



Proposed Criminal-Record Rules in California Raise Challenges for Employers

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The article, "Proposed Criminal-Record Rules in California Raise Challenges for Employers," featured in *SHRM*, discussed challenges employers will face in light of the newly proposed regulations from the California Fair Employment and Housing Council (FEHC), which would prohibit employers from using criminal background reports if members of a particular race, national origin or other protected category were disproportionately affected.

Alden Parker weighed in on the newly proposed criminal-record rules.

"Employers in a lot of industries will have a difficult time with the burden that these regulations will impose," said Alden.

Under the proposed regulations, criminal convictions of a certain type, such as assault and battery, might not preclude someone from getting a job as a cashier at a restaurant, whereas a theft conviction might, Alden explained.

Employers wouldn't be able to simply conduct a "pass or fail" screen, he said. They would be required to go much deeper into the background and see if the offenses are reasonably related to the job.

Alden said employers should review their job descriptions to make sure they reflect the tasks that employees are actually performing. For example, he said, if the position involves cash handling, that should be included in the job description. This may be relevant when considering whether a theft conviction is job-related.

To read the full article, please visit [SHRM](#).

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