

Fair Chance Hiring for Employers

Part Five: Implementing Fair and Transparent Candidate Screening

By Beth Avery

For most jobs, employer background checks are unnecessary. However, if your company performs background checks for some or all positions, it can adopt policies to reduce unfair barriers to hiring workers with arrest and conviction records. NELP's eight-part "Fair Chance Hiring for Employers" series of policy briefs comprehensively explores the steps employers can take toward fair chance hiring. Part Five details several ways to make your candidate selection and screening process fairer and more transparent, even when a background check is required.

Fairness and transparency will instill trust among applicants and reduce the likelihood of them dropping out midstream. To that end, extend conditional job offers in writing and make clear on what they are conditioned—which should not include screening candidates out because of unimportant resume details or credit history. When (and if) it comes time for a criminal background check, make sure the process is explained to the individual, don't request unnecessary information from the applicant, and maintain confidentiality of all record-related information.

A. Extend a conditional job offer in writing, making clear upon what the offer is conditioned

Strong fair chance hiring policies delay criminal background checks until after a conditional job offer. Delaying such screening allows candidate selection to be based on qualifications and insulated from the stigma of a record. Even if background checks are delayed, however, candidates may still be confused about the process, and bias can impact important employer decisions. Implementing clear, segmented processes and communicating them to candidates in writing will help reduce both confusion and the room for bias.

At large institutions, post-offer screening can involve several processes in addition to criminal background checks. But knowledge of a candidate's criminal record may influence the opinions your staff forms about other aspects of the applicant's background. Resume verification, reference checks, and credit checks (if required by law) should be isolated from one another and from criminal background checks. Moreover, a criminal background check should not be conducted until after the applicant has cleared other hurdles and is deemed otherwise qualified.

Conditional job offer

- Extend offer in writing, explaining post-offer screening process.

Other post-offer screening (resume verification, reference checks, credit checks (only if required by law))

- If not qualified, rescind offer in writing.

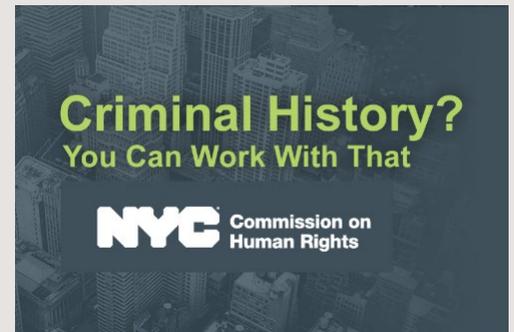
Criminal background check

- If have a record, conduct individualized assessment and keep information confidential.

Even if your company does not fully isolate the criminal background check from other post-offer screening, be sure to inform the applicant what will happen when and why. An important part of a transparent hiring process is to communicate the conditional job offer to the selected candidate in writing, making clear upon what information the offer is conditioned, such as the results of a criminal background check, credit check (when required by law), or other screening. That notice should clearly state how the candidate can expect any post-offer screening to proceed, on what timeline, and what type of information might create the basis for rescinding the offer.

Example of a Bifurcated Background Check Process in New York City Law

New York City requires employers to bifurcate their post-offer screening in order to isolate decisions about applicants' conviction records and to ensure that applicants are notified when their record is the reason for losing a job opportunity. If conducted, resume verification, reference checks, credit checks, and other aspects of pre-employment screening must occur before a criminal background check. After a criminal background check is conducted, the employer may revoke the conditional job offer based on criminal history or two other narrow pieces of information: (i) the results of a medical exam as permitted by the Americans with Disabilities Act, or (ii) other information that is material to job performance that the employer could not have reasonably known before the conditional offer.¹ Following this model may help limit the potential for the stigma of a record to shade your hiring staff's interpretation of the results of other aspects of an applicant's background check.



