



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
CIVIL RIGHTS BUREAU

November 25, 2013

Andrew Porter  
Sterling Infosystems  
1 State Street Plaza 24th floor  
New York, NY 10004

Re: Consumer Reporting Practices

Dear Andrew:

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, Sterling has agreed to refrain from aiding employers in any practices that would run afoul of antidiscrimination law. Specifically, Sterling agrees to consistently maintain policies and practices that will not result in a blanket ban on the consideration of job applicants with criminal histories in New York. Upon execution of this agreement, Sterling will advise clients who hire applicants in New York that it will maintain the following policies and practices, which will be

implemented as soon as technologically feasible:

- Not issuing rejection or declination letters triggered by an automatic disqualification based on a criminal record.
- 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. Such labels include, but are not limited to, "disqualified" or "does not meet hiring criteria."
- In every instance, 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 state law.
- Communicating these limitations on its role and the requirements of New York State law to current clients.
- Amending all promotional materials as necessary to clarify these practices for prospective clients.

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

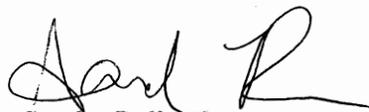
Sincerely,

ERIC T. SCHNEIDERMAN  
Attorney General of the State of New York

By:

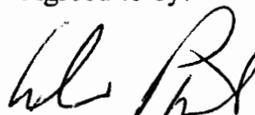


Kristen Clarke  
Bureau Chief  
Civil Rights Bureau



Sandra Pullman  
Assistant Attorney General

Agreed to by:



Andrew Porter  
Sterling Infosystems