

(CALIFORNIA APPLICANTS ONLY)
CALIFORNIA DISCLOSURE

The University of Wisconsin–Madison (the “University”) may order an investigative consumer report on you in connection with your employment, or application for employment, or engagement for services (including independent contractor or volunteer assignments, as applicable), and if you are hired, or if you already work for the University, the University may order additional such reports on you for employment purposes. Such reports may contain information about your character, general reputation, personal characteristics, and mode of living. The types of background information that may be obtained include, but are not limited to: criminal history; litigation history; motor vehicle record and accident history; social security number verification; address and alias history; credit history (but credit history will be obtained only after a separate, credit-specific disclosure has been provided to you in accordance with CA Civil Code § 1785.20.5 and CA Labor Code § 1024.5); verification of your education, employment and earnings history (to the extent allowed by applicable law); professional licensing, credential and certification checks; drug/alcohol testing results and history; military service; and other information.

The investigative consumer reporting agency, HireRight, LLC (“HireRight”), will prepare the background report for the University. HireRight is located and can be contacted at 3349 Michelson Drive, Suite 150, Irvine, CA 92612, (800) 400-2761, www.hireright.com. Information about HireRight’s privacy practices is available at www.hireright.com/Privacy-Policy.aspx.

A SUMMARY OF YOUR RIGHTS UNDER CALIFORNIA CIVIL CODE SECTION 1786.22

- (a) An investigative consumer reporting agency shall supply files and information required under Section 1786.10 during normal business hours and on reasonable notice.
- (b) Files maintained on a consumer shall be made available for the consumer’s visual inspection, as follows:
- (1) In person, if he appears in person and furnishes proper identification. A copy of his file shall also be available to the consumer for a fee not to exceed the actual costs of duplication services provided.
 - (2) By certified mail, if he makes a written request, with proper identification, for copies to be sent to a specified addressee. Investigative consumer reporting agencies complying with requests for certified mailings under this section shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the investigative consumer reporting agencies.
 - (3) A summary of all information contained in files on a consumer and required to be provided by Section 1786.10 shall be provided by telephone, if the consumer has made a written request, with proper identification for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.
- (c) The term “proper identification” as used in subdivision (b) shall mean that information generally deemed sufficient to identify a person. Such information includes documents such as a valid driver’s license, social security account number, military identification card, and credit cards. Only if the consumer is unable to reasonably identify himself with the information described above, may an investigative consumer reporting agency require additional information concerning the consumer’s employment and personal or family history in order to verify his identity.
- (d) The investigative consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished him pursuant to Section 1786.10.
- (e) The investigative consumer reporting agency shall provide a written explanation of any coded information contained in files maintained on a consumer. This written explanation shall be distributed whenever a file is provided to a consumer for visual inspection as required under Section 1786.22.
- (f) The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. An investigative consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer’s file in such person’s presence.

(NEW YORK APPLICANTS ONLY)

**NEW YORK CORRECTION LAW
ARTICLE 23-A**

**LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES**

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment.

755. Enforcement.

§750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's

having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption.

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment. At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement.

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

NOTICE TO JOB APPLICANTS AND EMPLOYEES

San Francisco Fair Chance Ordinance

Police Code, Article 49

The Fair Chance Ordinance (FCO) regulates when and how San Francisco employers and City contractors may ask about and use arrest and conviction records in hiring decisions. As of October 1, 2018, all employers with 5 or more employees worldwide, and City contractors of any size, must observe the following restrictions:

- An employer MAY NOT ask about arrests or convictions on a job application.
- Only AFTER a conditional offer of employment may an employer conduct a background check, or inquire about convictions or unresolved arrests.
- After making a conditional offer of employment, an employer may consider only convictions that are directly related to the job, but may NEVER consider any of the following:
 - An arrest not leading to a conviction (except for unresolved arrests);
 - Participation in a diversion or deferral of judgment program;
 - A conviction that has been dismissed or expunged;
 - A conviction in the juvenile justice system;
 - A conviction that is more than 7 years old (unless the position supervises or provides services to minors, seniors, or dependent adults);
 - Infractions (except driving record infractions when driving is part of the job); or
 - A conviction for decriminalized conduct, including the non-commercial use and cultivation of cannabis.
- Before taking any adverse action, such as not hiring an applicant because of a conviction, the employer must:
 - Notify the applicant or employee and provide a copy of the background check, if any;
 - Give the applicant or employee 7 days to respond with evidence of inaccuracies on the background check or evidence of rehabilitation or other mitigating factors.*
 - Reconsider the action based on evidence the applicant or employee provides.

