

BUSTER!

A Product of the Federal Interagency Reentry Council

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

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 generally are required to consider people with criminal records when filling positions if they are the best candidates and can comply with requirements.

For most federal jobs, questions regarding criminal history do not appear on initial job applications. However, individuals seeking admission to the civil service are generally asked to complete a Declaration for Federal Employment (OF 306) and undergo an investigation to establish “suitability” or fitness for employment at some point in the hiring process.

The principal issues for agencies as they consider hiring people with criminal records involve making determinations related to:

- An individual's character traits and conduct to determine whether employment would or would not protect the integrity and promote the efficiency of the service.
- Whether the past criminal conduct, by its nature, is incompatible with the core duties of the job.
- Whether employment of the individual in the department or agency is consistent with the interests of national security.

- The nature, seriousness, recency, and circumstances of the individual's criminal activity, and whether there has been rehabilitation or efforts toward rehabilitation.

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:

- A handful of federal laws, like those prohibiting treason, carry with them a lifetime ban on federal employment.
- Others, like the criminal statute for inciting a riot, prohibit federal employment for a certain number of years.
- The Bond Amendment imposes restrictions related to national security positions.

For More Information:

OPM Contractor Fitness Adjudication Best Practices Guide, click [here](#).

Suitability Determinations Criteria, click [here](#).

Bond Amendment, click [here](#).

Federal Background Investigations, click [here](#).

For Additional Reentry Myth Busters, click [here](#).

What is a REENTRY MYTH BUSTER? This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 600,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high -- more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

For more information about the Reentry Council, go to: <http://csgjusticecenter.org/nrrc/projects/firc/>