

California AB 655 – Overview of Procedures

California Assembly Bill 655 mandates specific steps that must be taken by California employers when performing a pre-employment background check (investigative consumer report) on an applicant. This legislation is not in place of, but in addition to, the Federal Fair Credit Reporting Act (FCRA). All responsibilities under the FCRA still exist.

These steps are outlined below:

1. The Employment Inquiry Release Form must be utilized and signed by the applicant to authorize the procurement of the background check. This step is federally mandated under the FCRA.
2. The Employment Inquiry Release Form must have a section outlining some specific issues / rights referenced in section 1786.22 of the 11/01/2002 revision to AB 655 and also give the applicant the option of receiving a copy of the report. Please see the California Release Form.
3. The additional notice entitled, "Notice to California Applicants" must be given to the applicant within three (3) days from the time the background check is requested. This notice can / should be given to the applicant following the interview where it is determined that the applicant is qualified and will be hired pending the results of the background check.
4. Selection.com (or any consumer reporting agency) is limited as to what information can legally be reported in the area of criminal convictions. The reporting is limited to seven (7) years and can only include convictions and / or pending cases.
5. A copy of the background check (investigative consumer report) must be sent to any applicant who has requested a copy via the checkbox on the release form (referenced above).