

FAIR CHANCE HIRING

**An Employer's Guide to
Hiring System-Impacted Individuals**

fairchance

**department
of economic
opportunity**
COUNTY OF LOS ANGELES

Powered by Root & Rebound, LeadersUp and TaskForce

WHY EQUITY STARTS WITH A FAIR CHANCE

Every year, more than 650,000 individuals go through the criminal legal system and return to their homes and to the workforce, looking to start anew. This includes approximately 60,000 of our neighbors right here in LA County. If they are not given opportunities for employment, a source of livelihood, and a place to live, two-thirds of them will likely recidivate within three years of release.

With California predicted to rise from the world's fifth to fourth largest economy this year, and with numerous high growth industries ranging from healthcare to construction, transportation and manufacturing to name just a few in LA County alone, the significant unemployment rate of individuals in reentry is simply unacceptable.

It's time to change this.

The County of Los Angeles is proud to lead the charge for Fair Chance hiring. Last year, the Board of Supervisors set forth a motion for a countywide effort in building awareness and creating opportunities for Fair Chance hiring. This year, the Department of Economic Opportunity (DEO), together with its partners LeadersUp, Root & Rebound, and TaskForce, are bringing together Fair Chance employers and system-impacted job seekers through curated information sessions for businesses and individuals in reentry. Through this information series, we hope to match your business' hiring needs with a talent pool comprised of system-impacted applicants who are committed to making a difference in your business.

The contents of this toolkit will demonstrate that Fair Chance hiring makes good business sense: it widens your talent pool, fortifies your recruitment strategy, grows your DEI, brings in reliable, productive, and loyal employees, reduces recidivism and creates safer and stronger communities.

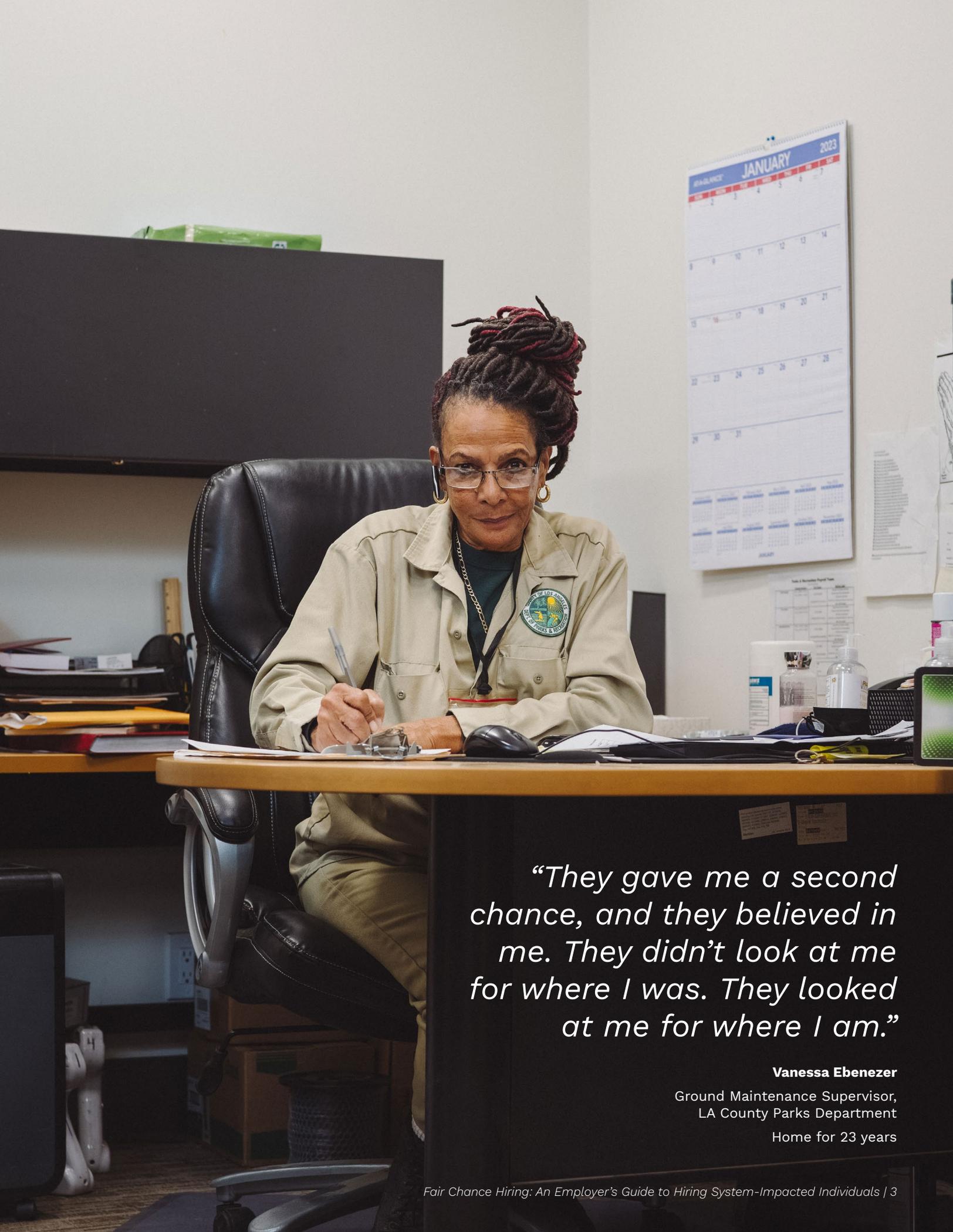
LA County gives you even more reasons to be a Fair Chance employer - businesses hiring from the reentry workforce have access to a range of financial incentives and assistance programs. While we are motivated by the growing number of Fair Chance partners behind us, we know that we cannot do this important work without you. We are committed to supporting you in this endeavor. Your Fair Chance hiring journey starts now.



