

# Fair Chance Employment Ordinance

Seattle's Fair Chance Employment Ordinance (FCE) restricts how employers can use conviction and arrest records during the hiring process and course of employment within city limits.

## GIVING PEOPLE WITH CONVICTION AND ARREST RECORDS A FAIR CHANCE TO WORK

### THE FAIR CHANCE EMPLOYMENT ORDINANCE (FCE)<sup>1</sup>:

- Prohibits job ads that exclude applicants with conviction and arrest records by using language such as "Felons need not apply", "No criminal background" or "Clean background check".
- Prohibits questions on job applications and background checks about conviction and arrest records until after an employer conducts an initial screening to eliminate unqualified applicants.
- Requires an opportunity for the applicant or employee to explain or correct conviction and arrest information, and for the employer to hold the position open for at least two business days once they have notified the applicant that the employer plans to take an adverse action.
- Requires a legitimate business reason to deny a job based on conduct relating to an arrest, pending criminal charge or conviction record.

<sup>1</sup>The Fair Chance Employment Ordinance received a name change from "Job Assistance (JAO)" to "Fair Chance Employment (FCE)" on January 16, 2016.

### WHY IS FAIR CHANCE EMPLOYMENT IMPORTANT?

Increasing employment opportunities will reduce recidivism, reduce racial disparities in the criminal justice system and strengthen our community.

### CAN AN EMPLOYER CONDUCT A BACKGROUND CHECK ON A JOB APPLICANT?

Yes, but only after the employer has completed an initial screening of applications to eliminate unqualified applicants.

### WHAT ARE THE LIMITS ON USE OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS?

An initial screening is a review of an applicant's qualifications to ensure that the applicant has the minimum qualifications necessary for the job.

Depending on the employer's hiring process, an initial screening may be a first review of written applications for minimum qualifications or a conversation with an applicant about their education or work experience.

### WHO IS COVERED?

Our ordinances cover employees working inside Seattle city limits, regardless of their immigration status or the location of the employer.

If your situation does not qualify for investigation by us, we will refer you to another agency for help.

### RETALIATION

An employer cannot retaliate against an employee for:

- Asserting their rights under these laws.
- Filing a complaint with OLS.
- Telling others about their rights.

### OUR SERVICES

- Investigations of complaints.
- Outreach to workers.
- Technical assistance for business.
- Resources and referrals.

Language interpretation, translations and accommodation are available. **All services are free.**



## OFFICE OF LABOR STANDARDS

The mission of OLS is to advance labor standards through thoughtful community and business engagement, strategic enforcement and innovative policy development, with a commitment to race and social justice.

## MORE INFORMATION

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