B. Avoid strict resume verification and make clear how requested information may be used to disqualify applicants

Strict resume verification will likely lead your company to unnecessarily reject strong, qualified candidates, especially workers with records. Even if candidates are ultimately hired, asking them to locate old employment records or delaying a start date to complete the

verification process creates unnecessary inconvenience and stress, and it starts the employment relationship on the wrong foot. Therefore, overly strict policies that require lengthy verification should be avoided. Instead, employers should make efforts to streamline their processes and limit screening to what is truly needed to qualify a worker for the job. At the very least, application forms should clearly warn candidates about what types of inaccuracies might lead to rescission of a job offer.

Because of the difficulty of obtaining stable employment, workers with records may have a work history comprised of many short-term or temp jobs or that includes work for unstable businesses. A longer list of past jobs makes it harder to recall and verify exact positions and dates of employment, and individuals cannot obtain such details from past employers if the business lacks a responsive HR department or has ceased to exist. Furthermore, many individuals whose pasts include periods of unstable housing or incarceration have lost personal effects and important documents along the way, including records of employment that they might have used to confirm employment details.² Temp jobs can also cause confusion, leaving workers unsure whether to list the staffing company or individual placement employers on their resume. Thus, even a seemingly neutral resume verification policy may unfairly exclude people with records.

Unnecessarily Long Verification Processes Delay Needed Income for Qualified Workers

Workers with records and people experiencing poverty often don't have the luxury to wait on needed income while large employers complete unnecessarily lengthy screening. Nevertheless, long resume verification processes frequently result in such setbacks for workers.

After being offered a position at a large company, "Andre's" start date was pushed back by "about a month" because his new employer had difficulty contacting his many previous employers as part of its detailed resume verification process.³ That setback wasn't easy for Andre, a client of the Safer Foundation in Chicago. His conviction history made for an especially complicated employment history, including stints (some as a temp) in factories, warehouses, retail, a gas station, and even a credit union.⁴

Another job applicant with a conviction record, "Jasmine," was forced to make hard choices because of a company's lengthy post-offer screening process. She received and turned down several other job offers while waiting for her final offer from the company. Luckily, she was ultimately hired.⁵

"Brianna" was also ultimately hired by a large company, but not until after her hiring was delayed by weeks because the employer had difficulty verifying that she had worked for one of the many employers listed on her resume.⁶

If your company must use strict resume verification to exclude candidates, your job application forms should clearly warn when candidates need to be precise in listing job titles, dates of employment, and other resume details. It may seem obvious to HR professionals at large companies that an applicant's prior employment and education will be verified and therefore that all information on a resume must be exact. In reality, however,

many people don't know the rules of the game. Weeding out applicants based on a lack of insider knowledge about application "etiquette" will not necessarily get you the most qualified applicant, but it will likely disproportionately screen out people from low-income communities, people of color, and people with diverse backgrounds.

Insignificant Resume Errors Shouldn't Cost Jobs

Job applicants can face unexpected issues with a strict resume verification process after receiving a conditional job offer. For example, one company rescinded its job offer to "Jada" and informed her that she would never again be eligible to work there after deciding that she had been untruthful in her application materials. Jada was a client of the Safer Foundation in Chicago, and although the specific reasons for this decision remain unclear, certain aspects of Jada's post-offer screening shed some light. Jada had difficulty verifying some of the 12 prior jobs on her resume. Of note, one employer no longer existed. Although Jada was eventually able to confirm her prior employment through tax documentation, those documents revealed an approximately two-month discrepancy with the start date she had listed on her resume.⁷

C. Eliminate credit checks

Screening out job applicants based on credit history will undermine your company's efforts to hire people with records as well as people of color. Credit history already determines access to many necessities in life—housing rentals; credit cards; and loans for things like home ownership, small businesses, cars, and education—and should not also decide whether a person can get a job. Employment credit checks create a catch-22 for many formerly incarcerated and other low-income workers, who are generally unable to improve their overall financial position and credit without income from work.

