

## HB 1298 - Washington Fair Chance Act

What You Must Do	What You Must Not Do	Or What?	Other Considerations
Make an initial determination that an applicant is "otherwise qualified" for the position <b>before</b> inquiring about or otherwise obtaining any information about an applicant's criminal record	Include questions on a job application about an applicant's criminal history	State AG investigates on its own or in response to a complaint	Does not apply to applicants who would have unsupervised access to children under 18, a vulnerable adult (73.34 RCW), or a vulnerable person (RCW 9.96A.060)
	Ask orally or in writing about an applicant's criminal history <b>before</b> determining applicant is qualified	State AG can adopt rules specifying penalties	Does not apply to anyone allowed by state or federal law to do it
	Conduct a criminal background check <b>before</b> determining applicant is	Stepped enforcement: 1. Education; 2. Warning; 3. Legal/administrative action	Does not apply to employers seeking only volunteers
	Otherwise obtain information about an applicant's criminal record <b>before</b> determining applicant is qualified	Penalties: 1. Notice of violation and offer of AG assistance; 2. Up to \$750 for 2nd violation; 3. Up to \$1000 for each subsequent violation	This law cannot interfere with any collective bargaining provision (union carveout)
	Advertise job openings in a way that excludes people with criminal records from applying		Does not force employers to provide accommodations or job modifications to employ or keep an applicant or employee with a criminal record or who is facing criminal charges
	Implement any policy or practice that automatically or categorically excludes people with a criminal record <b>before</b> determining applicant is qualified		Local governments can take it further