

## Do you need an occupational license to work?

**Did you know you could send a pre-application letter before you pay fees or even complete your training?**

A new law in DC makes it easier for individuals with prior convictions to obtain occupational licenses. This law allows you to petition the board to receive that license despite having a prior conviction. This means that you can ask the board whether your prior conviction disqualifies you from receiving a license before, during, or after receiving the required training for the license. Whether filling out an application or writing a pre-application letter to a board, it is best to **consult a lawyer** to navigate this process. For a list of resources please see below.

**Reminder: Pre-application is only for convictions. Prior arrests that did not result in a conviction DO NOT disqualify you from receiving an occupational license.**

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### How does the board determine whether my prior conviction disqualifies me from obtaining an occupational license?

The new law permits licensing boards to disqualify applicants with prior convictions only if the conviction is "directly related" to the occupation. To determine whether a conviction is "directly related," the board will consider:

- (1) Whether the elements of the offense are directly related to the duties and responsibilities of the occupation by clear and convincing evidence.

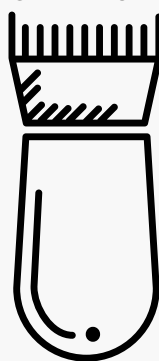
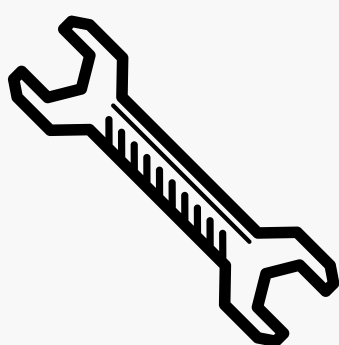
***If the board does not find your offense to be related to the occupation's responsibilities then it cannot disqualify you from receiving the license. However, if it does find your offense to be related, it will then consider evidence of rehabilitation.***

- (2) Evidence of the applicant's rehabilitation.

***Rehabilitation speaks to who you are now and what steps you have taken since your conviction. (See list below)***

- (3) The District's interest in promoting employment opportunities for individuals with criminal records.

***The board is reviewing your evidence of rehabilitation with an outlook that the district benefits from having more job opportunities for people with criminal records.***



## Process



### Evidence of rehabilitation may include:

1. Age at the time of the offense.
2. Time that has passed since conviction (the longer the better)
3. The circumstances of the offense.
4. Evidence of work history, especially if related to occupation.
5. Letters of recommendation.
6. Evidence of compliance with supervision.
7. The absence of further convictions or arrests

### How does an applicant submit a Pre-Application to a licensing board?

You may submit a pre-application to a licensing board by writing a letter to the board. The letter should include your interest in receiving that specific license, a description of your prior conviction, and any evidence of rehabilitation.

**(CLICK HERE FOR ACCESS TO SAMPLE PETITION LETTER)**

**Click here to access the PDS Navigator. The list of licensing boards starts on page 277.**

### Pre-Application is optional. Here are the pros and cons of this process.

#### PROS

- Pre-Application allows you to save time, money, and energy before going through training and paying the required fees attached to obtaining the license.
- The Pre-Application is a **free** process.
- You will likely not have to go through the appeal process after submitting your actual application.

#### CONS

- It is undetermined whether the board's petition decision is binding on the board during the actual application following the decision.
- Some boards might find it more compelling that you went through the entire application process, rather than just Pre-Application. Talk to a lawyer about this option if you can.

### Resources

**For more information about the new law please see the link below:**

<http://www.courtexcellence.org/news-events/occupational-licensing>

**Here is the link to the new law:**

<https://code.dccouncil.us/dc/council/laws/23-205.html>

**Here is the link to the PDS Reentry Navigator:**

[https://www.pdsdc.org/docs/default-source/d.c.-reentry-navigator/the-d-c-reentry-navigator-empowering-you-to-succeed-with-a-d-c-criminal-record.pdf?sfvrsn=70b798d0\\_2#page=%5B307%5D](https://www.pdsdc.org/docs/default-source/d.c.-reentry-navigator/the-d-c-reentry-navigator-empowering-you-to-succeed-with-a-d-c-criminal-record.pdf?sfvrsn=70b798d0_2#page=%5B307%5D)

- See page 217 to learn how to obtain your court and arrest records.
- See page 272 for more information on your rights pertaining to jobs and obtaining an occupational license.
- See page 277 for a list of licensing boards.
- See page 284 for a directory of more resources



**DISCLAIMER: This informational is neither legal advice nor legal representation. Your use of this document does not create an attorney-client relationship.**