

## On Federal Hiring Policies

**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 those 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 justice involvement, 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 justice involvement, 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

<https://www.chcoc.gov/content/contractor-fitness-adjudication---best-practices>

#### Suitability Determinations Criteria

<https://www.law.cornell.edu/cfr/text/5/731.202>

#### Pre-Employment Inquiries and Arrest & Conviction

<https://www.eeoc.gov/pre-employment-inquiries-and-arrest-conviction>