



**Employers with 20+ Employees Must Post This Notice for Applicants and Employees**

## CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE, MAYOR

### **OFFICIAL NOTICE TO JOB APPLICANTS AND EMPLOYEES**

# Fair Chance Ordinance

## Police Code, Article 49

**Starting August 13, 2014, the Fair Chance Ordinance (San Francisco Police Code, Article 49) requires employers to follow strict rules regarding the use of arrest and conviction records in hiring and employment decisions.** The ordinance covers job applicants and employees who would be or are performing work in whole, or in substantial part, in San Francisco and applies to employers who have 20 or more employees (regardless of the employees' locations).

**Certain matters are off-limits.** An employer may *never* ask about, require disclosure of, or consider: an arrest not leading to a conviction (other than an unresolved arrest that is still undergoing criminal investigation or trial); participation in a diversion or deferral of judgment program; a conviction that has been expunged or made inoperative; any determination in the juvenile justice system; a conviction more than 7 years old; and a criminal offense other than a felony/misdemeanor. Matters that are off-limits cannot be used by the employer for any reason at any stage of the hiring process.

**An employer cannot ask about an individual's conviction history or unresolved arrests at the start of the hiring process.** This includes through a job application form, informal conversation, or otherwise.

**A mandatory interactive process for matters not off-limits.** Only after a live interview has been conducted, or a conditional offer of employment made, is the employer allowed to ask about an individual's conviction history (except as to matters that are off-limits) and unresolved arrests. Only those convictions and unresolved arrests that *directly relate* to the individual's ability to do the job may be considered in making an employment decision.

Before the employer may take an adverse action such as failing/refusing to hire, discharging, or not promoting an individual based on a conviction history or unresolved arrest, the employer must give the individual an opportunity to present evidence that the information is inaccurate, the individual has been rehabilitated, or other mitigating factors. The individual has seven days to respond, at which point the employer must delay any adverse action for a reasonable time and reconsider the adverse action. The employer must notify the individual of any final adverse action.

*Evidence of rehabilitation* include satisfying parole/probation; receiving education/training; participating in alcohol/drug treatment programs; letters of recommendation; and age at which the individual was convicted. *Mitigating factors* include coercion, physical or emotional abuse, and untreated substance abuse/mental illness, that contributed to the conviction.

**Preemption.** Where federal or state law imposes a criminal history requirement that conflicts with a requirement of the Fair Chance Ordinance, the federal or state law will apply.

**No Retaliation.** An employer may not take an adverse action against an applicant or employee for exercising their rights under the ordinance or cooperating with the Office of Labor Standards Enforcement (OLSE). If you need more information, or wish to report an employer that you believe has violated this ordinance, please contact the OLSE at 415-554-5192 or email [FCE@sfgov.org](mailto:FCE@sfgov.org).

Employers must post this notice in English, Spanish, Chinese, and any language spoken by at least 5% of the employees at the workplace, job site, or other location at which it is posted. For copies of this notice in Spanish, Chinese, Filipino, Vietnamese, and Russian visit [www.sfgov.org/olse/fco](http://www.sfgov.org/olse/fco) or call (415) 554-5192.

Los empleadores están obligados a publicar este aviso en inglés, español, chino, y todo idioma hablado por más del 5% de los empleados en el lugar de trabajo, sitio de trabajo u otro lugar donde se publica. Para obtener copias de este aviso en español, chino, filipino, vietnamita, y ruso visite [www.sfgov.org/olse/fco](http://www.sfgov.org/olse/fco) o llame al 415-554-5192.

如果您需要更多資訊或者想要舉報您認為違反本條例的雇主，請撥打 415-554-5192 或者發送電子郵件到 [FCE@sfgov.org](mailto:FCE@sfgov.org) 聯繫 OLSE。

Kung kailangan pa ninyo ng higit na impormasyon, o nais mag-ulat ng employer na sa palagay ninyo ay lumabag sa ordinansang ito, mangyaring kontakin ang OLSE sa 415-554-5192 o email [FCE@sfgov.org](mailto:FCE@sfgov.org).

Các chủ nhân phải yết thị thông báo này bằng tiếng Anh, tiếng Tây Ban Nha, Trung Quốc, và bất cứ ngôn ngữ nào được nói bởi ít nhất là 5% người lao động tại nơi làm việc, công trường, hoặc địa điểm khác mà nó được yết thị. Để có bản của thông báo này bằng tiếng Tây Ban Nha, Trung Quốc, Philippines, Việt Nam và Nga, xin truy cập vào [www.sfgov.org/olse/fco](http://www.sfgov.org/olse/fco) hoặc gọi 415-554-5192.

Работодатели обязаны вывесить это извещение на рабочих местах или других местах размещения подобной информации на английском, испанском, китайском и любом другом языке, если на нем говорит более 5% сотрудников. Для копий этого извещения на испанском, китайском, филиппинском, вьетнамском, и русском языке посетите наш веб-сайт по адресу [www.sfgov.org/olse/fco](http://www.sfgov.org/olse/fco) или позвоните по номеру 415-554-5192.

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