



# KNOW YOUR RIGHTS

## THE CALIFORNIA FAIR CHANCE ACT

### 1 BAN THE BOX

Before job offer

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

After job offer

#### INDIVIDUAL EVALUATION

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

#### INITIAL WRITTEN NOTIFICATION

- 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 RESPOND

- 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

#### RE-EVALUATION

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

#### FINAL WRITTEN NOTIFICATION

- 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

Before & after job offer

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