



CITY OF GAINESVILLE OFFICE OF EQUITY & INCLUSION

Fair Chance Hiring 2022

Overview/FAQ

The City of Gainesville has adopted a Fair Chance Hiring Ordinance. The ordinance aims to reduce recidivism and unemployment and increase re-integration for qualified job applicants with criminal histories. The City recognizes that denying an employment opportunity to an otherwise qualified person based on the person's criminal history that is not relevant to the job under consideration is unjust, is detrimental to the health, safety, and welfare of the residents of the City, creates a burden on public resources and law enforcement, and harms the local economy.

Protections for Job Applicants

This ordinance prohibits employers from making statements related to criminal history in job postings and recruitment materials. Unless an exemption applies, this ordinance also prohibits employers from asking about or considering information about an individual's criminal history until after the employer has made a conditional employment offer to the individual. An employer who wishes to withdraw an individual's conditional employment offer based on the individual's criminal history must comply with specific requirements of the Fair Chance hiring process.

What employers are covered by the Fair Chance Hiring Ordinance?

Any person, company, corporation, firm, labor organization, or association with fifteen (15) or more employees whose primary work location is in the City for each working day in each of the four (4) or more calendar weeks in the current or preceding calendar year. The term includes an agency acting on behalf of an employer.

What employers are exempt by the Fair Chance Hiring Ordinance?

- The United States
- A corporation wholly owned by the government or the United States
- A club (other than a labor organization) that is exempt from taxation under Section 501(c) of the Internal revenue Code
- The State or a State agency
- A political subdivision of the State
- A child care facility as defined by Florida Statutes
- A care facility falling under Chapter 400 or Chapter 429 of the Florida Statutes
- Any other entity who is excluded by operation of State or Federal law



If an employer is covered by the ordinance, what is prohibited?

Publishing information about a job that states or implies that an applicant's criminal history is an automatic disqualification.

Asking about an applicant's criminal history on a job application or at any time before making a conditional employment offer, either directly to the applicant or through the use of a background check.

Failing to hire an applicant because of an applicant's criminal history without first performing an individualized assessment to determine that the applicant is unsuitable for the job.

Refusing to employ an individual because the individual did not provide their criminal history information before they received a conditional employment offer.

What is an individualized assessment?

An employer may not refuse to hire, refuse to promote, or revoke an offer of employment or promotion because of the individual's criminal history unless the employer has determined that the individual is unsuitable for the job based on an individualized assessment conducted by the employer. An individualized assessment is an evaluation of the criminal history of an individual that includes, at a minimum, the following factors:

- (1) The nature and gravity of any offenses in the individual's criminal history
- (2) The age of the individual at the time of the offense
- (3) The length of time since the offense and completion of the sentence
- (4) The nature and duties of the job for which the individual has applied
- (5) Any information demonstrating the individual's rehabilitation and good conduct since the occurrence of the criminal offense.

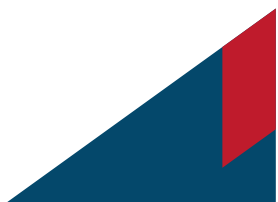
If an employer is covered by the ordinance, what is required?

An employer who refuses to hire, refuses to promote, or revokes an offer of employment or promotion because of the individual's criminal history must inform the individual in writing that:

- a. The adverse action was based on the individual's criminal history; and
- b. Include the following statement in the notice: *"This notice is provided in accordance with the City of Gainesville Code of Ordinances, Chapter 14.5, Section 14.5 - 181, which regulates the process and timing of criminal background checks conducted on job applicants."*

Retaliation Prohibited


An employer must refrain from any form of retaliation against an individual who reports a Fair Chance Hiring Ordinance violation or participates in a Fair Chance Hiring complaint.





What are the penalties for violating the ordinance?

- Only civil fines (not criminal) up to \$500 will be imposed for a violation and any subsequent violation.
- Half of any fine recovered under this ordinance will be awarded to the Complainant.
- For a first-time violation, an employer can attend a compliance training session to avoid the civil fine.
- An employer will only be subject to one civil penalty assessment per advertisement about a job covered by the ordinance or per application that violates the article.

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