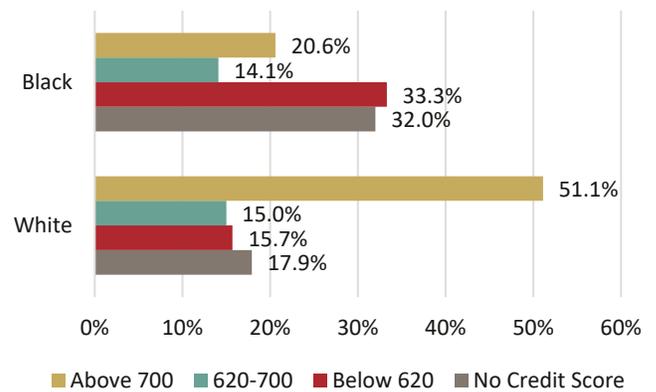
"I wanted to do better. I wanted better for myself. . . . It was hard. It's still hard. . . . It's still hard because I'm still trying to get my credit straight. I'm trying to apply for loans, and grants, and all that. All that stuff, you know, my background affects all that."

— "Darryl," a client of the Safer Foundation in Chicago, describes the struggle to rebuild his life after incarceration.⁸

One recent study estimates that incarceration reduces credit score by an average of 42 to 57 points.⁹ A lack of income while incarcerated prevents individuals from paying their existing debts. Meanwhile, charges and convictions often mean significant additional debt in the form of legal expenses and weighty fines and fees.¹⁰ Furthermore, incarcerated people are particularly vulnerable to identity theft—which can destroy a person's credit—and have a harder time remedying it.¹¹ People with conviction records already face a lifelong reduction in wages and in their ability to afford life's necessities. Incarceration translates into lifetime earnings being cut in half, while even a misdemeanor conviction reduces annual earnings by an average of 16 percent.¹² Rejecting job applicants because of credit score unfairly increases the economic disadvantages of having a record.

Reliance on credit history, especially oversimplified credit scores, deepens structural racism and economic inequality.¹³ Basing hiring decisions on credit history is particularly unfair to Black and Latinx workers, who are both more likely than white workers to have been incarcerated and more likely to have a low credit score or none at all.¹⁴ One in three Black consumers has a credit score below 620, twice the rate of white consumers.¹⁵ Meanwhile, the majority of white consumers have a credit score above 700, compared with just 20 percent of Black consumers.¹⁶ Nearly twice the percentage of Black households lack any credit score as white households.¹⁷

Credit Score by Race (2016 data)



Hiring decisions should never be based on credit scores. Even in the very limited circumstances when federal law requires *some* employers to ascertain the “financial responsibility” of *some* prospective employees,¹⁸ employers still should not rely on credit score. The Consumer Financial Protection Bureau (CFPB), for example, has recognized credit score as an oversimplified metric that may not correlate to financial responsibility.¹⁹

At Best, Unnecessary Credit Checks Send a Bad Message

“Jada” received a conditional offer in 2020 to work at a large company that later rescinded her job offer after conducting post-offer screening, including a credit check and employment history verification.²⁰

Because of unstable past employment and income, Jada’s credit score was low. A client of the Safer Foundation in Chicago, Jada says the prospective employer informed her that her credit history was the reason it rescinded her job offer. The company, however, later asserted that the credit check was both required by law and not the reason for rescinding the offer. But, even if Jada’s credit history was not a factor in the company’s decision, its failure to clearly communicate the reason for rescinding her job offer left Jada feeling “excluded for being poor.”²¹

D. Clearly inform candidates about the criminal background check process and require only necessary information

Even when a criminal background check is delayed until after a conditional offer, the background check process can provoke anxiety among applicants with records, who have likely been treated unfairly by other employers. Show applicants the respect they deserve by making the process transparent and by not requiring the applicant to submit unnecessary information.

