

Summary of Comments
Draft Directive “Criminal Record Restrictions and Impact Based on Race and Nationality”

There were six commenters to the draft version of this directive:

Commenter #1 inquired about the need for clarification on the Equal Employment Opportunity Commission Enforcement Guidance letter 915.002 as it relates to the Guidance on disparate treatment and disparate impact analysis under Title VII.

Response: The Employment Development Department (EDD) has added this language in the “Policy and Procedures” section of the directive.

Commenter #2 indicated the need for the State to embed Attachment 3, Attachment 4 and Attachment 5 into the California Workforce Services Network (CWSN) Employer Job posting process and Attachment 2 for job seekers into the job applicant process.

Response: The EDD has forwarded this suggestion to the CWSN development team.

Commenter #3 indicated that because CWSN is a job posting system that gathers universal job postings from thousands of public and private job boards, then it is imperative that all criminal record restrictions notices be integrated into the State Job posting system to ensure uniformity and consistent application.

Response: The EDD has forwarded this suggestion to the CWSN development team.

Commenter #4 suggested that the State integrate a key word search on job postings that flag employer postings that include hiring restrictions into CWSN.

Response: The EDD has forwarded this suggestion to the CWSN development team.

Commenter #5 indicated that because local areas do not currently retain records of the notices sent to address vacancy announcements containing hiring restrictions based on arrest and/or conviction records, then the State must develop software for CWSN that will provide this information to all employers whose jobs are either posted or spidered into the job board.

Response: The EDD has forwarded this suggestion to the CWSN development team.

Commenter #6 suggested that the CWSN job posting system be developed to automatically provide a copy of Attachment 4 to job seekers that are applying for all of the jobs that indicate this requirement.

Response: The EDD has forwarded this suggestion to the CWSN development team.