Background Screening Policy Recommendations

Restaurant Shift Supervisor

Generated October 3, 2026 for Salt & Cedar Kitchens (Priya Natarajan). This report applies the federal, state, and local employment-screening laws that govern the position described below. Where rules conflict, the strictest rule is shown as required.

- Required or prohibited by law
- Strongly recommended to reduce legal risk
- Best practice
- Informational reminder

Jurisdictions applied

- Federal: FCRA, Title VII / EEOC guidance, ADA — https://www.law.cornell.edu/uscode/text/15/chapter-41/subchapter-III
- Washington — https://app.leg.wa.gov/rcw/
- City of Seattle — https://library.municode.com/wa/seattle/codes/municipal_code

Start here: the foundation of every screening policy

These items apply to every position you screen. Put them in place before anything else.

REQUIRED

Stand-alone disclosure and signed authorization before every report

Before you order any report from a background screening company, give the applicant a written disclosure that consists solely of the statement that a consumer report may be obtained for employment purposes, and get a signed (or e-signed) authorization. Keep waivers, extra terms, and state notices off the disclosure page; put state-required language on a separate page. Certify to the screening company that you have done this and will follow the adverse-action rules.

Source: 15 U.S.C. § 1681b(b)(2)
Read the law: https://www.law.cornell.edu/uscode/text/15/1681b

REQUIRED

Apply the same screening package to every applicant for the same position

Order the same searches and apply the same written decision criteria to every applicant for this position. Deviations by individual (for example, checking one candidate's credit but not another's) are the most common source of discrimination claims, and Title VII disparate-treatment liability attaches to employers with 15 or more

employees. Document any exception and the business reason for it.

Source: Title VII; EEOC Enforcement Guidance (2012)
Read the law: https://www.law.cornell.edu/uscode/text/42/2000e-2

REQUIRED

Two-step adverse action before any rejection based on a report

If a report may lead you to reject an applicant, first send a pre-adverse action notice with a copy of the report and the CFPB Summary of Rights, then wait at least five business days for the applicant to respond, and only then send the final adverse action notice naming the screening company, stating that it did not make the decision, and explaining the right to dispute and to a free copy within 60 days. Your answers show the two-step sequence is not in place today.

Source: 15 U.S.C. §§ 1681b(b)(3), 1681m
Read the law: https://www.law.cornell.edu/uscode/text/15/1681m

RECOMMENDED

Keep a written background screening policy and adverse-action procedure

A written policy that names the searches ordered for each position, the timing, the decision criteria, the individualized-assessment steps, and the adverse-action sequence is what regulators and plaintiffs ask for first. You do not have a complete written policy today; the draft language at the end of this report is a starting point.

Source: EEOC guidance; state requirements

REMINDER

When rules conflict, the strictest one wins

This position is subject to 3 layers of law (federal, state, and local). Where they differ, follow the most protective rule for the applicant; that is the rule shown as "required" below. Recommendations are current as of October 1, 2026.

REMINDER

Keep the file

Keep the disclosure, authorization, report, assessment notes, and notices for at least one year after the decision (two years for federal contractors); several laws require longer (Maryland four years, Los Angeles and San Francisco three years, Massachusetts CORI acknowledgments one year with a dissemination log). Store reports separately from the personnel file and dispose of them securely.

Source: 29 C.F.R. § 1602.14; FTC Disposal Rule
Read the law: https://www.law.cornell.edu/cfr/text/29/1602.14

Laws applied to this position

REMINDER

Federal law

The Fair Credit Reporting Act governs every report prepared by a screening company; Title VII and the EEOC's 2012 guidance govern how criminal history may be used (15 or more employees); the ADA governs the timing of medical examinations.

