Washington employer screening checklist

Complete the applicable checks for the actual work location before requesting a consumer report. Keep this employer record separate from the disclosure and authorization the individual signs.

Work location and report contents

Record where the work and hiring take place, including remote work. A home or headquarters address alone does not decide the case. Review rules for every applicable city and state. For Seattle jobs, review its Fair Chance Employment ordinance. Examine the contents of each category, including registry, interview and civil-record searches.

Credit and current employees

For employment credit information, identify the specific law requiring those data, or identify the substantial connection to job duties and disclose the reasons to the person in writing. An internal note or a general consent does not deliver those reasons. For employees, confirm written employment-report notice after hiring or reasonable cause to believe the employee engaged in specific unlawful activity. This narrow employee-notice exception does not displace the credit rule or applicable federal procedure.

Timing and exceptions

Beginning June 7, 2018 the ordinary rule requires the applicant to meet the basic published qualifications without considering their record before an inquiry. The conditional-offer and related 2025 amendments apply from July 1, 2026 to employers with at least 15 employees, and January 1, 2027 to smaller employers. Record the actual date and headcount.

Verify any exception against the exact position. Relevant categories are potential unsupervised access to children or covered vulnerable people, express state or federal authority, specified law-enforcement or criminal justice agency employment, nonemployee volunteering and qualifying securities self-regulatory organization rules. The amended law also covers work under a federal contract specifically prohibiting people with criminal records from that work. A general client preference does not qualify.

Applicant notices under the amended law

If an employer accurately discloses a future post-offer check or an applicant volunteers criminal record information without solicitation during an interview, immediately give the applicant a written explanation of RCW 49.94.010(1), (3), (4) and (5) and the actual Attorney General's guide. Keep the delivery record separate.

Before adverse action

Washington's consumer reporting law requires the individual to receive the reporting agency's name, address and telephone number, a description of Washington employment consumer-report rights, and a reasonable opportunity to respond to disputed information before an action based in whole or part on the report. Also follow the applicable separate federal pre-adverse and final notices.

Under amended Fair Chance Act rules, an arrest or juvenile conviction cannot support a tangible adverse action, subject to the adult bail or personal-recognizance pending-trial exception. An adult conviction as the sole basis requires a documented legitimate business reason. Identify the record, hold the position open at least two business days and give reasonable time to explain, correct or supply mitigating information.

Evaluate seriousness, number and types of convictions, time since conviction excluding incarceration, verifiable rehabilitation and good conduct, work experience, education and training, particular job duties, and where and how the work is done. Document the good-faith link to fitness or ability, or to harm to people, property, reputation or assets. If taking the action, give a written decision documenting the reasons, relevant factors, impact and consideration of the person's information. Retaliation for reporting a suspected violation is prohibited.

Washington Fair Chance Act and exceptions

Washington statutory definitions

Washington Consumer Reporting Act

Seattle hiring ordinance guidance