Kelly LoBianco

*Executive Director
Economic and Workforce Development,
Los Angeles County Department of
Economic Opportunity*

Portraits in this guide were taken by Brandon Tauszik, with stories compiled by Alisha Jucevik.



“They gave me a second chance, and they believed in me. They didn’t look at me for where I was. They looked at me for where I am.”

Vanessa Ebenezer

Ground Maintenance Supervisor,
LA County Parks Department

Home for 23 years

THE BENEFITS OF FAIR CHANCE HIRING

Our Fair Chance hiring Program helps connect your business to local system-impacted individuals who are qualified and ready to work. Fair Chance hiring offers many **benefits for your business, community, and prospective employees**, and your business will have access to a suite of services and incentives.

IMPACT ON YOUR BUSINESS' BOTTOM LINE

- **Opens your business up to a host of incentives like:**

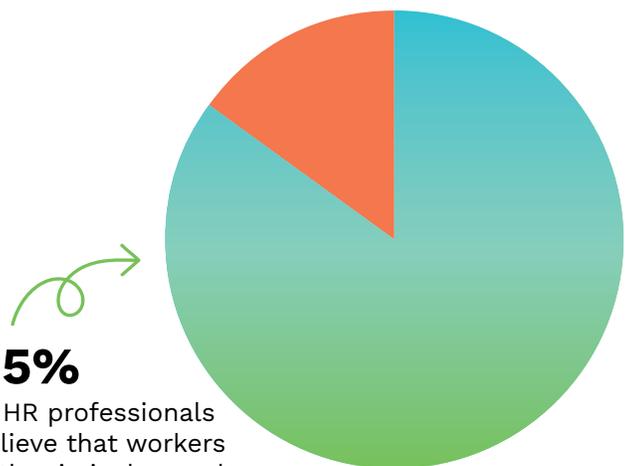
- **Work Opportunity Tax Credit:** Qualify for **tax credits ranging from \$1,200 - \$9,600 per employee** when you hire our Fair Chance Program job seekers.
- **Homeless Hiring Tax Credit:** Qualify for **tax credits ranging from \$2,500 - \$10,000 per employee** when you hire our housing-insecure job seekers.
- **Bonding Program:** Protect your business with our **no-cost fidelity bonding insurance** which covers your business assets from losses incurred. The bonds are good for up to six months from the hiring date and cover up to \$10,000 at no cost to employers.
- **On-the-Job Training:** **Offset the cost for new employee training** and get reimbursed up to 90% when you hire our Fair Chance program job seekers.

