

DISCLOSURE REGARDING BACKGROUND INVESTIGATION

A consumer report is a background check in which information (which may include, but is not limited to, creditworthiness, credit standing, credit capacity, criminal background, driving background, character, general reputation, personal characteristics, and mode of living) about you is gathered and communicated by a consumer reporting agency ("CRA") to BNSF and/or its subsidiaries, affiliates, other related entities, successors, and/or assigns (the "Company").

Company may obtain a consumer report on you to be used for employment purposes, including your application for employment.

**NOTICE REGARDING BACKGROUND INVESTIGATION
PURSUANT TO CALIFORNIA LAW**

For California applicants/employees only: Under California law, an “investigative consumer report” is a consumer report in which information on a consumer’s character, general reputation, personal characteristics, or mode of living is obtained through any lawful means. In connection with your application for employment and/or continued employment (i.e., for employment purposes) with BNSF and/or its subsidiaries, affiliates, other related entities, successors, and/or assigns (the “Company”), Company may obtain an investigative consumer report (as defined under California law). With respect to any investigative consumer report(s) from an investigative consumer reporting agency (“ICRA”), the Company may investigate the information contained in your employment application and other background information about you, including but not limited to obtaining a criminal record report, verifying references, work history, your social security number, your educational achievements, licensure, and certifications, your driving record, and other information about you, and interviewing people who are knowledgeable about you. The results of the report(s) may be used as a factor in making employment decisions. The source of any investigative consumer report (as that term is defined under California law) will be ClearStar, Inc. 5955 Shiloh Rd East, Suite 104, Alpharetta, GA 30005, 1-877-275-7099. Their Privacy Policy can be reviewed at <http://www.clearstar.net/privacy-policy/including-information-about-including-whether-the-your-personal-information-will-be-sent-outside-the-United-States-or-its-territories>. The Company agrees to provide you with a copy of an investigative consumer report when required to do so under California law.

Under California Civil Code section 1786.22, you are entitled to find out from an ICRA what is in the ICRA’s file on you with proper identification, as follows:

- (1) In person, by visual inspection of your file during normal business hours and on reasonable notice. You also may request a copy of the information in person with proper identification. The ICRA may not charge you more than the actual copying costs for providing you with a copy of your file.
- (2) By requesting a copy be sent to a specified addressee by certified mail. ICRAs complying with requests for certified mailings shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the ICRAs.
- (3) A summary of all information contained in the ICRA’s file on you that is required to be provided by the California Civil Code will be provided to you via telephone, if you have made a written request, with proper identification, for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or charged directly to you.

“Proper Identification” includes documents such as a valid driver’s license, social security account number, military identification card, and credit cards. Only if you cannot identify yourself with such information may the ICRA require additional information concerning your employment and personal or family history in order to verify your identity.

The ICRA will provide trained personnel to explain any information furnished to you and will provide a written explanation of any coded information contained in files maintained on you. This written explanation will be provided whenever a file is provided to you for visual inspection.

You may be accompanied by one other person of your choosing, who must furnish reasonable identification. An ICRA may require you to furnish a written statement granting permission to the ICRA to discuss your file in such person’s presence.

Additional Disclosures

All applicants/employees: BNSF and/or its subsidiaries, affiliates, other related entities, successors, and/or assigns (the “Company”), may obtain an investigative consumer report on you to be used for employment purposes, including your application for employment. Under federal law, an investigative consumer report is a consumer report or portion thereof in which information on your character, general reputation, personal characteristics, or mode of living is obtained through personal (including telephonic) interviews with neighbors, friends, associates, acquaintances, or others with whom you are acquainted or who may have knowledge concerning such items of information. (In California, the term “investigative consumer report” has a different meaning, as explained in the separate California State Law Disclosures (Non-Credit) (if applicable).) You have a right to request from Company disclosures of the nature and scope of an investigative consumer report and a summary of your rights under the federal Fair Credit Reporting Act. Your request must be made in writing to Company at BNSF Railway ATTN: Human Resources Staffing 2301 Lou Menk Drive Fort Worth, TX 76131 or BNSF.Newhire@BNSF.com within a reasonable period of time after your receipt of this disclosure. A copy of “A Summary of Your Rights under the Fair Credit Reporting Act” is included below.