First, provide clear, written notice and obtain consent for the background check. Such notice and consent are legally mandated by the federal Fair Credit Reporting Act²² for background checks conducted by commercial screening companies. Employers must clearly and conspicuously notify the applicant of an upcoming background check in a standalone written form and obtain written consent. Even if the background checks used by your company are not regulated by the Fair Credit Reporting Act, clear, written notice and consent shows that you value the applicant's agency.

Second, provide full information about what the background check process will entail and its anticipated timeline. Helping applicants know what to expect will make them feel more comfortable and reduce the likelihood of applicants dropping out of the process midstream. This type of information will allow the applicant to plan, prepare, and reach out if there are issues. After all, this is the candidate you selected as the best fit for the position, and it's in your company's interest to help them succeed in the background check process.

Third, limit what record-related information and documents you request from the applicant. Providing documentation and information to the employer is a burden on the applicant that can be costly, time-consuming, and stressful. While it may be helpful to flag for candidates that certain information may later assist with your company's fair consideration of their conviction record(s), it's unfair to burden the applicant with providing more information than is necessary. For example, asking the applicant to self-disclose their record is redundant if you later acquire a background check report. Similarly, any written explanation or documents related to the applicant's conviction(s) are entirely unnecessary until *after* you have preliminarily determined that a conviction is job-related and potentially disqualifying. Moreover, the applicant's provision of any such explanation or supporting documents should be entirely voluntary, as required by some laws.²³ Even when not prohibited by law, extensive requests may cost you qualified applicants who drop out of the hiring process because of the expense and difficulty of responding to your requests.

Anticipate Common Applicant Questions About the Background Check Process

- How long will review take?
- What information or documents might the applicant be asked to provide and when?
- Who within the company will learn about the applicant's record?
- How and when should the applicant expect to learn if their offer is rescinded?
- Whom might the applicant contact if they don't hear back or have questions?

Inadequate Communication by Hiring Staff Can Add Insult to Injury

Months after receiving a conditional offer to work at a large company, "Maurice" was surprised to lose his job offer because of his conviction record. Maurice had timely provided the information about his record requested by the company, even paying to overnight court records. He then waited. Finally, on the Friday before his Monday start date, he called the company's recruitment helpline to obtain more details about his first day. That's when he learned that his offer had been rescinded. (Minutes later, he received an email indicating the same.) Although the company's HR protocols include notifying the applicant about a rescinded offer, somehow, that information did not timely make it to Maurice, a client of the Safer Foundation in Chicago. More careful communication would have limited Maurice's worry, reduced his disappointment, and enabled him to restart his job search sooner.²⁴

E. Share background check information on a need-to-know basis only

Set new employees up for success by keeping background check results within as small a circle as possible. Such records should be kept confidential within HR and shared only with individuals essential to deciding whether to rescind an offer. Even the hiring manager should be notified only if necessary.

After determining which employees should have access to record information, adequately train all such employees to interpret background check reports. Rap sheets are difficult to read, even for attorneys. The untrained eye may misinterpret a single incident to be multiple incidents because of redundant charges. Training on accurately interpreting a background check report would supplement broader internal education on diversity, equity, and inclusion and on your institution's fair chance hiring policies, all of which are especially important for staff evaluating background check information and deciding whether to rescind job offers.

Under no circumstances should record-related information be provided to the applicant's would-be co-workers or prospective supervisors. Sharing even the existence of the applicant's record with such colleagues may lead them to ostracize their new co-worker. Additionally, the stigma of a record may unfairly influence a supervisor's or colleague's opinion of the new employee's job performance.

Make clear to hired individuals that record information will be kept confidential. Show your new employee respect by allowing them to decide whether and how to share details from their past with their co-workers.

Hiring Technology Reduces Transparency and Magnifies Bias

Predictive hiring tools—like personality tests and algorithms—can seem like attractive ways to quickly choose candidates. These tools, however, are seriously flawed. The tools measure proxies and not the actual skills that employers desire. At best, the tools aren't helpful to employers. At worst, they sort candidates in biased and illegal ways. While individual bias can certainly impact any hiring decision, algorithms apply bias at scale to hundreds or thousands of applicants, amplifying its effect and unfairly locking people of color, people with disabilities, and women out of jobs.

