**California’s Ban the Box Law**

**Employer Guidance**

Effective January 1, 2018, employers of five or more employees in California may not lawfully inquire about or require disclosure of a job applicant's criminal history until after a conditional offer of employment has been made to the applicant. This is known as California’s “Ban the Box” law. The only exceptions to this law are: (1) positions for which the state or a local government agency is required by law to conduct a criminal background check, (2) a position with a criminal justice agency, (3) a position as a farm labor contractor, or (4) a position for which an employer is required by law to conduct criminal background checks for employment purposes or to restrict employment based on criminal history.

California’s “Ban the Box” law sets forth a specific process employers must follow with respect to inquiring about and acting on job applicants’ criminal history. Employers must do the following:

1. Use an employment application that does not contain inquiries about the applicant’s criminal history. A sample application is included in this package as Exhibit A. We recommend that you include an agreement to arbitrate disputes regarding the hiring process as well as other employment disputes, as we anticipate an increase in lawsuits challenging failure to hire on account of criminal convictions. Such an arbitration agreement is included in Exhibit A. This arbitration agreement should not replace the arbitration agreement that you have new hires sign. You should still have new hires sign an agreement to arbitrate all employment disputes.

2. When you make an offer of employment to an applicant, you should state that the offer is conditional based on a satisfactory review of the applicant’s criminal history. Simultaneously with the conditional offer of employment you should give the applicant a Post Conditional Offer Criminal History Inquiry form and cover letter that are included in this package as Exhibit B. You will need to fill in the indicated information and provide a reasonable deadline for the applicant to submit the completed inquiry form. Be sure that the applicant signs the statement at the bottom of the form certifying that all information provided is true, complete and accurate.

3. If the applicant discloses one or more criminal convictions you must make an individualized assessment to determine if the conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position. In doing so, your assessment must consider: (1) the nature and gravity of the offense or conduct, (2) the time that has passed since the offense and completion of the sentence, and (3) the nature of the job sought. Unlike under the City of Los Angeles’ “Ban the Box” ordinance, this individualized assessment is not required to be presented to the applicant in writing. Nonetheless, if you decide to withdraw the conditional job offer in whole or in part on account of one or more of the applicant’s criminal convictions, you should create some documentation of your own of why you made such a determination. Factors to consider include whether the nature of the crime is directly related to the duties of the job. For example, a conviction of embezzlement or fraud would be directly related to the duties of an accounting job but not to a customer service position where the employee does not handle financial transactions. Also consider the nature of the crime and the potential for harm to clients, customers or the public. For example, a convicted sex offender would pose a greater danger to others in a job involving unsupervised interaction with customers in their homes than in a job working under supervision on a construction site. Additionally consider the severity and age of the conviction, and whether the applicant had more than one conviction. If you decide to reject an applicant based on his or her criminal history, you must tie specific convictions to specific job duties or responsibilities. You may not reject an applicant with one or more criminal convictions simply because you deem him or her to be generally irresponsible or immoral.

4. If you decide tentatively to withdraw a conditional job offer based on the applicant’s criminal history you must notify the applicant in writing. You must specify which conviction(s) caused you to decide to withdraw the offer. This notification is not required to justify or explain your reason for deciding to withdraw the offer, but it must include: (1) notice of the disqualifying conviction(s) that are the basis for the preliminary decision to withdraw the offer, (2) a copy of the conviction history report (if any), and (3) an explanation of the applicant’s right to respond with evidence challenging the accuracy of the conviction record and/or evidence of rehabilitation or mitigating circumstances. You must give the applicant ***at least five (5) business days*** to respond. If the applicant notifies you in writing that he or she challenges the accuracy of the conviction record ***and*** is taking steps to obtain evidence supporting that challenge, you must give the applicant ***five (5) additional business days*** to respond to the notice. A sample notification letter is included in this package as Exhibit C.

5. You must consider any information the applicant submits within the deadline. You are not required to change your mind, and you are not required to explain your reasoning to the applicant if you do not change your mind, but again you should create some internal documentation that you considered the information presented and why you did not change your position in response to it.