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

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.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

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:

- o a person has taken adverse action against you because of information in your credit report;
- o you are the victim of identity theft and place a fraud alert in your file;
- o your file contains inaccurate information as a result of fraud;
- o you are on public assistance;
- o you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore 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.consumerfinance.gov/learnmore 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.consumerfinance.gov/learnmore.

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 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-OPT-OUT (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.consumerfinance.gov/learnmore.

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. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:	a. Consumer Financial Protection Bureau; 1700 G Street, N.W.; Washington, DC 20552 b. Federal Trade Commission: Consumer Response Center – FCRA; Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above: a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations d. Federal Credit Unions	a. Office of the Comptroller of the Currency; Customer Assistance Group 1301 McKinney Street, Suite 3450; Houston, TX 77010-9050 b. Federal Reserve Consumer Help Center; P.O. Box. 1200; Minneapolis, MN 55480 c. FDIC Consumer Response Center; 1100 Walnut Street, Box #11; Kansas City, MO 64106 d. National Credit Union Administration; Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO); 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings; Aviation Consumer Protection Division; Department of Transportation; 1200 New Jersey Avenue, S.E.; Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board; Department of Transportation; 395 E Street, S.W.; Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access; United States Small Business Administration 409 Third Street, SW, 8 th Floor; Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission; 100 F Street, N.E.; Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration; 1501 Farm Credit Drive; McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center – FCRA; Washington, DC 20580; (877) 382-4357

Massachusetts applicants/employees only: An investigative consumer report commonly includes information as to your character, general reputation, personal characteristics, and mode of living. The precise nature and scope of any investigative consumer report obtained by Company will be information as to your character, general reputation, personal characteristics, and mode of living obtained through personal (including telephonic) interviews with neighbors, friends, associates, acquaintances, or others with whom you are acquainted or who may have knowledge concerning such items of information. You have a right to have a copy of any investigative consumer report, upon request, from ClearStar, Inc. 5955 Shiloh Rd East, Suite 104, Alpharetta, GA 30005, 1-877-275-7099.

Minnesota applicants/employees only: You have the right to request a complete and accurate disclosure of the nature and scope of any consumer report from ClearStar, Inc. 5955 Shiloh Rd East, Suite 104, Alpharetta, GA 30005, 1-877-275-7099.

Montana applicants/employees only: You have a right to request from Company disclosures of the nature, scope, and substance of any investigative consumer report.

New Jersey applicants/employees only: An investigative consumer report commonly includes information as to your character, general reputation, personal characteristics, and mode of living. The precise nature and scope of any investigative consumer report obtained by Company will be information as to your character, general reputation, personal characteristics, and mode of living obtained through personal (including telephonic) interviews with neighbors, friends, associates, acquaintances, or others with whom you are acquainted or who may have knowledge concerning such items of information. You have a right to have a copy of any investigative consumer report, upon request, from ClearStar, Inc. 5955 Shiloh Rd East, Suite 104, Alpharetta, GA 30005, 1-877-275-7099.

New York applicants/employees only: Company may request or utilize subsequent consumer reports (other than investigative consumer reports) on you throughout your employment. Upon request, you will be informed whether or not a consumer report was requested, and if such report was requested, informed of the name and address of the CRA that furnished the report. Upon written request, you will be informed whether or not an investigative consumer report was requested, and if such report was requested, the name and address of the CRA to whom the request was made. Your written request should be made to Company at BNSF Railway Human Resources Staffing 2301 Lou Menk Drive Fort Worth, TX 76131. You may also contact the Company at BNSF.Newhire@BNSF.com. Upon furnishing you with the name and address of the CRA, you will also be informed that you may inspect and receive a copy of such report by contacting the CRA. A copy of New York Correction Law Article 23-A is included below.

**NEW YORK CORRECTION LAW
ARTICLE 23-A**

**LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE
CRIMINAL OFFENSES**

§750. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

- (1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.
- (2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.
- (3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.
- (4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.
- (5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability.

The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a

finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

- (1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or
- (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption.

- (1) In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:
 - (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
 - (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
 - (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
 - (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
 - (e) The age of the person at the time of occurrence of the criminal offense or offenses.
 - (f) The seriousness of the offense or offenses.
 - (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
 - (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.
- (2) In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment.

At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement.