Automated hiring tools also undermine transparency. Candidates typically don't know on what basis they are being assessed and aren't informed whether and why they failed an assessment. Even employers often don't understand assessment tools, instead trusting vendors to calibrate them to their needs in a supposedly unbiased way.

For more information about the emerging area of biased hiring technology, please consult resources provided by civil rights organizations, like [The Leadership Conference on Civil and Human Rights](#), and organizations studying the intersection of justice and technology, like [Upturn, Data & Society](#), and the [Center for Democracy and Technology](#).

Sample Conditional Offer Notice

How to Use: Below is an example of a conditional offer notice to an applicant. You should provide this notice to a job applicant after selecting them for hire but before conducting a criminal background check. As explained above, delaying the background check and enhancing transparency of the process will build trust among potential future employees.

Re: Conditional Offer of Employment & Notice of Conviction Background Check

Dear [APPLICANT]:

We are writing to make you a *conditional* offer of employment for the position of [INSERT POSITION]. Before this job offer becomes final, we will check your conviction history. The form attached to this letter asks for your permission to check your conviction history and provides more information about that background check.

After reviewing your conviction history report, we will either:

- a) Notify you that this conditional job offer has become final; or
- b) Notify you in writing that we intend to revoke this job offer because of your conviction history.

This process should take approximately [INSERT TIME ESTIMATE] after we receive your authorization for a background check. If you do not hear from us within [INSERT TIME ESTIMATE], please reach out to the individual listed below.

Some laws limit our ability to hire people with certain conviction histories. If a federal, state, or local law restricts our ability to hire you into the position we have offered you, we will notify you and let you know if and how the restrictions might be avoided.

If no law prohibits us from hiring you, we will revoke your job offer only if a past conviction is recent and directly related to the duties of the job we have offered you. We will consider all of the following:

- ✓ The nature and seriousness of the offense
- ✓ The amount of time since the offense
- ✓ The nature of the job

We will notify you in writing if we plan to revoke this job offer after reviewing your conviction history. That decision will be *preliminary*, and you will have an opportunity to respond before it becomes final. We will identify conviction(s) that concern us, give you a copy of the background check report, and allow you at least two weeks to respond with information showing the conviction history report is inaccurate and/or with information about your rehabilitation or mitigating circumstances. We will review any information you timely submit and then decide whether to finalize or revoke this job offer.

Sincerely,

[INSERT NAME AND CONTACT INFORMATION FOR RELEVANT INDIVIDUAL]

Enclosure: Authorization for Background Check

Acknowledgements

Special thanks to the advocates at [Safer Foundation](#) and [Cabrini Green Legal Aid](#) for informing the content of this policy brief through the insights, learnings, and client interviews that they shared with NELP. Thank you also to NELP colleagues Han Lu, Kemi Role, and Michelle Natividad Rodriguez for research, drafting, and editing contributions to this policy brief.

