



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

March 3, 2014

General Information Services, Inc.
Attn: Chris Lemens, General Counsel
12770 Coit Road, Suite 1200
Dallas, TX 75251

Re: Consumer Reporting Practices

Dear Chris:

The New York State Office of the Attorney General (the "OAG") is committed to enforcing state law that ensures that job applicants receive fair and equal consideration for employment opportunities. New York Executive Law §§ 296(1), (15) and (16), Correction Law §§ 751-53, and New York General Business Law § 380 *et seq.*, require that employers consider a number of factors before disqualifying an applicant based upon a criminal conviction, including but not limited to the nature and gravity of the conviction and its bearing, if any, on specific responsibilities of the job sought, the time that elapsed since the conviction, the age of the applicant when the offense was committed, and any evidence of rehabilitation. In addition, those laws also require that employers refrain from considering non-pending arrests that were terminated in favor of the individual and/or resulted in a sealed conviction, youthful offender adjudication, or most violations and infractions, and require that applicants be notified about their rights to request a copy of the consumer report and contest any errors therein. These laws also impose requirements upon consumer reporting agencies retained by employers to screen job candidates. *See, e.g. National Organization of Women v. State Div. of Human Rights*, 34 N.Y.2d 416 (N.Y. 1974); *D'Amico v. Commodities Exchange, Inc.*, 235 A.D.2d 313, 315 (N.Y. App. Div. 1st Dep't 1997) (finding it "settled precedent ... that an individual may be held liable under [§ 296(6)] for aiding and abetting discriminatory conduct" with regard to a third-party corporation).

To that end, General Information Services, Inc. ("GIS") has agreed to refrain from aiding employers in any practices that would run afoul of antidiscrimination law. Specifically, GIS agrees to consistently maintain policies and practices that will not result in a blanket ban on the consideration of job applicants with criminal histories. Such policies and practices include the following for employment located in New York:

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- Not issuing rejection or declination letters triggered by an automatic disqualification based on a criminal record. We anticipate that GIS will continue to send these kinds of letters – required by the federal Fair Credit Reporting Act – when an employer informs GIS of a decision after GIS returns a report to the employer for individualized consideration. We also anticipate that GIS may continue to send a copy of the report to the applicant or employee, so that the applicant or employee may correct any inaccurate information on the report before the employer makes a decision.
- Avoiding the application by GIS of labels on screening reports that suggest, directly or indirectly, that a job candidate is disqualified or unqualified for a position solely because of the results of a criminal background check. Such labels include, but are not limited to, "disqualified" or "does not meet hiring criteria." We anticipate that GIS will continue to designate applicants as ineligible or disqualified based on the results of a criminal background check if and when an employer informs GIS of such a decision after GIS has returned the report to the employer for individualized consideration.
- In every instance, returning all consumer reports to the employer for an individualized consideration of the job applicant in accordance with criteria required by state law.
- Communicating these limitations on its role and the requirements of New York State law to current clients.
- Amending promotional materials to clarify these practices for prospective clients.

GIS has represented that its systems were designed to automate the notice processes that the federal FCRA requires employers to use, and that it is currently working to bring those systems into conformity with the agreement above. GIS agrees to finalize these changes as soon as possible.

We commend GIS for its cooperation and for sharing the OAG's commitment to ensuring the rights of New Yorkers to equal employment opportunity.

ERIC T. SCHNEIDERMAN

Attorney General of the State of New York

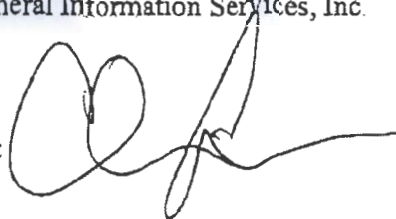
By:

Kristen Clarke
Bureau Chief
Civil Rights Bureau

Sandra Pullman
Assistant Attorney General

Agreed to for
General Information Services, Inc.

By:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Lemens
Executive Vice President