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

*Refer to 17 C.A.R §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**  
Conditional Offer stands and you can start the worker.  

**YES**  
Wait 90 days to see if applicant requests for info.

**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 This is a statement that the Conditional Offer has been withdrawn and the final decision is not to hire.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.**
You have withdrawn a Conditional Offer and advised the applicant in writing that he/she was not hired.

90 days has passed - no request for info from applicant

End of Process

The applicant has asked for information/reason on the final decision.

Within 30 days provide the applicant:
1.) Copy of all documents on applicant's recruitment process
2.) Written Statement of Denial
   - States the Business Reason for denial of employment.
   - Demonstrates consideration of each of the 6 Factors required by 17 GAR §6202 (4)(A).
   - Advises applicant of the right to file a complaint with the DOL Fair Employment Practices Division (FEPD)

Written Verified Complaint

DOL sends request for info to employer. Respond to the DOL request for info no later than 15 days of request.

Cooperate with DOL investigators.

DOL Findings: No Violation

End of Process

End of Process

DOL Findings: FCHPA Violated

Penalties Issued

Pay fine or meet other penalty.

End of Process

Appeal to DOL Hearing Officer

Hearing Conducted

Administrative Order

End of Process

End of Process