

DUPONT U.S. SUPPLIER
CRIMINAL BACKGROUND INVESTIGATION REQUIREMENTS

DuPont is committed to providing a safe working environment for its employees and for Suppliers performing work or services at DuPont sites (including plants, laboratories, and offices). It is, therefore, the policy of DuPont to require that its Suppliers perform criminal background investigations regarding their employees, independent contractors, and applicants in accordance with these Criminal Background Investigation Requirements prior to assigning or reassigning any of them to work or provide services at any DuPont facilities in the United States.

The failure of Supplier to comply with these Criminal Background Investigation Requirements and applicable federal, state and local laws relating to criminal background investigations may result in the disqualification of Supplier employees from DuPont facilities or other actions at the discretion of DuPont.

Any deviations from these Criminal Background Investigation Requirements as written must be pre-approved in writing by DuPont Security.

Preliminary Requirements

DuPont is committed to compliance with all federal, state and local laws pertaining to employment, including those regarding criminal background investigations. Accordingly, in conducting the background investigations mandated by this policy and making any associated employment decisions, DuPont requires that Supplier comply with the Fair Credit Reporting Act, including sections 15 U.S.C. §§ 1681b(b)(2), 1681b(b)(3) and 1681m(a), and all other applicable federal, state and local laws.

Prior to carrying out any background investigations pursuant to this policy, Supplier shall execute an agreement: (i) acknowledging that it is Supplier's sole responsibility to comply with all applicable laws pertaining to background investigations conducted on its personnel and any associated employment decisions, and (ii) agreeing to indemnify and hold DuPont harmless from any claims that Supplier or DuPont failed to comply with applicable laws relating to any background investigations conducted by Supplier and any subsequent employment decisions. The agreement may be part of a master services agreement or in a standalone document at DuPont's discretion.

Pre-Assignment Background Investigation

- I. **Supplier Criminal Background Check Process Requirements – All U.S. Region Sites (Regulated and Non-Regulated)**
 - A. Background Check Requirements
 1. Legal Compliance. Supplier criminal background investigations shall be in compliance with the federal Fair Credit Reporting Act and all applicable state and

local laws, including those governing obtaining an individual's criminal history information for employment purposes and using criminal history information in employment decisions. Nothing in this policy shall be construed to require Supplier to inquire into itself or use a consumer reporting agency to inquire into criminal history information that may not be inquired into or used in making employment decisions under applicable federal, state or local law.

2. Applicability. Supplier shall conduct a criminal background check in compliance with the requirements of this policy on all candidates to be assigned at a DuPont facility within 60 days prior to the candidate's proposed start date unless all of the following conditions are met:
 - The Supplier employee has had a criminal background check meeting the requirements of this policy that covers at least the seven-year period prior to the Supplier employee's assignment at a DuPont facility, and
 - The Supplier employee has worked at a DuPont facility within 6 months prior to the proposed assignment and has remained an employee of Supplier since last being assigned to a DuPont facility, or
 - In the case of a Supplier employee whose background investigation was conducted by a previous employer, the Supplier employee has continuously worked at a DuPont facility since the background investigation was conducted and the employee's previous employer transferred the employee's background investigation documents to the current employer.

If the Supplier employee has not been assigned to a DuPont facility in more than 6 months from the date of proposed reassignment and is employed by a different Supplier than at the time his or her initial background investigation was conducted, the full background investigation stated below must be conducted.

3. Background Investigation. Supplier shall retain a consumer reporting agency to conduct a criminal background investigation of each candidate that complies with the following requirements:
 - *Disclosure and Authorization*: Supplier shall disclose to the candidate that it will be conducting a criminal background investigation regarding him or her and obtaining a consumer report, and obtain the candidate's authorization to do so, as required by applicable law. In addition, Supplier shall obtain the candidate's consent that, as a condition of employment, Supplier may provide DuPont with a copy of the candidate's criminal background check report and any information gathered from the candidate regarding his or her

criminal history (if applicable).

