



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
www.calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

December 21, 2023

For Immediate Release

publicaffairs@calcivilrights.ca.gov

916-938-4113

Civil Rights Department Files First-of-Its-Kind Lawsuit Against Ralphs Over Alleged Violations of California's Fair Chance Act

Lawsuit seeks monetary damages and court order requiring Ralphs to comply with Fair Chance Act

SACRAMENTO – The California Civil Rights Department (CRD) today filed a first-of-its-kind lawsuit against Ralphs Grocery Company (Ralphs) over alleged violations of California's Fair Chance Act, which resulted in the unlawful denial of employment opportunities to hundreds of applicants at grocery store locations across Southern California. The Fair Chance Act was enacted to reduce barriers to employment and support community reintegration for people who have been previously involved in the criminal legal system. In the lawsuit, CRD alleges that Ralphs has ignored and continues to ignore the law's requirements, including by screening out otherwise qualified applicants on the basis of criminal histories that do not have any adverse relationship with the duties of the job for which they were applying. As part of the lawsuit, CRD is seeking monetary damages for the workers who were denied jobs or lost jobs as a result of Ralphs' screening practices and a court order to require Ralphs to come into compliance with the Fair Chance Act.

"The Fair Chance Act is about giving every Californian an opportunity to thrive," **said CRD Director Kevin Kish**. "When roughly 70 million Americans have some sort of record, policies like those employed by Ralphs aren't just discriminatory and against California law, they don't make sense. We can't expect people to magically gain the economic and housing stability needed to reintegrate into their communities and stay out of the criminal legal system without a fair chance at steady employment, particularly when the job has nothing to do with a past offense. Ralphs has continued to unlawfully deny jobs to qualified candidates and that's why we're taking them to court."

The Fair Chance Act, which went into effect in 2018, aims to combat discrimination and ultimately enhance public safety by reducing undue barriers to employment for people who have been previously involved in the criminal legal system. In passing the Fair Chance Act, the Legislature recognized that "employment is essential to helping formerly incarcerated people support themselves and their families" and reduces the likelihood of an individual reoffending. The law generally prohibits employers with five or more employees from asking about a job applicant's conviction history before making a conditional job offer, requires specific procedures for considering an applicant's criminal history after a conditional job offer, and limits convictions that employers can consider disqualifying to those that

have a direct relationship with job responsibilities. Under California law, CRD is tasked with investigating and prosecuting violations of the Fair Chance Act and other civil rights laws.

In the lawsuit filed before the Los Angeles County Superior Court, CRD alleges that Ralphs repeatedly violated the Fair Chance Act's procedural and substantive requirements and has done so since the law's enactment. For instance, information obtained by CRD in its investigation indicated that multiple candidates lost their job offers based on convictions for a single misdemeanor count of excessive noise. Other applicants who had convictions from other states for simple cannabis possession were also disqualified. These types of convictions, and hundreds more, have no adverse relationship with the duties of working at a grocery store and were not legitimate grounds for the withdrawal of a conditional offer of employment.

Ralphs also failed to perform individualized assessments of applicants' criminal histories, provided inadequate notification about the grounds for the revocation of a conditional job offer, and unlawfully included questions in its job application form seeking the disclosure of an applicant's criminal history, a direct violation of the Fair Chance Act's procedural requirements. In addition, more than 75% of job applicants who were told their job offer would be withdrawn were not provided any way to contact Ralphs to contest the decision, as legally required by the Fair Chance Act. Those who were provided a way to contact Ralphs were just given a phone number, without being told it was a fax line, who was on the other end, or what format to use to present the information.

These alleged violations of the Fair Chance Act resulted in direct economic and dignitary harms to applicants and their families, including being unable to make payments for essential services, emotional distress, and increased housing insecurity. In the lawsuit, CRD is seeking:

- A trial by jury on all claims.
- Compensatory damages, including lost wages and benefits and mental and emotional distress.
- Punitive damages.
- A halt to violations of the Fair Chance Act.
- Other relief as deemed appropriate by the court.

Since the law went into effect in 2018, CRD has investigated hundreds of complaints alleging discrimination in employment decisions based on criminal history information and secured approximately 70 settlements on behalf of affected individuals. Earlier this year, CRD announced a [nearly \\$100,000 mediated settlement](#) with the Moraga-Orinda Fire Protection District to resolve alleged violations of the Fair Chance Act, one of the largest settlements of its kind on behalf of an individual. Last year, [CRD secured a \\$100,000 settlement](#) under the law on behalf of a group of applicants to a construction company who were allegedly unlawfully denied positions between 2018 and 2019. In addition, CRD has [taken proactive steps](#) to identify and correct unlawful online job advertisements that violate the Fair Chance Act, sending notices to address hundreds of violations.

If you or someone you know has been the victim of employment discrimination based on criminal history information, CRD may be able to assist you through its complaint process. General information about CRD's complaint process and how to file a complaint is available [here](#). Additional information

regarding rights under the Fair Chance Act is available [here](#).

A copy of the lawsuit, as filed with the court, is available [here](#).

###

CRD is the state agency charged with enforcing California's civil rights laws. Formerly known as the California Department of Fair Employment and Housing (DFEH), the mission of CRD is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, and state-fund programs and activities, and from hate violence and human trafficking. For more information, visit calcivilrights.ca.gov.

