arrest or Conviction records will be considered for Employment in accordance with the Los Angeles County Fair Chance Ordinance for Employers and the California Fair Chance Act.
- If the Employer is required by local, State or federal law or regulation to restrict or prohibit the hiring of individuals with certain specified Criminal History for the job position, the Employer must specify in all job solicitations, bulletins, postings, announcements, and advertisements, any and all such laws or regulations that impose restrictions or prohibitions for Employment due to Criminal History.
- If the Employer intends to conduct a review of an Applicant's or Employee's Criminal History in connection with a Conditional Offer of Employment, the Employer must include in any job solicitations, bulletins, postings, announcements, or advertisements, a list of all material job duties of the specific job position which the Employer reasonably believes that Criminal History may have a direct, adverse and negative relationship potentially resulting in the withdrawal of the Conditional Offer of Employment.

Additional Requirements/Key Employer Information:

Employer Requirement: Notice of Intent to Conduct Background Check:

In connection with a Conditional Offer of Employment, if the Employer intends to conduct a review of an Applicant's or Employee's Criminal History information, the Employer must provide notice in writing to the Applicant or Employee that includes the following:

1. A statement that the Conditional Offer of Employment is contingent upon the review of the individual's Criminal History.
2. A statement that the Employer has good cause to conduct a review of Criminal History for the specific job position with supporting justification provided in writing. A general statement that the Employer is performing a review of Criminal History due to "safety concerns" without more supporting justification is not sufficient to meet this requirement.

An Employer establishes good cause if it can demonstrate any of the following:

- a. The Employer faces a significant risk to its business operations or business reputation unless review of Criminal History is conducted for the specific job position; or
 - b. A review of Criminal History is necessary for the specific job position due to articulable concerns regarding the safety of, or risk of harm or harassment to, the Employer's staff, Employees, contractors, vendors, associates, clients, customers, or the general public.
3. If the Employer is reviewing additional information, background or history in addition to Criminal History as part of the Applicant or Employee's background check process in connection with a Conditional Offer of Employment, a complete list of all types of information, background or history that will be reviewed by the Employer, including but not limited to: education, social media history, employment history, motor vehicle or driving history, reference checks, credit history, license or credential verification, drug testing, or medical examinations.

Additional Requirements/Key Employer Information:

Employer Requirements: Prohibition of Consideration of Certain Types of Criminal History.

An Employer shall not, at any time or by any means, inquire about, require disclosure of, or if such information is received, base an Adverse Action in whole or in part on the following types of Criminal History:

1. An arrest not followed by Conviction. This paragraph does not prohibit an inquiry into an Unresolved Arrest.
2. Referral to or participation in a pretrial or posttrial diversion program or a deferral of judgment program.
3. Convictions that have been sealed, dismissed, expunged, inoperative, invalidated, or statutorily eradicated pursuant to law, or any conviction for which the convicted person has received a pardon or has been issued a certificate of rehabilitation.
4. An arrest, detention, processing diversion, supervision, adjudication, or court disposition that occurred while a person was subject to the process and jurisdiction of the juvenile court.
5. A non-felony Conviction for possession of marijuana that is two or more years old.

Additional Requirements/Special Circumstances:

6. A Conviction that is more than seven (7) years old, which is measured from the date of disposition. This limitation will not apply where the Applicant or Employee is or will be:
 - a. Providing care or services to a minor; in contact with minors as part of their specific job duties; or has supervisory or disciplinary authority over a minor, which includes executive or management positions;
 - b. Providing care or services to a dependent adult; in contact with a dependent adult as part of their specific job duties; or has supervisory or disciplinary authority over a dependent adult, which includes executive or management positions.
 - c. Providing support services or care to a person sixty-five (65) years or older; or has supervisory authority over a person sixty-five (65) years or older, which includes executive or management positions; or
 - d. Providing services relating to the administration of public funds or public benefits, including eligibility for public funds or public benefits, provided the Conviction is related to illegal access to funds or negotiable instruments, including but not limited to, fraud, bribery, forgery, embezzlement, receipt of stolen property, theft and/or robbery.
7. Information pertaining to an offense other than a felony or misdemeanor, such as an infraction, except that an Employer may inquire about, require disclosure of, base an Adverse Action on, or otherwise consider an infraction contained in an Applicant or Employee's driving record if driving is more than a *de minimis* element of the job position.
8. A Conviction that arises out of conduct that has been decriminalized since the date of the Conviction, including but not limited to, decriminalized conduct related to the noncommercial use and cultivation of cannabis.

