



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

March 5, 2014

Mike Petruzzo,
President & CEO
HireRight, Inc.
5151 California Avenue
Irvine, CA 92617

Re: Consumer Reporting Practices

Dear Mike:

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. Our office has explained that 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).

In a cooperative effort with the OAG to carry out the requirements of New York State law, HireRight, Inc. ("HireRight") confirms that it has some and is further implementing policies and practices to refrain from aiding employers in any practices that would run afoul of antidiscrimination

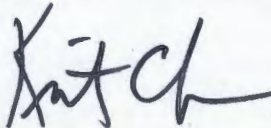
law in New York. Specifically, HireRight will maintain policies to preclude application of a blanket ban by its employer clients on the consideration of New York job applicants with criminal histories. Such policies and practices include:

- Not issuing rejection or declination letters for an employer client who requests that HireRight apply an automatic disqualification based on a criminal record, except where a bar to employment is imposed by law.
- Avoiding the use 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 prior to review and analysis of the information in the report by the employer. Such labels include, but are not limited to, "disqualified" or "does not meet hiring criteria."
- Returning all consumer reports that contain criminal convictions to the employer for an individualized consideration of the job applicant in accordance with criteria required by New York State law.
- Communicating these limitations on its role and the requirements of New York State law to current clients.
- Ensuring that its promotional materials for prospective clients are consistent with these practices.

We commend HireRight for its proactive steps and 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:

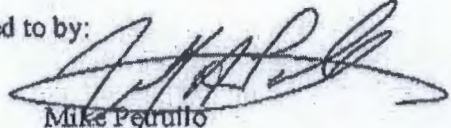
 3/10/14

Kristen Clarke
Bureau Chief, Civil Right


Sandra Pullman

Assistant Attorney General

Agreed to by:


Mike Petruccio

HireRight