

KANE KESSLER, P.C.

1350 Avenue of the Americas
New York, N.Y. 10019
(212)541-6222
fax (212) 245-3009
Direct dial (212) 519-5156
drothfeld@kanekessler.com

MEMORANDUM

DATE: January 24, 2013

TO: Hotel Association of New York City, Inc.
Labor Relations Members
General Managers, Human Resource Directors and Controllers

FROM: Kane Kessler, P.C.
Labor & Employment Dept.

RE: New Fair Credit Reporting Act (FCRA) Forms for Employers

We wanted to apprise you about regulations regarding new FCRA forms, as follows:

As of January 1, 2013, employers, Credit Reporting Agencies, and furnishers of information must begin using updated versions of the following forms:

1. Summary of Your Rights Under the Fair Credit Reporting Act
2. Notice to Users of Consumer Reports of their Obligations under the FCRA
3. Notice to Furnishers of Information of their Obligations under the FCRA

The only differences on the new forms are that they direct questions to the Consumer Financial Protection Bureau instead of the Federal Trade Commission. Otherwise, they remain substantively similar to the previous forms, and must be provided under the same circumstances as before. The "Summary of Your Rights Under the Fair Credit Reporting Act" is the most relevant of the above forms for employers, since employers must provide this summary along with a copy of the consumer report before taking any adverse employment action against the employee or applicant. The remaining two forms are for Credit Reporting Agencies to provide to users of their services and furnishers of information.

Copies of the current forms can be found at: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr;sid=09558a8309d73086b9217fe5af1ce0ef;rgn=div5;view=text;node=12%3A8.0.2.14.16;idno=12;cc=ecfr#12:8.0.2.14.16.13.1.2.33>. If you have any questions about the FCRA forms, please do not hesitate to call David R. Rothfeld, Judith A. Stoll, Stephen Steinbrecher, Robert Sacks, Niki Franzitta, Lois M. Traub or Alexander Soric.

cc: Joseph E. Spinnato, Esq.

Geoffrey A. Mills, Chairman