

# FAIR CHANCE HIRING WORKSHOP

WEEK OF ACTION

Presented by:



Second Chance



Center for  
Employment  
Opportunities

San Diego, California

# AGENDA

1 WELCOME AND INTRODUCTIONS

2 OFFICE OF LABOR STANDARDS  
AND ENFORCEMENT

3 SECOND CHANCE

4 CENTER FOR EMPLOYMENT  
OPPORTUNITIES

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6 WHAT IS THE SAN DIEGO FAIR CHANCE  
ORDINANCE ?

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**The information shared today is intended for general educational purposes only and should not be considered legal advice.**

**We encourage you to reach out to us separately to discuss your specific situation, or to connect with an attorney for specific legal advice.**



# BEFORE YOU ASK A QUESTION SHARE YOUR...



- Name
- What career, job or field you would like to have?
- Ask your question





# WELCOME AND INTRODUCTIONS

- Branden Butler: San Diego County, Office of Ethics, Compliance, & Labor Standards, Director
- Abigail Torres: County of San Diego, Probation Chief
- Mike Barragan: County of San Diego Sheriff, Senior Counselor
- Bill Payne: Second Chance
- Rob Smith: CEO, Site Director





# WHO IS OLSE?

The mission of the Office of Labor Standards & Enforcement (OLSE) is to advance labor standards through community and business engagement, strategic enforcement, innovation and study, and policy development with a commitment to workplace justice.



**EDUCATION & OUTREACH**



**ENFORCEMENT**



**POLICY**



# SECOND CHANCE

Our mission is to disrupt the cycle of incarceration by helping at-risk youth and justice-involved people towards empowered self-sufficiency. Through a combination of education, encouragement, specialized training, and additional support, we help people overcome barriers in the areas of housing, behavioral health, substance abuse, life skills and employment.

- **JOB READINESS TRAINING**
- **SOBER- LIVING HOUSING**
- **COLLABORATIVE COURT PROGRAMS**
- **SUPPORTIVE SERVICES**
- **YOUTH PROGRAMS**





# CENTER FOR EMPLOYMENT OPPORTUNITIES (CEO)

- Mission: Provides immediate, effective, and comprehensive employment services exclusively to individuals with recent criminal convictions.

## Services Offered:

- **JOB READINESS TRAINING**
- **TRANSITIONAL EMPLOYMENT**
- **JOB COACHING**
- **FULL-TIME JOB PLACEMENT**
- **POST-PLACEMENT SUPPORT**



# QUICK WRITE

## (CHOOSE ONE)

- What has been your biggest challenge when applying for jobs?
- What does a 'fair chance' mean to you in the workplace?
- What's one thing you hope to take away from today's workshop?



# THE CALIFORNIA FAIR CHANCE ACT: THE LAW

“Ban-the-Box” law effective since 2018 and revised in 2023. The purpose of the law is to reduce barriers to employment for individuals with conviction histories.

The law generally prohibits employers with five or more employees to:

- Include questions about conviction history on job applications.
- State on job applications that criminal history will automatically disqualify an applicant.
- Ask about or considering an applicant’s criminal history before making a conditional job offer.



# THE CALIFORNIA FAIR CHANCE ACT: THE LAW

Some jobs and industries are exempt from the Fair Chance Act, meaning employers can ask about conviction history earlier in the process. These exceptions include:

- Positions in law enforcement (e.g., police, correctional officers).
- Jobs regulated by federal agencies, such as airport security (TSA), banking, or transportation.
- Roles that require access to children, the elderly, or disabled individuals (e.g., child care, senior care, education).
- Positions that require state or federal licensing (e.g., financial services, private security, commercial truck drivers with hazardous materials).





# THE HIRING PROCESS UNDER THE CALIFORNIA FAIR CHANCE ACT



- Job application
- Interview
- Conditional job offer
- Background check
- Individualized assessment
- Rescission of the offer (if necessary)
- Reassessment
- Final notification

# JOB APPLICATION

- Check if the employer is violating the law
- Leave the question blank (if possible)
- Follow up with Human Resources
  - *"I noticed the application asks about criminal history. Since the Fair Chance Act prevents early inquiries, could you clarify why this is included?"*
- Answer honestly – but briefly
  - *"Available to discuss after a conditional offer, as per Fair Chance Act"*

Position Applied for: \_\_\_\_\_

Are you a citizen of the United States? YES ☐ NO ☐

Have you ever worked for this company? YES ☐ NO ☐

Have you ever been convicted of a felony? YES ☐ NO ☐

If yes, explain: \_\_\_\_\_

Education: \_\_\_\_\_

Address: \_\_\_\_\_

High School: \_\_\_\_\_

Did you graduate: \_\_\_\_\_

# JOB APPLICATION

## RECOGNIZING YOUR SKILLS & STORY

**Your skills are transferable!**

- Bilingual
- Dependable
- Work ethic
- Adaptability
- Time management
- Education or technical skills

What is one skill or trade you've learned—either before or after incarceration—that could help you in a job?