- (1) In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.
- (2) In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

Washington State applicants/employees only: You have the right, upon written request made within a reasonable period of time after your receipt of this disclosure, to receive from the Company a complete and accurate disclosure of the nature and scope of any "investigative" consumer report we may have requested. You also have the right to request from the consumer reporting agency a written summary of your rights and remedies under the Washington Fair Credit Reporting Act. Any requests under this paragraph to the CRA should be made to ClearStar, Inc. 5955 Shiloh Rd East, Suite 104, Alpharetta, GA 30005, 1-877-275-7099.

[PLEASE SEE BELOW FOR ADDITIONAL DISCLOSURES THAT MAY APPLY TO YOU]



Employers with 20+ Employees Must Post This Notice for Applicants and Employees

CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE, MAYOR

OFFICIAL NOTICE TO JOB APPLICANTS AND EMPLOYEES

Fair Chance Ordinance

Police Code, Article 49

Starting August 13, 2014, the Fair Chance Ordinance (San Francisco Police Code, Article 49) requires employers to follow strict rules regarding the use of arrest and conviction records in hiring and employment decisions. The ordinance covers job applicants and employees who would be or are performing work in whole, or in substantial part, in San Francisco and applies to employers who have 20 or more employees (regardless of the employees' locations).

Certain matters are off-limits. An employer may *never* ask about, require disclosure of, or consider: an arrest not leading to a conviction (other than an unresolved arrest that is still undergoing criminal investigation or trial); participation in a diversion or deferral of judgment program; a conviction that has been expunged or made inoperative; any determination in the juvenile justice system; a conviction more than 7 years old; and a criminal offense other than a felony/misdemeanor. Matters that are off-limits cannot be used by the employer for any reason at any stage of the hiring process.

An employer cannot ask about an individual's conviction history or unresolved arrests at the start of the hiring process. This includes through a job application form, informal conversation, or otherwise.

A mandatory interactive process for matters not off-limits. Only after a live interview has been conducted, or a conditional offer of employment made, is the employer allowed to ask about an individual's conviction history (except as to matters that are off-limits) and unresolved arrests. Only those convictions and unresolved arrests that *directly relate* to the individual's ability to do the job may be considered in making an employment decision.

Before the employer may take an adverse action such as failing/refusing to hire, discharging, or not promoting an individual based on a conviction history or unresolved arrest, the employer must give the individual an opportunity to present evidence that the information is inaccurate, the individual has been rehabilitated, or other mitigating factors. The individual has seven days to respond, at which point the employer must delay any adverse action for a reasonable time and reconsider the adverse action. The employer must notify the individual of any final adverse action.

Evidence of rehabilitation include satisfying parole/probation; receiving education/training; participating in alcohol/drug treatment programs; letters of recommendation; and age at which the individual was convicted. *Mitigating factors* include coercion, physical or emotional abuse, and untreated substance abuse/mental illness, that contributed to the conviction.

Preemption. Where federal or state law imposes a criminal history requirement that conflicts with a requirement of the Fair Chance Ordinance, the federal or state law will apply.

No Retaliation. An employer may not take an adverse action against an applicant or employee for exercising their rights under the ordinance or cooperating with the Office of Labor Standards Enforcement (OLSE). If you need more information, or wish to report an employer that you believe has violated this ordinance, please contact the OLSE at 415-554-5192 or email FCE@sfgov.org.

Employers must post this notice in English, Spanish, Chinese, and any language spoken by at least 5% of the employees at the workplace, job site, or other location at which it is posted. For copies of this notice in Spanish, Chinese, Filipino, Vietnamese, and Russian visit www.sfgov.org/olse/fco or call (415) 554-5192.

Los empleadores están obligados a publicar este aviso en inglés, español, chino, y todo idioma hablado por más del 5% de los empleados en el lugar de trabajo, sitio de trabajo u otro lugar donde se publica. Para obtener copias de este aviso en español, chino, filipino, vietnamita, y ruso visite www.sfgov.org/olse/fco o llame al 415-554-5192.

如果您需要更多資訊或者想要舉報您認為違反本條例的雇主，請撥打 415-554-5192 或者發送電子郵件到 FCE@sfgov.org 聯繫 OLSE。

Kung kailangan pa ninyo ng higit na impormasyon, o nais mag-ulat ng employer na sa palagay ninyo ay lumabag sa ordinansang ito, mangyaring kontakin ang OLSE sa 415-554-5192 o email FCE@sfgov.org.

