



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 1/12/2023

File ID: TMP-2464

Department: Human Resources

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Checkr, Inc., for the purpose of obtaining background and credit checks.

Resolution No.

Does this item need to be published? No

If yes, please list preferred date(s) of publication: N/A

Finance Information:

Account Number: N/A

City Cost Amount: N/A

Total Cost: N/A

Special Circumstances:

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments:

RESOLUTION NO. 23-_____

BE IT RESOLVED by the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into an Agreement between the City of Huntsville and Checkr, Inc. for employment background and credit checks on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "Agreement Between The City of Huntsville, Alabama and Checkr, Inc. consisting of a total of seven (7) pages with the date of the 12th day of January 2023 appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 12th day of January 2023.

President of the City Council of the
City of Huntsville, Alabama

APPROVED this the 12th day of January 2023.

Mayor of the City of
Huntsville, Alabama



CHECKR ORDER FORM NO. 1

Customer ("You" or "Your"): City of Huntsville

MSA Effective Date: 1/12/2023

Order Effective Date: 1/12/2023

Order Initial Term: 12 Months

Permissible Purpose: Employment purposes, as defined by FCRA, including hiring and promotion decisions and the engagement of independent contractors.

This Order Form (this "Order") incorporates by reference and shall be governed by the terms and conditions of the Checkr Master Service Agreement located at <https://checkr.com/customer-agreement> (the "MSA"). Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the MSA.

Services Provided. During the Term (as defined below), and in consideration for Your payment of the fees set forth herein, Checkr will provide you with the services described in this Order, subject to the limitations set forth herein and in the MSA.

Term. Starts on the Order Effective Date above and continues for the Initial Term. After the Initial Term, this Order automatically renews for additional one (1) year periods (each, a "Renewal Term") unless (a) the terms of this Order are superseded by a subsequent Order Form; (b) either party terminates with at least 30 days' notice prior to the expiration of the Initial Term or Renewal Term, or (c) until otherwise terminated per the MSA. The Initial Term and any applicable Renewal Terms are collectively referred to as the "Term."

Reports and Fees. During the Term, You are authorized to order the Reports specified in the attached Exhibit A, at the rates listed therein. You may request changes and/or additions to the screening packages and associated pricing set out in Exhibit A from time to time in writing to Checkr, and Checkr will confirm any approval of such changes either in writing, by issuing an invoice, or debiting Your designated payment account. Upon any renewal of the Term, Checkr reserves the right to increase the pricing set forth herein by up to the CPI increase. "CPI Increase" shall mean the percentage by which the CPI for the month in which the Renewal Term begins exceeds the CPI for the month in which the prior Term began. The "CPI" shall mean the Consumer Price Index for all Urban Customers (CPI-U) published by the U.S. Bureau of Labor Statistics, or, if such CPI shall be discontinued, any other comparable or similar Index as shall be periodically published by the U.S. Bureau of Labor Statistics.

Your Certifications. You certify that you will order and use the Reports only for the permissible purpose set forth above. Prior to ordering any Reports, you must obtain the Consumer's written authorization pursuant to Section 3 of the MSA, and use reasonable steps to verify that all Consumer personal information transferred to Checkr is accurate and belongs to the Consumer for whom a Report is being requested. You acknowledge and agree that the screenings ordered in Exhibit A do not verify a Consumer's identity on Your behalf. You certify that You will notify Checkr immediately if Your permissible purpose change(s) for any reason. You also certify that, if applicable, You have a need for consumer credit information in connection with the permissible purpose set forth above, and are in compliance with any additional state and local requirements for obtaining and using consumer credit information. Each time You order or access a Report, you reaffirm the certifications in Section 3 of the MSA. See Section 3 of the MSA for further requirements.

Copies of Reports to Consumers. While You acknowledge sole responsibility for compliance with any state and/or local regulations that require that a copy of the Report be provided to the Consumer upon request, to the extent the Consumer has requested a copy through Checkr's Hosted Platform or You have communicated the request to Checkr via API, or otherwise configured Your account to do so, You authorize Checkr to provide on your behalf a copy of the Report to each Consumer about whom You have requested a Report, to the email address provided by the Consumer.

Statutory Notices. By signing below, You acknowledge receipt of and certify that You have reviewed and fully understand the following three statutory notices:

(1) Summary of Your Rights Under the Fair Credit Reporting Act (16 C.F.R. Part 601) located at https://files.consumerfinance.gov/f/documents/bcfr_consumer-rights-summary_2018-09.docx

(2) Remedying the Effects of Identity Theft located at <https://www.consumerfinance.gov/about-us/newsroom/bureau-consumer-financial-protection-issues-updated-fcra-model-disclosures/>

(3) Notice to Users of Consumer Reports (16 C.F.R. Part 601) located at <https://www.gpo.gov/fdsys/pkg/CFR-2012-title12-vol8/pdf/CFR-2012-title12-vol8-part1022-appN.pdf>

You authorize the use of the documents and links above with Your Consumers via the Platform. Unless You elect to utilize the Checkr Hosted Platform, You agree to give Your Consumers the documents and links above when applicable, as well as any statutory notices required by state or local regulations.