# JOB INTERVIEW

Let's say you're in an interview, and the employer asks about your record before making you a job offer. **How do you respond?**

You can politely remind them of the law.

Example:

- You: "I would be happy to share more about my past once a conditional job is offered."

Fall back on:

- I understand the importance of transparency, however I believe the Fair Chance Act says we should discuss criminal history only after a job offer is made.



# JOB INTERVIEW

There are three approaches to handling personal questions in an interview:

- **Answer it:** If the interviewer seems genuinely interested in getting to know you, feel free to respond, especially if the question relates to shared experiences.
- **Side-step it:** You can avoid answering directly by addressing the underlying concern. For example, if asked about children, reassure them that your personal life won't affect your work commitments.
- **Question the relevance:** Ask how the question pertains to the job, which may highlight its inappropriate nature. If the question feels discriminatory, you can choose not to answer and redirect the conversation or exit the interview.



# IF YOU DECIDE TO ADDRESS A CRIMINAL CONVICTION DURING A INTERVIEW

Structured approach to consider:

- Acknowledge the Conviction
- Take Responsibility
- Highlight Rehabilitation Efforts
- Emphasize a Positive Outlook

Key Considerations:

- Be Concise
- Stay Positive
- Align with the Role
- By approaching the topic with honesty and emphasizing your development



# THE HIRING PROCESS UNDER THE CALIFORNIA FAIR CHANCE ACT

- Job application
- Interview
- **Conditional job offer**
- Background check
- Individualized assessment
- Rescission of the offer (if necessary)
- Reassessment
- Final notification



Conditional Job Offer: What does that mean?





# THE HIRING PROCESS UNDER THE CALIFORNIA FAIR CHANCE ACT

## SAMPLE CONDITIONAL JOB OFFER LETTER

[DATE]

RE: Conditional Offer of Employment & Notice of Conviction Background Check

Dear [APPLICANT NAME]:

We are writing to make you a conditional offer of employment for the position of [INSERT POSITION]. Before this job offer becomes final, we will check your conviction history. The form attached to this letter asks for your permission to check your conviction history and provides more information about that background check.

After reviewing your conviction history report, we will either:

- a. Notify you that this conditional job offer has become final; or
- b. Notify you in writing that we intend to revoke (take back) this job offer because of your conviction history.

Example of a permissible question after a conditional offer:  
*Have you ever been convicted of a misdemeanor or felony?*



# 7 Types of Employment Background Checks

- Identity Verification
- Criminal Background Checks
- Credit Background Checks
- MVR Reports
- Professional License & Education Background Checks
- Fingerprint Background Checks
- E-Verify Background Checks



# CAN AN EMPLOYER TAKE BACK (RESCIND) A JOB OFFER BASED ON A

## SAMPLE CRIMINAL HISTORY INDIVIDUAL ASSESSMENT FORM



### INFORMATION

Employer Name:	Applicant Name:
Position Applied For:	Date of Conditional Offer:
Date of Assessment:	Date of Criminal History Report:
Assessment Performed by:	

### ASSESSMENT

1. The specific duties and responsibilities of the job are:

a.	
b.	
c.	
d.	

2. Description of the criminal conduct and why the conduct is of concern with respect to the position in question (conduct that can't be considered includes infractions or arrests that didn't lead to a conviction, convictions that have been sealed or expunged, adjudications in the juvenile justice system, or participation in a pre- or post-trial diversion program):

--

3. How long ago did the criminal activity occur:

Nature of the job the applicant is seeking

Nature and gravity of the offense

Amount of time that has passed since the conviction

Yes... however, an employer has to conduct an individualized assessment and consider:

An employer cannot simply say that they won't hire anyone convicted of a certain crime.

# WHAT ARE MY RIGHTS IF THE EMPLOYER TAKES BACK THE JOB OFFER?

Employers must do the following:

- Notify the candidate in writing
- Identify the disqualifying conviction
- Provide a copy of the criminal history report
- Give the candidate at least 5 business days to respond

Tell applicants that their response may include:

- Evidence challenging the accuracy of the conviction history report (additional 5 business days)
- Evidence of rehabilitation
- Evidence of circumstances the applicant believes is important to consider about their life or the crime

## Sample Employer Notice of Preliminary Decision to Revoke Job Offer Because of Conviction History

[DATE]

**Re: Preliminary Decision to Revoke Job Offer Because of Conviction History**

Dear [APPLICANT NAME]:

After reviewing the results of your conviction history background check, we have made a preliminary (non-final) decision to revoke (take back) our previous job offer for the position of [INSERT POSITION] because of the following conviction(s):

- [LIST CONVICTION(S) THAT LED TO DECISION TO REVOKE OFFER]
- 
- 

*A copy of your conviction history report is attached to this letter. More information about our concerns is included in the "Individualized Assessment" below.*

As prohibited by Local and California law, we have NOT considered any of the following:

- Arrest(s) not followed by conviction;
- Participation in a pretrial or posttrial diversion program; or
- Convictions that have been sealed, dismissed, expunged, or pardoned.





