

INTERIM

BEST PRACTICES FOR EMPLOYERS

FAIR CHANCES HIRING PROCESS ACT

Guam Public Law 34-22

Effective February 8, 2018, if you employ more than 15 persons you are subject to the Fair Chances Hiring Process Act.

UNDER THE ACT...

1. Employers cannot inquire about or seek information about an Applicant's Criminal History until after a Conditional Offer of Employment has been made to the Applicant.

- ✓ This includes job solicitations and applications or during any conversations or interviews.

2. If an Employer decides to rescind an offer of employment based on information discovered during the criminal background check, the applicant may request the Employer provide within 30 days:

- ✓ a copy of any and all records procured by the employer in consideration of the applicant or employee, including criminal records;
- ✓ a written statement of denial;
 - articulates a legitimate business reason for denial;
 - specifically demonstrates consideration of each of the factors set forth in the law.
 - advises the applicant of his or her opportunity to file an administrative complaint with the Guam Department of Labor.
- ✓ failure to provide a written statement of denial upon request shall create a rebuttable presumption that no legitimate business reason exists for denying the applicant employment or taking an adverse action against an employee on the basis of a criminal history.

3. The Applicant or the Employee has the right to the Fair Chance Process.

- ✓ The Applicant has the opportunity to provide information or documentation to an Employer regarding the accuracy of his/her Criminal History or that it should be considered in the Employer's assessment, such as evidence of rehabilitation or other mitigating factors.

FOR ADDITIONAL INFORMATION OR ASSISTANCE, CALL:

**Guam Department of Labor
Fair Employment Practice Office
414 West Soledad Avenue
Suite 401, GCIC Building
Hagåtña, Guam 96910**

Phone: (671) 300-4544/5 or 475-7037

Facsimile: (671) 475-6811

Website: dol.guam.gov

*Note: Not all applicants/employees are covered under the FCHPA. Please see P.L. 34-22 for more details.