Endnotes

- ¹ N.Y.C. Comm'n on Human Rights, *Legal Enforcement Guidance on the Fair Chance Act and Employment Discrimination on the Basis of Criminal History* (2021), <https://www.nyc.gov/site/cchr/law/fair-chance-act-page>.
- ² Upon release from incarceration, individuals often lack even valid identification or access to a birth certificate and Social Security card. See The Council of State Gov'ts Just. Ctr., et al., *State Identification: Reentry Strategies for State and Local Leaders* (2016), <https://csjjusticecenter.org/publications/state-identification-reentry-strategies-for-state-and-local-leaders/>.
- ³ Safer Foundation interview with “Andre” (Jan. 28, 2021) (transcript on file with author). To maintain worker anonymity, this brief uses a pseudonym and omits the employer name. The Safer Foundation is a nonprofit social impact organization based in Chicago that focuses on human capital development for people with arrest and conviction records. Visit <https://saferfoundation.org/> to learn more.
- ⁴ *Id.*
- ⁵ Safer Foundation case management notes for “Jasmine” (on file with Safer Foundation). To maintain worker anonymity, this brief uses a pseudonym and omits the employer name.
- ⁶ Safer Foundation interview with “Brianna” (Feb. 5, 2021) (transcript on file with author). To maintain worker anonymity, this brief uses a pseudonym and omits the employer name.
- ⁷ Safer Foundation case management notes for “Jada” (on file with Safer Foundation). Jada does not have a conviction record and instead became a client through Safer Foundation’s Chicago Housing Authority program. To maintain worker anonymity, this brief uses a pseudonym and omits the employer name.
- ⁸ Safer Foundation interview with “Darryl” (Jan. 25, 2021) (transcript on file with author). To maintain worker anonymity, this brief uses a pseudonym and omits the employer name.
- ⁹ Abhay P. Aneja & Carlos F. Avenancio-León, *No Credit for Time Served? Incarceration and Credit-Driven Crime Cycles* (Working Paper, July 2020), https://static1.squarespace.com/static/59dc0ec564b05fea9d3dfec3/t/5f11d977797b7f4875d36537/1595005305683/IncarcerationAccessToCredit_v07102020.pdf.
- ¹⁰ David Benoit, *Ex-Inmates Struggle in a Banking System Not Made for Them*, Wall St. J. (Oct. 31, 2020), <https://www.wsj.com/articles/ex-inmates-struggle-in-a-banking-system-not-made-for-them-11604149200>.
- ¹¹ See, e.g., Mary Griffin, *Protecting One’s Credit While in the Criminal Justice System*, Consumer Fin. Prot. Bureau Blog (Apr. 28, 2016), <https://www.consumerfinance.gov/about-us/blog/protecting-ones-credit-while-criminal-justice-system/>. While incarcerated, people are unable to regularly monitor their credit and may not become aware of identity theft until years later. Meanwhile, friends or family members often have access to an incarcerated individual’s personal data, including bank and credit card accounts, and even prison and jail staff may have access to an incarcerated person’s financial information. See Christopher Zoukis, *Corrections Officials Stealing Prisoners’ Identities a Growing Problem*, Prison Legal News (Dec. 8, 2016), <https://www.prisonlegalnews.org/news/2016/dec/8/corrections-officials-stealing-prisoners-identities-growing-problem/>; Justin George, *The Man with the Stolen Name*, The Marshall Project (May 15, 2018), <https://www.themarshallproject.org/2018/05/14/the-man-with-the-stolen-name>.
- ¹² Terry-Ann Craigie, et al., Brennan Ctr. for Just., *Conviction, Imprisonment, and Lost Earnings 14-15* (2020), <https://www.brennancenter.org/sites/default/files/2020-09/EconomicImpactReport.pdf.pdf>; Grey Gordon & Urvi Neelakantan, Fed. Rsrv. Bank of Richmond, *Incarceration’s Life-Long Impact on Earnings and Employment* (2021), https://www.richmondfed.org/publications/research/economic_brief/2021/eb_21-07.
- ¹³ See *A Biased, Broken System: Examining Proposals to Overhaul Credit Reporting to Achieve Equity: Hearing Before the H. Comm. on Fin. Servs.*, 117th Cong. (2021) (statement of Amy M. Traub, Assoc. Dir. of Pol’y & Rsch., Demos), <https://www.congress.gov/117/meeting/house/112868/witnesses/HHRG-117-BA00-Wstate-TraubA-20210629.pdf> (“Although credit scores never formally take race into account, they draw on data about personal borrowing and payment history that is profoundly shaped by generations of discriminatory public policies and corporate practices that limited access to wealth for Black and Latinx families. Discrimination in employment, lending, education, and housing have produced significant racial disparities in credit history so that today, credit scores and other lending algorithms disproportionately represent Black and Latinx loan consumers as ‘riskier’ than white consumers.” (citations omitted)); Nat’l Consumer Law Ctr., “Past Imperfect: How Credit Scores and Other Analytics ‘Bake In’ and Perpetuate Past Discrimination” (2016), https://www.nclc.org/images/pdf/credit_discrimination/Past_Imperfect050616.pdf; Natalie Campisi, *From Inherent Racial Bias to Incorrect Data—The Problems with Current Credit Scoring Models*, Forbes (Feb. 26, 2021), <https://www.forbes.com/advisor/credit-cards/from-inherent-racial-bias-to-incorrect-data-the-problems-with-current-credit-scoring-models/>; Michelle Singletary, Opinion, *Credit Scores are Supposed to be Race-Neutral. That’s Impossible.*, Wash.

