



# SAN DIEGO COUNTY FAIR CHANCE ORDINANCE

## Local Fair Chance Educational Enforcement Program

A local ordinance would complement the State's Fair Chance Act (FCA), known as "Ban the Box", established in 2018. FCA prohibits employers with five or more employees from asking an applicant about their conviction history before extending a conditional job offer. Employers can rescind a job offer for directly related convictions after considering evidence of rehabilitation.

A local ordinance for the unincorporated area would allow the Office of Labor Standards and Enforcement (OLSE) to assist job seekers with their claims and engage employers to comply with the law. On March 12, 2024, this item was presented to the Board and OLSE has been given 120 days to draft an ordinance.

### If the California Fair Chance Act already exists, how does the San Diego County Fair Chance Ordinance (FCO) differ?

**An education enforcement program** that provides employers with education and training on the FCO hiring process to support compliance. Training will include educational intervention given to employers as part of the first written notice.

**Streamlined reporting process** for victims who feel they were discriminated against due to their criminal record. As the local authority, OLSE would take the appropriate steps to administer and enforce the FCO in the unincorporated area.

**Authority to issue administrative penalties** for violating this local ordinance. OLSE will award applicant or employee with no less than half of the penalty collected.

Employers will be required to perform a **written individualized assessment** of the applicant's conviction history before consideration of rescinding a job offer. This written documentation shall be held by the employer for a period of four years.

If the employer intends to retract the job offer, an applicant will have five days to provide evidence of rehabilitation or dispute the accuracy of the conviction history. During the five-day review period, the position **must remain available while the review period (unless an emergent circumstance occurs) is being completed.**

### Who will be affected by the FCO?

#### Businesses with:

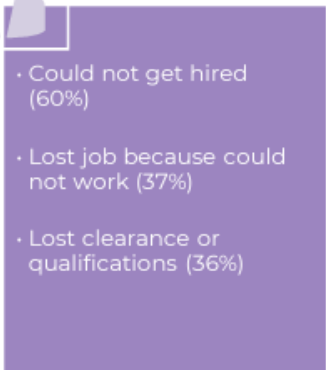
- 5 or more employees and;
- Are located or doing business in the unincorporated areas of the County or;
- An applicant's primary job location must average two hours of work each week within the unincorporated area.

#### Supporting Data:

- 14,400 business in the unincorporated area have 5 or more employees.
- In California alone, eight million people – one in five state residents – are living with a past conviction or record.
- 55% of people with past conviction cited difficulties attaining a job, maintaining employment, or making a living. -*Voices of Redemption: A National Survey of People with Records.*



Employment



"No one will hire me because of my grand theft and it's hard to get a job unless it's somewhere under the table or where they don't do background checks". - Community Survey Respondent