Source: 15 U.S.C. § 1681 et seq.; 42 U.S.C. § 2000e
Read the law: https://www.law.cornell.edu/uscode/text/15/chapter-41/subchapter-III

REMINDER

Washington state law

Applied because work is performed in Seattle, King County, Washington. The Fair Chance Act has covered all employers, public and private, of any size since June 7, 2018 (RCW 49.94.005 has no employee threshold). Under the 2025 amendments (HB 1747, 2025 c 71), which apply to employers with 15 or more employees from July 1, 2026 and to all employers from Jan. 1, 2027, an employer may not ask about, run a background check for, or otherwise obtain criminal history until it has determined the applicant is otherwise qualified and made an offer conditioned on the criminal record check; may not advertise that people with records need not apply or categorically exclude them; may not take adverse action based on an arrest record or juvenile record; and may reject or terminate for an adult conviction only with a documented legitimate business reason after notifying the person of the record relied on, holding the position open at least two business days for a response, and then issuing a written decision. Until Jan. 1, 2027 employers with fewer than 15 employees remain under the 2018 rule: no criminal-history inquiry until the employer initially determines the applicant is otherwise qualified (no conditional offer required). If the employer discloses that the job is subject to a background check, or the applicant volunteers record information, the employer must immediately give written notice of the Act's requirements and the Attorney General's Fair Chance Act guide (RCW 49.94.010(8)). Exempt: positions with unsupervised access to children or vulnerable adults, employers permitted or required by law to consider records (including financial institutions), law enforcement and criminal justice agencies, nonemployee volunteers, entities subject to securities self-regulatory organization rules, and federal-contract positions that bar people with records. No private right of action; the Attorney General enforces, with penalties of up to $1,500 (first violation, waivable), $3,000 (second) and $15,000 (each subsequent) per aggrieved person under the amended RCW 49.94.030 (the 2018 ladder of notice, then $750, then $1,000 applies to small employers until Jan. 1, 2027). Seattle (all employers) and Spokane add their own rules.

Source: RCW 49.94 (Fair Chance Act, 2018 c 38, all employers since June 7, 2018; as amended by HB 1747, 2025 c 71: employers with 15 or more employees from July 1, 2026, all employers from Jan. 1, 2027)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.94

REMINDER

City of Seattle ordinance

Employers with one or more employees working in Seattle may not ask about criminal history or run a check until after an initial screening to eliminate unqualified applicants, and may not advertise categorical exclusions. Employers may not take adverse action based solely on an arrest record, but may ask about the conduct behind an arrest and may consider pending charges where there is a legitimate business reason. Adverse action based on conviction or conduct requires a legitimate business reason weighing the seriousness of the offense, time elapsed, number of convictions, rehabilitation, the job's duties, and where and how it is performed; the employer must identify the record relied on, give a reasonable opportunity to explain or correct it, and hold the position open at least two business days. Exempt: law-enforcement, security, and criminal-justice positions, and positions with unsupervised access to children under 16, developmentally disabled persons, or vulnerable adults. Washington's state Fair Chance Act (conditional offer) also applies.

Source: Seattle Mun. Code ch. 14.17 (Fair Chance Employment Ordinance, Nov. 1, 2013)
Read the law: https://www.seattle.gov/laborstandards/ordinances/fair-chance-employment

When you may ask about criminal history

REQUIRED

Wait until after a conditional offer of employment

Ask about, search for, or consider criminal history only after a conditional offer of employment. This is the strictest timing rule among the laws that apply to this position (Washington). You currently ask on the application, so the application form, interview script, and the point at which you order the report all need to move.

Source: RCW 49.94 (Fair Chance Act, 2018 c 38, all employers since June 7, 2018; as amended by HB 1747, 2025 c 71: employers with 15 or more employees from July 1, 2026, all employers from Jan. 1, 2027)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.94

RECOMMENDED

Remove criminal-history language from job ads and applications

Delete the conviction question from the application form and remove statements such as "no felonies" or "clean record required" from postings; most fair-chance laws (for example Colorado, New Jersey, Vermont, Maine, Washington, New York City, Philadelphia, Los Angeles, and Seattle) treat such statements as violations. Where the law requires it (Los Angeles County, Philadelphia), the posting must instead state that criminal history will be reviewed after a conditional offer.

