



What is the federal policy on hiring individuals with criminal records?

Federal agencies have renewed their focus on initiatives for the reentry population. Reentry intersects all aspects of an individual's well-being, and also the well-being of their community. This fact sheet clarifies existing federal policies related to the hiring and employment of formerly incarcerated individuals and their families.

"The Federal Government's hiring policies prohibit employment of people with criminal records."

MYTH

FACT

People with criminal records are eligible to compete for the vast majority of federal jobs.

The Federal Government employs people—including some who may have criminal records—that possess the requisite knowledge, skills, and abilities.

Consistent with **Merit System Principles**, agencies are generally required to consider people with criminal records when filling positions if they are among the highest rated candidates and can comply with requirements.

For most federal jobs, questions regarding criminal history do not appear on initial job applications. If a candidate seeking admission to the civil service receives a conditional offer of employment, they will be asked to complete a Declaration for Federal Employment (OF 306) and undergo a background investigation to establish "suitability," or fitness for employment.

People with criminal records are eligible for employment in the vast majority of federal jobs. For a few positions, they may not be eligible because specific laws or statutes prohibit employment, depending on the crime committed.

For example:

- ▶ Certain federal laws, like those prohibiting treason, carry with them a lifelong ban on federal employment.
- ▶ Other laws prohibit federal employment for a certain number of years.
- ▶ The Bond Amendment imposes restrictions related to national security positions.

The principal considerations for agencies hiring people with criminal records involve making determinations related to:

- ▶ An individual's character traits and conduct
- ▶ Potential conflicts between criminal conduct and the core duties of the job
- ▶ Potential conflicts between employment of the individual and interests of national security
- ▶ The nature, seriousness, recency, and circumstance of the individual's criminal activity; and
- ▶ Rehabilitation or efforts toward rehabilitation.

FOR MORE INFORMATION:

Federal Background Investigations:
visit nbib.opm.gov

Suitability:
visit ecfr.gov and search for Title 5, Part 731

Bond Amendment:
visit cdse.edu

On March 7, 2018, President Trump issued Executive Order 13826 to improve public safety by providing those who have engaged in criminal activity with greater opportunities to lead productive lives. The order established a Federal Interagency Council on Crime Prevention and Improving Reentry to engage with stakeholders that play a role in preventing youths and adults from entering or reentering the criminal justice system.