* **Evidence of rehabilitation** includes satisfying terms of parole or probation, education or training, participating in alcohol or drug treatment programs, letters of recommendation; and age at which the individual was convicted. Mitigating factors are things that contributed to the conviction, such as coercive conditions, physical or emotional abuse, and untreated substance abuse or mental illness.

Preemption. Where federal or state law imposes a criminal history requirement that conflicts with the FCO, the federal or state law will apply.

No Retaliation. An employer may not take an adverse action against an applicant or employee for exercising their rights under the FCO or cooperating with the Office of Labor Standards Enforcement.

Notice Requirement: Employers must provide this notice to applicants and employees prior to conducting a background check, and must post this notice in English, Spanish, Chinese, and any other language spoken by at least 5% of the employees at the workplace or job site.

For more information, or to file a complaint, contact the San Francisco Office of Labor Standards

Enforcement at: Hotline: (415) 554-5192 Email: fco@sfgov.org

公平機會條例 (FCO) 規範舊金山之雇主與市府承包商在做出僱傭決定時，何時及如何要求和 استخدام拘捕及刑事有罪判決紀錄。自2018年10月1日起，所有於全球各地擁有五位（含）以上員工之雇主，以及任何規模的市府承包商，皆必須遵循下列規範：

- 雇主不得於應徵申請中要求隨附拘捕或刑事有罪判決紀錄。
- 雇主僅得於有條件錄取求職者後，調查其背景或要求刑事有罪判決或仍在調查程序的拘捕紀錄。
- 雇主僅得於有條件錄取求職者後，考量與個人從事該工作之能力直接相關的刑事有罪判決與仍在調查程序之拘捕，但是不得在決定是否僱用求職者時考量下列任何事項：
 - 未導致刑事有罪判決之拘捕（除仍在調查程序中外），
 - 參與轉向或暫緩判決項目，
 - 經撤銷或消除之有罪判決紀錄，
 - 適用青少年司法程序的有罪判決，
 - 已做成七年或更長時間之有罪判決（除該職位係負責監督或提供服務予未成年人、年長者，或無法獨立自主的成年人），
 - 輕微違法案件（以駕駛為業者違反交通案件除外），或
 - 違紀行為之有罪判決，包括非商業性使用及栽種大麻。
- **採取任何不利行為，例如在因有罪判決而不僱用求職者之前，雇主必須：**
 - 通知求職者以及提供背景調查報告之副本（若有），
 - 給予求職者或僱員七天的時間，以提出證明背景調查報告不準確，或已參與更生計畫或具備其他減輕事由之證據。
 - 依據求職者或僱員提供之證據，重新檢視該不利行為。

* **更生證據** 包括遵循假釋或緩刑條件、接受教育或培訓、參與酒精或藥物戒癮治療課程、推薦信，以及個人獲刑事有罪時之年齡。減輕事由係指刑事有罪判決參考的事實，例如強制力之程度、身體或精神虐待、未經治療濫用藥物或精神疾病。

優先適用。若聯邦或州法律之犯罪紀錄規範與公平機會條例之規範衝突時，應優先適用聯邦或州法律。

禁止報復行為。雇主不得因求職者或其僱員行使公平機會條例中規範之權利，或配合勞工標準執行辦公室（OLSE）對求職者或其僱員採取報復行為。

通知義務。雇主必須在調查背景之前，提供此通知給求職者或僱員，且必須將此通知以英文、西班牙文、中文及任何其他超過百分之五比例之僱員使用的語言，公佈於工作場所或辦公室中。

