Overview of Presentation

1. Background
2. Answers to general questions about the Annual Report Form (ARF)
3. FCO Reporting Questions and Instructions
4. Annual Report Form Tour
5. Where to find the form
6. OLSE contact information
Background Information

The Fair Chance Ordinance was amended effective October 1, 2018. Prior to that date, employers could inquire into an applicant's arrest or conviction record after a live interview. As of October 1, 2018, employers could only inquire into arrest or conviction records after making a conditional offer of employment to an applicant.
General Information and Things to Keep In Mind
2021 Employer Annual Report Form Overview

When is the submission due?

Covered employers are required to submit the 2021 Employer Annual Reporting Form by May 2, 2022.
San Francisco FCO - Who is Covered?

• Employers Citywide
  • 5+ employees worldwide & any employees (or planned positions) in SF
  • Any position where the employee works/will work at least 8 hours/week in SF

• San Francisco City Contractors
  • Any size & any employees (or planned positions) in SF
  • Any position where the employee works/will work at least 8 hours/week in SF
Things to keep in mind for nonprofits

Note that nonprofit organizations with 20-49 employees and City Contractors who provided services to the City and County and had fewer than 20 employees are covered by the Fair Chance Ordinance but are not covered by the Health Care Security Ordinance. These entities will be directed to a shorter version of the 2021 Employer Annual Reporting Form.
Where can I find the form?

The online form and instructions are available at the following website:

https://etaxstatement.sfgov.org/olse/

To check if you are required to complete the form, visit the website above and complete the first page. Employers who were not covered by the Health Care Security Ordinance or the Fair Chance Ordinance in 2021 will be directed to a web page indicating that they do not need to complete the 2021 Employer Annual Reporting Form.

If you are not covered by these laws, you do not need to notify the City; no further action is required.
What will I need to complete the form?

• Your 7-digit San Francisco Business Account Number (shown at top of the reverse page).

• The total number of persons employed (including those outside of San Francisco) for each quarter within specific ranges (0-4, 5-19, 20-49, 50-99, 100+).

• Information on compliance with the Health Care Security Ordinance (HCSO)
What will the form ask you to report for the FCO?

*Information on compliance with the Fair Chance Ordinance*

- The number of people hired in San Francisco during 2021.
- Information about how and when arrest and conviction history was used in hiring.
What will I need to complete the form?

• Gather answers to all of the questions for the FCO section
• Use the PDF copy of the annual reporting form to view all questions.
• Remember that there are links on the live form to read instructions/helpful information.
Corrections/Resubmissions

• If you made a mistake on your Annual Reporting Form, you may re-submit a corrected form. Start a new form at https://etaxstatement.sfgov.org/OLSE.

• The corrected submission will replace any form submitted previously with the same Business Registration Account Number.
FCO Reporting Questions and Instructions
1) How many employees did your company hire to work in San Francisco during 2021 (including telecommuters in San Francisco)?

Include part-time, temporary, seasonal employees, as well as telecommuters who work within the geographic boundaries of San Francisco.
2) During 2021, did your company’s employment application for jobs in San Francisco, including online applications, ask about arrest or conviction records?

Report on whether your company or organization's employment application for jobs in San Francisco ask about arrest or conviction information. This can include an online application template that is not specific to San Francisco, but that is used by applicants for San Francisco jobs.
3) In 2021, did your business conduct criminal background checks for any applicants before making an conditional offer of employment?

• The Fair Chance Ordinance was amended effective October 1, 2018. Prior to that date, employers could inquire into an applicant's arrest or conviction record after a live interview. As of October 1, 2018, employers could only inquire into arrest or conviction records after making a conditional offer of employment to an applicant.

• Report on whether the company or organization conducted background checks on conviction and or arrest records before a live interview (including a telephone interview) in 2021.

• Report on whether the company or organization conducted background checks on conviction and or arrest records before making a conditional offer of employment in 2021.
4) The FCO also prohibits covered employers from ever considering the following:

- An arrest not leading to a conviction, except for unresolved arrests.
- Participation in a diversion or deferral of judgment program.
- A conviction that has been dismissed, expunged, otherwise invalidated, or inoperative.
- A conviction in the juvenile justice system.
- An offense other than a felony or misdemeanor, such as an infraction.
- A conviction that is more than 7 years old (unless the position being considered supervises minors or dependent adults).
- A conviction for decriminalized conduct, including the non-commercial use and cultivation of cannabis (as of October 1, 2021).

Did your company inquire about any of the above in 2021?

For more information on the types of information that employers may never ask about see the Fair Chance Ordinance FAQ (PDF) and review question #26.
5) THERE IS NO QUESTION NUMBER 5!!!

• *Note that there is no question 5 is listed on this form. That number has been reserved for the purposes of comparing with prior years' data.*

• After answering Question 4 you will answer Question 6.
6) Did you hire anyone with a conviction history in 2021?

Possible Answers:
• Yes
• No
• Don’t know
7) Is your business exempt from any of the FCO’s provisions (either because you are required to conduct background checks under state or federal law, or because your employees are drivers or work with children, seniors, or disabled adults)?

Indicate if your business is not covered by some aspect of the background check provisions of the FCO. This may be the case if:
a) you are covered by federal or state law that specifies how you are to conduct background checks (such as in financial services industries, schools, etc.); or
b) your employees provide services to minors, seniors, or disabled individuals, or your employees are drivers.

If so, indicate which industry.
8) What is the highest number of employees your business had in any quarter of 2021?

• Count all employees in the world (outside of San Francisco).