Checkr Support Materials and Account Configuration. You understand that Your compliance with all applicable Law is solely Your responsibility. Checkr provides account configuration support (package and product setting suggestions, such as MVR filters and fairness settings), as well as a variety of sample forms (disclosures, notifications, and authorizations), and other support materials in order to assist You with Your compliance obligations, however, none of these materials have been prepared specifically for You or on Your behalf. Use of Checkr forms and other materials, whether as part of the Checkr Hosted Platform or elsewhere, means that You certify that You have reviewed, fully understand, have received independent legal advice on the contents and effects of any such configurations or materials as they relate to your legal compliance and/or liability, and You are solely responsible for the adoption and use thereof. Nothing provided to You by Checkr should be construed as legal advice.

By signing below, You are certifying that You have direct knowledge of the facts You have certified to in this Order. The parties have caused this Order to be executed and agreed to by their duly authorized representatives:

CREDENTIALING

Initial:

CUSTOMER

CHECKR, INC.

Signature

Signature:

Printed Name

Printed Name:

Tommy Battle

Title

Title:

Mayor

Customer Address

Check Address: 1 Montgomery Street, Suite 2400
San Francisco, CA 94104

(No P.O. Boxes)

308 Fountain Circle, Huntsville, AL 35801

Exhibit A

Reports and Fees:

Product Name	Search Scope (Years)	Address History (Years)	Alias Search	Net Unit Price*
Essential - Bundle includes National Criminal, Unlimited County Criminal, Address History, SSN Check, Sex Offender Search, & Global Watchlist	7	7	0	\$35.98
SSN Trace - A search utilizing credit bureau header and footer information and public records databases using the name and social security number provided by the Consumer. This search provides associated names and address history as a pointer of jurisdictions and names to search (subject to terms of the applicable package) based on the Address History Scope. This search does not match an individual with a number but will check whether an SSN is not valid because it is included in the Death Master File issued by the Social Security Administration ("SSA")				\$0.00
Address History Scope - Address History Scope of the given number of years used as a pointer of jurisdictions and names to search in conjunction with SSN Trace.				\$0.00
Sex Offender Registry - Search of all 50 states*, including DC and territories, sex offender lists. The results will show whether the Consumer searched is currently publicly registered on a sex offender registry. If a potential "hit" is uncovered, Checkr will confirm additional details by searching both the Dru Sjodin National Sex Offender Public Website ("NSOPW"), as well as the relevant state registry.				\$0.00
Global Watchlist - Search of various US and International government watch lists, which shall include, for example: FBI Most Wanted Lists, Interpol's Most Wanted Lists, Office of Foreign Asset Control Sanction Lists, Denied Persons Lists, Department of State Sanction Lists, Specially Designated Nationals Lists; as well as various US Drug Enforcement Administration Wanted Fugitive Lists.				\$0.00
National Criminal Database Search - A multi-jurisdictional database search to locate potential records for the searched individual to be used as pointers for the purposes of conducting county or state level searches. This multi-jurisdictional database search (sometimes referred to as a "National Criminal Database search") is an automated search of commercial databases that consist of both publicly available and purchased criminal records compiled from a variety of state, county and other proprietary sources. The National Criminal Search includes retrieval of arrest and criminal data from various local, county and state agencies including: Administrative Office of Courts; Departments of Correction; Individual County Courts*; State Specific Criminal Records Repositories; and Criminal records from multiple states. This tool is used as a pointer and then all records are verified at the source but reported only if deemed reportable and within the Reporting Scope.				\$0.00
Unlimited County Criminal Records - Unlimited County Criminal Searches - Search of publicly available felony and misdemeanor convictions, including pending records, based on Address History Scope that is returned from a SSN Trace or revealed in a National Criminal Database search. This search uses a network of professional court and record researchers to perform county level searches for felony and misdemeanor level criminal records in each identified county. This search will utilize primary source electronic databases maintained by governmental organizations or their agents in jurisdictions, where available, and, where necessary, conduct physical court searches in jurisdictions to query electronic databases and/or request clerk assisted searches or other additional manual follow up. The search performed will review records that extend back from the date of search for convictions based on the Reporting Scope.				\$0.00
Statewide Criminal (Current State) - This search utilizes electronic databases or repositories maintained by governmental organizations or their agents, where available, to return criminal records available in an entire state. Certain statewide database or repositories contain incomplete	7	7	0	\$7.20