- *General Scope:* For all candidates, the scope of the investigation shall include criminal conviction records that have not been sealed, expunged, impounded or otherwise removed from public records. Where allowed by applicable law and the records have not been sealed, expunged, impounded or otherwise removed from public records, the scope of the investigation shall also include records of pending criminal charges and previous criminal charges that were not disposed of by dismissal, a not guilty verdict or issuance of a nolle prosequi.
- *Timeframe:* The background investigation must cover a minimum period of 7 years prior to the start date of the proposed assignment or reassignment to a DuPont facility. To the extent a jurisdiction may impose limitations on the maximum timeframe of the investigation, Supplier shall follow applicable laws.
- *Resources to Be Used in Investigation.* With one exception noted below, all criminal background investigations shall include, at a minimum:
 - A review of the criminal records of the appropriate prothonotary's office in each jurisdiction in which the candidate has lived and/or worked during the 7 years prior to the proposed assignment or reassignment to a DuPont facility. As used herein, prothonotary means the master custodian of a jurisdiction's criminal records, such as the county court clerk, county courthouse archives or similar records custodians. For the purposes of this portion of the investigation, database searches are only permitted when the prothonotary provides the database search information.
 - A search of the consumer reporting agency's multi-state and county criminal record/national criminal file database. Note: This is the only database search permitted that is not conducted through an appropriate prothonotary.

In the case of a candidate who worked at a DuPont facility greater than 6 months prior to the proposed assignment to a DuPont facility and has remained an employee of Supplier since last being assigned to a DuPont facility and having a criminal background check conducted, only the search of the consumer reporting agency's multi-state and county criminal record/national criminal file database must be conducted.

In the case of a non-US citizen who does not have a seven-year US residential history, the background check scope shall be expanded to the individual's country of citizenship. If a seven-year history is still unavailable, Supplier may request that DuPont Security make an exception and, in its

sole discretion, DuPont may allow the individual access to DuPont sites provided that he or she is escorted by a DuPont employee or agent for DuPont at all times.

- *Authorization to Work.* In addition to conducting the appropriate criminal background investigation, Supplier shall validate each Supplier employee's legal authorization to work in the United States (e.g., I-9, E-Verify).
4. Assessment of Results. Supplier shall follow the following protocols in assessing criminal background investigation results and any other information Supplier has learned regarding a candidate's criminal history. If the candidate's report reveals or Supplier otherwise learns that a candidate has a criminal conviction history or history of reportable criminal charges that were that were not disposed of by dismissal, a not guilty verdict or issuance of a nolle prosequi that may be considered for employment purposes under applicable law, the candidate may not be assigned to a DuPont facility without DuPont's prior authorization.
- *Individuals with no criminal conviction history and no history of reportable criminal charges that were not disposed of by dismissal, a not guilty verdict or issuance of a nolle prosequi.* Supplier may assign to a DuPont facility any candidate whose background check report did not reveal a criminal conviction history or a history of reportable criminal charges that were not disposed of by dismissal, a not guilty verdict or issuance of a nolle prosequi.
 - *Individuals with a criminal conviction history or history of reportable criminal charges that were not disposed of by dismissal, a not guilty verdict or issuance of a nolle prosequi.* The protocol that must be followed for such individuals depends on whether the reported criminal conviction history or criminal charges may lawfully be the basis for an employment action in the jurisdiction where the candidate resides or the DuPont facility to which they may be assigned is located. It is Supplier's responsibility to determine whether the criminal history reported may be used as the basis for an employment decision under a given jurisdiction's laws.
 - If the criminal history reported may not be used as the basis for an employment decision under the laws of the jurisdiction where the candidate resides or the DuPont facility is located, Supplier may assign the candidate to work at the DuPont facility.
 - If the criminal history may be used as the basis for an employment decision under the laws of the jurisdiction where the candidate resides and the DuPont facility is located, the candidate may not be assigned to work at the facility without DuPont's prior authorization. Supplier may seek DuPont's authorization by following the following steps:

- Provide the candidate an opportunity to explain his or her criminal history. At a minimum, the candidate should be allowed to: (i) dispute that the criminal record reported is accurate, (ii) explain the facts or circumstances surrounding the offense or conduct, (iii) provide evidence that he or she performed the same type of work, post-conviction or charge, with the same or a different employer, with no known incidents of criminal conduct, (iv) provide the length and consistency of his or her employment history before and after the offense or conduct, (v) explain any rehabilitation efforts (e.g., education/training), (vi) provide employment or character references and any other information regarding fitness for the particular position he or she is to be assigned to, and (vii) state whether he or she is bonded under a federal, state, or local bonding program.
- Submit to DuPont Site Security the candidate's criminal background check report and information gathered from the candidate regarding his or her criminal history with personal identifiers removed (e.g., name, date of birth, social security number, driver's license number, etc.).
- DuPont will make the final decision as to whether the candidate will be permitted to work at its facility. If DuPont grants the candidate access to the facility, DuPont Site Security will provide Supplier with written approval.

