

District of Columbia Code
Division I, Title 1, Chapter 6, Subchapter XX-D

DC ST § 1-620.41

For the purposes of this subchapter, the term:

- (1) "Applicant" means an individual who has filed an application for employment with a public employer or who has filed an application or made a verbal request to serve in a volunteer position with a public employer.
- (2) "Covered position" means a position in which a criminal background check is required by law.
- (3) "Public employer" means the District government.

DC ST § 1-620.42

- (a) Before posting a vacancy announcement, a public employer shall determine if the position is a covered position.
- (b) If a position is a covered position, a public employer may inquire about an applicant's criminal history at any time; provided, that the vacancy announcement includes the following statement: "This position requires a criminal background check. Therefore, you may be required to provide information about your criminal history in order to be considered for this position."
- (c) If a position is not a covered position, a public employer shall not inquire about an applicant's criminal history on the application form. A public employer may inquire about an applicant's criminal history after the initial screening of applications. If a public employer inquires about an applicant's criminal history, the applicant shall be permitted to provide an explanation of his criminal history to the public employer.

DC ST § 1-620.43

When considering whether to disqualify an applicant for a position that is not a covered position or take adverse action against an employee in a position that is not a covered position because of the applicant's or employee's criminal history, a public employer shall consider the following factors:

- (1) The specific duties and responsibilities of the position sought or held;
- (2) The bearing, if any, that an applicant's or employee's criminal background will have on the applicant's or employee's fitness or ability to perform one or more of the duties or responsibilities;
- (3) The time that has elapsed since the occurrence of the criminal offense;
- (4) The age of the person at the time of the occurrence of the criminal offense;
- (5) The frequency and seriousness of the criminal offense;
- (6) Any information produced regarding the applicants or employee's rehabilitation and good conduct since the occurrence of the criminal offense; and
- (7) The public policy that it is generally beneficial for ex-offenders to obtain employment.