

Are you worried that your criminal record may prevent you from landing your dream job?

D.C. just passed the "Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act of 2020" to make it easier for people with criminal records to obtain occupational licenses.

What is an occupational license?

- In D.C., there are over 100 jobs that require you to have a license before working in that occupation. These occupations include **barber, cosmetologist, plumber, nurse, and physician assistant.**
- In order to obtain a license to work in your desired field, you must apply through that occupation's licensing board.

(For a list of occupations and their corresponding boards, access the PDS navigator linked below.)

What does the new law provide?

✓ A board may not look into your criminal history until after it determines that you meet all other qualifications for a license.

✓ A board may not consider any arrests or charges that did not result in conviction. Nor may a board consider convictions that were sealed, set aside, vacated, or expunged. *(For information about how to obtain your criminal record, access the PDS navigator linked below.)*

✓ A board may not use your criminal conviction to deny you a license unless the offense is "**directly related**" to the job that you are seeking. *(See below for more info.)*

✓ This law creates a pre-application petition, which allows you to ask a board at any time whether your criminal history will disqualify you from obtaining a license. This can be done even before you receive the training or education required for your desired job.

.....

What is "directly related"?

A Board **may not** consider a conviction that is not "directly related" to the job you are seeking. This standard applies to both **pre-application petitions** and **traditional applications**. In deciding whether your criminal record is "directly related" a board must consider:



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



(2) Evidence of your rehabilitation.

Evidence of rehabilitation speaks to who you are since your conviction and includes the time passed since the conviction, your work history, letters of support, and other factors.



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

This requires a board to review your conviction in the context of the District's efforts to provide more job opportunities for people with criminal records.

What if a board decides your criminal history is disqualifying?

- A board must notify you in writing if it intends to deny you a license based on your criminal history.
- If a board denies you a license based on your criminal history, you are entitled to a hearing where you can challenge the board's decision.
- You may also appeal a board's decision.
 - **For a list of resources to help you challenge a board's decision, see the PDS navigator linked below.**



An Overview of the Process

You may want a lawyer to help you with each step of this process.

1

Obtaining Your Criminal Record

To determine whether you have any **convictions** you should review your criminal record.

2

The Pre-Application Petition

This step is **optional**. For more information about this process, view "Additional Materials On The Pre-Application Process" linked below.

The Application

3

Complete and submit an application for a license through the board that governs your desired profession. Each board has its own application process. **(For information about a specific profession, see the PDS navigator linked below.)**

4

The Hearing

If a board still denies you after receiving the "rehabilitation evidence", you are entitled to a hearing where you will be able to challenge the board's denial.

Resources



PDS 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

- **See pg. 217 to learn how to obtain your criminal record.**
- **See pg. 277 for a list of licensing boards.**
- **See pg. 283 for a list of resources to help you with the process.**

The new law:

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

Additional materials about the pre-application process:

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

Disclaimer:

This informational is neither legal advice nor legal representation. Use of this document does not create an attorney-client relationship.

