

Assembly Bill No. 1650

CHAPTER 880

An act to add Section 10186 to the Public Contract Code, relating to public contracts.

[Approved by Governor September 30, 2014. Filed with
Secretary of State September 30, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1650, Jones-Sawyer. Public contracts: bidders: employment practices.

The State Contract Act governs contracting between state agencies and private contractors, and sets forth requirements for the bidding, awarding, and overseeing, of contracts for projects. The act defines a project to include the construction or other improvement to a state structure, building, road, or other state improvement of any kind, that will exceed a total cost limit of \$250,000 for the 2010 calendar year, as adjusted every 2 years.

Existing regulatory law generally prohibits employers from asking an applicant for employment to disclose information concerning convictions that have been sealed, expunged, or statutorily eradicated, and certain marijuana-related convictions if the convictions are more than 2 years old. Existing law, commencing July 1, 2014, prohibits a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position.

This bill would enact the Fair Chance Employment Act, which would require any person submitting a bid for a state contract involving onsite construction-related services to certify that the person will not ask an applicant for onsite construction-related employment to disclose information concerning his or her conviction history on or at the time of an initial employment application. The bill would not apply to a position for which a person or state agency is otherwise required by state or federal law to conduct a conviction or criminal history background check or to any contract position with a criminal justice agency, as specified. This bill would not apply to a person to the extent that he or she obtains workers from a hiring hall pursuant to a bona fide collective bargaining agreement.

The people of the State of California do enact as follows:

SECTION 1. Section 10186 is added to the Public Contract Code, to read:

10186. (a) This section shall be known, and may be cited, as the "Fair Chance Employment Act."

(b) Any person submitting a bid to the state on a contract involving onsite construction-related services shall certify that the person will not ask an applicant for onsite construction-related employment to disclose orally or in writing information concerning the conviction history of the applicant on or at the time of an initial employment application.

(c) This section shall not apply to a position for which the person or the state is otherwise required by state or federal law to conduct a conviction history background check or to any contract position with a criminal justice agency, as that term is defined in Section 13101 of the Penal Code.

(d) This section shall not apply to a person to the extent that he or she obtains workers from a hiring hall pursuant to a bona fide collective bargaining agreement.