

# FAIR CHANCE ACT

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## Use of Criminal Record Information in Job Hiring

In 2018, the Legislature passed the Washington Fair Chance Act, [RCW chapter 49.94](#), to protect job applicants with a criminal record so they may fairly compete for job opportunities for which they are otherwise qualified. To that end, the law contains the following requirements:

### **JOB ADVERTISEMENTS**

Covered employers may not advertise job openings in a way that excludes people with criminal records from applying. Ads that state “no felons,” “no criminal backgrounds,” or otherwise communicate similar messages are prohibited.

### **JOB APPLICATIONS**

Covered employers may not include any question on a job application that seeks information about an applicant’s criminal record.

### **HIRING PROCESS**

Covered employers may not do any of the following until after the employer initially determines that the applicant is otherwise qualified for the position:

1. Inquire verbally or in writing about an applicant’s criminal record;
2. Receive information through a criminal history background check;
3. Otherwise obtain information about an applicant’s criminal record;
4. Implement policies or practices that automatically or categorically exclude job applicants with a criminal record, including rejecting applicants for failure to disclose a criminal record.

### **COVERED EMPLOYERS**

Covered employers include public agencies, private individuals, businesses and corporations, contractors, temporary staffing agencies, training and apprenticeship programs, and job placement, referral, and employment agencies. The law applies to all employers, regardless of the number of workers they employ.

This law does not apply to employers hiring someone who will or may have unsupervised access to children, vulnerable adults, or vulnerable persons; Washington law enforcement or criminal justice agencies; financial institutions, national or registered securities entities, or other employers who are permitted or required by law to ask about and consider information about an applicant’s criminal record for employment purposes; or employers seeking non-employee volunteers.

### **COMPLAINT PROCESS**

The Civil Rights Unit accepts complaints that a covered employer has used criminal record information to exclude an applicant from a job opportunity before determining whether the applicant is otherwise qualified for the job. You may contact us at [fairchancejobs@atg.wa.gov](mailto:fairchancejobs@atg.wa.gov) or by leaving a message on our toll-free line at (833) 662-9934. You may also submit a complaint using our [online form](#) and a staff member will follow up with you. Anyone may file a complaint about an unlawful advertisement or hiring practice, not just job applicants who have been impacted by such actions.