

The FEPD

The mission of the FEPD is to eradicate employment discrimination by enforcing the local and federal civil rights employment laws through administrative and judicial actions, education, and technical assistance.

The FEPD provides a range of informative materials and assistance to individuals and businesses with rights and responsibilities under the laws enforced by the local statutes and EEOC.

Most materials and assistance are provided to the public at no cost.

Visit <http://dol.guam.gov/compliance/fepd/> or for additional information about local mandates and EEOC laws for a schedule of seminars and products.

For More Information

Department of Labor FEPD's Guidance on Arrest & Conviction Records

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

EEOC Policy Guidance & Statements on Arrest & Conviction Records

- <http://www.eeoc.gov/policy/docs/convict1.html>
- http://www.eeoc.gov/policy/docs/arrest_records.html
- <http://www.eeoc.gov/policy/docs/race-color.html#VIB2conviction>

*This compliance brochure is subject to change or interpretation. Please consult with our FEPD staff for specifics regarding this brochure or visit our website.

For More Information

Our emphasis of improving awareness to individuals with any criminal history and their chances of being successful despite their past, is our focus. You can turn your life into a new one!

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

- American Job Center
710 West Marine Corps Drive
Suite 301 (3rd Floor), Bell Tower Plaza
Phone: 475-7000

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



americanjobcenter
GUAM

- Hire Guam
<https://www.hireguam.com/vosnet/Default.aspx>
<https://www.facebook.com/hireguam/>

The Law and Regulations link to Statute & GAR

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

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Fair Employment Practices Division (FEPD)

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Hagåtña, GU 96910 • Phone: 300-4544/5 or 475-7037
Email: dol-fepd@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 Employers

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

The FEPD 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 Passing of the FCHPA on Guam – February 2018

The Passing of the FCHPA on Guam in February of 2018 displays GovGuam's efforts to not only enforce fair labor practices tied to discrimination but also to innovatively address issues with employment of person with Criminal Histories. This brochure provides an overview of this revolutionary act.

The information is particularly aimed at helping local businesses or organizations in understanding all the critical components of the FCHPA. Other tools are being made available to employers through our website. They are available for free and we welcome you to utilize them for your business.

Arrest and Conviction Records in Employment

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

Arrest vs. Convictions

An arrest does not show that criminal conduct actually occurred. A conviction record is usually evidence that a person engaged in criminal conduct.

Employer Best Practices

The following are examples of best practices for employers who are considering criminal record information when making employment decisions.

General

- Eliminate policies or practices that require disclosure of criminal history prior to a preliminary hiring decision and Conditional offer of Employment
- Train managers & hiring officials, and about the FCHPA and the specific sequence that is required when asking for criminal history.
- Know when your job offer is exempt from the law.

Developing a Policy

- Develop a narrowly tailored written policy for screening applicants for criminal history and recordkeeping for recruitment.
- Identify essential job requirements and the actual circumstances under which the jobs are performed.
- Determine the specific offenses that may demonstrate unfitness for performing such jobs.
- Develop screening tools and documents to be used for conditional job offer and withdrawal of such offers.
- Institute a policy and stick to it. This gives your records credibility.

Employer Best Practices

- Develop and implement a system to received and retain employment records for possible DOL audits.
- Have your records audit ready before filing away.

Questions about Criminal Records

- When asking questions about criminal records, limit inquiries to after an interview is conducted and a conditional offer has been made in writing.
- Verbal questions about criminal history still counts as an inquiry. Make sure your HR personnel all are aware to avoid stiff penalties.

Fun Fact:

RECIDIVISM

"Recidivism" is defined as the tendency of a convicted criminal to reoffend; a tendency to relapse into a previous condition or mode of behavior especially: relapse into criminal behavior.

Did you know?

By opening up positions to individuals with criminal history, employing them in your organization, you are helping to reduce local crimes.