


Date: May 5, 2023

To: Thomas B. Modica, City Manager 

From: Joe Ambrosini, Director of Human Resources 

For: Mayor and Members of the City Council

Subject: **Fair Chance Hiring Initiatives**

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On January 1, 2018, the California Fair Chance Act, also known as the Ban the Box law, was enacted to address the issue of employment discrimination against individuals with criminal records. The law prohibits employers with five or more employees from asking job applicants about their criminal history until after a conditional offer has been made.

The City of Long Beach (City) believes in fairness and equal opportunity for all job seekers, regardless of their past convictions. To ensure the City is complying with the requirements of the California Fair Chance Act, the Department of Human Resources (Human Resources) has worked diligently to review current processes and identify areas of opportunity for improvement. This memorandum will provide an overview of the Fair Chance Act, the City's current background check process, legal requirements, and potential actions that will be taken to help remove hiring barriers that may prevent qualified candidates from being considered for employment due to prior offenses.

### **Background**

The Fair Chance Act, CA Government Code 12952, came into effect to give applicants with criminal histories a fair chance to compete for jobs by allowing them to be evaluated based on their qualifications and skills before their criminal history is taken into consideration.

It prohibits affected employers from:

- Asking questions about an applicant's criminal history on job applications.
- Inquiring or considering an applicant's criminal history before a conditional employment offer has been made.
- Considering, distributing, or disseminating information about any of the following while conducting a criminal history background check in connection with an application for employment:
  - Arrests not followed by conviction.
  - Referral to or participation in a pretrial or posttrial diversion program.
  - Convictions that have been sealed, dismissed, expunged, or statutorily eradicated pursuant to law, or any conviction for which the convicted person has received a full pardon or has been issued a certificate of rehabilitation.

- Not explaining the applicant's right to submit evidence challenging the conviction history report, mitigating circumstances, or circumstances regarding rehabilitation.
- Not notifying the applicant in writing of their right to file a complaint with the Civil Rights Department (CRD).

### **Overview of the City's Current Background Check Process**

The City implemented the California Fair Chance Act on January 1, 2018. The City's internal process abides by applicable laws and regulations that restrict the use of conviction history in employment prior to sending a conditional job offer. The City also ensures background results are only used for permissible purposes and take the appropriate steps to ensure confidentiality is maintained. In addition to ensuring compliance with legal requirements, the City takes additional steps to improve the process for applicants with conviction histories beyond what is legally required.

Additional steps include:

- Summarizing the preliminary individualized assessment in writing to ensure that the decision-making process is transparent and well-documented, reducing the risk of legal or regulatory challenges and promoting fair and inclusive employment practices.
- Increased flexibility if the applicant informed the City of their intent to challenge the initial decision to rescind the conditional job offer but is having difficulty attaining evidence challenging the accuracy of the conviction history report.

### **Identifying Areas for Improvement**

Human Resources engaged members of the Department of Health and Human Services and Re-Entry Council workgroup on employment to discuss opportunities to enhance Fair Chance Hiring initiatives. The primary feedback provided during the meeting was that the City should enhance communication to job applicants, both during the application process and when employment job offers are rescinded. The recommendations included adding a statement to job applications and job postings reinforcing the City's commitment to fair chance laws, making it clear that an initial request for further information does not necessarily mean denial, and adding information on potential resources for candidates when appealing a denial.

### **Next Steps**

Human Resources will begin efforts to address the areas outlined by the Re-Entry Council workgroup and align with industry best practices to eliminate barriers for fair chance hiring.

#### **1. Market Fair Chance Hiring Initiative**

- Identify the City as a "Fair Chance Employer" on the City's website under the Human Resources page. Include the following information:
  - Details regarding the 2018 California Fair Chance Act.

- The existing procedures for conducting criminal background checks on candidates after they have been selected.
- Statistics on individuals with criminal records among recent hires made by the City.
- A hyperlink to the Frequently Asked Questions (FAQs) page.
- Identify the City as a “Fair Chance Employer” on the City’s social media platforms (such as Twitter, Instagram, Facebook, LinkedIn, etc.).
- Share social media content related to fair chance hiring through digital marketing and captions.
- Promote Fair Chance hiring during hiring events and job fairs by distributing flyers, posters, and promotional items that encourage individuals with criminal records to apply.

## 2. Incorporate Fair Chance Language on City Publications

- Include Fair Chance language on classified and unclassified job postings, as well as the employment application.
- Include the following statement in job bulletins and announcements:  
*“The City of Long Beach will consider qualified applicants with a criminal history pursuant to the California Fair Chance Act. You are not required to disclose your criminal history or participate in a background check until you receive a conditional job offer. If the City of Long Beach has concerns about a conviction that is directly related to the job after making a conditional job offer and conducting a background check, you will have the opportunity to explain the circumstances surrounding the conviction, provide evidence to mitigate concerns, or challenge the accuracy of the background report. Find out more about the Fair Chance Act by visiting <https://calcivilrights.ca.gov/fair-chance-act/>”*

## 3. Build Partnerships

Partner with California based organizations to promote City job opportunities. Some of the organizations the City can partner with are, but not limited to the following:

- **Homeboy Industries** is a Los Angeles based organization focused on finding permanent, meaningful employment for formerly gang involved and previously incarcerated individuals. It is a gang intervention, rehab, and re-entry program who also offer outside job placement services.
- **The Los Angeles Regional Reentry Partnership (LARRP)** is a network of agencies who work together to advance positive change for formerly incarcerated and convicted individuals. They offer virtual information sessions and promote local job opportunities/ events for job seekers.

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- **The Anti-Recidivism Coalition (ARC)** works to empower formerly and currently incarcerated individuals by providing a support network, comprehensive reentry services, and opportunities to advocate for policy change.

If you have any questions, please contact Joe Ambrosini, Human Resources Director at (562)570-6140.

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