

# 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.<sup>1</sup> 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.

<sup>1</sup>There 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:

<b>INDIVIDUAL EVALUATION</b>	The company must look at you as an individual and evaluate <b>1)</b> the nature and seriousness of the conviction(s), <b>2)</b> how much time has passed since the conviction(s), and <b>3)</b> the job duties to determine if your specific conviction(s) are directly, negatively related to the job.
<b>INITIAL WRITTEN NOTIFICATION</b>	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.
<b>YOU RESPOND</b>	You must be given at least five business days to respond to their decision. Your response may include evidence of background check errors, <sup>2</sup> proof of rehabilitation and positive aspects of your current life, and information that places your conviction(s) in a less negative light.
<b>RE-EVALUATION</b>	The company must consider the new information you submit and re-evaluate whether your conviction(s) still justify not hiring you.
<b>FINAL WRITTEN NOTIFICATION</b>	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. <sup>3</sup>

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

<sup>3</sup> 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](http://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.

# JOIN US AT ONE OF OUR UPCOMING EVENTS!

Interested in healthcare, construction/green industries/manufacturing, transportation, technical services, sports/arts/entertainment? Learn more about the career pathways available to you. Get the chance to connect with potential employers, learn more about fair chance hiring laws and legal support, and receive free livescan services at one of our upcoming events:

**FRIDAY 2.17.23 | 10-11:30AM**

*Virtual Meeting*

Register to attend at  
<https://fcfebr17.eventbrite.com>

**WEDNESDAY 4.19.23 | 10AM-12PM**

*Meeting at Amity Foundation in South LA*

Register to attend at  
<https://fcapr19.eventbrite.com>

The LA County America's Job Centers of California is your one-stop shop for FREE services and resources such as job search and resume writing preparation, workforce development training, stipends, transportation assistance and many other supportive services.

Learn more and watch for the schedule of our other events to be announced soon:  
**[opportunity.lacounty.gov](https://opportunity.lacounty.gov)**



**fairchance**  
equity starts with a fair chance

department  
of economic  
opportunity  
COUNTY OF LOS ANGELES

**ROOT & REBOUND**  
REENTRY ADVOCATES

**MEET GLORIA CABRERA,**  
a system-impacted individual who found employment through LA County's reentry internship program and has been building her future as a professional legal assistant.



**Gloria Cabrera**  
Legal Assistant, Yang Law Offices  
Home for 6 years

As a legal assistant at Yang Law Offices, clients often forget that Gloria Cabrera is not an attorney yet and will ask her if she can fight their case for them. Perhaps it's because Gloria draws from her past experiences, bringing understanding and compassion to her work. Her interest in law began at the age of 13 when her older brother was arrested at the age of 15. She remembers studying his case, poring over documents and going to court hearings and his trial. Gloria started as an intern at Yang Law Offices, with no formal experience and developed into a legal assistant role, with plans to attend law school in the coming years. Gloria says she is driven by the discipline and stability she's attained throughout her career. She's also just achieved a major milestone in her life: she bought her first home.

After experiencing homelessness at the age of 15 and going in and out of the system in her early 20s, a public defender helped Gloria start on a new path. He restored her hope and gave her renewed drive to break the cycle. Speaking to others navigating reentry, she calls on this essential hope. "Once you lose that, there's no drive," she says. "But if you see a bigger picture, if you see yourself somewhere in your life, just go for it."