6. If you decide to make your tentative decision to withdraw the job offer final, you must notify the applicant in writing of: (1) your final decision to withdraw the job offer, (2) any existing procedure you have for the applicant to appeal your decision (you are not required to provide such an appeal right, however), and (3) the applicant’s right to file a complaint with the Department of Fair Employment and Housing. A sample notification letter is included in this package as Exhibit D.

7. If the applicant fails to submit any information within the deadlines provided, you should notify the applicant that your decision to withdraw the job offer has become final. You must notify the applicant in writing of: (1) your final decision to withdraw the job offer, (2) any existing procedure you have for the applicant to appeal your decision (again, you are not required to provide such an appeal right), and (3) the applicant’s right to file a complaint with the Department of Fair Employment and Housing. A sample notification letter is included in this package as Exhibit E.

8. California’s “Ban the Box” law does not supersede local ordinances, such as those of Los Angeles and San Francisco, that are stricter or that place additional obligations on employers. If you have employees working in local jurisdictions with their own ordinances, you must consider both the state law and the local ordinance and apply the provisions of both that are most favorable to employees and applicants.

Exhibit A

**APPLICATION FOR EMPLOYMENT**

**CALIFORNIA**

**Equal Employment Opportunity Policy:** We are committed to providing equal employment opportunities to all employees and applicants without regard to race, ethnicity, religion, color, sex (including childbirth, breast feeding and related medical conditions), gender, gender identity or expression, sexual orientation, national origin, ancestry, citizenship status, uniform service member and veteran status, marital status, pregnancy, age, protected medical condition, genetic information, disability or any other protected status in accordance with all applicable federal, state and local laws.

Position Desired: [ ] Part time [ ] Full time Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name

(Print) Last First Middle

Present How long have

Address you lived there? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Street and Number City State Zip Code Years Months

Previous How long have

Address you lived there? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Street and Number City State Zip Code Years Months

Telephone No. Social Security No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Have you ever worked for this Company before? [ ] Yes [ ] No

If yes, please give dates and position:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**RECORD OF PREVIOUS EMPLOYMENT**

Please list the names of your present or previous employers in chronological order with present or last employer listed first. Be sure to account for all periods of time including any period of unemployment. If self-employed, give business name and supply business references. [Add additional page if necessary]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Present or Last Employer  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Address  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  City, State, Zip Code  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Telephone | Employed  \_\_\_\_\_\_\_\_  From (mo/yr)  \_\_\_\_\_\_\_\_  To (mo/yr) |  | Your Title or Position  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name and Title of  Last Supervisor  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Exact Reason for Leaving |
| Present or Last Employer  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Address  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  City, State, Zip Code  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Telephone | Employed  \_\_\_\_\_\_\_\_  From (mo/yr)  \_\_\_\_\_\_\_\_  To (mo/yr) |  | Your Title or Position  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name and Title of  Last Supervisor  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Exact Reason for Leaving |
| Present or Last Employer  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Address  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  City, State, Zip Code  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Telephone | Employed  \_\_\_\_\_\_\_\_  From (mo/yr)  \_\_\_\_\_\_\_\_  To (mo/yr) |  | Your Title or Position  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name and Title of  Last Supervisor  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Exact Reason for Leaving |
| Present or Last Employer  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Address  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  City, State, Zip Code  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Telephone | Employed  \_\_\_\_\_\_\_\_  From (mo/yr)  \_\_\_\_\_\_\_\_  To (mo/yr) |  | Your Title or Position  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name and Title of  Last Supervisor  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Exact Reason for Leaving |
| Present or Last Employer  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Address  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  City, State, Zip Code  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Telephone | Employed  \_\_\_\_\_\_\_\_  From (mo/yr)  \_\_\_\_\_\_\_\_  To (mo/yr) |  | Your Title or Position  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name and Title of  Last Supervisor  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Exact Reason for Leaving |

Have you ever been terminated or asked to resign from any job? [ ] Yes [ ] No

If yes, please explain circumstances:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please explain fully any gaps in your employment history:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

May we contact your current employer? [ ] Yes [ ] No. If No, please explain:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please indicate any actual experience, special training and qualifications that you have which you feel are relevant to the position for which you are applying.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Have you ever used another name? [ ] Yes [ ] No Is any additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work and educational record? If yes, please explain:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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If hired, can you furnish proof that you are over 18 years of age? [ ] Yes [ ] No

