

Washington Fair Chance Act

/////// A Guide for Employers & Job Applicants \\\\\\\

What is the Fair Chance Act?

The Washington Fair Chance Act - RCW chapter 49.94 - protects job applicants with a criminal record. The law prohibits employers from automatically or categorically excluding workers from consideration before determining that they are otherwise qualified for the position. The law went into effect in June 2018.

Requirements

Job Advertisements

Employers* may not advertise job openings in a way that excludes people with criminal records from applying. A job announcement cannot state “no felons,” “no criminal backgrounds,” or communicate a similar message.

Job Applications

Job applications may not include any question seeking information about an applicant’s criminal record.

Hiring Process

Until there is an initial determination that an applicant is otherwise qualified for the position, Washington employers may not:

1. Inquire verbally or in writing about an applicant’s criminal record;
2. Receive information through a criminal history background check;
3. Otherwise obtain information about an applicant’s criminal record; or
4. Implement policies or practices that automatically or categorically exclude job applicants with a criminal record, including rejecting applicants for failure to disclose a criminal record.

Filing a Complaint

You can file a complaint about a potential violation of the Fair Chance Act with the Attorney General’s Office by emailing us at fairchancejobs@atg.wa.gov, calling (833) 660-4877, or using the online form linked at the bottom of our Fair Chance Act webpage at www.atg.wa.gov/fair-chance-act. A staff member will follow up with you. Anyone may file a complaint under the Fair Chance Act, not only job applicants.

**The Fair Chance Act does not apply to employers hiring someone who will or may have unsupervised access to children under 18, vulnerable adults, or vulnerable persons, as defined by law; law enforcement or criminal justice agencies; financial institutions; national or registered securities entities; employers seeking non-employee volunteers; or other employers who are permitted or required by law to ask about and consider information about an applicant’s criminal record for employment purposes.*

Washington State Attorney General’s Office
Wing Luke Civil Rights Unit
www.atg.wa.gov/wing-luke-civil-rights-division



This informational flyer is provided as a resource for general education and is not provided for the purpose of giving legal advice of any kind. Persons with disabilities can request this material be provided in an alternative format by calling our office’s Accessibility Coordinator at (360) 586-7696 or by filling out an online form at www.atg.wa.gov/ago-accessibility-policy.