Additional Requirements/Key Employer Information:

Employer Requirement: Delay in Receipt of Background Check.

- An Employer cannot base a decision to rescind or withdraw a Conditional Offer of Employment solely on the fact that there has been a delay in receiving a Criminal Background Check Report of the Applicant or Employee requested by the Employer from any source, unless the Employer can demonstrate it would have suffered an undue burden in its business operations if the Employer continued to hold the job position open pending receipt of the Criminal Background Check Report, and ten (10) Business Days have passed since the time the Employer requested the Criminal Background Check Report. The Employer must disclose to the Applicant or Employee in the Preliminary Notice of Adverse Action that the Conditional Offer of Employment has been rescinded due to the delay in receiving the Criminal Background Check Report, and explain the reasons why it is an undue burden for the Employer to continue to wait for receipt of the Criminal Background Check Report.

Additional Requirements/Key Employer Information:

Employer Requirement: Exceptions to the Prohibition on Inquiry regarding Criminal History for Specified Job Positions.

Subsections B(1) and (4), C, D, E and F of this Section 8.300.050 do not apply to the following job positions or in the following circumstances, however, an Employer must still comply with subsections G, I, J, and K of this Section 8.300.050, covering the Initial Individualized Assessment, Preliminary Notice of Adverse Action, Second Individualized Assessment, and Final Notice of Adverse Action Fair Chance processes for any and all job positions that fall within the exceptions of this subsection:

1. To a position where an Employer is required by any state, federal, or local law or regulation to conduct criminal background checks, Inquire regarding Criminal History, or to restrict Employment based on Criminal History for Employment purposes.
2. To a position where any state, federal, or local law or regulation prohibits an Employer from employing a person with a specific Criminal History.
3. To a position where the Applicant or Employee would be required to possess or use a firearm in the course of their Employment.
4. To a position as a Farm Labor Contractor, as described in section 685 of the California Labor Code.
5. To a position designated by the Employer to participate in a federal, state, or local government program to encourage the employment of people with Criminal History, or to a position in which the Employer is specifically seeking to hire an individual with "lived experience" in incarceration and/or the criminal justice system as a desired job qualification or job requirement for an Employment position.

Additional Requirements/Key Employer Information:

Employer Requirement: Timeline Relating to Mailing and Email Delivery of Employer Notices and Applicant or Employee Response.

- A. If notice is transmitted through a format that does not provide a confirmation of receipt, such as a written notice mailed by an Employer without tracking delivery enabled, the notice shall be deemed received five (5) calendar days after the notice is deposited for delivery to a California address, ten (10) calendar days after the notice is deposited for delivery to an address outside of California, and twenty (20) calendar days after the notice is deposited for delivery to an address outside of the United States;
- B. If notice is transmitted through email, the notice is deemed received two (2) Business Days after it is sent; however, Applicant and Employee timelines to respond to the notice will be calculated based on the date the notice was mailed by the Employer; and
- C. Any Applicant or Employee response required or permitted under this Chapter will follow the same mail and email timelines as noted above; however, an Applicant or Employee has the option to send a response under this Chapter to an Employer either by mail or email.

Additional Requirements/Key Employer Information:

Employer Requirement: Notice and Posting Requirements for Employers.

Employers shall post a notice informing Applicants and Employees of the provisions of this Ordinance in a conspicuous place at every workplace, job site or other locations in the unincorporated areas of the County under the Employer's control frequently visited by their Employees or Applicants. Employers shall also post the notice on website pages frequently visited by their Employees or Applicants. This notice must be made available to Applicants and Employees in English and any other languages spoken by at least ten (10) percent of the Employer's workforce.

Employer Requirement: Records Retention Period.

Employers must maintain and preserve any and all records, data and documents relating to this Ordinance, including but not limited to, job solicitations, postings, announcements and advertisements, employment applications, individualized assessments, notices, conditional offers, rescission and/or withdrawal letters, and any and all electronic and/or letter correspondence from the Employer, Applicant or third party relating to this Ordinance, for a minimum period of four (4) years following the receipt of an Applicant's Employment application.

Link to the LA (Unincorporated) County BTB+ Ordinance

https://library.municode.com/ca/los_angeles_county/ordinances/code_of_ordinances?nodeId=1276258

Thank You

First Advantage Corporate Screening Legal Compliance and Product Development.

For additional information regarding Ban the Box and Ban the Box Plus Laws, please check the FA Corporate Screening Resource Center.