Source: State and local fair-chance laws
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.94

RECOMMENDED

Run non-criminal checks first

Sequence the order: identity and SSN trace, employment and education verification, license checks, and any permitted credit or MVR check before or with the offer; order the criminal search only once the conditional offer has been made. New York City and Los Angeles County make this sequencing mandatory.

Which records you may consider

REQUIRED

Never consider sealed, expunged, set-aside, or pardoned records

Every jurisdiction that applies bars their use. Applicants may lawfully deny that these records exist, and screening companies may not report them. Clean-slate laws now seal eligible records automatically in many states, so a record that appeared on a report last year may be off-limits this year. Vacated felony convictions (RCW 9.94A.640(4)) and vacated misdemeanor convictions (RCW 9.96.060(8)) allow the person to state, including on employment applications, that they were never convicted of that crime; sealed juvenile records (RCW 13.50.260(6)) are treated as if the proceedings never occurred and the person may answer accordingly.

Source: State sealing and expungement statutes

REQUIRED

Never consider juvenile records

Juvenile adjudications are confidential in every state that applies to this position and may not be requested or used: Screening companies may not report juvenile records once the subject is 21 or older (RCW 19.182.040(1)(f)); like the seven-year rule, this limit does not apply to positions expected to pay $20,000 or more per year (RCW 19.182.040(2)(c)). Employers covered by the amended Fair Chance Act may not take adverse action based on a juvenile conviction record at all (RCW 49.94.010(4)).

Source: State juvenile-records statutes; FCRA § 605
Read the law: https://www.law.cornell.edu/uscode/text/15/1681c

REQUIRED

Do not consider arrests, dismissed charges, or pre-trial diversions that did not end in a conviction

You selected one or more non-conviction record types. Remove them from your criteria. City of Seattle bars consideration of arrests and non-convictions.

Source: State fair-employment and arrest-record statutes
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.94.010

RECOMMENDED

Reconsider using marijuana-only convictions

Simple-possession convictions are being expunged automatically in many states and rarely relate to job duties; using them invites disparate-impact claims.

Source: State marijuana-conviction protections

REQUIRED

Convictions: consider only those that relate to this job

Felony and misdemeanor convictions may be considered, but only through the individualized assessment described below and only where the offense relates to the duties of a Restaurant Shift Supervisor. Blanket exclusions ("no felonies") are unlawful in the fair-chance jurisdictions that apply here and are treated as presumptively discriminatory by the EEOC everywhere.

Source: EEOC Enforcement Guidance (2012); state fair-chance laws
Read the law: https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-...

RECOMMENDED

Write job-related criteria for this position

Given the duties you described, the offense categories with a defensible relationship to this job are: theft, fraud, embezzlement, forgery, identity theft, and computer crimes. Put these categories, the time limits, and the assessment factors in a written screening matrix for the position so every reviewer applies the same standard.

Source: EEOC Enforcement Guidance (2012)
Read the law: https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-...

How far back you may look

BEST PRACTICE

Recommended lookback: seven years

No state seven-year cap covers this position. Washington's seven-year limit (RCW 19.182.040) is lifted for this position because it is expected to pay at least $20,000. Under the federal FCRA, convictions may be reported at any age; arrests and other non-convictions may not be reported after seven years. Recommended scope: seven years. The EEOC treats older records as weaker evidence of risk, and a fixed written limit is easier to defend than open-ended review.

Source: 15 U.S.C. § 1681c; EEOC Enforcement Guidance (2012)
Read the law: https://www.law.cornell.edu/uscode/text/15/1681c

REMINDER

Salary and the seven-year rule

Because this position is expected to pay $40,560, below the $75,000 federal threshold, screening companies may not report arrests, civil judgments, collections, or other non-conviction adverse items older than seven years. State thresholds (for example $20,000 in Kansas, New Hampshire, and Washington; $25,000 in New York; $75,000 in Maryland and Texas; none in California, Colorado, Massachusetts, Montana, or New Mexico) are applied above where relevant.

