



Pending Records

As a Consumer Reporting Agency (CRA) operating in all fifty states, it is our goal to provide our clients with information that is in compliance with federal law as well as the laws that are applicable to the state(s) where you conduct business. If you have operations in IL or KY or you hire a candidate that is residing in either one of those states, the following applies:

Kentucky specifically limits what a consumer reporting agency may report. Per Kentucky State Code: KRS 367.310: No consumer reporting agency shall maintain any information in its files relating to any charge in a criminal case, in any court of this Commonwealth, unless the charge has resulted in a conviction. While this law does not specifically limit what an employer may use when making a hiring decision, by limiting what the consumer reporting agency may report, they are effectively eliminating any record that has not resulted in a conviction including any pending records, from being considered.

Under **Illinois** law, per the Illinois Human Rights Act, a consumer reporting agency is not specifically prohibited from reporting records that have not resulted in a conviction however, employers cannot use arrest information to make employment decisions, so as a consumer reporting agency if we were to report a pending case, we run the risk of exposing your organization to the potential for violating the Illinois Human Rights Act— specifically, its prohibition on arrest record discrimination. Illinois Human Rights Act, 775 ILCS 5/2-103(A).

As a result of the applicable laws listed above, for employers in KY or IL or those with candidates in IL or KY, our policy at Credential Check Corporation is that all pending records will be returned to you as clear.

Our goal is to continue to assist our clients with their screening needs in compliance with both state and federal laws. This policy has been created with guidance from our outside counsel and is designed to adhere to the applicable state laws governing CRA reporting as well as minimize the exposure that can result in the receipt of information that is not legally available for making an employment decision.

If you have any questions or concerns or you need further assistance in understanding how our policy affects your account, please feel free to contact Credential Check at info@credentialcheck.com or (888) 689-2000. As always we want to thank you for your business. It is a pleasure and privilege to provide screening services to your organization.

Regards,

A handwritten signature in blue ink that reads "Michael A. Pachuta".

Michael A. Pachuta
President

Please note nothing herein should be deemed as legal advice or counsel, and we recommend that you seek independent counsel regarding your compliance obligations under the law. Credential Check specifically disclaims all warranties regarding the above.

CREDENTIAL CHECK CORPORATION

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