

## Resources

California State Personnel Board  
Appeals Division  
801 Capitol Mall, MS #22  
P.O. Box 944201  
Sacramento CA 94244-2010  
(916) 653-0544

Department of Fair Employment & Housing  
San Francisco District Office  
455 Golden Gate Avenue, Suite 7600  
San Francisco, CA 94102  
(415) 703-4175

The Legal Aid Society - Employment Law Center  
600 Harrison Street, Suite 120  
San Francisco, CA 94107  
(415) 864-8208 Wednesdays 6:00 - 7:30 p.m.  
[www.las-elc.org](http://www.las-elc.org)  
Email: [info@las-elc.org](mailto:info@las-elc.org)

Social Justice Law Project  
510 16th St., Suite 201  
Oakland, CA 94612  
(510)893-1146  
E-Mail: [socialjusticelaw@hotmail.com](mailto:socialjusticelaw@hotmail.com)

Women's Employment Rights Clinic  
Golden Gate University School of Law  
536 Mission Street  
San Francisco, CA 94105  
(415) 442-6647



Office of the Public Defender  
City and County of San Francisco

### **CLEAN SLATE PROGRAM**

**555 7<sup>th</sup> Street**

**San Francisco, CA 94103**

**415-553-9337**

"We stand ready to help formerly incarcerated people turn their lives around and find employment. Please call us if you need our help."

JEFF ADACHI  
San Francisco Public Defender

# AFTER CLEAN SLATE



# OVERCOMING EMPLOYMENT BARRIERS

## GETTING A JOB

### Can public and private employers in California ask job applicants about arrests not leading to convictions?

No employer, whether a **public** agency or **private** individual or corporation, shall ask an applicant for employment to disclose, through any written form or verbally, information concerning an arrest or detention that did not result in conviction. *Cal.*

*Labor Code §432.7(a)*

Arrests for which diversion was ordered and followed by dismissal should not be considered.

*Cal. Penal Code § 13203(c)1-3*

Note that law enforcement authorities (*Cal. Penal Code § 13203*) and health care facilities (*Cal. Labor Code § 432.7*) may consider arrests not leading to convictions.

### What is the difference between public and private employers in California in regards to employer background checks?

In California, criminal histories or "RAP sheets" compiled by law enforcement agencies are not public record. Only certain public employers such as public utilities, law enforcement, security guard firms, and childcare facilities have access to this information. (*California Penal Code §11105, 13300*). Private employers generally do not have access to "RAP sheets" and often conduct their own investigation in this area.

## WHAT CAN I DO?

■ Get an updated "RAP sheet" to make sure it is correct.

You can obtain a copy (\$5.00 fee) at:

Hall of Justice

850 Bryant Street, Room 475

San Francisco, CA

■ When you have had your conviction expunged you can legally state on an application that you were never convicted of that crime. If your conviction is sealed & destroyed pursuant to California Penal Code § 851.80, you can legally state that you were never arrested for that crime.

■ Keep a copy of the court record to provide to potential employers, if necessary to clear up misunderstandings. A court record can be obtained from the court clerk, also located at the Hall of Justice, Room 101.

■ If you have been denied employment based on a criminal conviction you may be able to challenge the decision in an administrative appeal (Contact Info on other side).

■ If your potential employer has illegally asked you about arrests *not leading to conviction* you may file a complaint with the Department of Fair Employment & Housing (Contact Info on other side).

■ If you feel your arrest record was improperly used, you may have a claim for invasion of privacy under the California Constitution. You may (1) contact a lawyer, or (2) contact agencies listed at the end of this brochure (*Cal. Civ. Code Section 1798.53, Cal. Civ. Pro. Code Sec 340*).

(Information obtained from "Employment Discrimination and What to do About it," by Legal Action Center, www. LAC.org)