

*Post where readily accessible to job applicants and employees.*

## CITY AND COUNTY OF SAN FRANCISCO



EDWIN M. LEE, MAYOR

### **NOTICE TO JOB APPLICANTS AND EMPLOYEES**

# San Francisco Fair Chance Ordinance

## Police Code, Article 49

**Starting August 13, 2014, the Fair Chance Ordinance (San Francisco Police Code, Article 49) requires employers to follow strict rules regarding the use of arrest and conviction records in hiring and employment decisions.** The ordinance covers job applicants and employees who would be or are performing work in whole, or in substantial part, in San Francisco and applies to employers who have 20 or more employees (regardless of the employees' locations).

**Certain matters are off-limits.** An employer may *never* ask about, require disclosure of, or consider: an arrest not leading to a conviction (other than an unresolved arrest that is still undergoing criminal investigation or trial); participation in a diversion or deferral of judgment program; a conviction that has been expunged or made inoperative; any determination in the juvenile justice system; a conviction more than 7 years old; and a criminal offense other than a felony/misdemeanor. Matters that are off-limits cannot be used by the employer for any reason at any stage of the hiring process.

**An employer cannot ask about an individual's conviction history or unresolved arrests at the start of the hiring process.** This includes through a job application form, informal conversation, or otherwise.

**A mandatory interactive process for matters not off-limits.** Only after a live interview has been conducted, or a conditional offer of employment made, is the employer allowed to ask about an individual's conviction history (except as to matters that are off-limits) and unresolved arrests. Only those convictions and unresolved arrests that *directly relate* to the individual's ability to do the job may be considered in making an employment decision.

Before the employer may take an adverse action such as failing/refusing to hire, discharging, or not promoting an individual based on a conviction history or unresolved arrest, the employer must give the individual an opportunity to present evidence that the information is inaccurate, the individual has been rehabilitated, or other mitigating factors. The individual has seven days to respond, at which point the employer must delay any adverse action for a reasonable time and reconsider the adverse action. The employer must notify the individual of any final adverse action.

*Evidence of rehabilitation* include satisfying parole/probation; receiving education/training; participating in alcohol/drug treatment programs; letters of recommendation; and age at which the individual was convicted. *Mitigating factors* include coercion, physical or emotional abuse, and untreated substance abuse/mental illness, that contributed to the conviction.

**No Retaliation.** An employer may not take an adverse action against an applicant or employee for exercising their rights under the ordinance or cooperating with the Office of Labor Standards Enforcement OLSE.

If you need more information, or wish to report an employer that you believe has violated this ordinance, please contact the OLSE at 415-554-5192 or email [FCE@sfgov.org](mailto:FCE@sfgov.org).

OFFICE OF LABOR STANDARDS ENFORCEMENT

City Hall, Room 430 1 Dr. Carlton B. Goodlett Place San Francisco CA 94102-4685 Tel. (415) 554-6235 Fax (415) 554-4791

張貼於求職者和雇員容易看到的地方。

## 三藩市縣



市長李孟賢

### 求職者和雇員通告

# 三藩市公平機會條例

## 《警察法規》第 49 條

2014 年 8 月 13 日起，《公平機會條例》（《三藩市員警法規》第 49 條）要求雇主做出招聘和雇用決定時嚴格遵守使用被捕和犯罪記錄相關的規定。本條例適用於將來或目前大部分時間在三藩市工作的求職者和雇員並適用於有 20 名或以上雇員的雇主（不考慮雇員的所在地）。

**某些事項受到禁止。** 雇主任何時候不得問及、要求披露或者考慮求職者或雇員相關的以下事項：（1）未導致定罪的逮捕（仍在進行刑事調查或審理的除外）；（2）參與判決程序轉移或延期；（3）被刪除或宣告無效的有罪判決；（4）青少年司法系統的決定；（5）7 年前的有罪判決；以及（6）重罪/輕罪以外的犯罪行為。

**雇主在招聘過程開始時，不得問及個人的犯罪史或未定罪的逮捕。** 這包括透過職位申請表、非正式談話或其他方式的詢問。

**不受禁止事項在聘用過程中必須遵守的規定。** 僅可在進行現場面試或者提供有條件雇用之後，才准許雇主問及個人的定罪史（受到禁止的事項除外）和未定罪的逮捕。做出雇用決定時僅可考慮與個人從事該工作的能力直接相關的有罪判決和未定罪的逮捕。

雇主根據定罪史或未定罪的逮捕採取不/拒絕聘用、解雇或不晉升個人之前，雇主必須給予此人機會提交證據表明該資訊不準確、此人已改過自新或者其他減輕因素。此人有七天時間做出回應，在此期間雇主必須合理延遲時間並重新考慮該不聘用決定。雇主必須通知此人任何最終的決定。

改過自新的證據包括令人滿意的假釋/緩刑；接受教育/培訓；參加酒精/毒品治療項目；推薦信；以及個人被判有罪的年齡。減輕因素包括促成有罪判決的脅迫、身體或精神虐待以及未得到治療的藥物濫用/精神疾病。

**禁止報復。** 雇主不得因求職者或雇員行使條例規定的權利或者配合勞工標準執行辦公室（OLSE），而對求職者或雇員採取報復行動。

如果您需要更多資訊或者想要舉報您認為違反本條例的雇主，請撥打 415-554-5192 或者發送電子郵件到 [FCE@sfgov.org](mailto:FCE@sfgov.org) 聯繫 OLSE。

勞工標準執行辦公室

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