Source: 15 U.S.C. § 1681c(b)(3)
Read the law: https://www.law.cornell.edu/uscode/text/15/1681c

Individualized assessment and required notices

REQUIRED

Written individualized assessment is mandatory here

You do not currently use a written individualized assessment. It is required for this position. Before withdrawing an offer because of a record, document the nature and gravity of the offense, the time elapsed, and the nature of the job, give the applicant the record and your preliminary reasoning, wait the required period, consider any response, and then issue a final written decision. Washington: Adverse action on an adult conviction requires a legitimate business reason: a good-faith belief that the conduct will impair fitness for the job or harm people, property, reputation or assets, after considering and documenting the seriousness of the conduct, the number and types of convictions, the time elapsed (excluding incarceration), verifiable rehabilitation, good conduct, work, education and training, the duties of the position, and the place and manner of the work (RCW 49.94.005(6)). Before acting, notify the person and identify the record relied on, and hold the position open at least two business days so they can correct or explain it or supply rehabilitation information; if the employer still takes adverse action it must give a written decision with specific documentation of its reasoning and its assessment of each factor (RCW 49.94.010(5)). Applies to employers with 15 or more employees from July 1, 2026 and to all employers from Jan. 1, 2027. City of Seattle: Employers with one or more employees working in Seattle may not ask about criminal history or run a check until after an initial screening to eliminate unqualified applicants, and may not advertise categorical exclusions. Employers may not take adverse action based solely on an arrest record, but may ask about the conduct behind an arrest and may consider pending charges where there is a legitimate business reason. Adverse action based on conviction or conduct requires a legitimate business reason weighing the seriousness of the offense, time elapsed, number of convictions, rehabilitation, the job's duties, and where and how it is performed; the employer must identify the record relied on, give a reasonable opportunity to explain or correct it, and hold the position open at least two business days. Exempt: law-enforcement, security, and criminal-justice positions, and positions with unsupervised access to children under 16, developmentally disabled persons, or vulnerable adults. Washington's state Fair Chance Act (conditional offer) also applies.

Source: RCW 49.94.005(6) and 49.94.010(5) (as amended by 2025 c 71; 15+ employees July 1, 2026, all employers Jan. 1, 2027); Seattle Mun. Code ch. 14.17 (Fair Chance Employment Ordinance, Nov. 1, 2013)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.94.005

REQUIRED

Washington notices and forms

Washington adds a state pre-adverse action step: before taking any adverse action based in whole or part on a

consumer report used for employment purposes, give the consumer the name, address, and telephone number of the consumer reporting agency that provided the report, a description of the consumer's rights under chapter 19.182 RCW, and a reasonable opportunity to respond to any information in the report the consumer disputes (RCW 19.182.020(2)(d)). After taking adverse action based on a consumer report the user must give the consumer written notice of the action and the name, address, and telephone number of the consumer reporting agency that furnished it (RCW 19.182.110); violations of chapter 19.182 are unfair practices under the Consumer Protection Act, with actual damages and a $1,000 penalty for willful noncompliance (RCW 19.182.150). Before obtaining a report containing credit information the employer must disclose in writing its reasons for using it, unless the information is required by law (RCW 19.182.020(2)(c)). Fair Chance Act notice identifying the record, the two-business-day hold-open period, and the written decision documenting the assessment (RCW 49.94.010(5)) apply in addition to FCRA letters for employers with 15 or more employees from July 1, 2026 and all employers from Jan. 1, 2027.

Source: RCW 49.94 (Fair Chance Act, 2018 c 38, all employers since June 7, 2018; as amended by HB 1747, 2025 c 71: employers with 15 or more employees from July 1, 2026, all employers from Jan. 1, 2027)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=19.182.020

Recommended searches for this position

RECOMMENDED

County criminal search: current and prior counties of residence

The county court is the source of record; order a search in each county where the applicant has lived or worked in the lookback period, identified through an SSN trace and address history. Statewide and national databases supplement, not replace, county searches.

Source: Industry standard; FCRA § 613 accuracy duties

RECOMMENDED

Statewide repository search where the state offers one

Add the statewide search for each work and residence state that has a usable repository; it catches counties the address history misses. Some states (California, for example) have no public statewide search, and repository data quality varies.