Các chủ nhân phải yết thị thông báo này bằng tiếng Anh, tiếng Tây Ban Nha, Trung Quốc, và bất cứ ngôn ngữ nào được nói bởi ít nhất là 5% người lao động tại nơi làm việc, công trường, hoặc địa điểm khác mà nó được yết thị. Để có bản của thông báo này bằng tiếng Tây Ban Nha, Trung Quốc, Philippines, Việt Nam và Nga, xin truy cập vào www.sfgov.org/olse/fco hoặc gọi 415-554-5192.

Работодатели обязаны вывесить это извещение на рабочих местах или других местах размещения подобной информации на английском, испанском, китайском и любом другом языке, если на нем говорит более 5% сотрудников. Для копий этого извещения на испанском, китайском, филиппинском, вьетнамском, и русском языке посетите наш веб-сайт по адресу www.sfgov.org/olse/fco или позвоните по номеру 415-554-5192.

OFFICE OF LABOR STANDARDS ENFORCEMENT

City Hall, Room 430

1 Dr. Carlton B. Goodlett Place

San Francisco CA 94102-4685

Tel. (415) 554-6235

Fax (415) 554-4791

Completing Authorization Release Forms for BNSF Railway

The forms provided in this packet are required for BNSF Railway to complete the background screen for candidates accepting a conditional offer of employment.

Background Check Authorization Form

- **Must be completed by all candidates.**
- Fill out completely to include signature and date.

Safety Sensitive Authorization for Applicant or Employee Safety Performance History Including Alcohol and Controlled Substances History Forms (2 pages)

- **Must be completed by all candidates.**
- Page 1 - Complete all the highlighted sections (A, B and C) – please be sure to review the FMCSA Release Form Supplement for additional instructions.
- Page 2 - Complete all the highlighted sections (I and I-B). Do not complete Section II.
- Section I-B: Please provide the employer contact information even if the Designated Employee Representative (DER) name is not known.
- **Please Note: *These forms do not need to be completed by current or previous employers.***

The Driving Record Release of Interest for Washington State

- **Must be filled out only by Candidates who reside in Washington State.**
- **If you do not hold a current Driver's License from the state of Washington, this form is not required. Please complete all other release forms in this packet.**

All applicable forms must be signed and attached when the conditional offer is accepted to avoid delays in the pre-employment screening process. Any questions regarding these forms can be sent to BNSF.Newhire@bnsf.com.

BACKGROUND CHECK AUTHORIZATION

To the extent permitted by applicable law, I hereby consent to and authorize BNSF and/or its subsidiaries, affiliates, other related entities, successors, and/or assigns (the "Company"), to procure consumer report(s), which may include criminal background check(s), investigative consumer report(s) (as defined by the federal Fair Credit Reporting Act), and/or investigative consumer report(s) (as defined by applicable California state law), on my background from a consumer reporting agency ("CRA") or from an investigative consumer reporting agency ("ICRA"), as described in the **Background Check Disclosure**, the **Additional Disclosures**, and the **California State Law Disclosures (Non-Credit)** (all of which I have received separately from the Company). I have reviewed and understand the information, statements, and notices in the **Background Check Disclosure**, the **Additional Disclosures**, and the **California State Law Disclosures (Non-Credit)**, as well as this **Background Check Authorization**. My authorization remains valid throughout my employment with the Company, such that, to the extent permitted by applicable law, I agree Company can procure additional consumer report(s), which may include criminal background check(s) and/or investigative consumer report(s) (as defined by federal law) during my employment without providing additional disclosures or obtaining additional authorizations. Except as otherwise prohibited by applicable law, I consent to and authorize the Company to share this information with Company's current or prospective clients, customers, others with a need to know, and/or their agents for business reasons (e.g., to place me in certain employment positions, jobs, work sites, etc.).

I understand that, if I am hired and begin work for Company, a consumer report will have been conducted on me.

For California, Minnesota, or Oklahoma applicants/employees only: If you would like to receive from the CRA, the ICRA, or the Company (as applicable) a copy of the report that Company may procure, please check this box.

