

Late Backup

Fair Chance Hiring Ordinance – Concerns & Responses

Concerns	Response
Businesses should be allowed to run a criminal background check at some point in the process.	Ordinance draft allows background checks at the end of the hiring process, after a conditional offer has been made.
Impact on small businesses should be reduced.	Ordinance draft only applies only to private employers with 15+ employees.
No additional records retention should be required.	Ordinance draft does not require additional records retention.
DPS background checks should not be mandated for use, any legal background check should be allowed.	Ordinance draft does not mandate DPS background checks. Any legal background check is allowed.
Businesses should not be required to give applicants a notice of adverse action; and no 'appeals period' should be included.	Businesses are not required to give notice of adverse action. No appeals period is included.
Instead of immediate enforcement, education should be used.	For the first year in effect, there will be an education campaign without any citations for violations of the ordinance.
Employers should always be offered the option of a warning in case they did not know about the ordinance.	Employers violating the ordinance can receive a warning and training instead of a citation on their first offense. See Amendment #5.
The city should not create new guidelines for applicant assessments; existing EEOC guidelines should be used.	Ordinance draft uses existing EEOC guidelines explicitly. See Amendment #1.
Employers should be able to share their background check process with applicants.	Ordinance draft allows employers to share their background check process in writing with applicants. See Amendment #2.
Businesses with fewer legal resources may not know how to follow best practices, ensuring compliance.	Ordinance draft requires the City to conduct an education campaign and develop a website to explain best practices. See Amendment #6.
Law should not require an employer to reject applicants for a job save one to whom a conditional offer is made.	Ordinance draft does not require this.
Law should not mandate that employers cannot withdraw a conditional offer for any legal reason.	Ordinance draft does not mandate this.
Sensitive positions where a background check is required should be exempted from the law.	Ordinance draft exempts all positions where background checks are required by local, state, and federal laws.
Background check should be allowed in the middle of the hiring process.	Ordinance draft specifies that background checks should be run at the end of the hiring process.