RECOMMENDED

Federal criminal search

Federal district court records (fraud, embezzlement, tax, securities, and computer crimes) do not appear in county or state searches. The duties of this position make a federal search worthwhile.

REQUIRED

Database results must be verified at the source before you act on them

A national multi-jurisdictional database is a locator tool. Before any adverse decision, the record must be confirmed against the court of record (the FCRA requires screening companies to keep public-record information complete and current, and several states bar reliance on unverified database hits). Never reject on a database-only result.

Source: 15 U.S.C. § 1681k
Read the law: https://www.law.cornell.edu/uscode/text/15/1681k

Employment credit reports

REMINDER

No credit report planned

Good: Washington restricts employment credit checks, and this position would need to be documented under an exemption.

Drug and marijuana testing

RECOMMENDED

Test after the conditional offer

A drug test for illegal drugs is not a medical examination under the ADA, but alcohol tests and any related medical questions are, and must wait until after a conditional offer. Testing everyone after the offer keeps the sequence uniform and avoids collecting medical information (prescriptions, medical-cannabis certifications) before you must. You currently test pre-offer.

Source: 42 U.S.C. § 12112(d)
Read the law: https://www.law.cornell.edu/uscode/text/42/12112

RECOMMENDED

Adopt a written drug-testing policy

The policy should name the positions tested, the substances on the panel, the circumstances (pre offer), the laboratory and medical review officer, and the consequences of a positive or refused test.

Source: Best practice

REQUIRED

Marijuana (THC) pre-employment testing is restricted here

Marijuana may not be treated like other drugs for this position. Washington — Since Jan. 1, 2024 employers may not discriminate in initial hiring based on a person's off-duty cannabis use away from the workplace or on an employer-required drug test that finds nonpsychoactive cannabis metabolites; employers may still base hiring decisions on scientifically valid tests that do not screen for nonpsychoactive metabolites. Exempt: positions requiring a federal background investigation or security clearance; law enforcement agencies; fire departments and fire protection districts; other first responders including 911 dispatchers; corrections officers and positions with direct access to people in custody; the airline and aerospace industries; and safety-sensitive positions in which impairment presents a substantial risk of death, which the employer must identify before the person applies. Federal and state laws requiring controlled-substance testing are not preempted. The rule applies to initial hiring only, not post-hire testing (RCW 49.44.240). Practical options: remove THC from the pre-employment panel for this position, or use a test that detects active THC rather than inactive metabolites where that is what the law allows.

Source: RCW 49.44.240 (2023 c 359, SB 5123; effective Jan. 1, 2024)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.44.240

Salary history

REQUIRED

Do not ask about salary history

You plan to ask about prior pay. Stop: Washington — Employers may not seek wage or salary history from the applicant or a current or former employer, or require that prior pay meet any criteria; they may confirm pay only if the applicant volunteers it or after an offer with compensation has been made (RCW 49.58.100, 2019 c 345). Employers with 15 or more employees must include the wage scale or salary range (or the fixed wage, if only a fixed amount is offered) and a general description of benefits in every posting (RCW 49.58.110, effective Jan. 1, 2023). As amended by SB 5408 (2025 c 383, effective July 27, 2025), an employer that receives written notice of a noncompliant posting has five business days to correct it before liability attaches (this cure period expires July 27, 2027), and remedies are statutory damages of $100 to $5,000 per violation, or actual damages, plus civil penalties of up to $500 for a first violation and $1,000 for repeat violations. Remove the question from applications and interview scripts, and tell your screening company not to request prior pay during employment verification.

Source: RCW 49.58.100 (July 28, 2019)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.58.100

Other checks and verifications

REQUIRED

Social media review: never request passwords, and wall off protected information

Washington (RCW 49.44.200) prohibits requesting passwords, account access, or "friend" access to personal accounts. Review only public content, have someone outside the hiring decision (or a screening company operating under the FCRA) collect it, remove protected-characteristic information (religion, pregnancy, disability, age, national origin, union activity, lawful off-duty conduct) before it reaches the decision-maker, and apply the same review to every finalist for the position.

