



# ORCA TALES

*"We can tell you more about them than their mother"*

## AFFORDABLE LIGHTING

Exterior lighting can enhance the atmosphere around your home or office while increasing security. Turning porch lights on at night makes it much easier to investigate unusual activity and remain more aware of what is going on outside. Lighting also encourages your neighbors, passerby's, and patrol officers to keep an eye on what's happening on your property. Today's energy efficient compact florescent lights (CFLs) help reduce energy consumption while providing brilliant white light. Consider replacing standard incandescent lights with 20-watt or higher CFLs. Take a look at the average energy savings:

Hours	100-watt incandescent	26-watt CFL
4 per day	\$11.53 per year	\$3.00 per year
8 per day	\$23.07 per year	\$6.00 per year
12 per day	\$34.60 per year	\$9.00 per year

## WHALES FOR SALE

**Large Deluxe (36") \$25.00 / Small (16") \$15.00**  
(includes tax, shipping & handling)

**Call Rebekah: ext. #103**

## PHOTO SENSORS

For exterior lighting around your home or complex to be an effective crime prevention tool it should be bright enough for you to clearly see and identify someone approaching 100-feet away. If you notice unusually dark areas, consider installing additional fixtures. Whether you choose CFL fixtures or traditional incandescent spotlights, be careful not to point the lights directly at eye level. Lights with intense glare can be just as ineffective as poor lighting.

Installing photo-sensors on new and existing exterior lights is an excellent way to ensure they come on at the proper time and helps reduce wasted electricity. Whether you are away on vacation or just coming home late at night, it is comforting to drive up to a well-lit home. Photo-sensors can be purchased for less than \$10 and are very easy to install.

## ORCA WISDOM



Saving money is the best thing...especially when your parents do it for you!

## FAIR CREDIT REPORTING ACT UPDATE

**Q.** An applicant has been denied rental based on the credit report. I mailed a letter informing her of this and who she may contact to inquire about the report. On the phone the applicant asked what I will be doing with the paperwork. I said I'd keep it for 3 years and then destroy it. The same day I mailed the letter her 'aunt' calls and says she has contacted an attorney and I have to send back her (the applicant's) 'paperwork'. She goes on to say I have 24 hours to comply. I've searched the landlord Tenant Act and did not find any mention that I am required to send back the application or any paperwork to an applicant that has been denied. Does the 'aunt' have a leg to stand on or is she blowing smoke?

**ANSWER:** A couple issues come up here, including one you did not ask. Always ask for written authorization from the actual applicant before discussing an applicant's credit with anyone else, even a co-applicant. If three guys apply to rent from you as a group, two of them may have acceptable credit, the 3rd might not. Be careful what you inform each of them about the others. Therefore, I strongly discourage you from discussing the actual applicant's credit information with anyone else, even their "aunt."

There is no law in Washington similar to the one the "aunt" claims to exist (please note that other jurisdictions such as California do have other restrictions which supplement federal fair credit reporting laws).

That being said, there is a legitimate question about what to do with the credit report once the applicant is denied. According to Trans Union (one of the three major sources of credit reports in the United States), the credit report of any person denied tenancy should be shredded no later than six months from the time it is pulled. All other information in relation to a report can be shredded after 2 years; that is how long the applicant has to sue for a FCRA violation.

Finally, if the application is denied or other adverse action is taken, please remember that you need to send a written Consumer Rights Notice (commonly called a "Denial Letter") to the applicant. This notice must be sent, not just in cases where the application for tenancy is denied, but also if the application is conditioned (such as requiring a co-signer, charging a higher than "standard" deposit or increasing the amount of rent). Formerly, it was acceptable to provide the applicant with only the phone number of who to call about the credit report – that no longer complies with the law.

*By: Christopher T. Benis, Attorney At Law*

## Tips on Employment Screening

### 1. Carefully review all background screening results.

All too often employers view criminal court record results, see a conviction and immediately decide not to hire an applicant. Not only is this illegal, but it also could eliminate a candidate who might be a good fit for a certain position. For example, someone who had a shoplifting conviction may not be well suited for an accounting position, but could be a great match for a company driving position.

Employers should carefully analyze all background screening results and be sure they understand all details in the report. If they have questions they can research the matter further or contact their screening provider for clarification. In addition, the EEOC stipulates employers consider the following before excluding an applicant on the basis of his/her background screening results:

Did the applicant actually commit the offense?

What is the nature and gravity of the offense?

How long ago was the offense?

What is the nature of the job being applied for?

### 2. Abide by all state and federal screening laws, including the FCRA.

In addition to state-specific laws, the Federal Fair Credit Reporting Act (FCRA) governs the use of background screening for employment purposes. The FCRA rules apply to employers who use a third party provider to complete background checks and was enacted to promote confidentiality, accuracy and relevancy of consumer reports and investigative consumer reports (i.e., background checks).

Here are the main provisions of the FCRA:

a) **Permissible Business Purpose** – Before employers order background checks, they must certify to the screening provider they are using them for a legitimate business reason. Pre-employment screening is an acceptable reason for obtaining criminal court records.

b) **Disclosure and Release Forms** – Before ordering background checks, employers must also have applicants sign and date a Notice and Disclosure Form. This form provides written proof that applicants acknowledge your company performs background screening as part of the employment process.

Applicants must also sign a Release Authorization that gives courts, schools and other government agencies the applicant's legal permission to provide background information for employment purposes.

The FCRA also requires employers to give applicants a copy of the "Summary of Your Rights Under the FCRA." This document explains what course of action applicants can take if they wish to dispute the findings of a background check or consumer report.

### 3. Adverse Action Notification.

Before employers decide not to hire an applicant based in whole or in part of his/her background screening results, two letters of notification must be sent to the applicant.

First, a pre-adverse action letter must be sent to the applicant informing him/her that he/she may not be hired as a result of information in his/her background screening report. It also explains what the applicant can do if he/she believes the results are incorrect.

Second, if after a reasonable period of time has passed since the pre-adverse action letter was sent and an employer has officially decided to deny employment based on the background screening results, an Adverse Action Letter needs to be mailed to the applicant. The adverse action letter gives the applicant a final chance to correct or dispute his/her background screening results.

### 4. Conclusion.

Are criminal background checks worth it? Some employers might be tempted to forgo pre-employment screening altogether because it seems like there are too many rules and regulations. The truth is criminal background checks are a proven way to help organizations select the right people. Plus, experienced, reputable background screening firms are making it easier for employers to abide by regulations.