

**STATEMENT A FOR THE
DECLARATION FOR FEDERAL EMPLOYMENT,
OPTIONAL FORM 306 (OF 306)
OMB #3206-0182**

Justification:

1. **Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The information collected on this form is used to determine acceptability for Federal and Federal contract employment. The U.S. Office of Personnel Management (OPM) is authorized to request this information under Executive Order 13467, as amended; sections 1103 of title 5, United States Code (U.S.C.); and parts 2, 5, 731, and 736 of title 5, Code of Federal Regulations (CFR). Section 1104 of title 5 allows OPM to delegate personnel management functions to other Federal agencies.

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The Optional Form (OF) 306 is completed by individual applicants during the hiring process. It is a fillable form that collects information about an applicant's selective service registration, military service, and general background. The information collected on this form is mainly used to determine a person's acceptability for Federal and Federal contract employment. The information on this form may be used in conducting an investigation to determine a person's suitability or ability to hold a security clearance, and it may be disclosed to authorized officials making similar, subsequent determinations.

This information is collected by human resources professionals during the hiring process.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The OF 306 is available as a pdf on the web. It is also incorporated into the onboarding functionality of USA Staffing, a system that allows for electronic collection of information necessary to onboard an individual for federal service. Agencies also create versions in their own automated systems. For example, IRS uses one. When they do so, their system must meet the requirements in OPM's

Entrance on Duty Manual available at
<https://eopf.opm.gov/eOPFToolkit/Documents/EOD%20RequirementsAndSystemCertification%20v2.3.pdf>

4. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

Information collected on the OF 306 about a person's selective service information, military service and general background information is used to determine the acceptability for Federal employment. Other forms, specifically the SF-85P and SF-86, may request similar information, but these information collections are for the purpose of determining an eligible employee's suitability for a position of trust or eligibility to occupy a sensitive position or have access to National Security information. These collections may occur at a later point in time during the onboarding process. Efforts are underway to examine the feasibility of electronically transferring certain points of information collected on the OF 306 into background investigation systems, when appropriate. The background investigation systems are currently being rebuilt and are not yet mature enough to accommodate such an interface at present.

5. **If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

Not applicable. This collection of information does not affect small businesses or other small entities.

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.**

The OF 306 is completed by applicants who are under consideration for Federal or Federal contract employment. The OF 306 requests that the applicant provide personal identifying data, including convictions, imprisonments, probations, paroles or military court martial in the past 10 years, delinquency on a Federal debt, Selective Service Registration, United States military service, and Federal civilian or military retirement pay or pension received or applied for.

If this information is not collected, OPM would be neglecting authorization to request this information under sections 1302, 3301, 3304, 3328, and 8716 of title 5. U.S.C. Section 1104 of title 5 allows OPM to delegate personnel management functions to other Federal agencies.

7. **Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.**

Not applicable. This information collection is in compliance with 5 CFR 1320.6.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

OPM previously solicited comments for this collection, with a 60-day public comment period, at 87 FR 24885 (April 21, 2022). In response to the invitation to comment on the OF 306, OPM received five comments addressing how the form is used and recommendations for changes to the form's content.

One agency described the process for processing selectees in the USA Staffing system by which the selectee enters information which then populates onto the applicable forms, including the OF 306. The agency opined that this process is efficient and the information collection is necessary in order for the proper completion of all of the forms requested by the agency. OPM agrees that USA Staffing is an efficient process for collecting the information.

Another agency suggested OPM align the description of what is requested in the Military Service section of the form to the manner in which it is provided on the DD214. OPM is not recommending changes to the OF 306 in response to this suggestion as not all of the information in the DD214 is necessary for the purposes of the OF 306. A veteran should be able to use the DD-214 issued to them to identify their condition of discharge and provide it on the OF 306.

Several commenters offered views regarding the timing of when agencies ask applicants to complete the OF 306.

- One agency offered that they are already in compliance with the federal government's "ban the box" policy by not asking for criminal history information ahead of conditional offer; the agency does not collect the OF 306 or the background investigation form until after an offer is made.
- Another agency offered that the OF 306 along with an agency specific addendum should be collected only when an applicant self-discloses a criminal record, employment issues, or financial delinquencies, and in this

case, the agency offers due process. OPM will not make a revision to the OF 306 based on this comment. As is explained in this notice, unless the position is exempt from the provisions of the Fair Chance Act or a position specific exception has been granted, criminal history or credit information of the nature sought on the OF 306 may not be requested prior to conditional job offer. Once a conditional offer of employment has been made, the information collection is necessary to determine acceptability for Federal and Federal contract employment.

