

General Information and Effective Date

(updated October 23, 2014)

Role of the DC Office of Human Rights

The District of Columbia Office of Human Rights (OHR) is charged with enforcing the Fair Criminal Record Screening Amendment Act of 2014, which aims to prevent unlawful screening of a job applicant's criminal background. Once this new law becomes effective, OHR will accept and investigate complaints that allege violations of the law, and when violations are found, penalties can be imposed.

When the New Law Is Effective

The City Council passed and Mayor Vincent C. Gray signed this new legislation into law in August 2014; however, it is not effective until after a congressional review period. OHR expects the Congressional review period to end on or about November 13, 2014. Complaints for violations of the law may be filed for incidents that occur after the law takes effect.

What the Law Requires of Employers

The law *prohibits** employers from asking job applicants about:

- Arrests;
- Criminal accusations made against the applicant that are not pending or did not result in a conviction; or
- Criminal convictions on the initial employment application form.

Criminal Convictions

An employer may not ask about a criminal conviction until after extending a conditional offer of employment. An employer who properly asks about a criminal conviction can only withdraw the offer or take adverse action against the applicant for a legitimate business reason that is reasonable under the six factors listed in the Act.

The law does not apply to employers with fewer than 11 employees.

* Exceptions apply for some employers, including (1) those where federal or District law or regulations require considering an applicant's criminal history; (2) when a position is designated by government program or obligation to encourage employment of those with criminal histories; (3) or those who provide programs or services to minors or vulnerable adults.

Penalties for Violations

OHR investigates the case and the Commission on Human Rights is the final decisionmaker on whether a violation occurred. Penalties may be imposed with half of the amount going to the complainant and the other half to the District, up to the following amounts:

- \$1000 for employers with 11 to 30 employees;
- \$2500 for employers with 31 to 99 employees; and
- \$5000 for employers with 100 or more employees.