Source: State social-media privacy laws
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.44.200

REMINDER

E-Verify is voluntary for this position

E-Verify is voluntary under federal law except for federal contractors with the FAR E-Verify clause (48 C.F.R. 52.222-54: enroll within 30 days of award, verify new hires within three business days of hire, and verify existing employees assigned to the contract). Every employer must still complete Form I-9 for each new hire: Section 1 by the first day of work and Section 2 within three business days of the first day of work (8 C.F.R. § 274a.2). The current Form I-9 is the 01/20/25 edition (expires 05/31/2027); USCIS also accepts the 08/01/23 edition through 05/31/2027. Several states mandate E-Verify for private employers above a size threshold; the state rule is shown where it applies. Washington (HB 2105, Oct. 1, 2026) requires written notice to workers within five business days of a federal I-9 inspection and of its results.

Source: 8 C.F.R. § 274a.2; 48 C.F.R. 52.222-54
Read the law: https://www.law.cornell.edu/cfr/text/8/274a.2

Your process: what to change

REQUIRED

Move the background check to after a conditional offer of employment

You currently run the check before interview. The law for this position requires waiting until after a conditional offer of employment. Update the applicant-tracking workflow so the report is ordered only at that point.

REQUIRED

Two-step adverse action before any rejection based on a report

See "Start here: the foundation of every screening policy" above. If a report may lead you to reject an applicant, first send a pre-adverse action notice with a copy of the report and the CFPB Summary of Rights, then wait at least five business days for the applicant to respond,…

Source: 15 U.S.C. §§ 1681b(b)(3), 1681m
Read the law: https://www.law.cornell.edu/uscode/text/15/1681m

RECOMMENDED

Keep a written background screening policy and adverse-action procedure

See "Start here: the foundation of every screening policy" above. A written policy that names the searches ordered for each position, the timing, the decision criteria, the individualized-assessment steps, and the adverse-action sequence is what regulators and plaintiffs ask for first. You do not have a complete written policy today;…

Source: EEOC guidance; state requirements

REQUIRED

Wait until after a conditional offer of employment

See "When you may ask about criminal history" above. Ask about, search for, or consider criminal history only after a conditional offer of employment. This is the strictest timing rule among the laws that apply to this position (Washington). You currently ask on the application, so the application form,…

Source: RCW 49.94 (Fair Chance Act, 2018 c 38, all employers since June 7, 2018; as amended by HB 1747, 2025 c 71: employers with 15 or more employees from July 1, 2026, all employers from Jan. 1, 2027)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.94

REQUIRED

Do not consider arrests, dismissed charges, or pre-trial diversions that did not end in a conviction

See "Which records you may consider" above. You selected one or more non-conviction record types. Remove them from your criteria. City of Seattle bars consideration of arrests and non-convictions.

Source: State fair-employment and arrest-record statutes
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.94.010

REQUIRED

Written individualized assessment is mandatory here

See "Individualized assessment and required notices" above. You do not currently use a written individualized assessment. It is required for this position. Before withdrawing an offer because of a record, document the nature and gravity of the offense, the time elapsed, and the nature of the job,…

Source: RCW 49.94.005(6) and 49.94.010(5) (as amended by 2025 c 71; 15+ employees July 1, 2026, all employers Jan. 1, 2027); Seattle Mun. Code ch. 14.17 (Fair Chance Employment Ordinance, Nov. 1, 2013)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.94.005

RECOMMENDED

Test after the conditional offer

See "Drug and marijuana testing" above. A drug test for illegal drugs is not a medical examination under the ADA, but alcohol tests and any related medical questions are, and must wait until after a conditional offer. Testing everyone after the offer keeps the sequence uniform…

Source: 42 U.S.C. § 12112(d)
Read the law: https://www.law.cornell.edu/uscode/text/42/12112

