

THE FAIR CHANCE TO COMPETE ACT

DEPARTMENT OF VETERAN AFFAIRS

BACKGROUND

On December 20, 2019, the president signed into law the National Defense Authorization Act, which includes the [Fair Chance to Compete for Jobs Acts of 2019](#) (“Fair Chance Act” or “the Act”). The Fair Chance Act prohibits Federal agencies and Federal contractors acting on their behalf from requesting that an applicant for Federal employment disclose criminal history record information before the agency makes a conditional offer of employment (for example, tentative job offer) to that applicant. The Act is intended to ensure every applicant receives a fair chance at employment, allowing the merits of an individual to include their qualifications, skills be the primary criteria for hiring. The Fair Chance Act was designed help qualified workers with arrests or conviction records compete fairly for employment in federal agencies.

On October 2, 2023, the U.S. Office of Personnel Management (OPM) finalized its regulations for the Fair Chance Act. The regulations assist agencies like the Department of Veterans Affairs (VA), in carrying out the provisions of the Act found in chapter 92 of title 5, United States Code. The regulations also provide a complaint process for applicants who believe they have been subjected to a violation of the Fair Chance Act and hold accountable Federal employees found to have committed such a violation.

COVERAGE

This prohibition applies to all positions in the competitive service, excepted service, and Senior Executive Service. The prohibition does not apply to an applicant for an appointment to a position listed under [5 C.F.R 920.201\(b\)](#). For specific details, please refer to the [Fair Chance to Compete for Jobs Acts of 2019](#).

HOW TO FILE A COMPLAINT

VA strives to ensure that every applicant is treated fairly through the hiring process. As required by regulation, we have established procedures under which an applicant may submit a complaint, or any other information, if you believe you have been subjected to a violation of the Fair Chance Act. Applicants who wish to submit a written complaint to the VA must do so within 30 days of the alleged violation by emailing our office at: vacofairchanceact@va.gov. Submissions must include:

- The Administration name (for example, Veterans Benefits Administration (VBA), Veterans Health Administration (VHA), National Cemetery Administration (NCA) and so forth),
- Name and contact information of the employee or contractor who made contact (if known);
- Date of when contact was made;

- Details regarding the job opportunity announcement applied to; and,
- Copies of any documents or other evidence related to the complaint.

APPLICANT QUESTIONS AND ANSWERS

Questions and answers about this Act are available at: [Fair Chance Memo with Attachments.pdf \(chcoc.gov\)](#)

QUESTIONS

Direct questions concerning this “Act” to your Agency Contact listed on the Job Opportunity Announcement (JOA) under the header “How to Apply” or to the local VA Human Resources Office ([Find VA Locations | Veterans Affairs](#)).