

DISCLAIMER: This Notice is intended for instructional purposes only and is not intended as legal advice. We recommend you consult with an attorney to review this document and the corresponding state notices to ensure your compliance with the applicable state laws related to background screening and consumer notices and disclosures.

NOTICE REGARDING CONSUMER CREDIT REPORTS PURSUANT TO CALIFORNIA LAW

Pursuant to Section 1785.20.5 of the California Civil Code as well as Section 1024.5 of the California Labor Code, an employer or prospective employer, with the exception of certain financial institutions, shall not use a consumer credit report for employment purposes unless the position of the person for whom the report is sought is any of the following. Employer will identify which of the exceptions apply for your specific position:

- _____ A managerial position**.
- _____ A position in the state Department of Justice.
- _____ That of a sworn peace officer or other law enforcement position.
- _____ A position for which the information contained in the report is required by law to be disclosed or obtained.
- _____ A position that involves regular access, for any purpose other than the routine solicitation and processing of credit card applications in a retail establishment, to all of the following types of information of any one person:
 - (A) Bank or credit card account information.
 - (B) Social security number.
 - (C) Date of birth.
- _____ A position in which the person is, or would be, any of the following:
 - (A) A named signatory on the bank or credit card account of the employer.
 - (B) Authorized to transfer money on behalf of the employer.
 - (C) Authorized to enter into financial contracts on behalf of the employer.
- _____ A position that involves access to confidential or proprietary information, including a formula, pattern, compilation, program, device, method, technique, process or trade secret that (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who may obtain economic value from the disclosure or use of the information, and (ii) is the subject of an effort that is reasonable under the circumstances to maintain secrecy of the information.
- _____ A position that involves regular access to cash totaling ten thousand dollars (\$10,000) or more of the employer, a customer, or client, during the workday.

** "Managerial position" means an employee covered by the **executive exemption** set forth in subparagraph (1) of paragraph (A) of Section 1 of Wage Order 4 of the Industrial Welfare Commission (8 Cal. Code Regs. 11040).

Executive Exemption is defined as:

A person employed in an executive capacity means any employee:

- (a) Whose duties and responsibilities involve the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof; and
- (b) Who customarily and regularly directs the work of two or more other employees therein; and
- (c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and
- (d) Who customarily and regularly exercises discretion and independent judgment; and
- (e) Who is primarily engaged in duties which meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such items are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.102, 541.104-111, and 541.115-116. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer’s realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.
- (f) Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.

By signing below, I acknowledge that an above exception has been identified and I authorize _____ (“Company”) to obtain a consumer credit report for employment purposes. The source of any consumer credit report will be Protect My Ministry 14499 N. Dale Mabry Hwy., Suite 201 South, Tampa, FL 33618 – Toll Free at 800-319-5581.

I understand that by checking “yes” below, a copy will be provided to me at the address I provide in the Authorization and Disclosure form.

I would like to receive a copy of my consumer credit report Yes No

Signature of Applicant _____

Printed Name _____

Date: _____

Signature of Employer _____

Printed Name _____

Date: _____