欲查詢更多的資訊或提出申訴，請聯絡 舊金山勞工標準執行辦

公室專線：(415) 554-5192 電子郵件信箱：

fco@sfgov.orggov.org

La Ordenanza de Oportunidades Equitativas (FCO, por sus siglas en inglés) regula cuándo y cómo los empleadores de San Francisco y los contratistas de la Ciudad pueden preguntar acerca de los expedientes de arrestos y condenas y usarlos al momento de tomar decisiones de contratación. A partir del 1° de octubre de 2018, todos los empleadores con 5 o más empleados en todo el mundo, y los contratistas de la Ciudad de todos los tamaños deben observar las siguientes restricciones:

- Un empleador NO DEBE preguntar sobre arrestos o condenas en una solicitud de empleo.
- Sólo DESPUÉS de hacer una oferta condicional de empleo puede el empleador realizar una verificación de antecedentes, o preguntar acerca de condenas o arrestos sin resolver.
- Después de hacer una oferta condicional de empleo, un empleador puede considerar únicamente las condenas que estén directamente relacionadas con el empleo, pero NUNCA puede considerar ninguno de los siguientes:
 - Un arresto que no haya resultado en una condena, (con la excepción de arrestos no resueltos);
 - Participación en un programa de justicia alternativa o de fallo diferido;
 - Una condena que haya sido desestimada o cancelada;
 - Una condena en el sistema de justicia juvenil;
 - Una condena de más de 7 años de antigüedad (a menos que el puesto supervise o brinde servicios a menores, adultos mayores o adultos dependientes);
 - Infracciones (con la excepción de infracciones de antecedentes de conductor cuando conducir es parte del trabajo); o • Una condena por conducta despenalizada, incluidos el uso no comercial y el cultivo de cannabis.
- Antes de realizar alguna acción adversa, como no contratar a un solicitante debido a una condena, el empleador debe:
 - Notificar al solicitante o al empleado y proporcionar una copia de la verificación de antecedentes, si corresponde;
 - Dar al solicitante o empleado un plazo de 7 días para responder con evidencia de inexactitudes en la verificación de antecedentes o **evidencia de rehabilitación u otros factores atenuantes.***
 - Reconsiderar la acción basada en la evidencia que provea el solicitante o el empleado.

* **La evidencia de rehabilitación** incluye cumplir con los términos de una libertad probatoria/bajo palabra; recibir educación/capacitación; participación en programas de tratamiento contra el alcohol o drogas; cartas de recomendación; y la edad a la que la persona recibió la condena. Los factores atenuantes incluyen factores que hayan contribuido con la condena, como por ejemplo condiciones de coerción, el maltrato físico o emocional, y el consumo de sustancias controladas o la enfermedad mental sin tratar.

Aplicación preferente. Cuando la ley federal o estatal impone un requisito de antecedentes penales que entra en conflicto con la Ordenanza FCO, prevalecerá la ley federal o estatal.

Sin represalias. Un empleador no debe emprender una acción adversa contra un solicitante o empleado por ejercer sus derechos bajo la Ordenanza FCO o por cooperar con la Oficina de de las Normas Laborales (OLSE).

Requisito de notificación: Los empleadores están obligados a proporcionar este aviso a los solicitantes y empleados antes de realizar una verificación de antecedentes y deben publicar este aviso en inglés, español, chino, y todo idioma hablado por más del 5% de los empleados en el lugar de trabajo o sitio de trabajo.

Para obtener más información o para presentar una queja comuníquese con la: Oficina de las normas laborales (Office of Labor Standards Enforcement: OLSE) de San Francisco por medio de:

Línea telefónica de atención directa: (415) 554-5192 Correo electrónico: fco@sfgov.org
Ang Ordinansa ng Makatarungang Pagkakataon (The Fair Chance Ordinance/FCO) ang nangangasiwa kung kailan at paano maaring itanong ng mga may-ari ng negosyo sa San Francisco at mga kontratista ng Lungsod ang tungkol sa talaan sa pagdakip at paghatol ng pagkakasala at paggamit nito sa mga desisyon sa pagtanggap ng kawani. Simula noong Oktubre 1, 2018, lahat ng may-ari ng negosyo na may 5 o higit pang empleyado sa buong mundo, at kontratista ng Lungsod anuman ang laki, ay nararapat na tumupad sa sumusunod na alituntunin:

- Ang may-ari ng negosyo ay HINDI MAARING magtanong tungkol sa mga pagdakip o mga paghatol sa aplikasyon sa trabaho.
- PAGKATAPOS lamang magbigay ng may pasubaling alok ng trabaho maaring magsagawa ng pagsusuri ng kasaysayan, o magtanong tungkol sa mga paghahatol o mga hindi pa nalulutas na pagdakip.
- Pagkatapos magbigay ng may pasubaling alok ng trabaho, ang may-ari ng negosyo ay maaring isaalang-alang ang mga paghahatol na direktang may relasyon sa trabaho, ngunit HINDI maaring isaalang-alang anuman sa mga sumusunod:
 - Ang pagdakip na hindi humantong sa paghahatol (maliban sa mga hindi nalutas na pagdakip);
 - Pakikilahok sa programa ng paglilipat o pagpapaliban ng hatol;
 - Ang paghahatol na inalis o binura;
 - Ang paghahatol sa sistema ng hustisya sa kabataan;
 - Ang paghahatol na lampas sa 7 taon (maliban kung ang posisyon ay namamahala o nagbibigay ng serbisyo sa mga menor de edad, mga matatanda, o mga matatanda na umaasa);
 - Ang mga pagsuway (maliban sa mga talaan ng pagsuway sa pagmamaneho kung ang pagmamaneho ay kasama sa trabaho); o
 - Ang paghahatol sa asal na hindi na itinuturing na labag sa batas, katulad ng hindi komersyal na paggamit at pagpapalago ng marijuana.
- Bago gumawa ng anumang gawaing salungat, katulad ng hindi pagtanggap sa aplikante dahil sa isang paghahatol, ang may-ari ng negosyo ay kailangang:
 - Abisuhan ang aplikante o empleyado at bigyan ng kopya ng pagsusuri sa mga kasaysayan, kung mayroon man;
 - Bigyan ang aplikante o empleyado ng 7 araw para sumagot kasama ng katibayang hindi wasto sa pagsusuri sa kasaysayan o katibayan ng pagbabagong buhay o iba pang nagpapagaan ng mga kadahilanan.*
 - Muling isaalang-alang ang aksiyon batay sa katibayan na ibinigay ng aplikante o empleyado.

* **Katibayan ng pagbabagong buhay:** kabilang ang mga maayang mga tuntunin ng paglayang may kondisyon or probasyon, edukasyon o pagsasanay, pakikilahok sa mga programa ng paggamot ng alkohol o droga, mga sulat ng rekomendasyon; at edad ng tao nuong hinatulan. Ang mga nagpapagaan na kadahilanan ay mga bagay na

nakaambag sa paghahatol, katulad ng sapilitang mga kondisyon, abusong pisikal o emosyonal , at pag-abuso sa droga na hindi nagamot o sakit sa pag-iisip.

Pagpigil: Kung ang batas na pederal o estado ay nangangailangan ng kriminal na kasaysayan na sumasalungat sa FCO, ang batas na pederal o estado ang iiral.

Walang Paghihiganti: Ang may-ari ng negosyo ay hindi maaring magsagawa ng masamang aksiyon laban sa aplikante o empleyado na gumamit ng kanilang karapatan ayon sa FCO o makipagtulungan sa Opisina ng Pagpapatupad sa mga Pamantayan ng Paggawa (Office of Labor Standards Enforcement).

Kinakailangan na Paunawa: Ang mga may-ari ng negosyo ay kailangang magbigay ng paunawang ito sa mga aplikante o empleyado bago gawin ang pagsusuri sa kasaysayan, at ipaskil itong paunawa sa Ingles, Kastila, Intsik at iba pang wika na ginagamit ng hindi bababa sa 5% ng empleyado sa lugar ng trabaho o puwesto ng trabaho.

Para sa karagdagang kaalaman, o para maghabla ng reklamo, tawagan ang San Francisco Office of Labor Standards Enforcement sa:

Hotline: (415) 554-5192 Email: fco@sfgov.org