

First State Bank

Employment Screening Policy

Our Purpose

Background checks serve as an important part of the employment selection process. The information we collect helps us to promote a safe environment for employees, customers and visitors; to determine an applicant's overall employability and to ensure the protection of the corporation's physical property, proprietary information and other assets.

Background checks may be conducted on all job applicants, whether for full time, part time, temporary or seasonal work. Offers of employment are conditional based on information obtained that is acceptable to us. We reserve the right to conduct a background screen any time after employment to determine eligibility for promotion, reassignment or retention in the same manner as described above. An applicant who refuses to sign a release form will not be eligible for employment, and the employee who refuses to sign could jeopardize the opportunity for advancement, reassignment or continued employment.

Our Procedure

First State Bank and a third-party agency who specializes in background screening complies with all applicable legal guidelines, including fair employment practices, the Fair Credit Reporting Act (FCRA) and Equal Employment Opportunity Commission (EEOC) regulations and guidance.

Proper consent from the applicant to run his/her background check is required. Applicants must acknowledge and sign the following documents/forms.

1. Disclosure Regarding Background Investigation
2. Acknowledgement and Authorization for Background Check
3. "A Summary of Your Rights Under the Fair Credit Reporting Act"

A criminal background check includes a Nationwide Criminal Search including Sex Offender, Patriot Search, which broadens the scope and depth of the Nationwide search, Social Security number verification and a search of felony and misdemeanor convictions obtained from national databases as well as county court data. An Employment Credit Check is completed for positions with direct financial responsibility or contact/access to money and/or financial records, within the legal guidelines of the FCRA.

The National Criminal Search is compliant with the requirement by Fannie Mae to check all employees, including management, who are involved in the origination of mortgage loans (from application through closing), against the U.S. General Services Administration (GSA) Excluded Parties List (EPL), the HUD Limited Denial of Participation List (LDP List) and the Federal Housing Finance Agency's (FHFA) Suspended Counterparty Program (SCP) list.

Additional information collected by the agency and/or First State Bank can include records of past employment, personal and professional references as provided by the applicant, educational verification, motor vehicle records, a drug screen and a review of social media accounts by someone other than the HR Officer and that are accessible by anyone. The information that can be collected from previous employers and other sources will be limited to that which is job-related and pertains to the

quality and quantity of work performed by the applicant and to the applicant's attendance record and education.

Information Regarding the Use of Criminal Records in Our Selection Process

Unless otherwise provided by law or FDIC regulation, a criminal record will not automatically disqualify an applicant or employee from employment. Rather, determinations of suitability based on criminal record checks will be made consistent with this policy and any applicable law or regulations.

Arrest and conviction records

In accordance with the Equal Employment Opportunity Commission's current interpretation of Title VII of the Civil Rights Act of 1964, referred to as the "New Guidance of 2012", criminal arrest and conviction information cannot be used as a sole basis for denying employment, **unless** it is determined to be job-related and consistent with business necessity.

Unless otherwise provided by law and with consideration to the EEOC New Guidance, factors considered in determining suitability may include, but not be limited to the following:

- Relevance of the crime to the position sought
- The nature of the crime (violent, non-violent, etc.)
- The nature of the work to be performed
- Age of the applicant at the time of the offense
- Gravity of the crime
- Number of offenses; repeat offenses
- Any evidence of rehabilitation
- Any other information of importance including information requested to be reviewed by the applicant, such as education or character references.

FDIC STATEMENT OF POLICY FOR SECTION 19 OF THE FDI ACT

Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) prohibits, without the prior written consent of the Federal Deposit Insurance Corporation (FDIC), hiring a person convicted of any criminal offense involving dishonesty or breach of trust or money laundering (covered offenses), or who has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense.

Pursuant to the 2022 Fair Hiring in Banking Act, Section 19 of the Federal Deposit Insurance Act has been amended to exclude several categories of criminal activity from the definition of "covered offenses".

First, if an offense was committed at least 7 years ago or it has been at least 5 years since the applicant was released from incarceration, then the offense is excluded from section 19.

Second, if the applicant was aged 21 or younger, and it has been more than 30 months since the applicant was sentenced for the offense, then the crime is not within the scope of section 19, unless it is one of a series of crimes enumerated in 12 U.S.C. 1829(a)(2).

Third, if the record of the crime has been expunged, sealed, or dismissed, and it is intended by the language in the order itself that the conviction shall be destroyed or sealed from the applicant's State,

Tribal, or Federal record, even if exceptions allow the record to be considered for certain character and fitness evaluation purposes.

Fourth, the FDIC retains the authority to exclude low-level offenses from the scope of section 19.

Fifth, misdemeanors committed more than one year ago, or offenses involving the possession of controlled substances are excluded from the definition of “covered offenses.”

In addition, the law forbids an insured institution from permitting such a person to engage in any conduct or to continue any relationship prohibited by section 19. It imposes a ten-year ban against the FDIC's consent for persons convicted of certain crimes enumerated in Title 18 of the United States Code, absent a motion by the FDIC and court approval.

Section 19 imposes a duty upon the insured institution to make a reasonable inquiry regarding an applicant's history, which consists of taking steps appropriate under the circumstances, consistent with applicable law, to avoid hiring or permitting participation in its affairs by a person who has a conviction or program entry for a covered offense.

Adverse Action Administration

If the Bank is inclined to make an adverse decision based on the results of the criminal background check or other information, including an employment verification or other investigative consumer report received from the third-party background screening firm, the applicant will immediately be sent a Pre-Adverse Action Letter Notification, a copy of the report affecting their inclination and a copy of the Summary of Consumer Rights under the FCRA. The applicant will then have five business days to respond to the background screening firm if he/she believes any of the information to be incorrect, thereby creating a ‘dispute’. The background screening firm will reinvestigate the disputed information and report the outcome to the applicant and the employer within 30 days as allowed by federal law. If after the five days have passed and there is no applicant dispute of information, the second letter (the Adverse Action Letter) will be sent, along with a copy of the report and the Summary of Consumer Rights, thereby officially notifying the applicant s/he is no longer being considered for the position.

Applicants whose posts, pictures or other found through a review of their social media footprint that is not in alignment with or conflicts with the Bank’s practices, legal obligations or the image we wish to project are sent a letter of rescission.

Consumer Privacy Protection

First State Bank assures applicants that all information obtained from the background check process will only be used as part of the employment process and will be kept strictly confidential. Only appropriate personnel will have access to this information. The Bank complies with all federal and state laws regarding the collection, storing, and disposal of applicant information, such as the Fair and Accurate Credit Transactions Act (FACTA). We are an equal opportunity employer and provide equal employment opportunities (EEO) to all employees and applicants for employment.