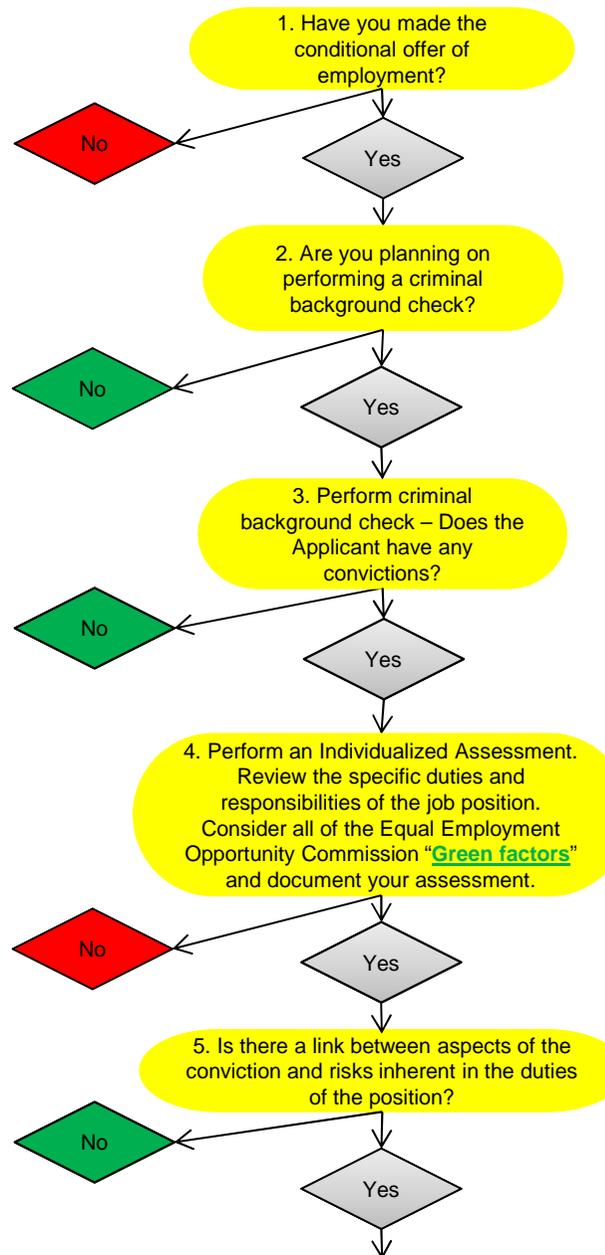


Fair Chance Initiative for Hiring Ordinance Guideline for Employers

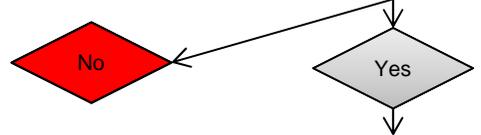


When Reviewing Criminal History Records, an Employer shall consider the EEOC **“Green factors”**:

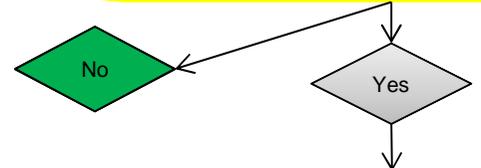
1. What is the nature and gravity of the offense? (The harm caused by the criminal conduct should be considered)
2. How much time has passed since the offense? (Convictions remote in time are less significant than similar more recent ones)
3. What is the nature of the job duties and responsibilities? (Consider the job’s essential functions, circumstances, and the environment in which the job is performed.)
4. Are you looking at ONLY convictions? Arrests cannot be considered in employment decisions.

See **EXAMPLE I** below

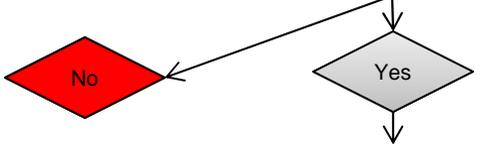
6. Provide Applicant with notice of proposed rescindment of employment offer (sample can be found at www.bca.lacity.org), copy of the Individualized Assessment, and any supporting documentation.



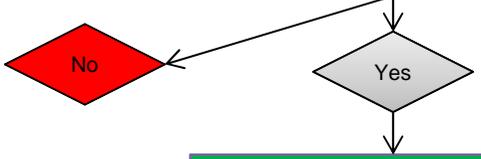
7. Fair Chance Process - Document the date that the Applicant is notified. You need to hold the job open for **at least five (5) days** to allow the Applicant the opportunity to submit documentation. This may include proof of rehabilitation, errors in the criminal background history, or an explanation of mitigating factors. Within this time, did the Applicant submit any documentation?



8. You are required to review all documentation that an Applicant submits. When doing so, have you considered the examples of relevant individualized evidence?



9. Have you notified the Applicant of the final decision and sent Applicant a copy of the written reassessment ?



You have completed your Fair Chance Initiative Hiring Ordinance obligations.

Key

- FCIHO Steps
- Stop – You must complete this step
- Proceed with your hiring process
- To be considered

- Evidence that the individual performed the same type of work, post conviction, with the same or different employer, with no known incidents of criminal conduct;
- The length and consistency of employment history before and after the offense or conduct;
- Rehabilitation efforts
- Employment or character references and any other information regarding fitness for the particular position; and
- Whether the individual is bonded under a federal, state or local bonding program.

See **EXAMPLE II** below

EXAMPLE I - Sample Job Description for Delivery Driver

- Required to have a CA Commercial Driver's License
- Clean Motor Vehicle Record for the past 5 years
- Make deliveries to households and businesses
 - May have access to cash
- May be required to deal with confidential information, such as debit/credit cards.

Scenario A Criminal History Record	Scenario B Criminal History Record	Scenario C Criminal History Record
11/2016 – DUI 5/2016 – DUI 2015 – DUI 2012 – Battery Scenario A – Very recent activity shows conviction pattern that would be a liability for a job where the a majority of the job responsibilities require a clean driving record.	2014 – Check Fraud 2013 – Credit Card Fraud 2012 – Grant Theft 2011 – Petty Theft 2011 – Shoplifting Scenario B – Conviction pattern (series of convictions that are all theft/fraud related) with fairly recent activity indicates a liability for a job that is required to handle both cash and confidential credit card information. While these are not primary functions, they are necessary components of the required responsibilities.	1999 – DUI 1996 – Reckless Driving 1992 – Simple Assault 1990 – Aggravated Trespassing 1989 – Vandalism Scenario C – While some of the Convictions are related to the job duties, the last Conviction occurred more than 17 years ago, and there has not been noted criminal convictions in recent years.

In Example I, Scenario C, after performing an Individual Assessment, an Employer may conclude the Applicant's clean record in recant years supports the decision to hire the Applicant.

EXAMPLE II – In Scenario A, the Applicant submits documentation showing:

- Errors in Criminal History (2015 and 2016 entries) that were the result of identity theft.
- 2012 Battery charge explanation as self defense when the Applicant tried to break up a fight.
 - Character reference from volunteer organization for the past 5 years

In Example I, both Scenario A and B, the Employer could consider rescinding the offer of employment to the Applicant because of recent convictions listed on their Criminal History Report. However, in Scenario A, the Employer received documents, such as those listed in Example II. After the review of the documents, the Employer must do a reassessment to determine if the information submitted changes the outcome of the initial assessment.