Last Name: _____ First Name: _____ Middle: _____

Signature: _____ Date: _____

FMCSA

Safety Sensitive Authorization for Applicant or Employee

Safety Performance History Including Alcohol and Controlled Substances History

As Required by the US Department of Transportation, Regulation 49 CFR Part 40.25 and the Federal Motor Carrier Safety Administration Regulations, Section 391.23

Section A.

As your employer or prospective employer, we are required by the *US Department of Transportation (DOT)* under *Regulation 49 CFR Part 40* to ask the following question before we can place you in a DOT-regulated safety-sensitive position.

Have you tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which you applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past three years?

YES NO

Section B.

List a DOT-regulated employer for whom you have worked (including part-time) in the previous **three (3) years** on the line provided. If this does not apply to you, check the box immediately below the line. If you have worked for more than one DOT-regulated employer in the previous three (3) years, you will need to disclose each employer on a separate form.

I have not worked for any DOT-regulated employer in the previous three (3) years.

Section C.

Applicants who have previous DOT-regulated employment history in the preceding three (3) years, and wish to review previous employer provided investigative information must submit a written request to the prospective employer, which may be done at any time, including when applying or as late as 30 days after being employed or being notified of denial of employment. The prospective employer must provide this information to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information from the previous employer(s), then the five-business days deadline will begin when the prospective employer receives the requested safety performance history information. If the applicant has not arranged to pick up or receive the requested records within thirty (30) days of the prospective employer making them available, the prospective motor carrier may consider the applicant to have waived his/her request to review the records. I understand that I have the right to review information provided by previous employers; the right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the prospective employer, and the right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and I cannot agree on the accuracy of the information.

I hereby authorize my previous DOT-regulated employers during the past **three (3) years**, to release the following to **BNSF RAILWAY** and **ClearStar**, its designated agent: the results of the laboratory tests to which I have consented for the purpose of determining the presence of drugs and/or alcohol in my body to include any information relating to my refusal to be tested for the same and any other information relating to violations of the U.S. Department of Transportation drug and alcohol testing regulations, including, if applicable, my completion of DOT return-to-duty requirements and any other information relating to violations of alcohol and controlled substances prohibitions under subpart B of 382. **This release includes any information requested on safety performance history, including accidents for the previous three (3) years.** I expressly understand and agree that the Company and/or its designated agent(s) will use the information that I provide, and contact my employers for the purpose of investigating my safety performance history, and will review this history in connection with making a decision concerning my application for employment and/or a decision concerning my continuing employment. Other than for the purpose of making a determination concerning my application for employment and/or decision concerning my compliance with DOT regulations and continued employment, I understand that the Company will not use or further disclose the medical information released pursuant to this authorization unless further expressly authorized by me or unless disclosure is required by law. This authorization shall become effective immediately and, if I am employed by the Company, will remain in effect throughout my employment. I understand that I have the right to review information provided by previous employers; the right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the prospective employer, and the right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and I cannot agree on the accuracy of the information.

I hereby certify that I have answered the above questions truthfully, and provided all information requested to the best of my ability. I understand that, if employed, failure to truthfully answer these questions will result in my removal from a safety-sensitive position and may also result in other actions up to and including immediate termination of my employment and/or investigation by the US Department of Transportation or its agent. If being considered for employment, I understand that failure to truthfully answer this question will result in my disqualification for a safety-sensitive position and may also result in rejection for any employment. I understand that my employer or prospective employer is making no promise of employment and/or continued employment by requesting this information.

Applicant or Employee Signature

Date

PRINTED NAME

Last 4 Digits of Social

FMCSA Release Form Supplement

- This release form is required to gather information about current or recent DOT-regulated employers for whom you have worked in the last three (3) years.
- Please list any DOT-regulated company within the timeframe requested, (even part-time), in Section B of the form on the front of this release.

TERMS YOU NEED TO KNOW TO FILL OUT THIS FORM

DOT-Regulated: Any employer required to adhere to rules and regulations established by the Department of Transportation. Here are some examples:*

Railroad, Trucking, Airline,
Shipping & Distribution,
Warehousing,

Drilling, Freight-Moving,
Oil and Gas,
Military, etc.

* This list is not all-inclusive, and serves only as a reference.

If you are still unsure if your employer is DOT-regulated,
Write the COMPANY'S NAME in Section B of the form on
the front of this release.