- **Opens up your workforce to a host of available talent for hire:**

- A recent report by the Society for Human Resource Management demonstrated that **85% of HR professionals believe that workers with criminal records actually perform “as good or better than”** those without.

- In a survey conducted by LeadersUp, an overwhelming majority of businesses report positive perceptions of system-impacted employees, many saying these **employees’ quality of work, honesty, loyalty to the organization, and reliability are “significantly better”** than average.
- Recent survey data across the county have revealed that employers believe that **system-impacted employees are just as or even more reliable, honest, and punctual**, compared to non-system impacted employees.

Reallocates tax dollars to benefit more members of society. The \$291/day it costs the community to incarcerate an individual can be reallocated to benefit more members of society.



85%

of HR professionals believe that workers with criminal records actually perform “as good or better than” those without.

UNDERSTANDING OF FAIR CHANCE HIRING



7 out of 10 employers are unaware of Fair Chance hiring laws, but 5 out of 10 are very interested or moderately interested to learn more about it



6 out of 10 employers are not at all familiar with the County's incentives and assistance for Fair Chance employers

WHAT HIRING MANAGERS SAY



Out of those who have hired system-impacted individuals, **8 out of 10** employers report that system-impacted individuals' performance at work is significantly better, a little better or the same as their co-workers' performance in terms of quality of work, honesty, loyalty, reliability, relationship with co-workers and punctuality



7 out of 10 employers strongly agree or agree that viable talent is overlooked without Fair Chance hiring



7 out of 10 employers strongly agree or agree that removing barriers to employment for system-impacted individuals through Fair Chance hiring can serve as a benefit to the local economy

IMPACT ON YOUR BUSINESS' DEI COMMITMENT

- **Demonstrates a commitment to anti-racism and diversity, equity and inclusion** by looking at a pool of candidates that will more than likely be from diverse racial and economic backgrounds, gender identities, and sexual orientations.
- **Opens your business up to a massive pool of talent for potential new hires.** Working with trusted third-parties like nonprofit workforce development organizations can help ensure that a candidate is coming with the skills to benefit the role.
- **Ensures federal compliance** with Ban the Box laws, including California's Fair Chance Act.

THE SOCIAL IMPACT OF FAIR CHANCE HIRING

- **Assists with the hiring of 1 in 3 Americans** who may be denied employment due to their background.
- **Become a partner in the County's largest training partnership effort** to build the future workforce.
- **Earn County recognition as a Fair Chance Employer Champion** while advancing diversity, equity, and inclusion within your workforce.



“System-impacted people are goal-oriented, and if you can teach somebody how to do it, they can become one of your best employees.”

Jack Morris

Program Manager at the RISE Reentry Program,
St. John’s Community Health

Home for 5 1/2 years

MYTHS ABOUT HIRING SYSTEM-IMPACTED INDIVIDUALS

“Hiring system-impacted individuals is a risk to my business financially”

→ Research demonstrates that system-impacted individuals are **reliable** and **consistent**. Studies show DEI has the potential to **increase sales revenue**, increase customer base and ultimately **increase profits**. Committing to DEI makes good business sense.

“System-impacted individuals are not good workers and in the long-run, it will not be profitable for my business”

→ Research shows that system-impacted individuals tend to **stay longer**, while being just as, if not **more productive than their peers**.

