

SF 85--Adjudication of Comments Received From 60 Day FRN (Published 6-30-17)

Agency/Public	Name, Email, Telephone	Section	Original Text	Recommended Change	Comment/Rationale	Accept/Reject Comment/Rationale
National Treasury Employees Union (NTEU)	Anthony Reardon, National President	Section 17, Police Record	Police Record will include questions regarding offenses, charges, and arrest, and branching questions will be added to inquire about the disposition of criminal proceedings.	NTEU's concerns pertain to a new section that OPM proposes to include in its revised form: Section 17 -Police Record. This section covers one of five areas addressed in Optional Form 306, Declaration for Federal Employment, which OPM proposes to import into its SF-85 "[i]n an effort to streamline information collection." See 82 Fed. Reg. 29949. While NTEU does not object to OPM collecting some "police record" information in its SF-85, NTEU believes that OPM requests information in this proposed section without sufficient justification. Indirect contrast to the current OF-306, the proposed "Police Record" section would require individuals to report convictions that were expunged under federal or state law or otherwise stricken from court records. It would also, in direct contrast to the current OF-306, require individuals to report charges that were dismissed. The information that the section would require, moreover, includes information about charges and proceedings (regardless of the outcome) that occurred when an individual was a minor, even if the record in the matter is under seal.	Each of these things is objectionable. OPM gives no basis for seeking information on dismissed or expunged criminal charges. Absent a sufficient basis, employees should not have to give this sensitive information to OPM. It is, moreover, exceedingly difficult to see the probative value of this information. A dismissed charge or expunged violation, by its very nature, shows nothing and would thus be of no value in determining one's fitness for the federal civil service. The same is true for information pertaining to conduct alleged to have occurred when the individual was a minor that is under seal. OPM's proposed "Police Record" section should be stricken or, alternatively, modified to mirror the corresponding section in the current OF-306.	REJECT--The questions are designed to elicit information regarding criminal history record information, to permit the individual to explain the circumstances of offenses or charges, and to obtain details to assist in locating and obtaining records for the background investigation. Collecting criminal record information from the individual provides efficiency and affords the individual the opportunity to provide contextual details about conduct. Such details are needed by agencies in applying suitability criteria and/or assessing whether granting a PIV will present an unacceptable risk to people, property, and/or information systems.

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Federal Aviation Administration (FAA)	Michele O'Rourke, Personnel Security Specialist, 202/267-4931; Michele.O'Rourke@faa.gov	60 Day FRN		In an effort to streamline information collection from the respondents, changes are proposed to add five areas of questioning found on the Declaration of Federal Employment form (OF 306) to the SF 85. The recommendation is to have questions pertaining to Selective Service record, military discharge, police records and court(s) martial, debarment from federal employment, and financial history included on the SF 85. This change would provide information needed in support of the background investigation and limit multiple reporting requirements for respondents for the purpose of the background investigation.	Would this enhancement mean that the OF 306 would no longer need to be collected? 306 form is a valuable form as it is received prior to putting someone in eQIP and it is HRs first opportunity to weed out problem people. OPM has incorporated some of the questions into the expanded form; however, this form is still necessary as a pre-employment, pre-waiver tool.	This question is outside the purpose of this collection. An assessment on the usefulness of the OF 306 may be completed at a later date and as part of the renewal process for the form.
Federal Aviation Administration (FAA)		Section 9, Citizenship		Add a field to request the CIS number (A#) in the Naturalization Certificate number section.	This number is needed in order for us to confirm citizenship via DHS SAVE System.	REJECT---CIS is currently requested.
Federal Aviation Administration (FAA)		Section 11, Where You Have Lived; etc. +		Suggest that clarification to instructions or a change is needed so as to required applicant to enter full addresses (House #, Street name, and identifier (Lane, Avenue, etc.))		REJECT--Address current instructions are sufficient and request Street Address, City, State, ZIP Code, Country
U.S. Postal Inspection Service (USPIS)	Tamecia Collins, A/Program Specialist, TDCollins@uspis.gov, 901/747-7702	Form		The proposed new SF85 in many ways resembles the SF85P;	One form could be combined and utilized for multiple Tiers.	NOTED.

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U.S. Postal Inspection Service (USPIS)		Form			If the new SF85 is adopted, a PDF version should be made available for those agencies that do not choose to utilize eQIP.	NOTED.
U.S. Postal Inspection Service (USPIS)		Form			If PDF version is made available, branching questions should be available.	NOTED.
U.S. Postal Inspection Service (USPIS)		Section 6, Your Identifying Information	Height, Weight, Hair Color, Eye Color, Sex (M/F)	This section should include marital status/history. Sex/gender question should be expanded to include Transgender options.	Section will be expanded to request additional identifiers. A listing of identifiers should have been provided for relevancy.	REJECT-Marital/Relationship status will remain in a separate section. REJECT - Gender collection on the questionnaire is based on an which gender the applicant identifies with and therefore no changes are needed for transgender individuals.
U.S. Postal Inspection Service (USPIS)		Section 12, Where You Went to School	Have you received a degree or diploma more than 5 years ago?	Degree/diploma information should be left in to comply with FIS.	Section will be changed regarding the requirement to list degree or diploma information. However, FIS 6.2.11. Education, states the educational institution where the most recent degree was obtained will be queried.	REJECT -Degree and diploma information is currently be collected on the proposed SF 85.

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U.S. Postal Inspection Service (USPIS)		Section 13b, Employment Activities-Former Federal Service	Do you have former federal civilian employment, excluding military service, NOT indicated previously, to report?		The separation of federal employment from other employment on the form could produce a duplication of information if subject fails to follow instructions.	ACCEPT--All federal employment is collected in 13a, Employment Activities. 13b, Former Federal Service is a duplication and will be removed.
U.S. Postal Inspection Service (USPIS)		Section 16, People Who Know You Well		Reference checks are not required for Tier 1 and were eliminated from the NACI process 2 years ago.	Do not see the continued relevance of this section.	ACCEPT

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U.S. Postal Inspection Service (USPIS)		Section 17, Police Record	'In the last five (5) years have you been arrested by any police officer, sherrif, marshal or any other type of law enforcement official?'	Applicant should be asked have you ever been arrested or used drugs or specifically asked in the past 5 or 10 years.		REJECT-- Arrests related to drugs within the last five years would apply to the police record question.
U.S. Postal Inspection Service (USPIS)		Section 21, Association Record		A credit check is not required for Tier 1,	But if an applicant reports federal or tax debt issues in this new section,an Expandable Focused Investigation (EFI) including a credit report should be initiated.	NO ACTION REQUIRED-No Recommendation Provided
(PAC PMO) Program Management Office, Performance Accountability Council	Gari Carter, FBI Detailee, Gari.Carter@pac.gov, 703/605-4121	Form		There should be a Section on Alcohol Abuse,	As it is a suitability factor under Section 731 of Title V U.S.C.	Not accepted at this time. Question to be considered as part of future review regarding justification to collect alcohol abuse on this questionnaire.

