



The City of Austin's Fair Chance Hiring Ordinance

Information for Job Seekers

*Presented by:
Rochion Gregg,
Fair Chance Hiring Investigator
City of Austin, EE/FH Office*



An aerial photograph of a city, showing a river on the left, several buildings, and a prominent modern glass skyscraper in the foreground. A dark teal diagonal bar runs across the image from the top left to the bottom right.

Fair Chance Hiring Ordinance Summary

The Fair Chance Hiring Ordinance prevents employers with 15 or more employees from asking about a person's criminal history during the job application process.

Job Postings and Applications

- **Job Postings** cannot say or suggest that someone with a criminal history will not be considered for job.
- **Job Applications** cannot ask about a person's criminal history until a conditional offer of employment has been extended.
 - **Conditional Offer:** An oral or written offer for a job made before a employer asks about criminal history.



*Have you
ever been
convicted?*



Interviews

- An employer cannot ask about criminal history during an interview.
- An employer cannot take away a job offer based on criminal history information provided in an interview.

An aerial photograph of a city, showing a river on the left, several buildings, and a prominent modern glass skyscraper in the foreground. A dark teal diagonal bar runs across the image from the top left towards the bottom right.

Individualized Assessments

Employers must first offer a person the job, then evaluate the person's criminal history by conducting an Individualized Assessment to determine whether the person is suitable for the job. Employers must also tell job applicants in writing if the offer is withdrawn due to criminal history.



Retaliation

Employers cannot refuse to hire, promote, or take away an offer of employment because a person reports a fair chance hiring violation or participates in a fair chance hiring investigation.

An aerial photograph of a city, showing a river on the left, several buildings, and a prominent modern glass skyscraper in the foreground. A dark teal diagonal bar runs across the image from the top left towards the bottom right.

Enforcement

- Fair Chance Hiring complaints must be filed with the Equal Employment/Fair Housing Office.
- Businesses may get a civil penalty up to \$500 for a violation.



**CITY OF AUSTIN - EQUAL EMPLOYMENT AND FAIR HOUSING DIVISION
FAIR CHANCE HIRING (FCH) ORDINANCE COMPLAINT INTAKE FORM**



<http://austintexas.gov/fairchancehiring>

Please fill out all information to the best of your ability. The information provided on this form is confidential to the extent permitted by law.

Fair Chance Hiring Ordinance Overview

The City of Austin FCH Ordinance prevents Employers with 15 or more employees from asking about a person's criminal history during the job application process. Under the Ordinance, Employers:

- May not state or imply that having a criminal history will Automatically Disqualify* someone from a job;
- May not ask about criminal history on an application, or at any time before making a Conditional Offer*, or for staffing agencies, before identifying a job or placing someone in a staffing pool;
- Must first offer the person a job, then evaluate the person's criminal history by conducting an Individualized Assessment* to determine whether the person is suitable for the job;
- Must tell a person in writing if their criminal history prevented them from getting the job; and
- May not Retaliate* against a person who reports a FCH Ordinance violation or participates in a FCH complaint.

SECTION I: COMPLAINANT INFORMATION

1. Last Name:	First Name:	Middle Initial:
2. Mailing Address:	City:	State: Zip:
3. Primary Phone:	Secondary Phone:	Email:

SECTION II: RESPONDENT (BUSINESS/EMPLOYER) INFORMATION

4. Business/Employer Name:			
5. Business Address:		City:	State: Zip:
Business Phone:		Email:	

SECTION III: INCIDENT INFORMATION (Fill out where applicable)

6. Date(s) of Violation(s):
7. Applied for the position of:
8. <u>Application Process</u> (If not please skip to the next section): <i>Please submit a copy of the posting / application, if available.</i>
A. Was the violation during the application process? Yes <input type="checkbox"/> No <input type="checkbox"/>
B. If so, was the violation on a (check all that apply):
<input type="checkbox"/> Job Posting <input type="checkbox"/> Online Application <input type="checkbox"/> Paper Application <input type="checkbox"/> Other, please explain _____
9. <u>Interview Process</u> :
A. Was the violation during the interview process? Yes <input type="checkbox"/> No <input type="checkbox"/>
B. If so, did the Employer ask about your criminal history during the interview (including convictions, arrests, investigations, or any action(s) that did not lead to a conviction)? Yes <input type="checkbox"/> No <input type="checkbox"/>
C. At any time during the interview process did you tell the Employer about your criminal background? Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please explain: _____



Questions & Answers

Employment Resources

- <http://austintexas.gov/fairchancehiring>
- www.austincityjobs.org
- <http://www.twc.state.tx.us/businesses/work-opportunity-tax-credit>
- <http://aaul.org/>
- <https://www.goodwillcentraltexas.org>
- <https://www.traviscountytexas.gov/criminal-justice/reentry>
- <http://austintexas.gov/departments/equal-employment-and-fair-housing-office>



**The City Of Austin
Human Resources Department –
Equal Employment And Fair Housing Office
1050 East 11th Street
Austin, Texas 78767**

<http://austintexas.gov/EEFHO>

<http://austintexas.gov/fairchancehiring>
fairchancehiring@austintexas.gov
512-972-FAIR (3247)

Thank You