

# CA Credit Report Authorization

This form is to be signed for employers in California in addition to a signed NCS authorization form. 1024.5. (a) An employer or prospective employer 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:

A credit report will be run for \_\_\_\_\_ on the date of \_\_\_\_\_ by company \_\_\_\_\_ based on one of the following identified exceptions:

**Identify exemption:**

- \_\_\_\_\_ A "managerial position" as defined.\*
- \_\_\_\_\_ 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 by law or to be obtained by the employer 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.

By signing below, I acknowledge that the exemption has been identified and I authorize a credit check.

Signature of Applicant \_\_\_\_\_ Printed Name \_\_\_\_\_

Signature of Employer \_\_\_\_\_ Printed Name \_\_\_\_\_

*\*“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).*

*From subparagraph (1) of paragraph (A) of Section 1 of Wage Order 4 of the Industrial Welfare Commission (8 Cal. Code Regs. 11040):*

*(1) Executive Exemption. 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.*