



EXEMPTION QUESTIONNAIRE TOOL



OBJECTIVE This questionnaire is a tool that is used to assist and guide you (the employer/organization) as to what positions you are recruiting for may be “Exempt.” When positions are exempt, you may ask for background checking documents/information (e.g. Police & Court Clearances). This form is not mandatory, and is a tool for helping to determine exempt status.

DIRECTIONS Answer the questions below. If you answer  to any of the questions, then you are Exempt:



1) What is the **size** of your organization or workforce?

- 16 or more employees –go to question 2 
- 15 employees or less = Your organization is exempt 



2) Is there a law or regulation that **requires** your organization to consider criminal history for the position recruiting for?

- Yes, the position is exempt 
- No – go to question 3 


3) Is the position your organization is recruiting for connected to a federal or local government program designed to encourage the employment of those with criminal histories?

- Yes, the position is exempt 
- No – go to question 4 

4) Does the **position** your organization is recruiting for require the selectee to provide direct services to minors?

- Yes, the position is exempt 
- No – go to question 5 

5) Does the position your organization is recruiting for have regular duties which require that at least 75% of the selectee’s time be spent performing duties within 100 feet of minors?

- Yes, the position is exempt 
- No – **FAIR CHANCES ACT APPLIES**

Company Name: _____

Position recruiting for: _____

Phone Number: _____

E-mail Address: _____