

FAIR CHANCE HIRING INFORMATION FOR JOB SEEKERS

KNOW YOUR RIGHTS* THE CALIFORNIA FAIR CHANCE ACT

Ban The Box

What's the box? The box on the job application that asks whether you have a conviction.

Under the California Fair Chance Act, most employers can't ask ANY questions about a criminal record before giving you a conditional job offer - including on an application or at an interview.¹ In most cases, it is also illegal for employers to have blanket bans that exclude all applicants with criminal records or applicants with certain convictions.

¹There are some exceptions for jobs that involve working with vulnerable populations, such as children or elderly, and certain positions, such as within law enforcement agencies.

The Fair Chance Process:

INDIVIDUAL EVALUATION	The company must look at you as an individual and evaluate 1) the nature and seriousness of the conviction(s), 2) how much time has passed since the conviction(s), and 3) the job duties to determine if your specific conviction(s) are directly, negatively related to the job.
INITIAL WRITTEN NOTIFICATION	If it decides to take back your job offer, the company must identify the specific conviction(s) that led to the decision and give you a copy of the background check.
YOU RESPOND	You must be given at least five business days to respond to their decision. Your response may include evidence of background check errors, ² proof of rehabilitation and positive aspects of your current life, and information that places your conviction(s) in a less negative light.
RE-EVALUATION	The company must consider the new information you submit and re-evaluate whether your conviction(s) still justify not hiring you.
FINAL WRITTEN NOTIFICATION	The company must inform you in writing of the final decision and of your right to file a complaint with the government about their decision. ³

² You have 10 days to provide proof of any errors on the background check.

³ If you think an employer has violated fair chance hiring laws, reach out to a legal services organization for support with filing a complaint.

Off-Limits Information

Most employers can't ask about or use the following information to make employment decisions:

- Arrests that did not result in convictions (unless the case is currently open)
- Diversion (pretrial and post trial)
- Marijuana-related convictions older than 2 years
- Arrests or convictions that have been sealed, dismissed, "expunged," erased by statute, pardoned or issued a certificate of rehabilitation (COR)
- Juvenile proceedings and records

*Special thanks to Legal Aid at Work (legallaidatwork.org) for allowing us to adapt some of their materials.

PRESENT YOUR BEST SELF

- Make all voicemail greetings and social media profiles work appropriate and create a professional email address.
- Pursue and/or complete your education, vocational training, or volunteer opportunities for additional experience.
- Participate in professional development and job readiness programs.
- Develop your resume and create a list of personal and professional references.
- Prepare materials to present to the employer about your record which may include evidence of training, education, volunteer work, work experience, awards, or a statement about the positive life you live today.
- Get a copy of your record and reach out to a legal services organization for record-cleaning support.