# EXAMPLES OF INFORMATION/EVIDENCE YOU MAY PROVIDE:

- Employment or character references
- Proof of school, job training, or counseling
- Personal accomplishments
- Evidence showing your compliance with the terms and conditions of probation or parole
- The time that has passed since the conduct that led to your conviction(s) or since your release from incarceration
- Evidence that you have performed the same type of work since your conviction





# THE HIRING PROCESS UNDER THE CALIFORNIA FAIR CHANCE ACT

## Reassessment

Employer must consider any information the candidate submits in response.

## Final notification

After considering any information the candidate submits, the employer must:

- Notify the applicant in writing of any final disqualification from the job,
- Procedure the employer has to challenge final disqualification,
- Tell candidates their right to file a complaint with the Department of Fair Housing and Employment.

## Sample Employer Notice of Final Decision to Revoke Job Offer Because of Conviction History

[DATE]

**Re: Final Decision to Revoke Job Offer Because of Conviction History**

Dear [APPLICANT NAME]:

We are following up about our letter dated [DATE OF NOTICE] which notified you of our initial decision to revoke (take back) the conditional job offer:

(Please check one:)

- ☐ We did not receive a timely response from you after sending you that letter, and our decision to revoke the job offer is now final.
- ☐ We made a final decision to revoke the job offer after considering the information you submitted, which included: [LIST INFORMATION SUBMITTED]



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# SAN DIEGO FAIR CHANCE ORDINANCE

On March 12, 2024, the San Diego County Board of Supervisors requested the Office of Labor Standards and Enforcement (OLSE) draft a local Fair Chance Ordinance to complement the California Fair Chance Act.

On September 10, the Board of Supervisors adopted and passed a local Fair Chance Ordinance!

**Effective since October 10th, 2024**





# SAN DIEGO FAIR CHANCE ORDINANCE

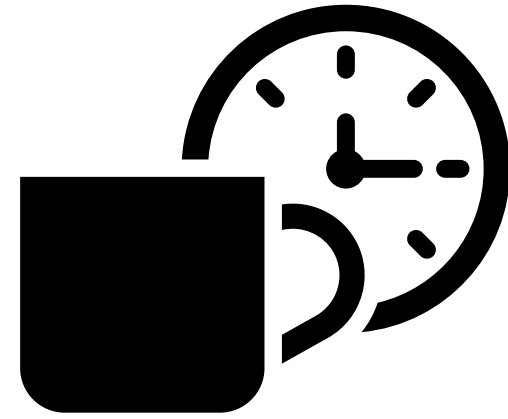
- An education enforcement program
- Streamlined reporting process
- Administer and enforce the FCO in the unincorporated area.
- ***Authority to issue administrative penalties for violating this local ordinance.*** \*
- Award the applicant or employee with no less than half of the penalty collected.
- Written individualized assessment of the applicant's conviction history before consideration of rescinding a job offer.
- During the five-day review period, the position must remain available while the review period (unless an emergency occurs) is being completed.

\*Penalties begin July 2025

[www.sandiegocounty.gov/OLSE/fair-chance/](http://www.sandiegocounty.gov/OLSE/fair-chance/)



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**LET'S TAKE A 15  
BREAK**

# DID YOU KNOW?

## **Society for Human Resource Management, (SHRM) Foundation Reported...**

A teal circular infographic with a white border, showing 85% in white text. The circle is partially filled with a teal arc.

85%

**AND**

A teal circular infographic with a white border, showing 81% in white text. The circle is partially filled with a teal arc.

81%

of human resource (HR) professionals

of business leaders

report that individuals with  
criminal records perform the  
same as, or better than,  
employees without criminal  
records.

# ESSENTIAL PREPARATIONS BEFORE AN INTERVIEW

## Attire:

- Dress in professional, clean, and well-fitting clothing appropriate for the job you're applying for.
- Opt for neutral colors and minimal accessories to maintain a polished appearance.

## Nutrition:

- Consume a balanced meal before the interview to maintain energy levels and focus.
- Avoid foods that may cause discomfort or are difficult to digest.

## Restroom Use:

- Use the restroom shortly before the interview to ensure comfort and avoid interruptions.
- Arrive early to accommodate any unforeseen delays, allowing time to freshen up if necessary.



# SMALL GROUP ACTIVITY

- What's one thing that makes you feel confident when applying for a job?
- What's something you've had to unlearn about job searching or the hiring process?
- Have you ever felt judged or discouraged during a job interview? What happened?
- What's one thing you want employers to understand about hiring people with a record?
- What questions have you been asked in an interview that you weren't sure how to answer?
- What do you think 'Fair Chance Hiring' really means in practice?
- What's one thing you've learned about yourself since re-entering the workforce or preparing for work?



# THANK YOU



- [www.sandiegocounty.gov/OLSE/](http://www.sandiegocounty.gov/OLSE/)
- Email: [olse@sdcounty.ca.gov](mailto:olse@sdcounty.ca.gov)
- Call: 619-531-5129



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# WELCOME TO THE FAIR CHANCE JOB FAIR



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