

MEMORANDUM OF AGREEMENT

1. DEFINITIONS

"Background report" means a criminal history check obtained from a "consumer reporting agency" as defined by the Fair Credit Reporting Act ("FCRA"), or "Criminal History Record Information" ("CHRI") as defined by the New Jersey Administrative Code, obtained from the New Jersey State Police ("NJSP"). "Background screening" means the utilization of a criminal history check and/or CHRI for employment purposes.

2. APPLICABLE LAWS, POLICIES AND PROCEEDINGS

The parties acknowledge the New Jersey Opportunity to Compete Act, N.J.S.A. 34:6B-11. University Policy 30.1.9 (hereafter "Policy") remains in effect.

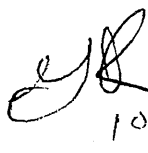
3. The Union agrees to withdraw its Unfair Practice Charge (Docket #CO-2015-158) with prejudice.

4. SCREENING PROCEDURE FOR A URA-AFT UNIT EMPLOYEE

The University agrees to maintain all background reports received by the University from a consumer reporting agency (such as General Information Services ("GIS")) exclusively within a confidential University Human Resources ("UHR") file. The University agrees that the scope of any consumer report it requests from a consumer reporting agency, such as GIS, will be limited, to the extent possible, to the following: criminal records checks; address history; court records checks; sex offender registry/database checks; and child abuse and/or neglect registry/database checks. The University will designate UHR as the exclusive recipient of all background reports and will instruct employees to designate UHR as the exclusive recipient of all background reports. The University agrees to maintain all background reports received by the University from the NJSP in a confidential UHR file, provided that the employee follows the instructions outlined on the website to designate "Rutgers University Human Resources" in the Employer section of the NJSP form (available at <http://protectminors.rutgers.edu/NJSPbackground.php>). All background reports shall remain confidential and shall be maintained in the same manner as all other confidential human resources documents.

Additionally, as a point of clarification to the current Section III of the Policy regarding sex offender registry checks, the University annually will be checking the Megan's Law Sex Offender Registry and/or will have its consumer reporting agency perform checks of sex offender registries/databases. The University will maintain any information obtained as a result of that check in the same manner as all other confidential human resources documents.

Rutgers will instruct Program Directors/Supervisors who receive background reports not to open or review the background reports and, further, to immediately forward the background reports to UHR for inclusion in a confidential UHR file. Copies will not be retained at the department/work unit level.


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A URA-AFT unit employee may dispute the validity of any background reports obtained from a consumer reporting agency, such as GIS, or individual findings within them, and he/she will be provided with a Summary of Rights pursuant to the FCRA (copy attached hereto). The University will provide the URA-AFT member with all of the rights afforded by the FCRA.

5. ENFORCEMENT OF THE POLICY


The criminal history background checks and review of the Megan's Law Sex Offender Registry under the Protection of Minors Policy are undertaken to determine if there are any records of sexually based offenses and/or crimes against minors. In cases where any URA-AFT unit employee, regardless of hire date, undergoes a background screening as a result of the Policy and the background report reveals pending charges, dismissed charges, pre-trial interventions, downgraded charges and/or any other finding other than a criminal conviction for a sexually-based offense or crime against minors, the University will use this information in a manner consistent with all applicable laws and regulations and only in a manner that is job-related and consistent with business necessity.

6. INFORMATION EXCHANGE


For the 2015-2016 fiscal year, on a quarterly basis, the University will provide the Union with a list of programs involving minors (which employ URA-AFT members) that notify the Rutgers Police Department and/or the Office of Labor Relations that they have initiated criminal background screenings for staff according to the Policy either from a consumer reporting agency or the New Jersey State Police. This report will include the names of corresponding URA-AFT unit employees, the requestor, Program Director(s), and date(s) of criminal background screenings for each employee. For all subsequent fiscal years, the University agrees to provide the information set forth in this paragraph to the Union annually, on July 1 of each year. This provision does not preclude the University from updating the list as a result of new programs or changes to existing programs for minors that may develop before the next annual report.

On an annual basis, the University will provide the Union with a list of programs involving minors (which employ URA-AFT members) that notify the Rutgers Police Department and/or the Office of Labor Relations that it will perform a check of the Megan's Law Sex Offender Registry. The report will include the names of the corresponding URA-AFT unit employees, the requester, Program Director(s), and the date of the check.


The University also agrees to provide notice of any discipline of any URA-AFT member and copies of disciplinary letters sent to any URA-AFT unit employee who is disciplined as a result of the Policy.


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7. CONTRACTUAL RIGHTS – The parties agree that the provisions of this agreement shall not preclude any rights under the Collective Agreement between the parties.



Gregory Rusciano 10/28/15
Date
Director
URA-AFT



11-12-15
Date
Rutgers University

Para informacion en espanol, visite www.ftc.gov/credit o escribe a la FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identify theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.
- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.
- **You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.** Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	Federal Trade Commission: Consumer Response Center - FCRA Washington, DC 20580 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 202-452-3693
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Complaints Washington, DC 20552 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center, 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation, Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator - GIPSA Washington, DC 20250 202-720-7051