COUNTY OF LOS ANGELES
FAIR CHANCE ORDINANCE FOR EMPLOYERS

(LOS ANGELES COUNTY CODE CHAPTER 8.300. EFFECTIVE SEPTEMBER 3, 2024)

The Ordinance prohibits employers from asking individuals about their criminal history until after a conditional job offer has been made and requires employers to engage in a Fair Chance process before taking adverse actions such as taking back job offers, denying promotions, or terminating employment due to criminal history.

Filing a Complaint. You may file a complaint with the DCBA, OLE for a violation of the FCOE within one year of the violation.

(800) 593-8222

Website: workers.lacounty.gov
Email: fairchance@dcba.lacounty.gov

LA COUNTY CODE CHAPTER 8.300 FAIR CHANCE ORDINANCE

This ordinance applies to any employer that employs 5 or more employees who perform or will perform at least 2 hours of work per week in the unincorporated areas of Los Angeles County. Certain ordinance requirements do not apply to job positions where an employer is required by any state, federal or local law to conduct criminal background checks.

Consideration of Criminal History by Employers. Employers cannot ask applicants about their criminal history, including on a job application, during an interview, or through a criminal background check, until after a conditional job offer has been made.

Employers cannot consider criminal history information older than 7 years (with limited exceptions for positions relating to minors, dependents, or persons 65 years or older, or positions involving public funds/benefits). Employers also cannot consider the following information at any time: arrests not followed by a conviction (except for unresolved arrests); participation in a pretrial or posttrial diversion program or a deferral of judgment program; convictions that have been sealed, dismissed, expunged, pardoned or statutorily eradicated; juvenile court information; non-felony convictions for marijuana possession that are 2 or more years old; infractions, unless driving is part of the job duties; and decriminalized conduct.

LA COUNTY CODE CHAPTER 8.300.050 FAIR CHANCE PROCESS

Fair Chance Process. An employer must take the following steps before making a final decision to take back a job offer or take any other adverse actions against an applicant or employee based on criminal history:

- Make a written individualized assessment of whether the person's criminal history has a direct, adverse and negative bearing on their ability to perform the job duties.
- Provide the applicant or employee: 1) written notice of its preliminary decision (Preliminary Notice of Adverse Action), 2) a copy of the Initial Individualized Assessment and criminal background report, and 3) information on how the applicant may respond by submitting evidence of errors on the criminal background check and/or evidence of rehabilitation or mitigating circumstances.
- Provide the applicant or employee at least 5 business days to respond to the Preliminary Notice of Adverse Action, and if they make a written request, an additional 10 business days.
- Conduct a written Second Individualized Assessment considering the applicant or employee's response to the preliminary notice.
- Provide written notice of any final decision to withdraw a job offer or other adverse action (Final Notice of Adverse Action), a copy of the second individualized assessment, and information on the right to file a complaint with the Los Angeles County Department of Consumer & Business Affairs ("DCBA"), Office of Labor Equity ("OLE") for violation of the Fair Chance Ordinance for Employers ("FCOE").

Job Postings. Employers cannot include language in job postings that discourage individuals with criminal history from applying. Phrases such as **"No Felons,"** or **"Must Have a Clean Background"** are prohibited.

Right to Sue. You may file your own civil lawsuit against an employer under the FCOE. You are advised to consult an attorney on this process. Before filing a civil lawsuit, you must file an intent-to-sue notice with the DCBA, OLE.

Employer Posting Requirement. *This poster must be displayed in a conspicuous and accessible place at every workplace or job site and must be made available in English and any other languages spoken by at least 10 percent of the employer's workforce.*