Do you have adequate transportation to and from work? [ ] Yes [ ] No

**EDUCATION**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **School Name** | **Years Completed**  **(Circle)** | **Diploma/Degree** | **Describe Course of Study or Major** | **Describe Specialized Training, Experience, Skills and Extra-Curricular Activities** |
| **Elementary:** | 4 5 6 7 8 |  |  |  |
| **High School:** | 9 10 11 12 |  |  |  |
| **College/University:** | 1 2 3 4 |  |  |  |
| **Graduate/Professional:** | 1 2 3 4 |  |  |  |
| **Trade or Correspondence:** |  |  |  |  |
| **Other:** |  |  |  |  |

**PERSONAL REFERENCES**

Please list persons who know you well -- **not** previous employers or relatives

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name** | **Occupation** | **Address**  **(Street, City and State)** | **Telephone**  **Number** | **Number of Years**  **Known** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**THIS APPLICATION WILL BE CONSIDERED ACTIVE FOR A MAXIMUM OF THIRTY (30) DAYS. IF YOU WISH TO BE CONSIDERED FOR EMPLOYMENT AFTER THAT TIME, YOU MUST REAPPLY.**

**I CERTIFY THAT ALL OF THE INFORMATION THAT I HAVE PROVIDED ON THIS APPLICATION IS TRUE AND ACCURATE.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date Signature of Applicant**

**APPLICANT'S STATEMENT & AGREEMENT**

1. In the event of my employment in a position with this Company, I will comply with all rules and regulations of this Company. I understand that the Company may require me to submit to a test for the presence of drugs in my system prior to employment and at any time during my employment, to the extent permitted by law. I also understand that any offer of employment may be contingent upon the passing of a physical examination. I consent to the disclosure of the results of any physical examination and related tests to the Company. I also understand that I may be required to take other tests such as personality and honesty tests, prior to and during my employment. I understand that should I decline to sign this consent or take any of the above tests, my application for employment may be rejected or my employment may be terminated. I understand that bonding may be a condition of hire. If it is, I will be so advised either before or after hiring and a bond application will have to be completed.

2. I further understand that the Company may contact my previous employers. I authorize those employers to disclose to the Company all records and information pertinent to my employment with them. In addition to authorizing the release of any information regarding my employment, I hereby waive any rights or claims I have or may have against my former employers, their agents, employees, and representatives, as well as other individuals who release information to the Company, and release them from any and all liability, claims, or damages that may directly or indirectly result from the use, disclosure, or release of any such information by any person or party, whether such information is favorable or unfavorable to me. I authorize the persons named herein as personal references to provide the Company with any pertinent information they may have regarding myself. I also authorize the Company to use social media and other internet resources as part of the pre-employment screening process to the extent permitted by law.

3. I hereby state that all the information that I have provided on this application or any other documents completed in connection with my employment, and in any interview, is true and accurate. I have withheld nothing that would, if disclosed, affect this application unfavorably. I understand that if I am employed and any information provided to the Company is found to be false or incomplete in any respect, I may be dismissed. I understand if selected for hire, it will be necessary for me to provide satisfactory evidence of my identity and legal authority to work in the United States, and that federal immigration laws require me to complete an I-9 Form in this regard.

4. I and the Company agree to utilize binding arbitration as the sole and exclusive means to resolve all disputes that may arise out of or be related in any way to my employment or my application for employment. I and the Company each specifically waive and relinquish our respective rights to bring a claim against the other in a court of law and to have a trial by jury. Both I and the Company agree that any claim, dispute, and/or controversy that I may have against the Company (or its owners, directors, officers, managers, employees, or agents), or the Company may have against me, shall be submitted to and determined exclusively by binding arbitration under the Federal Arbitration Act (“FAA”), in conformity with the procedures of the California Arbitration Act (Cal. Code Civ. Proc. sec 1280 et seq., including section 1283.05 and all of the Act’s other mandatory and permissive rights to discovery). The FAA applies to this Agreement because the Company’s business involves interstate commerce. Included within the scope of this Agreement are all disputes, whether based on tort, contract, statute (including, but not limited to, any claims of discrimination, harassment and/or retaliation, whether they be based on the California Fair Employment and Housing Act, Title VII of the Civil Rights Act of 1964, as amended, or any other state or federal law or regulation), equitable law, or otherwise. The only exceptions to binding arbitration shall be for claims arising under the National Labor Relations Act which are brought before the National Labor Relations Board, claims for medical and disability benefits under the California Workers’ Compensation Act, Employment Development Department claims, or other claims that are not subject to arbitration under current law. Moreover, nothing herein shall prevent me from filing and pursuing proceedings before the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission (although if I choose to pursue a claim following the exhaustion of such administrative remedies, that claim would be subject to the provisions of this Agreement).

