KNOW YOUR RIGHTS

THE CALIFORNIA FAIR CHANCE ACT

1 BAN THE BOX

What’s the box? The box on a job application that asks whether you’ve been convicted.

Most employers can’t ask ANY questions about a criminal record before giving you a job offer—including on an application or at an interview.

2 FAIR CHANCE PROCESS

The company must look at you as an individual & evaluate 1) whether your specific convictions are directly related to your job duties, and 2) how much time has passed since the convictions

• If it decides to take back your job offer, the company must identify the specific convictions it has a problem with
  • The company must give you a background check copy

• You must be given a minimum of five business days to respond & be told that the response can include evidence of background check errors, rehabilitation or circumstances of the crime or your current life

• The company must consider the new information you submit and re-evaluate whether your convictions still justify not hiring you

• The company must inform you of the final decision & of your right to file a complaint with the government about their decision

3 OFF-LIMITS INFORMATION

Most employers can’t ask about the following off-limits information or (if they accidentally get it) use it to make employment decisions—at any point in the job process:
  • Arrests that did not result in convictions (unless the case is currently open)
  • Diversion (pretrial & posttrial); 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 court records

Questions? Contact Legal Aid at Work (415) 864-8848 • LegalAidAtWork.org