

## Other Resources You May Find Helpful

Our goal is to improve awareness for jobseekers and individuals with barriers like a criminal history and to help increase their chances of success despite any past mistakes. You can turn your life into a new one!

For Services that will assist in gaining employment, you may visit the following:

### American Job Center

710 West Marine Corps Drive  
Suite 301 (3<sup>rd</sup> Floor), Bell Tower Plaza  
Phone: 475-7000

<http://dol.guam.gov/employment-and-training/>



americanjobcenter  
GUAM

### Hire Guam – Guam’s Job Bank

<https://www.hireguam.com/vosnet/Default.aspx>

<https://www.facebook.com/hireguam/>

## The Law and Regulations: Links to Statute & GAR

- Guam Legislature  
<http://www.guamlegislature.com>
- Guam Compiler of Laws  
<http://www.guamcourts.org/compileroflaws/GCA/title22.html>

## Other Resources You May Find Helpful

### New Beginnings

Suite 105F J&G Commercial Center, Hagåtña  
Phone: 475-5440 or 647-5438

<http://gbhwc.org/services/new-beginnings-drug-alcohol-treatment>

### Tohge

Suite 105F J&G Commercial Center, Hagåtña  
Phone: 475-5440, 647-5438, 687-3504, 686-7531, or 687-1196

Email: [tohgepscf@gmail.com](mailto:tohgepscf@gmail.com)

<https://www.instagram.com/p/BIDLORGHAtG/>

### Salvation Army Lighthouse Recovery Center

155004 Corsair Avenue Tiyan, Barrigada Phone:  
477-7671 or 1-877-959-2027

### Oasis Empowerment Center

556 Marine Corps Drive, Hagåtña  
Phone: 646-4601

Email: [oasis@guam.net](mailto:oasis@guam.net)

<http://www.elimpacific.net>

### Guam Behavioral Health and Wellness Center

790 Gov. Carlos G. Camacho Road, Tamuning  
Phone: 647-5440

Crisis Hotline: 647-8833/647-8834

<http://gbhwc.guam.gov>

### Guam Temporary Assistance for Needy Families - Department of Public Health and Social Services

123 Chalan Kareta Route 10, Mangilao  
Phone: 735-7101

<http://www.acf.hhs.gov/ofa/resource/guam-temporary-assistance-for-needy-families>

## Fair Employment Practices Office (FEPO)

GCIC Bldg. • 4<sup>th</sup> Floor • Suite 401, 414 W. Soledad Ave.

Hagåtña, GU 96910 • Phone: 300-4544/5 or 475-7037

Email: [dol-fepo@dol.guam.gov](mailto:dol-fepo@dol.guam.gov) • Fax: 475-6811

<http://dol.guam.gov/compliance/fepd/>



## Fair Chances Hiring Process Act (FCHPA)

Guam Public Law 34-22

## Guidance for Citizens

Pursuant to 22 GCA § 6102 (a) An employer shall not request that a police clearance or a court clearance be provided as part of the application for employment; however, upon a conditional offer, an employer may request that an employee provide evidence of any pending criminal cases or criminal history.

FCHPA applies to all employers who employ more than 15 employees, including private sector employers, and the local government.

The FEPO also enforces other anti-discrimination laws that prohibit employment discrimination based on age (40 or older), disability, race, color, sex, national origin, genetic information, and retaliation.

## The FEPD

An employer's use of an individual's criminal history in making employment decisions may, in some instances, violate FCHPA and Title VII of the Federal Civil Rights Act of 1964.

- As of February 2018, you are not required to supply a potential employer with your police and/or court clearance(s) until a conditional offer is made unless the position is exempt from the Act.
- The FEPD provides a range of informative materials and assistance to individuals and businesses with rights and responsibilities under the laws enforced by local statutes and are free of charge.
- The mission of the FEPD is to eliminate employment discrimination by enforcing the local and federal civil rights employment laws through administrative and judicial actions, education, and technical assistance.
- FEPD can help you file a complaint if you don't understand the process.
- The Act does not give any right to employment or entitle you to any monetary award.

This compliance brochure is mandated by rules and regulations and is subject to change or interpretation. Please consult with our FEPD staff with specifics regarding this brochure or visit our website.

## When Can An Employer Ask for Clearances?

- Where any federal or local law or regulation requires the consideration of an applicant's criminal history for the purposes of employment.
- For any position designated by the employer as part of a federal or local government position or obligation that is designed to encourage the employment of those with criminal histories.
- For any position which requires that the employee works in close proximity of or provides programs, services, or direct care to minors.

## Arrest and Conviction Records in Employment

### Arrest vs. Convictions

- An arrest, without more, does not show that criminal conduct occurred. A conviction record is usually proof that a person engaged in actual criminal conduct.
- An employer can only consider arrests that resulted in the filing of a criminal case or records on convictions that are have not been dismissed, expunged or are sealed.

### Questions about Criminal Records

- When asking questions about criminal records, the employer must first offer you a job, pending a review of your Police & Court Clearances. This is called a **Conditional Job Offer**

## When Applying for a Job

- After turning you have applied for the job gone through their hiring process, the employer may decide to extend a Conditional Job Offer.
- **If they request for a clearance and you supply them with one, they will review the clearance and make a final decision. If they decide to withdraw their Conditional Job Offer, then you may accept that decision or ask for the reason that they withdrew.**
- **You** may ask for the reason for the withdrawal, and the employer **must** provide it to you in writing:
  - **“Statement of Denial”** Letter. This must include the following:
    - 1) A statement of the business reasons for the cancellation of the job offer
    - 2) Show their consideration each of these factors: the job duties, bearing, time elapsed from most recent criminal incident, your age at the time, frequency of criminality, and information produced by you as the applicant.
    - 2) The statement must advise you of your opportunity to file a complaint with FEPD
  - Copies of all documents related to the recruitment,

FEPD CAN ASSIST YOU IN OBTAINING THESE DOCUMENTS IF YOU ARE UNSURE HOW TO PROCEED.