“If I hire someone with a record, it will become a threat to my business’ reputation”

→ Fair Chance hiring demonstrates that your business is **committed to diversity, equity and inclusion**, which in today’s global marketplace is a competitive edge. In addition, studies show that more and more customers and employees are looking for companies that reflect their own personal values.

“Hiring a person re-entering the workforce will cost time and money because they will need extensive training”

→ Data from business leaders and HR professionals proves the opposite. A recent SHRM survey showed that 74% of business leaders who have adopted Fair Chance hiring practices said that the cost-per-hire of workers with records was about the same as or less than that of workers without records. Moreover, our **Fair Chance program includes benefits to offset up to 90% of wages**.

“It’s hard to find qualified candidates with criminal records”

→ People with records can bring a wide array of talents, skills, and perspectives to the workplace. In fact, **many have held jobs while incarcerated, gaining both technical and soft skills**. We can connect you with reentry and workforce development organizations that can help employers find and continue to train qualified candidates with records. LeadersUp is well-positioned to connect businesses with talent and prepare your organizations to support growing career pathways. Learn more at leadersup.org.

“Individuals with criminal convictions are not eligible for government jobs or government contracts”

→ As the largest employer in Southern California, LA County makes it a point to take the lead in Fair Chance hiring. What’s more: **companies that commit to Fair Chance hiring practices are better positioned to win lucrative LA County contracts** if they hire system-impacted individuals through the County’s Target Hire Program. Contact LeadersUp to learn more about committing to Fair Chance hiring.

“Whatever we put on her plate, she’ll learn and then **go above and beyond and do extra research to learn more**. Now she’s probably the most experienced paralegal in our office.”



Elizabeth Yang
Founder, Yang Law Offices
and Fair Chance employer

CHECKLIST TO BECOMING A FAIR CHANCE EMPLOYER

- Attend Fair Chance convenings** to learn more about diverse hiring tactics used by small to medium-sized businesses.
- Increase inclusiveness in your hiring pool** by determining how system-impacted individuals can fill roles within your industry.
- Seek opportunities to **build employer coalitions** that sustain a Fair Chance hiring momentum.
- Promote upcoming events and **recruit colleagues within your network** to attend.
- Explore your hiring landscape and **rethink who the “ideal” candidate is** by using a Fair Chance hiring framework.
- Partner with workforce development and reentry services organizations** to increase your capacity to hire system-impacted jobseekers.

BEST PRACTICES FOR SUCCESSFUL FAIR CHANCE EMPLOYERS

- When advertising and marketing roles for system-impacted individuals, employers can leverage workforce development programs, reentry services nonprofits, and other support infrastructures for system-impacted individuals.
- To shift to more inclusive hiring practices, employers can use different forms of communication to help system-impacted individuals feel comfortable in sharing their stories (when/if applicable), if there is concern that a conviction record may be adverse to the duties of the job. After making a conditional offer, employers can invite the applicant to provide more context to their record and information about the person and worker they are today, in writing or through a confidential conversation.
- Leading employers retain system-impacted individuals by modeling inclusive workplace culture using thoughtful language within job postings and internal communications. Refer to the language guide on page 10.
- Inclusive interviewing tactics include asking competency and skills-based questions about roles and responsibilities. [Learn more here.](#)
- We recommend employers review the ways to avoid adverse hiring practices, available through the Academy to Innovate HR. [Learn more here.](#)



“We begin by hiring people who represent our community, whether it’s race, socioeconomic status, incarceration history – our peers. That’s how we prioritize. We support our mission and vision.”

Elena Fernandez

Chief Programs Officer,
St. John’s Community Health
Jack Morris’ Supervisor

“In an effort to assist our transition from prison to our communities as responsible citizens and **to create a more positive human image of ourselves**, we are asking everyone to stop using these negative terms and to simply **refer to us as PEOPLE**. PEOPLE currently or formerly incarcerated, PEOPLE on parole, PEOPLE recently released from prison, PEOPLE in prison, PEOPLE with criminal convictions, but PEOPLE.”