REQUIRED

Marijuana (THC) pre-employment testing is restricted here

See "Drug and marijuana testing" above. Marijuana may not be treated like other drugs for this position. Washington — Since Jan. 1, 2024 employers may not discriminate in initial hiring based on a person's off-duty cannabis use away from the workplace or on an employer-required drug…

Source: RCW 49.44.240 (2023 c 359, SB 5123; effective Jan. 1, 2024)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.44.240

REQUIRED

Do not ask about salary history

See "Salary history" above. You plan to ask about prior pay. Stop: Washington — Employers may not seek wage or salary history from the applicant or a current or former employer, or require that prior pay meet any criteria; they may confirm pay only…

Source: RCW 49.58.100 (July 28, 2019)
Read the law: https://app.leg.wa.gov/rcw/default.aspx?cite=49.58.100

Draft policy language for this position

REMINDER

Background Screening Policy — Restaurant Shift Supervisor

1. Purpose and scope. [Company Name] conducts background screening for the position of Restaurant Shift Supervisor to verify qualifications, protect employees, customers, and property, and comply with applicable law. This policy applies to all applicants for the position. The same searches and criteria apply to every candidate for the position.

2. Consent. Before any report is obtained from a consumer reporting agency, the candidate receives a stand-alone written disclosure and provides written authorization. State-required notices are provided on a separate page. [Company Name] certifies its compliance to the screening company.

3. Timing. Criminal history is not requested on the application or in job advertisements. [Company Name] asks about, searches for, and considers criminal history only after a conditional offer of employment. Non-criminal checks (identity, employment, education, license) are completed first.

4. Searches. The screening package for this position consists of: county criminal court search in each county of residence and employment during the lookback period; statewide criminal search where available; federal criminal search; national criminal database and sex-offender registry search, with all results verified at the source; references verification; post-offer drug test under the written drug-testing policy. The lookback period is seven years. Records older than the lookback period, sealed, expunged, set-aside, or pardoned records, juvenile records, and arrests or charges that did not result in a conviction are not considered. Pre-trial diversions that ended in dismissal are not considered. Deferred adjudications are treated as non-convictions and are not considered.

5. Decision criteria. A conviction is considered only if it relates to the duties of the position. For a Restaurant Shift Supervisor, the offense categories with a documented relationship to the job are listed in the position screening matrix. No candidate is rejected automatically because of a record.

6. Individualized assessment. Before withdrawing an offer because of a record, the hiring manager and Human Resources document the nature and gravity of the offense, the time elapsed since the offense or completion of the sentence, and the nature of the position; provide the candidate with the record and the preliminary reasons; allow at least 5 business days for the candidate to respond with evidence of inaccuracy, rehabilitation, or mitigating circumstances; consider the response; and issue a final written decision.

7. Adverse action. If a report may lead to an adverse decision, [Company Name] sends a pre-adverse action notice with a copy of the report and the Summary of Rights, waits the period in section 6, and then sends a final adverse action notice that names the screening company, states that the screening company did not make the decision, and explains the candidate's dispute rights and right to a free copy of the report.

8. Drug testing. Candidates are tested after a conditional offer under the written drug-testing policy, which names the panel, the laboratory, the medical review officer, and the consequences of a positive or refused test. [Marijuana is / is not] included in the pre-employment panel for this position in accordance with applicable law, and medical-cannabis certifications are handled through the accommodation process.

9. Salary history. [Company Name] does not ask candidates or prior employers about compensation history. Offers are based on the budgeted range for the position.

10. Records and confidentiality. Screening reports and assessment records are stored separately from personnel files, accessible only to those involved in the decision, retained for [one / two / four] years after the decision, and then securely destroyed.

11. Review. This policy and the position screening matrix are reviewed at least annually and whenever the position, its work locations, or applicable law changes. Rules current as of October 1, 2026.