- Post (Oct. 16, 2020), <https://www.washingtonpost.com/business/2020/10/16/how-race-affects-your-credit-score/>.
- ¹⁴ See Jung Hyun Choi, et al., Urban Inst., *Explaining the Black-White Homeownership Gap* 8 (2019), https://www.urban.org/sites/default/files/publication/101160/explaining_the_black-white_homeownership_gap_a_closer_look_at_disparities_across_local_markets_0.pdf; Kenneth P. Brevoort, et al., Consumer Fin. Prot. Bureau, *Data Point: Credit Invisibles* (2015), https://files.consumerfinance.gov/f/201505_cfpb_data-point-credit-invisibles.pdf.
- ¹⁵ Jung Hyun Choi, *supra* note 14.
- ¹⁶ *Id.*
- ¹⁷ *Id.*; see also Brevoort, *supra* note 14. Almost 20 percent of U.S. adults can be considered “credit invisible” or “credit unscorable” because of limited credit history with the major credit-scoring companies. Michele Scarbrough, *Who are the Credit Invisible?*, Consumer Fin. Protection Bureau Blog (Dec. 12, 2016), <https://www.consumerfinance.gov/about-us/blog/who-are-credit-invisible/>.
- ¹⁸ Loan Originator Compensation Requirements Under the Truth in Lending Act (Regulation Z), 78 Fed. Reg. 11280, 11426 (Feb., 15, 2013), <https://www.govinfo.gov/content/pkg/FR-2013-02-15/pdf/2013-01503.pdf> (to be codified at 12 C.F.R. pt. 1026) (paragraph 36(f)(3)(ii)(B)) (requiring credit checks only for employees acting as loan originators in consumer credit transactions secured by a dwelling).
- ¹⁹ Loan Originator Compensation Requirements Under the Truth in Lending Act (Regulation Z), 78 Fed. Reg. 11280, 11382 (Feb., 15, 2013), <https://www.govinfo.gov/content/pkg/FR-2013-02-15/pdf/2013-01503.pdf> (to be codified at 12 C.F.R. pt. 1026) (analysis of paragraph 36(f)(3)(ii)(B)). Similarly, the CFPB advises employers not to consider debts arising from medical expenses, given that such debts are not indicative of financial responsibility. *Id.*
- ²⁰ Safer Foundation case management notes for “Jada”, *supra* note 7.
- ²¹ *Id.*
- ²² Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681. Some states have more stringent consumer protection laws governing this area, such as the California Investigative Consumer Reporting Agency Act (ICRAA).
- ²³ California law prohibits employers from requiring applicants to submit information related to their record, including evidence of rehabilitation or mitigating circumstances, or from disqualifying applicants for failing to provide such information. Such information or documents are “optional and may only be voluntarily provided by the applicant . . .” Cal. Code Regs. tit. 2, § 11017.1(c).
- ²⁴ Safer Foundation interview with “Maurice” (Feb. 9, 2021) (transcript on file with author). To maintain worker anonymity, this brief uses a pseudonym and omits the employer name.