

SAMPLE EMPLOYER NOTICE OF PRELIMINARY DECISION TO REVOKE JOB OFFER BECAUSE OF CONVICTION HISTORY



[DATE]

Re: Preliminary Decision to Revoke Job Offer Because of Conviction History

Dear [APPLICANT NAME]:

After reviewing the results of your conviction history background check, we have made a preliminary (non-final) decision to revoke (take back) our previous job offer for the position of [INSERT POSITION] because of the following conviction(s):

- [LIST CONVICTION(S) THAT LED TO DECISION TO REVOKE OFFER]
- _____
- _____

A copy of your conviction history report is attached to this letter. More information about our concerns is included in the "Individualized Assessment" below.

As prohibited by California law, we have NOT considered any of the following:

- Arrest(s) not followed by conviction;
- Participation in a pretrial or posttrial diversion program; or
- Convictions that have been sealed, dismissed, expunged, or pardoned.

Your Right to Respond:

You may respond to this letter before our decision to revoke the job offer becomes final. Within [INSERT NUMBER] business days from when you first receive this notice, you may send us:*

- Evidence of rehabilitation or mitigating circumstances*
- Information challenging the accuracy of the conviction history listed above. If, within 5 business days, you notify us that you are challenging the accuracy of the attached conviction history report, you shall have another 5 business days to respond to this notice with evidence of inaccuracy.*

Please send any additional information you would like us to consider to:

[INSERT NAME AND MAILING ADDRESS OR EMAIL ADDRESS]

Here are some examples of information you may send us:

- Evidence that you were not convicted of one or more of the offenses we listed above or that the conviction record is inaccurate (such as the number of convictions listed);
- Facts or circumstances surrounding the offense or conduct, showing that the conduct was less serious than the conviction seems;
- The time that has passed since the conduct that led to your conviction(s) or since your release from incarceration;
- The length and consistency of employment history or community involvement (such as volunteer activities) before and after the offense(s);
- Employment or character references from people who know you, such as letters from teachers, counselors, supervisors, clergy, and probation or parole officers;

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- Evidence that you attended school, job training, or counseling;
- Evidence that you have performed the same type of work since your conviction;
- Whether you are bonded under a federal, state, or local bonding program; and
- Any other evidence of your rehabilitation efforts, such as (i) evidence showing how much time has passed since release from incarceration without subsequent conviction, (ii) evidence showing your compliance with the terms and conditions of probation or parole, or (iii) evidence showing your present fitness for the job.

We are required to review the information you submit and make another individualized assessment of whether to hire you or revoke the job offer. *We will notify you in writing if we make a final decision to revoke the job offer.*

Our Individualized Assessment:

We have individually assessed whether your conviction history is directly related to the duties of the job we offered you. We considered the following:

1. The nature and seriousness of the conduct that led to your conviction(s), which we assessed as follows: [DESCRIBE WHY CONSIDERED SERIOUS]

2. How long ago the conduct occurred that led to your conviction, which was: [INSERT AMOUNT OF TIME PASSED] and how long ago you completed your sentence, which was: [INSERT AMOUNT OF TIME PASSED].
3. The specific duties and responsibilities of the position of [INSERT POSITION], which are: [LIST JOB DUTIES]

We believe your conviction record lessens your fitness/ability to perform the job duties because:

Sincerely,

[Employer contact person name]
[Employer company name]
[Employer address]
[Employer contact phone number]

Enclosure: Copy of conviction history report

* The applicant must be allowed at least 5 business days to respond.