FMCSA

Safety Sensitive Authorization for Applicant or Employee Safety Performance History including Alcohol and Controlled Substances History

As Required by the US Department of Transportation, Regulation 49 CFR Part 40.25 and the Federal Motor Carrier Safety Administration Regulations, Section 391.23

Section I. To be completed by the new employee, signed, and transmitted to the previous employer (One form for each DOT employer in the previous three (3) years):

Employee Name: _____ Last 4 Digits of Social or ID Number: _____

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in **Section I-B**, to the employer listed in **Section I-A**. This release is in accordance with US Department of Transportation, Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in **Section II-A** by my previous employer is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: _____ Date: _____

I-A.

New Employer Name: ClearStar
Address: 6250 Shiloh Rd, Suite 300 Alpharetta, GA 30005
Fax 1 #: 770-405-1051 Fax 2 #: 678-807-2913
Designated Employer Representative (DER): Julie Murphy

I-B.

Previous Employer Name: _____
Address: _____
Phone #: _____ Fax #: _____
Designated Employer Representative (DER): _____

Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

II-A. In the three years prior to the date of the employee's signature (in Section I) for DOT-regulated testing:

- | | |
|--|----------------|
| 1. Did the employee have alcohol tests with a result of 0.04 or higher? | YES ___ NO ___ |
| 2. Did the employee have verified positive drug tests? | YES ___ NO ___ |
| 3. Did the employee refuse to be tested? | YES ___ NO ___ |
| 4. Did the employee have other violations of DOT agency drug/alcohol testing regulations? | YES ___ NO ___ |
| 5. Did a previous employer report a drug/alcohol rule violation to you? | YES ___ NO ___ |
| 6. If you answered "yes" to any of the above, did the employee complete the return-to-duty process? N/A ___ YES ___ NO ___ | |

NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record, etc.).

II-B. Name of person providing information in Section II-A: _____

Signature: _____

Title: _____

Phone: _____

Date: _____

Driving Record Release of Interest

Employers, prospective employers, volunteer organizations, or their agent can get driving records for an employee, prospective employee, or volunteer when authorized. Use this form to get their authorization.

- Complete the Company section.
- Give this form to your employee, prospective employee, or volunteer to complete their section.
- For audit purposes, keep this completed form in your files for at least two years. Do not mail it to the Department of Licensing.

Sealed juvenile records. Information contained in a driving record related to a sealed juvenile record may not be used for any purpose unless required by federal law. The employee or prospective employee may furnish a copy of the court order sealing the juvenile record to the employer, prospective employer, or their agent.

Company – To be completed by the company or the agent of the company

PRINT or TYPE Company name BNSF Railway	
Agent company name (if applicable)	
Company/Agent company address 2301 Lou Menk Drive, Fort Worth, TX 76131	
Authorized representative name Michelle Reid	Title Director Recruiting
Answer the following	
1. Is this company an employer, prospective employer, or volunteer organization of the individual whose driving record is being requested? <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the record you are requesting necessary for employment purposes related to driving by the employee or prospective employee as a condition of employment or related to driving by the volunteer at the direction of the volunteer organization? <input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Do you agree to use the information contained in the record exclusively for this purpose and not divulge it to a third party? <input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Do you agree to hold harmless the Washington State Department of Licensing for all matters relating to the release of the requested driving record? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Certification <i>I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.</i>	
_____ Date and place signed	X <i>Michelle Reid</i> Authorized representative signature

Employee, prospective employee, or volunteer – Complete this section and return the form to the company

PRINT or TYPE Full name (First, Middle, Last) of employee/prospective employee/volunteer	Date of birth (mm/dd/yyyy)	WA driver license number
Authorization from <input type="checkbox"/> Employee – for release of my driving record for employment purposes, at my employer’s discretion for the full term of my employment <input type="checkbox"/> Prospective employee – for release of my driving record for employment purposes, not to exceed 30 days from date signed <input type="checkbox"/> Volunteer – for release of my driving record for a position applied for that requires me driving at the direction of the volunteer organization		
Employer, prospective employer, or volunteer organization name BNSF Railway		
Employer agent company name if acting on behalf of the company for employment purposes		
Authorization <i>I am an employee, prospective employee, or volunteer of the company named above and I request that a copy of my Washington State driving record be sent to them/their agent.</i>		
_____ X Signature	_____ Date	