Pre-Adverse and Adverse Action Notices

Use Letter 1 first. Send Letter 2 only after the waiting period has passed and you have reviewed anything the individual sent back. Replace every [Placeholder]. Have counsel review both letters for the states and cities where you hire, since several add their own content and timing rules.

LETTER 1: PRE-ADVERSE ACTION NOTICE

[Date]

[Candidate Name]
[Mailing Address or Email]

Re: Your application for [Job Title], requisition [Req ID]

Dear [Candidate Name],

As part of our hiring process, and with your written authorization, we obtained a consumer report about you from [Consumer Reporting Agency Name]. Based on information in that report, we are considering a decision not to [hire you / continue your employment / promote you] for the position of [Job Title].

No final decision has been made. A copy of the report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" are enclosed.

If you believe any information in the report is inaccurate or incomplete, or if there is anything you would like us to consider, such as context about the circumstances, the time that has passed, or evidence of rehabilitation, please contact [HR Contact Name] at [Phone] or [Email] by [Response Deadline Date]. You may also dispute the accuracy of the report directly with [Consumer Reporting Agency Name] at [CRA Phone] or [CRA Address].

We will review any information you provide before making a final decision.

Sincerely,

[HR Contact Name]
[Title], [Company Name]
[Company Address]

ENCLOSURES FOR LETTER 1

- [ ] Complete copy of the consumer report exactly as received from the agency
- [ ] "A Summary of Your Rights Under the Fair Credit Reporting Act" (current CFPB version)
- [ ] Any state-required summary of rights or notice (for example, state consumer reporting or fair chance notices)
- [ ] If your jurisdiction requires it: a written individualized assessment naming the conviction(s) and the reasons they may be job-related

LETTER 2: FINAL ADVERSE ACTION NOTICE

[Date]

[Candidate Name]
[Mailing Address or Email]

Re: Your application for [Job Title], requisition [Req ID]

Dear [Candidate Name],

On [Pre-Adverse Notice Date] we wrote to let you know that we were considering a decision based in part on a consumer report. [We did not receive a response from you by [Response Deadline Date]. / We received and reviewed the information you provided on [Date].] After that review, we have decided not to [hire you / continue your employment / promote you] for the position of [Job Title]. This decision was based in whole or in part on information in the consumer report.

The report was provided by:

[Consumer Reporting Agency Name]
[Agency Address]
[Agency Phone, toll-free if the agency compiles and maintains files on consumers nationwide]

The consumer reporting agency did not make this decision and cannot explain why it was made.

You have the right to dispute the accuracy or completeness of any information in the report directly with the consumer reporting agency. You also have the right to request a free copy of your report from the agency within 60 days of receiving this notice.

[Include any state or local language required, such as the right to file a complaint with a named state or city agency.]

Sincerely,

[HR Contact Name]
[Title], [Company Name]

RECORD OF NOTICE (INTERNAL, KEEP IN THE APPLICANT FILE)

Candidate or employee name

Position and requisition ID

Consumer reporting agency

Date report received

Specific report item(s) behind the decision

Individualized assessment completed

☐ Yes ☐ No ☐ Not required

Pre-adverse notice sent

Delivery method

☐ Email ☐ Mail ☐ Courier ☐ In person

Response deadline given

Response received and summary

Final decision

☐ Proceed with hire ☐ Adverse action taken

Final notice sent

Decision maker

HR reviewer signature

Date