5. In addition to any other requirements imposed by law, the arbitrator selected to hear claims under this Agreement shall be a retired California Superior Court Judge, or an otherwise qualified individual to whom the parties mutually agree, and shall be subject to disqualification on the same grounds as would apply to a judge of such court. All rules of pleading (including the right of demurrer), all rules of evidence, all rights to resolution of the dispute by means of motions for summary judgment, judgment on the pleadings, and judgment under Code of Civil Procedure Section 631.8 shall apply and be observed. The arbitrator shall have the immunity of a judicial officer from civil liability when acting in the capacity of an arbitrator, which immunity supplements any other existing immunity. Likewise, all communications during or in connection with the arbitration proceedings are privileged in accordance with Cal. Civil Code Section 47(b). As reasonably required to allow full use and benefit of this Agreement’s modifications to the Act’s procedures, the arbitrator shall extend the times set by the Act for the giving of notices and setting of hearings. Awards shall include the arbitrator’s written reasoned opinion. Resolution of all disputes shall be based solely upon the law governing the claims and defenses pleaded, and the arbitrator may not invoke any basis (including but not limited to, notions of “just cause”) other than such controlling law.

6. I agree that, if hired, my employment shall not be for any specific duration and either the Company or I may terminate my employment relationship at any time, with or without cause and/or with or without prior notice. This express at-will acknowledgement supersedes any and all prior representations or understandings, whether written or oral, express or implied, between the Company and me. My employment-at-will status, if I am hired, may only be changed in a written document signed by the president of the Company.

7. This is the entire agreement between myself and the Company regarding dispute resolution, the length of my employment if hired, and the reasons for termination of my employment, and this agreement supersedes any and all prior agreements regarding these issues. Oral representations or agreements made before or after my employment do not alter this Agreement. If any term, provision, or portion of this Agreement is determined to be void or unenforceable it shall be severed and the remainder of this Agreement shall be fully enforceable.

**MY SIGNATURE BELOW ATTESTS TO THE FACT THAT I HAVE READ, UNDERSTAND, AND AGREE TO BE LEGALLY BOUND TO ALL OF THE ABOVE TERMS.**

**DO NOT SIGN UNTIL YOU HAVE READ THE ABOVE ACKNOWLEDGMENT AND AGREEMENT.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Signature of Applicant Date**

Exhibit B

**[Company Letterhead]**

[Date]

[Applicant’s Address Block]

Dear [Applicant]:

Thank you for your interest in employment with [Company Name] (the “Company”).

As you are aware, a conditional offer of employment was extended on [date]. So that we may complete our review of your qualifications for this position, please complete the attached Post Conditional Offer Criminal History Inquiry form.

Please be aware that acknowledging criminal convictions will not result in an automatic bar to employment. Factors including the nature and gravity of the offense, the time that has passed since the offense and completion of your sentence, and the nature of the job will be considered. Further, if the Company tentatively decides to withdraw its offer of employment based on your criminal history you will be given an opportunity to submit evidence challenging the accuracy of the conviction record, to offer evidence of rehabilitation or mitigating circumstances, or both, before the decision becomes final.

Please complete and return the attached Post Conditional Offer Conviction History Inquiry form no later than [date].

Sincerely,

**POST CONDITIONAL OFFER CRIMINAL HISTORY INQUIRY**

**Equal Employment Opportunity Policy:** We are committed to providing equal employment opportunities to all employees and applicants without regard to race, ethnicity, religion, color, sex (including childbirth, breast feeding and related medical conditions), gender, gender identity or expression, sexual orientation, national origin, ancestry, citizenship status, uniform service member and veteran status, marital status, pregnancy, age, protected medical condition, genetic information, disability or any other protected status in accordance with all applicable federal, state and local laws.

Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Print) Last First Middle

Have you ever pled guilty or "no contest" to, or been convicted of, a misdemeanor or felony? [ ] Yes [ ] No

If yes, please give the date(s) and details:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Do not include minor traffic infractions, convictions for which the record has been sealed or expunged, any conviction for which probation has been successfully completed or otherwise discharged and the case has been judicially dismissed, referrals to and participation in any pretrial or post trial diversion programs, any conviction that has been judicially dismissed or ordered sealed, juvenile court adjudications, and misdemeanor marijuana-related convictions that occurred over two years ago in answering these questions.

Have you been arrested for any matters for which you are currently out on bail or on your own recognizance pending trial?? [ ] Yes [ ] No

If yes, please give the date(s) and details:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Answering "Yes" to the preceding questions will not result in an automatic bar to employment. Factors including the nature and gravity of the offense, the time that has passed since the offense and completion of your sentence, and the nature of the job will be considered. Further, if the Company tentatively decides to withdraw its offer of employment based on your criminal history you will be given an opportunity to submit evidence challenging the accuracy of the conviction record, to offer evidence of rehabilitation or mitigating circumstances, or both, before the decision becomes final.

**I hereby state that all the information that I have provided on this form is true, complete and accurate. I understand that if the information I have provided is found to be false or incomplete in any respect, the conditional offer of employment will be withdrawn immediately, or if I am employed, I will be subject to immediate termination.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date Signature of Applicant**

Exhibit C

**[Company Letterhead]**

[Date]

[Applicant’s Address Block]

Dear [Applicant]:

As you know, a conditional offer of employment was extended to you on [date]. This offer of employment was conditioned on a review of your criminal history.

[EITHER:]

In response to the Post Conditional Offer Criminal History Inquiry you disclosed criminal convictions as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. A copy of your response to the Post Conditional Offer Criminal History Inquiry is enclosed.

[OR:]

The criminal background check we ran on you reported that you have criminal convictions as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. A copy of the criminal background check report is enclosed.

We have tentatively decided to withdraw our conditional offer of employment to you based on the criminal convictions listed above. We have conducted an individualized assessment of whether your conviction history has a direct and adverse relationship with the specific duties of the job you were offered, and we find that it does.

You have the right to respond to this notice by providing documents or information challenging the accuracy of the conviction history, evidence of your rehabilitation and/or mitigating circumstances, or both.

If you have documents or information you wish to submit regarding evidence of your rehabilitation and/or mitigating circumstances, you must do so within five (5) business days of your receipt of this letter. If you notify us in writing within five (5) business days of your receipt of this letter that you wish to challenge the accuracy of your criminal history that was provided to us and that you are taking specific steps to obtain evidence supporting your challenge, you will have an additional five (5) business days in which to submit your challenge.

Please direct all further communications about this matter to me at the above address.

Sincerely,

Exhibit D

**[Company Letterhead]**

[Date]

[Applicant’s Address Block]

Dear [Applicant]:

We have considered the information you have submitted challenging the accuracy of your criminal conviction history, evidence of your rehabilitation and/or mitigating circumstances, or both.

Regretfully, we must notify you that our decision to withdraw our conditional offer of employment is now final.

We do not offer a right to appeal. You have the right to file a complaint with the California Department of Fair Employment and Housing.

Thank you for your interest in working for our company.

Sincerely,

Exhibit E

**[Company Letterhead]**

[Date]

[Applicant’s Address Block]

Dear [Applicant]:

On [date], we notified you of our tentative decision to withdraw our conditional offer of employment based on your criminal history. We further notified you of your right to submit documents or information challenging the accuracy of your criminal conviction history, evidence of your rehabilitation and/or mitigating circumstances, or both.

You did not respond by the indicated deadline. Therefore, we must notify you that our decision to withdraw our conditional offer of employment is now final. We do not offer a right to appeal. You have the right to file a complaint with the California Department of Fair Employment and Housing.

Thank you for your interest in working for our company.

Sincerely,