

Attention D.C. Job Seekers:

The Fair Criminal Record Screening Act Expands Your Rights

Can an employer ask me about any convictions or arrests when I first apply for a job? What about during a job interview?

No, most employers in the District of Columbia cannot ask a job applicant if they have a criminal history during the application and interview part of the hiring process or at any time before extending a “conditional job offer.” (A conditional job offer is just an offer that depends on the results of a criminal background check or screening.)

Can an employer ask me about my criminal convictions later in the hiring process?

Yes, an employer can ask about a criminal conviction or pending criminal case before hiring you, but only after making a conditional job offer. After extending the conditional offer, the employer may then require you to agree to let them run a criminal background check in order to get the job.

Can an employer ask me about old arrests that did not lead to a conviction?

No, most employers may not ask about arrests or criminal cases where you were not convicted, unless the case is still going on.

If an employer learns of a conviction or pending criminal matter after they make a conditional job offer, can they withdraw the offer?

Yes, employers can withdraw your job offer after learning about a conviction or pending criminal case. However, employers need to have a legitimate reason to believe that hiring a person with your criminal history for that job could harm their business.

Are there any exceptions to these rules?

The Fair Criminal Record Screening Amendment Act does not apply to employers with 10 or fewer employees, employers who serve or work in facilities that serve kids or vulnerable adults, jobs where background checks are required by law, or in other limited circumstances.

What can I do if I believe an employer didn't follow these rules in the hiring process?

If you believe an employer broke these rules, you may ask the employer within 30 days of the action for a copy of your hiring records. The employer must provide you with this information if you ask for it. You can file a complaint with the Office of Human Rights or talk to a lawyer about your options. A copy of your hiring record is helpful, but not required to file a complaint.

For more information about your employment rights related to criminal history contact:

Employment Justice Center
Call: 202-828-9675
Email: justice@dcejc.org
www.dcejc.org/need-legal-help

The Washington Legal Clinic for the Homeless
Call: 202-328-5500
Email: info@legalclinic.org
www.legalclinic.org