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FedEx Agrees to Train Staff, Ensure Hiring Practices Comply with California Fair Chance Act After State Investigation

Settlement includes \$85,000 pay out for driver who was allegedly rejected based on old conviction

SACRAMENTO – The California Civil Rights Department (CRD) today announced an \$85,000 settlement with FedEx to resolve allegations that the company violated the California Fair Chance Act when a contractor rejected an applicant for a FedEx driving job based on an old and unrelated offense. The Fair Chance Act aims to reduce barriers to employment that can prevent people with past arrests or convictions from successfully reintegrating into their communities. As part of the settlement, FedEx will train staff on the Fair Chance Act, take steps to ensure its hiring process complies with state law, and compensate the driver.

“The Fair Chance Act is about giving everyone an opportunity to work,” said **CRD Director Kevin Kish**. “We owe it to workers to do our part to deliver on the law’s promise for the people who deliver for us. This settlement will provide direct relief to a driver who spoke out about their rights — and it will help protect the rights of future job applicants at FedEx.”

Unfairly Screened Out

In 2024, CRD received a complaint against FedEx and one of its contractors alleging that an applicant was unlawfully rejected for a driving job. According to the complaint, the worker applied for a position with a FedEx contractor in Riverside County and was screened out based on an old and unrelated offense, without the companies taking steps required under the Fair Chance Act. The complaint also alleged that FedEx did not conduct an adequate individualized assessment of whether the conviction had an adverse relationship to the duties of the specific job, failed to clearly inform the applicant of their right to provide evidence of rehabilitation or mitigating circumstances, and did not notify the applicant of the final decision to withdraw the conditional offer of employment.

Skillsets, Not Stereotypes

The Fair Chance Act aims to combat the stigma associated with conviction histories 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 requires that employers make an individualized assessment — asking whether an applicant’s conviction has a direct and adverse relationship to the job in question — before they deny someone an employment opportunity.

In short, the law aims to help ensure employers pick people based not on stereotypes, but rather on their ability to do the job.

State Delivers

After conducting an investigation, CRD determined FedEx violated provisions of the Fair Chance Act and provided the parties an opportunity to resolve the allegations through mediation. As a result of the settlement, FedEx, without admitting liability, will:

- Provide training on the Fair Chance Act to employees who review applicant backgrounds.
- Create and implement a California-specific job aid for employees who handle individualized assessments of job applicants.
- Revise its notices related to adverse employment decisions to include information required under the Fair Chance Act for all California job applicants.
- Pay \$85,000 in compensation to the complainant.

If you or someone you know has experienced employment discrimination, CRD may be able to assist you through its [complaint process](#). The department also [provides general information and factsheets online](#) about civil rights protections, including with respect to the [Fair Chance Act](#).

The settlement announced today was secured by Staff Counsel Dylan Cray and Senior Associate Chief Counsel Mamta Ahluwalia. It was mediated by Senior Attorney Mediator Yu-Yee Wu.

You can learn more by [reading the settlement](#).

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The California Civil Rights Department (CRD) is the state agency charged with enforcing California’s civil rights laws. CRD’s mission is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, and state-funded programs and activities, and from hate violence and human trafficking. For more information, visit calcivilrights.ca.gov.

