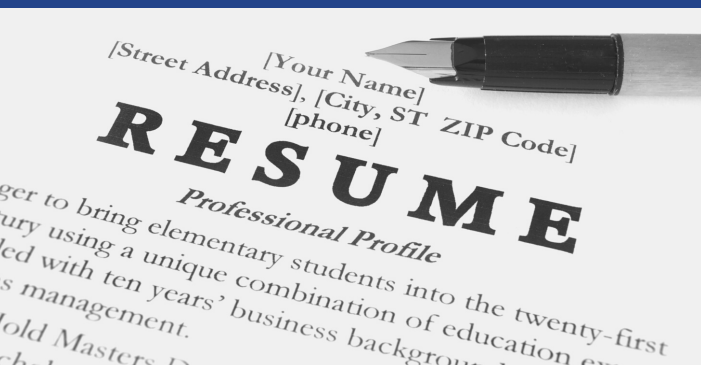


The goal of the **California Fair Chance Act** is to give people with criminal records a fairer chance to apply for jobs. An employer cannot ask you about your criminal records on the application form, in an interview, or when you ask about open jobs. They can only ask AFTER giving you a job offer.

**There are three types of employers that are not covered by this law:**

1. Law Enforcement employers like Police, Sheriff's, and Probation Departments
2. Employers that are legally required ask about your background before giving you a job offer, like employers that work with children/families, the elderly, or disabled persons
3. Employers that have less than 5 employees



If asked, you cannot tell an employer that you do not have a criminal record. You can, however, respond by saying something like: **"I am willing to go through a background check if I am given the job."**

**Once you get a job offer**, the employer has the right to ask about your criminal records or to run a background check, but must get your permission in writing first. Most background checks can only list criminal convictions that are less than seven years old and open or pending cases.

## How should I prepare for the hiring process?

1. Get copies of your criminal records.
2. Speak with an attorney that knows about clearing criminal records about what your options are for clearing your record.
3. Start preparing a rehabilitation packet. Collect copies of documents that show how you have improved your life since your last criminal case.

**This can include:**

- Certificates/Diploma
- Support Letters from former employers, teachers/professors, mentors/sponsors, religious leaders, or family members/friends
- Proof that you completed your sentence
- Proof of completion of training programs/classes
- Proof of attendance at support groups or therapy
- Proof of volunteer work

## Contact NLSLA for free legal help and reentry resources:

(800) 433-6251 | [reentryclinic@nlsla.org](mailto:reentryclinic@nlsla.org)  
[nlsla.org/services/clean-slate](http://nlsla.org/services/clean-slate)

*Information subject to change. Last updated October 2020*



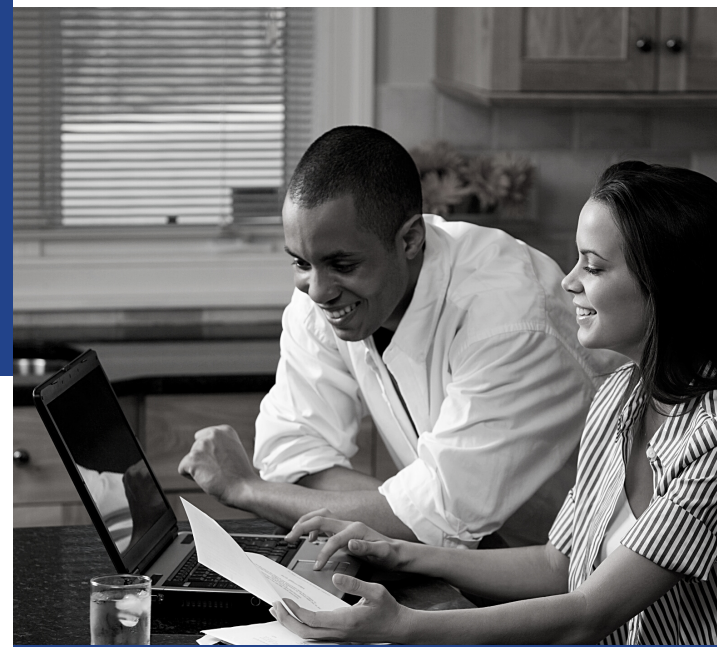
LOS ANGELES COUNTY  
**DEPARTMENT OF MENTAL HEALTH**  
hope. recovery. wellbeing.



Neighborhood Legal Services  
of Los Angeles County

# CALIFORNIA FAIR CHANCE ACT

A Guide for Job Seekers  
with a Criminal Record



**The California Fair Chance Act** is a new law that limits how employers consider criminal records. The goal is to give people with criminal record a fairer chance to apply for jobs.

## What criminal records can the employer consider?

The Fair Chance Act gives employers the right to deny you only if your criminal record is directly related to the job you are applying for and the criminal record will negatively affect your ability to do the job.

Employers can only deny you a job for cases where you were convicted or open cases for which you are still awaiting a charge, arraignment, trial, sentence, or appeal.

When reviewing your records, an employer must do an "individualized assessment," which means they must consider three things about your case:

1. What happened in the case
2. How long ago was your case?
3. The duties of the job you are applying for

Employers CANNOT consider the following types of records:

- Arrests that did not result in conviction
- Most juvenile records
- Participation in diversion programs, ie: "Deferred Entry of Judgment" or "Prop 36" programs
- Certain marijuana convictions over 2 years old
- Criminal records that have been expunged, dismissed, sealed, or vacated

## If an employer wants to take back (revoke) your job offer because of your criminal records, it must:

1. Tell you in writing (email or letter) that it wants to take back the job offer, stating which criminal records are holding you back from the job.
2. If the employer ran a background check on you, the employer must also give you a copy of this background check.
3. Tell you that you have five business days to respond to the employer's letter or email to let them know why it should still hire you.
4. Tell you about your right to let the employer know about any errors on your background check.

## If the employer lets you know it wants to take back the job offer, you have the right to:

1. Explain to the employer why it should still hire you even though you have a criminal record.
2. Provide the employer with proof that you completed your sentence and how you have improved your life since your conviction.
3. Let the employer know if your background check has errors on it and give the employer proof.

If you provide the employer with any of this information, the employer must consider it BEFORE making a final decision on your application. You should also provide this information in a letter or an email, and keep copies to make sure you have a record of responding to the employer.

If you do not respond to the employer's letter or email letting you know it wants to take back its job offer, the employer can make a final decision five business days after you received the letter or email. The employer must contact you for follow-up after making a final decision about renewing or denying your job offer.

- If the employer still wants to hire you, it will contact you to let you know about how to move forward.
- If the employer still wants to deny you the job, the employer must tell you in writing that:
  1. It still wants to deny you the job.
  2. That you have the right to file a complaint with the California Department of Fair Employment and Housing (DFEH) if you feel like your rights have been violated, and
  3. Give you information about any appeal process the employer has to challenge your denial.



## Need help with record clearing?

Contact NLSLA: (800) 433-6251  
[reentryclinic@nlsla.org](mailto:reentryclinic@nlsla.org)

For other resources:  
Contact WEDO CCAV: (661) 949-1206  
[wedocav@childrenscenterav.org](mailto:wedocav@childrenscenterav.org)