

Fair Chances Hiring Process Act (FCHPA) Guideline for Employers

HIRING PHASE

- ❖ There is a Job Opening in your Store, Shop, Company, Organization, Business, Office, etc. & you need to hire someone. You don't post any ad that mentions a Police Clearance is needed but you plan to ask for one.
- ❖ You have someone apply & hold an interview with the applicant. You decide you want to hire them.
- ❖ Now you would like to offer them the job and you also want a clearance for safety precautions for your business.
- ❖ You don't want to get into trouble if you don't follow the new law, so what do you do? Refer to this chart.

STEP ONE: AFTER AN INTERVIEW:

You do an interview & decide to hire a candidate. To be fair, you tell this person that you *might* hire them, but you *might not*. That final decision will depend on a background check. This is called a "Conditional Offer of Employment" or "Conditional Offer" for short.

Tip: Always record dates for each step of the way.

Give the applicant a document asking for Police and Court Clearances and indicate a deadline date of 10 Calendar Days.
Step One is done.

STEP TWO: THE BACKGROUND CHECK:

The clearances are turned in and you as the employer, stamp received clearances or provided written confirmation the receipt of the Police & Court Clearances. Review the information.

What do you look for if the applicant has an adverse history? You must consider six factors* required in the law: The factors you must consider are:

- | | | |
|-------------------------------------|---------------------|---------------------------------|
| 1) The Duties | 3) The Time Elapsed | 5) The Frequency & Severity |
| 2) The Bearing on Fitness & Ability | 4) The Age | 6) Rebuttal Info from Applicant |

**Refer to 17 GAR §6202(4)(A)*

After considering, in good faith, all the required factors, you *may* decide to ask for clarification from the applicant.
Make your employment decision.

Your decision is.... HIRED

NO
HIRE

YES

Conditional Offer stands and you can start the worker.

STEP THREE: WITHDRAWAL THE CONDITIONAL OFFER:

Within 15 days from the date of submission of the clearances, give the applicant a "Notice of Withdrawal of Conditional Offer." This is a statement that the Conditional Offer has been withdrawn and the final decision is not to hire. This is not a Statement of Denial and you do not have to state the reasoning behind the decision.

PROCESS DONE.

Wait 90 days to see if applicant requests for info.

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POST-CONDITIONAL OFFER PHASE

❖ You have withdrawn a Conditional Offer and advised the applicant in writing that he/she was not hired.