Eddie Ellis

Center for NuLeadership on Urban Solutions,
“Open Letter to Our Friends on the Question of Language”⁷

DEFINING TERMS USED IN THE TOOLKIT

Criminal Legal System describes the policing, prosecution, courts, and corrections system, without asserting that the system delivers justice. Founded in racism, the criminal legal system continues to disproportionately impact people of color and people experiencing poverty.⁸

Incarcerated Person refers to anyone currently incarcerated in any carceral setting (e.g., prison, local jails, juvenile camp, etc.), without making any assumptions about guilt or innocence.⁹

Formerly Incarcerated Person refers to anyone who had been incarcerated and is now released.¹⁰

System-Impacted is an umbrella term that includes those who had been incarcerated, those with arrest or conviction histories, but have never been incarcerated, and those who have been directly impacted by a loved one being incarcerated.¹¹

WHY LANGUAGE MATTERS

Language and word choice are powerful tools that can alter attitudes and thought patterns about both individuals and groups of people. Language is at the heart of successful Fair Chance hiring.

For Fair Chance hiring to be successfully implemented, we must use language that is as intentional and inclusive as possible. Historically, people impacted by the criminal legal system have been talked about in ways that deny their humanity and, instead, define them by a past act or their involvement in a system that is often unjust. To support inclusion and recognize the human dignity of members of the system impacted community:

- **Use “people-first” language**, such as “person who is currently incarcerated,” “person convicted of a crime,” or “person who was formerly incarcerated,” that focuses on a person’s humanity and centers their dignity.
- **Avoid words that evoke fear and perpetuate stereotypes and biases**, such as “criminal,” “convict,” “inmate,” “felon,” or “parolee.” This language also defines the person by their interaction with the criminal legal system, making it harder for a person to move beyond past actions and flourish in a new stage of life.

Using person-centered language in your company or organization requires conscientious practice. Through inclusive language, organizations can learn to speak more accurately and listen to each other better, **working to build a more effective team and culture.**

⁷ Eddie Ellis, *Open Letter to Our Friends on the Question of Language*, Center for NuLeadership on Urban Solutions, 2016, <https://static1.squarespace.com/static/58eb0522e6f2e1dfce591dee/t/596e13f48419c2e5a0e95d30/1500386295291/CNUS-language-letter-2016.pdf>

⁸ Erica Bryant, *Why We Say “Criminal Legal System” Not “Criminal Justice System”*, Vera Institute of Justice, Dec. 21, 2021, <https://www.vera.org/news/why-we-say-criminal-legal-system-not-criminal-justice-system>

⁹ Michael Cerda-Jara, Steven Czifra, Abel Galindo, Joshua Mason, Christina Ricks, Azadeh Zohrabi, *Language Guide for Communicating About Those Involved In The Carceral System*, Berkeley, CA: Underground Scholars Initiative, UC Berkeley, 2019

¹⁰ *Id.*

¹¹ *Id.*

THE CALIFORNIA FAIR CHANCE ACT & LA CITY FAIR CHANCE INITIATIVE FOR HIRING ORDINANCE*

BAN THE BOX

What's the box? The box on the job application that asks whether you have a conviction.

Under the California Fair Chance Act¹ and LA City Fair Chance Initiative for Hiring Ordinance,² most employers can't ask ANY questions about a criminal record before making a conditional job offer - including on an application or at an interview.³ In most cases, it is also illegal for employers to have blanket bans that exclude all applicants with criminal records or applicants with certain convictions.