• Select from the dropdown menu.
Annual Report Form Tour

The online form and instructions are available at the following website:

https://etaxstatement.sfgov.org/olse/
EMPLOYER ANNUAL REPORTING FORM 2021 – HCSO AND FCO

Introduction Page

Answer these questions to find out if you need to complete a 2021 Employer Annual Reporting Form. More information

1) Did any employees regularly work in San Francisco in 2021? Include only employees who worked 104 hours or more in a quarter. Include employees who worked from home in San Francisco. More information
  ○ Yes  ○ No

2) How many workers did the employer have performing work in 2021? Include all workers worldwide. If the number fluctuated, see the instructions.
  ○ 0-4  ○ 5-19  ○ 20-49  ○ 50+

3) Did the employer have a contract to perform work for the City and County of San Francisco during 2021?
  ○ Yes  ○ No

4) Is the employer a for-profit or a non-profit entity?
  ○ For-profit  ○ Non-profit

Visit the OLSE website at https://sfgov.org/olse/ for resources and information.
Getting Started

Based on your answers to the introductory questions, you must complete the 2021 Employer Annual Reporting Form.

The form is due by Monday, May 2, 2022. Employees who do not submit a form may be subject to a penalty of $500 per quarter.

Read the instructions before you begin. If you need help completing the form, sign up for a 2021 Employer Reporting Form Webinar.

You will need a San Francisco Business Account Number to complete the form. You can find it here:

- On your Business Registration Certificate issued by the San Francisco Treasurer & Tax Collector.
- On the San Francisco Data website.

If you have not registered with the S.F. Treasurer and Tax Collector's Office, you will need to register before completing this form. Register here.

Enter your 7-digit S.F. Business Account Number and click "Validate." If it has only 6 digits, enter a zero first.

Do not use your browser back button to navigate between pages.

Visit the OLSE website at https://sfgov.org/olse/ for resources and information.
Registered Business Locations - San Francisco

This dataset includes the locations of businesses that pay taxes to the City and County of San Francisco.

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<th>Location Id</th>
<th>Business Account Number</th>
<th>Ownership Name</th>
<th>DBA Name</th>
<th>Street Address</th>
<th>City</th>
<th>State</th>
<th>Source Zipcode</th>
<th>Business Start Date</th>
<th>Business End Date</th>
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</tbody>
</table>
EMPLOYER ANNUAL REPORTING FORM 2021 – HCSO AND FCO

Name and Address

Business Account Number
Registered Name
Business DBA Name
Mailing Address 1*
Mailing Address 2
City*
State
Zip*

* Required fields.

If this is a new address, please update your record with the Treasurer and Tax Collector’s Office here.

Business Type
☐ Select if you are filing on behalf of several entities in the same “control group” or under common control. More information

Use buttons at the bottom of this form to navigate forward and backwards. Do not use the back button in your internet browser or you may lose your answers.

Next  Cancel
EMPLOYER ANNUAL REPORTING FORM 2021 – HCSO AND FCO

Name and Address  Fair Chance  Certification

Fair Chance Ordinance Reporting

The San Francisco Fair Chance Ordinance requires all City Contractors and employers with 5 or more employees to follow strict rules regarding the use of arrest and conviction records in hiring and employment decisions. The law applies to positions that perform 8 hours of work or more in San Francisco.

Employers covered by the law are required to report to the OLSE. More information

1) How many employees did your company hire to work in San Francisco during 2021 (including telecommuters working in San Francisco)?

2) During 2021, did your company’s employment application for jobs in San Francisco, including online applications, ask about arrest or conviction records?

- Yes - No

3) In 2021, did your business conduct criminal background checks for any applicants before making a conditional offer of employment?

- Yes - No

4) The FCO prohibits employers from inquiring about the following at any time:

- An arrest not leading to a conviction, except for unresolved arrests;
- A conviction that is more than 7 years old;
- Participation in a diversion or deferral of judgment program;
- A conviction that has been dismissed, expunged, or otherwise invalidated;
- A conviction in the juvenile justice system;
- An offense other than a felony or misdemeanor, such as an infraction
- A conviction for decriminalized conduct, including the non-commercial use and cultivation of cannabis (as of October 1, 2021)

Did your company inquire about any of the above in 2021?

- Yes - No
6) Did you hire anyone with a conviction history during 2021?
   ○ Yes  ○ No  ○ Do not know

7) Is your business exempt from any of the FCO's restrictions (either because you are required to conduct background checks under state or federal law, or because your employees are drivers or work with children, seniors, or disabled individuals)? More Information
   ○ Yes  ○ No

8) What is the highest number of employees your business had in any quarter of 2021?
   0-19

Fair Chance Ordinance Resources and Support

Website: www.sfgov.org/olse/fco
Email: fco@sfgov.org
Fair Chance Ordinance Hotline: (415) 554-5192

Use buttons at the bottom of this form to navigate forward and backwards. Do not use the back button in your Internet browser or you may lose your answers.

Previous  Next  Cancel

Visit the OLSE website at https://sfgov.org/olse/ for resources and information.
Best viewed with © MS Internet Explorer 9.0 or later
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Where can I get answers to questions?

If you have questions about the 2021 Employer Annual Reporting Form, visit: http://sfgov.org/olse/hcso.

The website will provide a link to detailed instructions about the form.

Contact our office by phone at (415) 554-7892 or by email at hcso@sfgov.org

Office of Labor Standards Enforcement
FCO Unit

FCO

https://sfgov.org/olse/fair-chance-ordinance-fco

Email: fco@sfgov.org

Website: www.sfgov.org/olse