

Criminal Background Screenings and Employment - Notice of the Right to File a Complaint -



(updated December 11, 2014)

The District of Columbia Fair Criminal Record Screening Amendment Act of 2014 only allows businesses to withdraw a conditional job offer or take an adverse action because of an applicant's criminal conviction(s) for a legitimate business reason. Your conditional job offer was revoked based on a review of your past criminal conviction(s). This decision must be considered reasonable in light of six factors.*

If you believe your job offer was improperly revoked based on the employer's review of your criminal conviction, you have the right to:

- Within 30 days of the action, request from the employer a copy of all records related to the consideration of your application, including your criminal record. The file must then be provided to you within 30 days of your request.
- File a complaint with the District of Columbia Office of Human Rights (OHR). It is cost-free and does not require an attorney. OHR will review the facts related to the business' decision, and may initiate a mediation and investigation.

Complaints must be filed with OHR *within one year* of the adverse action, and can be filed online at ohr.dc.gov/page/complaints, or at 441 4th Street NW, Suite 570N, Washington, DC, 20010.

Penalties can be imposed against the business if a violation is found, with half the penalty being awarded to you as the applicant and the other half to the District of Columbia government.

For more information about your rights under the Fair Criminal Record Screening Amendment Act or about the complaint process at OHR, visit ohr.dc.gov/page/returningcitizens or call 202.727.4559.

* The employer's legitimate business reason must be reasonable in light of the following factors: A reasonable business purpose must be determined using six factors: (1) Specific duties and responsibilities necessarily related to the employment; (2) Fitness or ability to perform one or more job duties or responsibilities given the offense; (3) Time elapsed since the offense; (4) Age of the applicant when the offense occurred; (5) Frequency and seriousness of the offense; and (6) Any information about the applicant that indicates rehabilitation or good conduct since the offense occurred.