THE FAIR CHANCE PROCESS

INDIVIDUAL EVALUATION	Employers must consider each applicant as an individual ⁴ and evaluate 1) the nature and seriousness of the conviction(s), 2) how much time has passed since the conviction(s), and 3) the job duties to determine if the specific conviction(s) are directly, negatively related to the job. ⁵
INITIAL WRITTEN NOTIFICATION	If an employer makes the preliminary decision to take back the job offer, the company must identify for the applicant the specific conviction(s) that led to the decision and provide a copy of the background check.
APPLICANT RESPONSE	Applicants must be given at least five business days to respond to the initial decision and be told that their response may include evidence of background check errors, ⁶ proof of rehabilitation, and information that places the conviction(s) in a less negative light.
RE-EVALUATION	Employers must consider any new information submitted and re-evaluate whether the conviction(s) still justifies not hiring the applicant.
FINAL WRITTEN NOTIFICATION	The company must inform the applicant in writing of any final decision to revoke the offer and of the applicant's right to file a complaint with the government about the decision.

OFF-LIMITS INFORMATION

Most employers can't ask about or use the following information to make employment decisions:

- Arrests that did not result in convictions (unless the case is currently open)
- Diversion (pretrial and post trial)
- Marijuana-related convictions older than 2 years
- Arrests or convictions that have been sealed, dismissed, "expunged," erased by statute, pardoned or issued a Certificate of Rehabilitation (COR)
- Juvenile proceedings and records

*Special thanks to Legal Aid at Work (LegalAidAtWork.org) for allowing us to adapt some of their materials for the Legal Appendix.

¹ California Government Code § 12952.

² Los Angeles Municipal Code § 189; Los Angeles Administrative Code § 10.48

³ There are some exceptions for jobs that involve working with vulnerable populations, such as children or elderly, and certain positions, such as within law enforcement agencies.

⁴ The LA City Fair Chance Initiative for Hiring Ordinance requires that the individualized assessment is done in writing.

⁵ When making a hiring or employment decision that relies upon conviction history, a Fair Chance employer should consider the following factors: age at the time of conviction, or release from prison; evidence that the individual performed the same type of work, post-conviction, with the same or a different employer, with no known incidents of criminal conduct; length and consistency of employment history before and after the offense or conduct; evidence of rehabilitation and efforts to change, e.g., education/training; mitigating facts or circumstances surrounding the offense or conduct; employment or character references; and any other information regarding fitness for the particular position.

⁶ Employers must give applicants at least 10 days to provide proof of any errors on the background check.

LA COUNTY AS THE LEAD FAIR CHANCE EMPLOYER

As the largest employer in Southern California, with over 100,000 employees in more than 36 Departments, LA County attracts thousands of dedicated public servants interested in diverse fields spanning law enforcement, property assessment, public health protection, water conservation, cultural activities and many more.

The County of Los Angeles firmly believes that its employees are its greatest asset. A career in the County means joining a workforce as diverse as the people that it serves. Creating equal opportunity is deeply valued in the County. This is why the County is proud to lead the way in Fair Chance hiring.

As a Fair Chance employer, an applicant's conviction history will not be considered unless and until that applicant receives a contingent offer of employment. The County will then conduct an individualized assessment to determine if an applicant's conviction history is directly and adversely related to the job, taking into consideration potential mitigating factors, including, but not limited to, evidence and extent of rehabilitation, recency of the offense(s), work history and references, and age at the time of the offense(s).

The County's most recent hiring data reflects the County's commitment to Fair Chance hiring. In 2021, 862 individuals with conviction records received a contingent job offer. This comprises 14% of all those who received contingent job offers that year. After an individualized assessment was conducted, the County extended offers to 93% of the people with records who received conditional offers.

Hailed as one of the Top 10 Government Services Employers by Forbes Magazine, LA County's Department of Human Resources will continue to collaborate with stakeholders to persistently **create pathways to employment for system-impacted individuals**. With integrity and respect as its core values, the County stands true to its commitment of creating boundless opportunities for all. To learn more about obtaining employment with LA County visit, hr.lacounty.gov/fairchanceemployer.

Get additional resources and watch for the schedule of our upcoming business events at opportunity.lacounty.gov or by scanning this QR code.

