

Supporting Statement for Information Collection Submission
OMB Control Number 3090-0287
Background Investigations for Childcare Workers, GSA Form 176

A. Justification

1. Explain the circumstances that make the collection of information necessary.

Homeland Security Presidential Directive (HSPD) 12 “Policy for a Common Identification Standard for Federal Employees and Contractors” (the Directive) requires the implementation of a government-wide standard for secure and reliable forms of identification for Federal employees and contractors. OMB’s implementing instructions requires all contract employees requiring routine access to federally controlled facilities for greater than 6 months to receive a background investigation. The minimum background investigation is the Tier 1 and the Office of Personnel Management offers a Tier 1C for childcare.

However, there is no requirement in the law or HSPD-12 that requires childcare employees to be subject to the Tier 1C since employees of childcare providers are neither government employees nor government contractors. The childcare providers are required to complete the criminal history background checks mandated in the Crime Control Act of 1990, Pub. L. 101-647, dated November 29, 1990, as amended by Pub. L. 102-190, dated December 5, 1991. These statutes require that each employee of a childcare center located in a Federal building or in leased space must undergo a background check that is: 1) based on fingerprints taken by a law enforcement officer and on other identifying information, 2) conducted through the FBI's Identification Division and through the State criminal history repositories in each state in which the childcare employee has been a resident or has listed in an employment application, and 3) initiated through the personnel program of the applicable employing agency.

According to GSA policy childcare workers (as described above) will need to submit the following:

1. An original signed copy of a *Basic National Agency Check Criminal History*, GSA Form 176; and
2. Two (2) sets of fingerprints on Form SF-87 and /or electronic prints from an enrollment center
3. Electronically submit the e-QIP (SF85) application for completion of the Tier 1C

2. Indicate how, by whom, and for what purpose the information is to be used.

The Contracting Officer, Project Manager, Childcare Center Director, or other designated representative, referred to as “Sponsor”, is responsible for collecting and forwarding all necessary supporting documentation to perform the required background investigations for childcare workers. The law enforcement forms shall be submitted by the contractor or childcare employee to the Sponsor prior to the commencement of work. These materials will be forwarded to GSA for processing.

3. Describe whether, and to what extent, the collection of information involves the use of information technology.

The GSA 176 requires hard copy signature; it can be filled out electronically, printed for signature and then scanned for electronic submission. There is no provision for electronic signature for this form.

The fingerprint charts can be submitted manually and/or electronically depending on the availability of fingerprint scanning equipment and the requirements of each state for processing of fingerprint checks.

The Electronic Questionnaires for Investigations Processing e-QIP (SF85) application is an electronic submission.

4. Describe efforts to identify duplication

The only time this information may be duplicated is if the childcare worker were to require access to a federally controlled facility and the previous determination could not be verified and/or there was a break in service requiring the submission of a new 176.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The burden applied to small business is the minimum burden consistent with applicable laws, Executive Orders, regulations and prudent business practices.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Collection of this information is necessary for childcare workers to be granted access and work in GSA controlled facilities. The collection of this information is required by law for childcare workers.

7. Explain any special circumstances.

If the background investigation case comes back with questionable issues or conflicting information, the investigating and/or adjudicating offices may request that additional information be provided. Therefore, the applicant should be ready to provide a written response or additional documentation upon request.

A written response is generally required in less than fifteen (15) days after receipt to ensure the applicant can receive access to federally controlled facilities to perform in accordance with contract requirements.

8. Describe efforts to consult with persons outside the agency.

A 60-day notice was published in the *Federal Register* at 86 FR 40843 on July 29, 2021. No comments were received. A 30-day notice published in the *Federal Register* at 86 FR 55614 on October 6, 2021.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

This information is disclosed only to the extent consistent with agency regulations and applicable statutes.

11. Provide additional justification for any questions of a sensitive nature.

The sensitive questions involved relate to an applicant’s criminal history and employment records and are required by law; they are deemed necessary to insure adequate protection of GSA’s owned and leased facilities, as well as providing a level of protection and safety to the children and staff in those childcare centers located within those facilities.

12 & 13. Provide estimates of the hour burden of the collection of information.

The estimated number of respondents annually is **3,060** childcare workers, with each respondent requiring **.50** hour to complete the form, for a total of **1,530** hours.

For childcare workers, the cost will be incurred by the government.

Total Annual Requests.....	3060
Estimates hours/response.....	<u>x. 50</u>
Total burden hours.....	1530
Average Cost/hour.....	N/A
Total Cost to Public.....	N/A

14. Provide estimates of annualized costs to the Federal Government.

Estimate of the burden hours to the Federal Government is 1,530 hours annually. Reviewing and processing each response should take approximately .5 hour; the total number of responses is estimated to be 3,060 childcare worker clearances each year. 3,060 responses x .5 hour = 1,530 hours.

Based on the 1,530 burden hours to the Government, using the annual salary of a Government Program Analyst, grade 12, step 1, paid \$59,383 annually includes fringe benefits (this does not include the locality adjustment); \$28.45 per hour x 1,530 hours = \$43,529.

Reviewing Time/hr.....	5
Requests/year.....	x <u>3,060</u>
Review Time/year.....	1,530
Average Cost/hr.....	x <u>\$28.45</u>
Total Government Cost.....	\$43,529

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.

There will be no changes to the existing information collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The results will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

GSA is not seeking approval to not display the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in the, “Certification for Paperwork Reduction Act Submissions.”

There are no exceptions to the certification statement, “Certification for Paperwork Reduction Act Submissions”.

B. Collections of Information Employing Statistical Methods

This section is not applicable for the purposes of these forms.