## **PROVERIFY** Informational Adverse Action Checklist

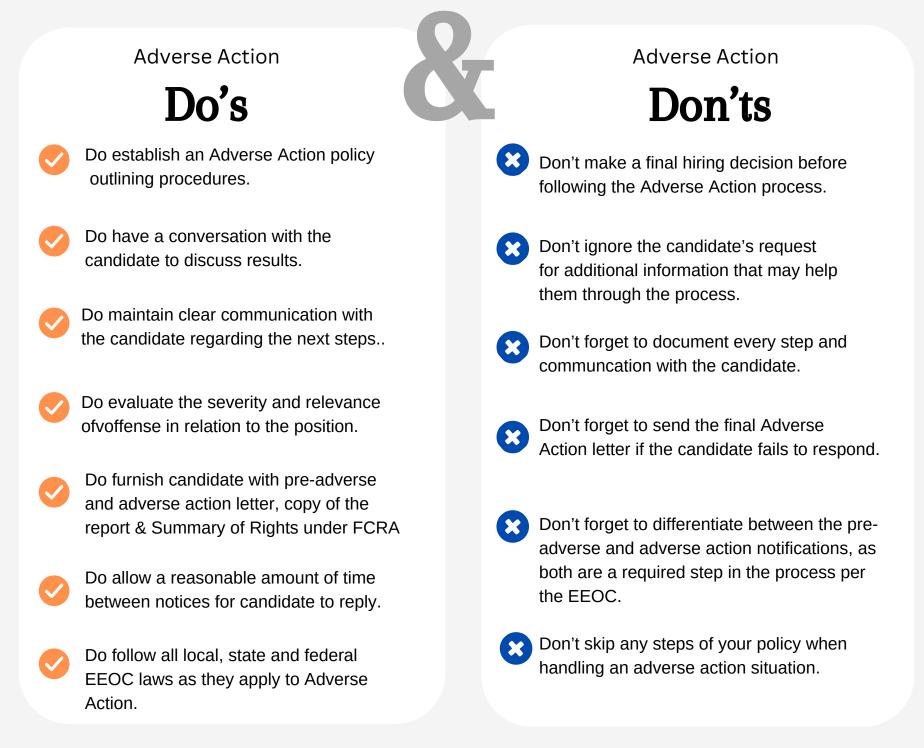
When findings from a background check uncovers data that could potentially impact a candidate's eligibility for employment, it's crucial to exercise care and adhere to the legal protocols concerning adverse action. The Federal Fair Credit Reporting Act (FCRA) mandates a two-step procedure for employers prior to denying employment due to adverse background check results.

The Equal Employment Opportunity Commission (EEOC) has issued guidance to assist employers in reviewing information and preventing discrimination, even if unintended. The "nature-time-nature" test prompts you to consider;

- The nature and severity of the offense
- How long ago was the offense committed or the sentence completed?
- How does this offense relate to the position in question?

You will need to provide your candidate with three main components when initially handling an adverse action situation: 1) Pre-Adverse Action Letter 2) Copy of the Report and 3) A copy of the Summary of Rights under the FCRA

Be sure to become familiar with the EEOC regulations and remember these helpful tips:



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Be sure to consult with your legal counsel and have them review your adverse action policy and notices/forms. ProVerify is not a law firm and this publication is for informational purposes only. Periodic review is recommended to stay up to date on state and local laws as well as the FCRA.