

GENERAL SERVICES AGENCY
OFFICE OF LABOR STANDARDS ENFORCEMENT
 PATRICK MULLIGAN, DIRECTOR



San Francisco Fair Chance Ordinance Amendment Summary for Employers

Law Prior to October 1 , 2018	Amendments Effective October 1, 2018
The law applies to employers that employ 20 or more persons.	The law applies to employers that employ 5 or more persons.
Employers may inquire about, require disclosure of, or base employment decisions on a person’s conviction history after either a live interview or after a conditional offer of employment.	Employers are prohibited from inquiring about, requiring disclosure of, or basing employment decisions on a person’s conviction history until after a conditional offer of employment.
Employers may inquire about, require disclosure of, and base employment decisions on convictions for decriminalized behavior that are seven years old or less. Examples of such decriminalized behavior include the non-commercial use and cultivation of cannabis.	Employers may not inquire about, require disclosure of, or base employment decisions on convictions for decriminalized behavior, including convictions for the non-commercial use and cultivation of cannabis.
For a first violation, no penalties may be assessed.	For a first violation, a penalty of no more than \$500 may be assessed.
For a second violation, a penalty of no more than \$50 may be assessed.	For a second violation, a penalty of no more than \$1,000 may be assessed.
For subsequent violations, a penalty of no more than \$100 may be assessed.	For subsequent violations, a penalty of no more than \$2,000 may be assessed.
If multiple people are impacted by the same procedural violation at the same time (e.g. all applicants for a certain job opening are asked for their conviction history on the initial application), the violation is treated as a single violation rather than multiple violations.	If multiple people are impacted by the same procedural violation at the same time, the violation would be treated as one violation for each impacted person.
Penalties must be paid to the City.	Penalties must be paid to the person impacted by the violation.
Only the City Attorney can sue for violations of this law.	Any employee or applicant whose rights have been violated is authorized to sue.