

File a complaint about a Fair Chance Hiring law violation

The [Fair Criminal Records Screening Standards](#) ordinance also known as the **Fair Chance Hiring** law helps ensure employers make hiring decisions based on the applicants qualifications for the job, without considering their criminal record.

New amendments to the law went into effect January, 2026

*Generally, it is illegal for **employers*** to ask about an applicant's criminal record before extending a conditional offer of employment, reemployment, promotion, or increased compensation.*

**Criminal Justice Agencies are exempt and there are special rules concerning the employment of individuals with criminal records in the elder and childcare fields.*

If you believe an employer violated the Fair Chance Hiring Law you can file a complaint with the Philadelphia Commission on Human Relations. To begin the process of filing a complaint, complete this [Fair Chance Hiring Intake Form](#) and submit the completed form by mail or in person.

Requirements of the law:

On job applications and during interviews:

Employers can provide notice that they intend to conduct a criminal background check after a conditional offer of employment is extended.

Employers cannot ask about an applicant's criminal background or request the applicant to disclose arrest or conviction history, even if the applicant is told they do not have to answer the question.

After a conditional offer of employment is made:

Employers can:

Run a criminal background check.

Consider a criminal conviction, only if:

- A felony conviction or release from custody (whichever is later) occurred in the last 7 yrs.
- A misdemeanor conviction or release from custody (whichever is later) occurred in the last 4 yrs.

Employers cannot consider:

- Summary offenses (lowest-level criminal offense, usually resulting in a fine);
- Arrests that did not lead to convictions;
- Expunged or sealed convictions;
- Juvenile records.

Employers cannot maintain a blanket policy of excluding all individuals with a history of convictions.

When considering convictions, an employer must conduct an individualized assessment based on:

- The nature of the offense;
- Time that has passed since the offense;
- The applicant's employment history before and after the offense and any period of incarceration;
- The particular duties of the job;
- Character or employment references; and
- Evidence of rehabilitation since the conviction which may include but shall not be limited to:
 - Completion of a mental health or substance use disorder treatment program;
 - Completion of a job training program;

- Completion of a GED or post-secondary education program;
- Service to the community;
- Work history in a related field since the time of conviction or incarceration;
- Active occupational licensure, commercial driver licensure, or other licensure necessary to perform the specific duties of the job.

An employer shall not rescind the conditional offer based on the person's criminal record unless the conviction bears such a relationship to the employment sought that employing the applicant would pose an unacceptable risk to their business or to co-workers or customers.

If an employer seeks to rescind the conditional offer the employer must send the applicant a written notice of their intent to rescind the offer. The notice must include:

- A summary of the applicant's rights under the Fair Chance Hiring law;
- The basis for their decision, including the documents they relied on to make their decision;
- A statement that before making a final decision, the employer will consider any errors in the record and/or evidence of rehabilitation or mitigation;
- Clear and accurate instructions on how and where to submit a response directly to them;
- Notice that the applicant has 10 business days to provide a response to the employer.

If you believe an employer violated this law you can file a complaint with the Philadelphia Commission on Human Relations. To begin the process

of filing a complaint, complete this [Fair Chance Hiring Intake Form](#) and submit the completed form by mail or in person to:

Philadelphia Commission on Human Relations
601 Walnut Street, Suite 300 South
Philadelphia, PA 19106

For questions, please call (215) 686-4670 or email pchr@phila.gov.

Once the PCHR has received your completed form, our intake staff will contact you. *Completing the Intake Form does not mean you have filed a complaint.*