

Dear Customer,

In connection with our company furnishing criminal reports to you, we are aware of your responsibility under New York law to evaluate the relationship of any conviction for the position sought. Under New York statutory law §296(15) Executive Law; such an analysis is also a defense to a negligent hiring/retention claim. If a §752, Article 23-A, Correction Law review of past convictions is conducted then the employer can have past offenses excluded from evidence. Attached is a form that may be used for this purpose.

The providing of this form is not providing legal advice to you, and we strongly suggest that you contact your legal counsel in regard to your responsibilities in this area. In evaluating the criminal record with the position sought, the category of the offense may or may not relate to the job in question. For example, a recent misdemeanor theft may be relevant to a job where the employee is entrusted with the company's or customer's money/property, but an old felony conviction for the possession of a controlled substance may not be relevant at all. A drunk driving conviction may be relevant to a driving job, but it is probably not relevant to a secretarial position. It is our understanding that the law requires that the employers judge each applicant with each position individually. New York law has changed in regard to ordering reports from us. To implement those changes we have amended the required Disclosure and Consent forms.

We have also provided a copy of Article 23-A, Correction Law for you to provide to each applicant on whom you order reports. This law is effective February 1, 2009.