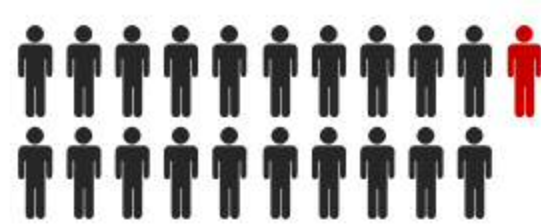


SAN FRANCISCO 'BAN-THE-BOX' ORDINANCE EMPLOYER REQUIREMENTS AND IMPACT

San Francisco Ordinance

Effective August 14, 2014



Prohibits employers with more than **20** employees from inquiring into an applicant's criminal history in an employment application or during the first live interview.

The ordinance is very specific as to what employers must and cannot do



Review requirements and adjust policies and practices accordingly—preferably with the advice of **employment law counsel**.

Impact Beyond Simply Banning the Box

Prevents employers from considering "Convictions that are more than seven years old—the **date of conviction being the date of sentencing.**"



Current CA law also includes a seven year limit, but the limit means that **a person has been custody free for seven years**



Under the SF ordinance an employer **can not seek nor consider an applicant's conviction for any crime, including murder or pedophilia**, if they were just released from confinement **under a sentence levied seven years and one day ago.**



Under state law, such the person would have to be **custody free for seven years before the matter could not be considered.**

What Employers "Must" Do



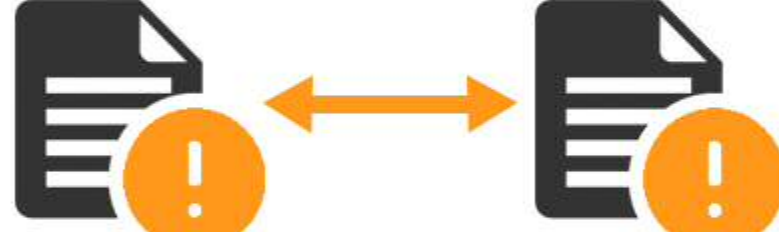
All job postings must state that the employer will consider qualified applicants with criminal histories in a manner consistent with the requirements of the ordinance.



Employers must post a notice informing applicants and employees of their rights under the ordinance in a conspicuous place at every workplace including a temporary jobsite.



Notice must be posted in any language spoken by at least 5 percent of the employees at that specific location.



Employers must send a copy of this notice to each union with which the employer has a collective bargaining agreement.



Prior to any criminal history inquiry including running a background check, an employer must provide a copy of this notice to an applicant or employee every time the applicant or employee completes a background check consent/disclosure and authorization form.

What Employers "Cannot" Do

Employers cannot inquire about or consider:



Arrests not leading to convictions though employers may obtain and consider current pending arrests.



Participation in or completion of a diversion or a deferral of judgment program.



Convictions that are more than seven years old - the date of conviction being the date of sentencing.



Convictions that have been judicially dismissed,



Juvenile convictions.

Employers may not advertise that any person with an arrest or conviction will not be considered for employment or may not apply for employment.



ESR Provides The Following Assistance



Clients with San Francisco City or County addresses will have criminal records filtered and reported as required by the ordinance where they go

- **Specifically:** Not reporting convictions that are more than seven years old - **the date of conviction being the date of sentencing.**



Online and paper based consent forms will be updated with English language "**SAN FRANCISCO NOTICE TO JOB APPLICANTS.**"



Indexed copy of **San Francisco Fair Chance Ordinance** - Police Code, Article 49 with references to housing removed.

Client Services is available to answer your questions at anytime between 6 am and 5 pm.

Call **888-999-4474**