B. Recordkeeping Requirements

Supplier shall maintain books and records of the following information and shall provide to DuPont Site Security, or its designee, upon request the names of all assigned Supplier employee(s), on Supplier letterhead, and confirm: (1) that all Supplier employee(s) have completed the criminal background investigation process stated herein and either: (i) were found not to have a criminal history, (ii) were not required to be pre-approved by DuPont despite a criminal history because the criminal history could not be used for employment purposes regardless, or (iii) DuPont authorized them to work at a DuPont facility despite their criminal history; and (2) that all employees are legally authorized to work at the facility.

II. Supplier Criminal Background Check Process Requirements - **U.S. Security Regulated Sites.**

In addition to the requirements for all U.S. sites listed above, Suppliers working on a U.S. Security Regulated site **shall**:

1. Provide to DuPont Site Security or its designee the names of all assigned Supplier Employees, on Supplier letterhead, confirming, in addition to the information required for all U.S. sites listed above, that Supplier has verified and validated all Supplier Employee Social Security numbers with no discrepancies noted.
2. Run criminal background investigations pursuant to this policy on Supplier Employees every 5 years and, upon request, provide to DuPont Site Security, on Supplier letterhead, confirmation that a criminal background check has been completed every 5 years for each employee based on the five-year window established for the site.

In addition to the requirements of this policy, during the site access process, the Department of Homeland Security (DHS) may require the submittal of additional personal information regarding Supplier employees (e.g., date of birth, social security number, country of origin, etc.) for the purpose of a DHS Terrorist Screening Database (TSDB) search.

Assignment While Background Investigation Is Pending

The employment of Supplier Employees at DuPont sites prior to the completion of the entire background investigation sequence mandated by this policy must be approved in advance by DuPont Site Security. One of the following two situations must apply:

- (a) *Short Term Assignment.* If the assignment is for no greater than 3 consecutive days, a criminal background investigation may not be conducted and the candidate may be permitted into the DuPont facility provided he or she is always accompanied by an escort. If the assignment is for greater than 3 consecutive days, the required criminal background investigation shall be conducted and the candidate shall be accompanied by an escort at all times while the investigation is in progress.

or

- (b) *Shutdowns/Turnarounds.* Provided Supplier has completed the portion of the background investigation requiring a review of the reporting agency's multi-state and county criminal record/national criminal file database and the background investigation is ongoing, the candidate may be allowed on-site at a DuPont facility without an escort.

Reporting Going Forward

If at any time after the required background investigation is conducted, Supplier learns that one of its employees assigned to a DuPont site has been arrested, been criminally charged with a felony or misdemeanor crime (that was not disposed of by dismissal, a not guilty verdict or issuance of a nolle prosequi), or convicted of a felony or misdemeanor crime, Supplier will immediately obtain the employee's consent to share the information with DuPont (if the employee has not already so consented) and inform DuPont Site Security.

After receiving notice, DuPont will communicate with Supplier regarding the employee's continued access to DuPont facilities. All applicable laws will be followed.

Incident Investigation

In the event of a suspected violation of rules governing DuPont contingent workers, upon request, Supplier shall provide to DuPont Site Security the un-redacted original criminal background investigation report of the involved individual.

Subcontracted Work

The contracted Supplier to DuPont ("Prime Supplier") shall be responsible for ensuring that any subcontractors fully comply with all applicable provisions of this policy. The Prime Supplier must also obtain and maintain confirmation in writing from all subcontractors that they have complied with all requirements of this policy. To the extent a subcontractor seeks to assign or reassign an employee with a criminal history to a DuPont facility, the request for review to DuPont must be made by the Prime Supplier.

Criminal Background Check Program Audits

Supplier must allow DuPont to audit Supplier's compliance with the provisions of these U.S. Supplier Criminal Background Investigation Requirements. Upon request, Supplier shall provide to DuPont Site Security, within 48 hours of the request, written copies of the original criminal background check investigative documents for the individual names provided. Such documents shall be provided, without personal identifiers (e.g., name, date of birth and social security numbers), for the purpose of auditing contract compliance. After audit completion, all copies of reports furnished shall be destroyed or returned to Supplier, if requested. In the event DuPont finds that a Supplier is not in compliance with this policy, it will take appropriate action at its sole discretion.

Investigative Agency

Supplier shall be solely responsible for selecting an agency to perform the background investigation and to determine the accuracy and reliability of the firm selected.

Conclusion

Supplier compliance with this policy and with all associated applicable laws is mandatory. The failure to comply with all provisions of this policy and all applicable laws will result in appropriate action by DuPont in its sole discretion.

DuPont has enacted this policy to ensure the safety of its employees, suppliers and visitors, as well as its facilities. DuPont does not warrant that the provisions of this policy will meet the Supplier's own needs, whether practical or legal.