

FAIR CRIMINAL RECORDS SCREENING STANDARDS ORDINANCE

(FCRSSO) Amendments

Enacted: October 8, 2025
Effective: January 6, 2026



1. New Requirements When Employer Gives Notice of Intent to Conduct a Criminal Background Check: Employer must state that the background check will include an individualized assessment based on specific record, job duties and job requirements.
2. Broader Limits on Criminal Background Checks: Employer must only consider FELONY convictions (or release from custody) occurring within 7 years. (Whichever is later) For MISDEMEANOR convictions, within 4 years of conviction of release from custody. (Whichever is later) No consideration of SUMMARY OFFENSES permitted.
3. Expanded Obligations for Assessing Criminal History: Employer must communicate to PCHR information sufficient for the investigative staff (“reasonable person”) to determine whether the prospective applicant/employee would be an “unacceptable risk” to the business.
4. New Mandatory Procedures During Decision Making Process: Employer must consider evidence to support applicant/employee’s rehabilitation.
5. Stronger Prohibitions on Retaliation: If an employer discharges, suspends, demotes, or takes other adverse action against an individual within 90 days of exercising any rights under the FCRSSO, the investigative agency may presume retaliation. The employer may rebut presumptions with evidence of “good faith.” (As determined by investigative staff)
6. Transparency in notification: Where there is/will be an adverse hiring/employment decision, employer must provide in writing:
 - a. Notice of rights under the FCRSSO
 - b. Basis for decision (including a copy of the criminal history and copies of documents used to make the decision)
 - c. Statement of consideration that the employer will consider evidence of errors in the criminal history or evidence of rehabilitation/mitigation, including types that will be considered
 - d. Clear and accurate instructions on how and where the applicant/employee may submit the response
 - e. Notice of 10 days afforded to provide information