



Department of Fair Employment & Housing

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DFEH Launches Affirmative Enforcement of the California Fair Chance Act

More than 500 notices sent to California employers in violation of legal protections for job applicants with criminal histories; new toolkit available

SACRAMENTO - The California Department of Fair Employment and Housing (DFEH) announced today a new effort to identify and correct violations of the Fair Chance Act, a pioneering state law that seeks to reduce barriers to employment for individuals with criminal histories. DFEH is utilizing technology to conduct mass searches of online job advertisements for statements that violate the Fair Chance Act. In a one-day review, for example, DFEH found over 500 job advertisements with unlawful statements that the employer will not consider any job applicant with a criminal record. DFEH is documenting these violations and sending notices to the employer to remove the unlawful statement. DFEH is also offering a new [toolkit of resources](#) to assist employers in complying with the Fair Chance Act.

“Using technology to proactively find violations of the state’s anti-discrimination laws is a powerful strategy for our department to protect Californians’ civil rights,” said DFEH Director Kevin Kish. “DFEH is committed to preventing employment discrimination through innovative enforcement actions and by providing clear guidance to employers.”

The Fair Chance Act, which is enforced by DFEH, generally prohibits employers with five or more employees from asking about a job applicant’s conviction history before making a conditional job offer and requires specific procedures for considering an applicant’s criminal history after a conditional job offer. Blanket statements in job advertisements indicating that an employer will not consider anyone with a criminal history, such as “No Felons” or “Must Have Clean Record,” violate the Fair Chance Act’s requirement that employers consider an applicant’s criminal history on an individual basis, as well as any mitigating information provided by the applicant. “Employers should thoughtfully consider an individual’s circumstances before denying them a job, rather than acting on stereotypes and generalizations,” said Kish.

DFEH’s new [Fair Chance Act Toolkit](#) includes:

- Sample forms that employers can use to follow the Fair Chance Act’s required procedures;
- A guide to using DFEH’s sample forms;
- A suggested statement that employers can add to job advertisements and applications to let applicants know that the employer will consider individuals with criminal histories;
- Answers to frequently asked questions (FAQs) about the Fair Chance Act; and
- An informational video that explains the Fair Chance Act.

In addition, DFEH plans to release an interactive training and an online app in 2022.

DFEH will continue to monitor job advertisements in California for compliance with the Fair Chance Act. DFEH also encourages individuals to [report discriminatory job advertisements](#) or [file complaints](#) with the department.

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The DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit the DFEH's website at www.dfeh.ca.gov.