- An advocacy organization, on behalf of it and other organizations, recommended that the OF 306 be revised to remove questions 9 and 11 from the form. These questions ask about criminal convictions, imprisonment, or probation as well as about pending criminal charges. The basis offered for the recommendation is that the expectation of self-disclosure is misguided and undermines fair chance hiring by distracting from other matters, namely competence, qualifications, and experience. The organization suggests that providing criminal history information causes a high level of anxiety in job applicants with records and that self-disclosure does not serve a purpose, but instead tests whether the individual understands and has memorized their criminal history details. The organization suggests a better way to determine the content of the candidate's record is to skip asking them to self-disclose and instead simply conduct the required background check at the appropriate point in the hiring process and then confirm its content with the applicant. OPM will not eliminate questions 9 and 11 on the OF 306 based on this comment. Job applicants are generally not asked to disclose criminal history information until after a conditional offer of employment has been made. For those positions exempted from the requirements of the Fair Chance Act or that have been excepted by OPM, collection of criminal history information prior to conditional offer of employment is justified by business necessity due to the nature of the position. Further, providing the individual with the opportunity to provide information regarding their personal history that will be used in a background investigation is consistent with the requirement of the Privacy Act of 1974 that information be collected directly from the individual to the greatest extent practicable. Individuals have an opportunity to provide the details regarding their answers using the continuation space provided in number 16 on the OF 306. Given that criminal conduct is one factor that is assessed when considering the suitability of an individual for a position, collection of the information from the individual assists the Government by providing relevant information.

In response to these three sets of comments regarding the timing of asking applicants about any criminal history, OPM is adding the following language to the OF 306 in an attempt to clarify the timing requirements: "Most applicants are asked to complete this form after a tentative offer of employment has been made; however, depending on your position, you may be asked to complete this form earlier during the hiring process."

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

No payments are given to respondents.

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

The OF 306 contains a Privacy Act Statement, as required by 5 U.S.C 552a. The U.S. Office of Personnel Management (OPM) is authorized to request this information under sections 1302, 3301, 3304, 3328, and 8716 of title 5, U.S.C. Section 1104 of title 5 allows OPM to delegate personnel management functions to other Federal agencies. Any disclosure of this record or information in this record is in accordance with routine uses found in System Notice OPM/GOVT-1, General Personnel Records.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Not applicable. The questions are not of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

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

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Form Name	Form Number	No. of Respondents	No. of Responses per Respondent	Average Burden per Response (in hours)	Total Annual Burden (in hours)	Average Hourly Wage Rate	Total Annual Respondent Cost
OF 306	3206-0182	315,478	1	.25	78,870	\$22.00	\$433,785
Total		315,478	1	.25	78,870	\$22.00	\$433,785

Each OF 306 form takes an estimated 15 minutes to complete.

It is estimated that the total number of respondents for the OF 306 is 315,478 annually. Accordingly, the estimated annual burden is 78,870 hours.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

There is no fee or financial cost to individual respondents. However, OPM has converted the hour burden to cost to individual in the question above.

14. Provide estimates of annualized cost to the Federal Government. Also provide a description of the method used to estimate cost which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff) and any other expenses that would not have been incurred without the paperwork burden.

OPM estimates that 5 minutes a case is likely the average review time as the review should occur in comparison with other information provided by the individual to look for discrepancies as well as to make sure the information is complete.

In addition, OPM estimates that the average person processing the form is a GS-12, Step 5 who make about \$37.09 an hour which will break down to \$3.09 for 5 minutes. Therefore, if the responses are 315,478/year and the cost of staff time to review is \$3.09, the total annual cost is estimated to be \$974,827.02. As the form is provided electronically, OPM does not expect to incur any printing cost.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

No explanation require as OMB Form 83I is not being used..

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable. Information collected on the forms 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.

Not seeking approval for not displaying OMB approval number

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Not applicable.