Source: Draft for review by counsel

Your answers

Job title	Restaurant Shift Supervisor
What type of employer are you?	Private company
How many employees do you have across all locations?	46
Is your organization in any of these regulated industries?	None of these

Will the background check be obtained from a background screening company (a consumer reporting agency) or run in-house by your staff?	Screening company
Where will this position perform its work?	At a fixed work site
Work site location	Seattle, King County, Washington
Where is your company headquartered?	Washington
Who is being screened?	New applicant
Employment status	Part-time
Is this a managerial or executive position, or exempt from overtime under the FLSA?	No
Does the position involve any of the following?	Access to cash, checks, or company financial accounts
Will the applicant drive as part of the job?	No
Is this a safety-sensitive position under federal law, state law, or your own written policy?	No
Is a background check for this position required by a federal or state law, a licensing board, a government contract, or a bonding or insurance requirement?	No
Does the position require a security clearance or work on a federal contract?	No
Does the position require a professional license or certification?	No
How is this position paid?	Hourly
Expected annual compensation	$40,560 (from hourly rate × hours × 52)
Will you ask the applicant about their prior salary or wage history?	Yes
Will you run a criminal history check?	Yes
Which criminal searches do you plan to run?	Not sure, recommend for me
Which record types do you want to consider?	Felony convictions; Misdemeanor convictions; Arrests that did not lead to conviction; Marijuana-related convictions
How far back do you want to look?	Not sure, recommend for me
When do you currently ask about criminal history?	On the application
Will you use a written individualized assessment (nature of the offense, time elapsed, relation to the job) before rejecting an applicant because of a record?	No
Will you apply the same criteria to every applicant for this position?	Yes
Will you request an employment credit report?	No
Will you drug test?	Yes
When will you test?	Pre-offer
Will the panel include marijuana (THC)?	Yes

Is the position subject to federal drug-testing rules (DOT, FAA, FTA, PHMSA, Coast Guard)?	No
Which verifications will you run?	Personal or professional references
Will you pull a motor vehicle record (MVR)?	No
Will you review the applicant's social media or other public internet content?	Yes
Will any automated, algorithmic, or AI-based tool be used to score, rank, or screen applicants or background reports?	No
Will you rescreen employees or use continuous monitoring after hire?	No
Will you check federal exclusion lists (OIG, SAM)?	No
Has the applicant lived, worked, or studied outside the U.S. in the past 7 years?	No
At what stage do you currently run the background check?	Before the interview
Do you give applicants a stand-alone FCRA disclosure and get written authorization before ordering the report?	Yes
When a report leads you to reject someone, do you send a pre-adverse action notice, wait, and then send a final adverse action notice?	Final notice only
What would you like the builder to produce?	Both

Your screening policy checklist

Green: already in place. Amber: recommended addition. Red: required addition.

Stand-alone FCRA disclosure and signed authorization
You give the stand-alone disclosure and get written authorization before every report.

Two-step adverse action (pre-adverse notice, wait, final notice)
Add to your policy: two-step adverse action before any rejection based on a report.

Timing of the criminal-history question
Ask about, search for, or consider criminal history only after a conditional offer of employment.

Written screening policy and adverse-action procedure
Recommended: keep a written background screening policy and adverse-action procedure.

Written individualized assessment before any rejection
Add to your policy: written individualized assessment is mandatory here.

Same searches and criteria for every applicant
You apply one package and one set of criteria to every applicant for the position.

Record types limited to what the law allows
Add to your policy: do not consider arrests, dismissed charges, or pre-trial diversions that did not end in a conviction.

Lookback period within the legal limit
Your lookback period is within the limit that applies here.

No salary-history questions
Add to your policy: do not ask about salary history.

Drug and marijuana testing rules
Add to your policy: test after the conditional offer; marijuana (THC) pre-employment testing is restricted here.

E-Verify and Form I-9
E-Verify is not mandated for this position; Form I-9 is still required for every hire.

Social media review
Recommended: review public content only, never request passwords, and wall off protected information before it reaches the decision-maker.

Important

This report is general compliance information prepared from the laws in effect on the date shown. It is not legal advice and does not create an attorney-client relationship. Laws change frequently and local rules may add requirements; confirm the recommendations with your employment counsel before adopting a policy. screeningpolicy.com and Langley Porter AG LLC do not make hiring decisions and are not a law firm.