<p>Information and can therefore not be used to directly report records found. In these situations, Checkr will use the information from the statewide search to conduct county-level searches to verify the initial information obtained. Other states have no reputable statewide search available and Checkr will instead utilize county-level searches to obtain criminal records.</p> <p>State included will be based on the most recent available address of the Consumer. Guam (GU), Puerto Rico (PR), US Virgin Islands (VI), American Samoa (AS), and Northern Mariana Islands (MP) available by opt-in. Assumes 7 year lookback. Not available as standalone product, requires an SSN Trace to run. Can be bundled with Basic, Standard, Pro and Premium package combinations.</p>				
<p>Federal Criminal Search - Per District - Search using the Public Access to Court Electronic Records (PACER) database to perform a search of federal and misdemeanor felony records at the district level in the federal districts. The search will review records that extend back from the date of search for convictions based on the Reporting Scope.</p>	7	7	0	\$8.28
<p>Motor Vehicle Record (MVR) - MVR searches will typically report information provided by a state's Department of Motor Vehicles including the status of the operator's driving privileges, restrictions, expiration date, license type and class, endorsements, suspensions or revocations, violations, and accidents for the state where the applicant's license was issued. Violations typically remain on the MVR report for three years, although convictions for serious offenses may be reported for five years or more, depending on the state.</p>				\$7.27
<p>Federal Criminal Search - Per District - Search using the Public Access to Court Electronic Records (PACER) database to perform a search of federal and misdemeanor felony records at the district level in the federal districts. The search will review records that extend back from the date of search for convictions based on the Reporting Scope.</p>	7	7	0	\$8.28
<p>Education Verification (Highest Degree Completed) - Reasonable attempts will be made to search available industry databases and school registrars. Consumer provided documents will be provided for Customer's review when necessary.</p> <p>Please note - this search does not include an international search. In the event Consumer provides any international educational institutions, verification will not be possible and the search will immediately be flagged for customer's review.</p>				\$9.90
<p>Basic+ - Bundle includes National Criminal, Address History, SSN Check, Sex Offender Search, & Global Watchlist</p>	7	7	0	\$21.59
<p>SSN Trace - A search utilizing credit bureau header and footer information and public records databases using the name and social security number provided by the Consumer. This search provides associated names and address history as a pointer of jurisdictions and names to search (subject to terms of the applicable package) based on the Address History Scope. This search does not match an individual with a number but will check whether an SSN is not valid because it is included in the Death Master File issued by the Social Security Administration ("SSA")</p>				\$0.00
<p>Address History Scope - Address History Scope of the given number of years used as a pointer of jurisdictions and names to search in conjunction with SSN Trace.</p>				\$0.00
<p>Sex Offender Registry - Search of all 50 states', including DC and territories, sex offender lists. The results will show whether the Consumer searched is currently publicly registered on a sex offender registry. If a potential "hit" is uncovered, Checkr will confirm additional details by searching both the Dru Sjodin National Sex Offender Public Website ("NSOPW"), as well as the relevant state registry.</p>				\$0.00
<p>Global Watchlist - Search of various US and international government watch lists, which shall include, for example: FBI Most Wanted Lists, Interpol's Most Wanted Lists, Office of Foreign Asset Control Sanction Lists, Denied Persons Lists, Department of State Sanction Lists, Specially Designated Nationals Lists; as well as various US Drug Enforcement Administration Wanted Fugitive Lists.</p>				\$0.00

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<p>Credit Report - (For employment purposes only) A credit report is a detailed report of a Consumer's credit history, as reported by one of the three credit bureaus.</p>				\$8.00
<p>Basic+ - Bundle includes National Criminal, Address History, SSN Check, Sex Offender Search, & Global Watchlist</p>	7	7	0	\$21.59
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*Does not include Variable Costs. See MSA for more details.

**The National Criminal Search does not include all Individual County Courts, but only those courts that make their records available to commercial databases.

Checkr

ATTACHMENT 1 CUSTOMER CREDENTIAL APPLICATION

Legal Business Name (must match name associated with EIN):	City of Huntsville
DBA Name (Optional):	
Employer Identification Number (must be nine digits):	63-6001298
Company Website:	www.huntsvilleal.gov
Official Business Address:	https://www.huntsvilleal.gov/
Nature of Business:	City Government
Permissible Purpose:	Employment
Contact Information (Name, Title, Email, Phone Number):	Tenya Green, HR Administration Manager
	tenya.green@huntsvilleal.gov
	256-427-5240