



The California Fair Chance Act: Know Your Rights as a Jobseeker Under the New ‘Ban the Box’ Law

The California Fair Chance Act (AB 1008) takes effect on January 1, 2018. The law ensures that employers fairly consider job applicants with a record by delaying when an employer can ask about an applicant’s conviction history or run a background check.

What is the California Fair Chance Act?

The Fair Chance Act, also known as “Ban the Box,” is a new California law meant to ensure that workers with conviction records are more fairly considered for jobs. Starting January 1, 2018, most California employers are not allowed to ask you about your conviction history on a job application or run a conviction background check on you until they offer you the job.

When can an employer ask about my conviction record?

Only *after* selecting an applicant and offering him or her the job (sometimes called a “conditional offer”) can an employer ask about conviction history or run a background check. The employer must get your written permission before conducting a background check.

Are there any employers that don’t need to comply with the Fair Chance Act?

Most government and private employers must comply, with only a few exceptions:

- Employers with fewer than five employees are not covered by the law.
- Law enforcement and criminal justice employers are not covered by the law.
- If any law requires the employer to run a background check for the specific job you applied for, the employer may ask about your record up front. This will be the case for many positions in finance and other jobs that the government regulates.

I was offered a job. Now what?

After offering you a job, the employer can ask about your conviction history and run a background check. It may revoke the job offer but must follow certain rules before doing so.

Is any arrest or conviction information off limits?

Yes, with few exceptions, employers cannot ask about or consider arrests (except currently open cases), diversion programs, juvenile court records, and expunged (“dismissed”) convictions.