

# Fresno Regional Workforce Investment Board

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Blake Konczal, Executive Director

## OPERATIONAL DIRECTIVE

FRWIB OD # 11-13

Date Released: June 14, 2013

**To: All Fresno Regional Workforce Investment Board Providers of Services**

**From: Blake Konczal, Executive Director**

**Effective Date: June 14, 2013**

**Subject: Criminal Record Restrictions and Impact Based on Race and Nationality**

**Applicable Program: WIA Adult/Dislocated Workers**

**Revision History: Initial Release**

The purpose of this Operational Directive (OD) is to provide guidance on the implementation of the EDD Workforce Services Directive WSD12-9, Criminal Record Restrictions and Impact Based on Race and Nationality, in relation to providing job search assistance to job seekers and screening and referring qualified applicants to employers.

Providers of Services are to implement this OD immediately.

Providers of Service staff are not permitted to:

- Print, publish, or cause to be printed, any job announcement that discriminates based on race, color, religion, sex or national origin unless there is a bona fide occupational qualification for a preference based on religion, sex, or national origin.
- Refuse to refer an individual for employment or otherwise to discriminate against any individual based on race, color, religion, sex or national origin.

When soliciting or posting job announcements from employers or referring a job seeker to job openings or training, the Provider of Services (POS) must ensure that the following steps are followed:

### Posting Job Announcements

1. All employers who are registered on Careersinthevalley.com with the assistance of Provider staff should receive [Notice #1](#). Notice #1 explains that the local WIA One-Stop System must comply with federal civil rights laws and provides information to employers about their obligations under the Fair Credit Reporting Act. It also describes the Work Opportunity Tax Credit, the Federal Bonding Program, and incentives that support employers' hiring of individuals with conviction histories.
2. When job postings that exclude individuals based on arrest and/or conviction history have been identified, provider staff should provide employers that have posted these job announcement(s) with [Notice #2](#). The employer should be given the opportunity to remove or edit the job

announcement(s). The notice and opportunity to remove or edit should be provided to the employer whether the job announcement(s) has been posted by or through the assistance of One Stop staff or directly by the employer.

3. [Notice #3](#) must be posted with any job openings that are posted in any Workforce Connection location that contain language excluding candidates based on criminal history. The notice informs job seekers that individuals with criminal history records are not prohibited from applying for the posted position. It also explains that the exclusion in the posting may have an adverse impact on protected groups, as set forth in the EEOC guidance.

Providers must be maintained or a record of all notices provided to employers.

**Screening and referral of Job Seekers:**

1. One Stop staff must follow local Policy and/or ODs when screening job seekers for referral to a job opening or training activities that takes criminal history into account.
2. Job seekers who are referred for job openings or training where the criminal history is taken into account should receive a copy of [Notice #3](#). A case note must be entered into the case file documenting that the notice was provided to the job seeker.

Providers of Services must review their internal policies and procedures and make any changes necessary to ensure compliance with this OD.

If you have questions, please contact the FRWIB Program Manager.