

SUPPORTING STATEMENT - PART A

DoD Child Development Program (CDP) - Criminal History – 0704-0516

1. Need for the Information Collection

The information collection requirement is necessary to obtain a self-reported record of criminal history from each employee, contractor, volunteer, family childcare provider, and family childcare adult family member residing in the home.

Authority is granted by 34 USC 20351, "Crime Control and Law Enforcement," which requires the application for individuals who are seeking work for an agency of the Federal Government, or for a facility or program operated by (or through contract with) the Federal Government, contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child, and if so requiring a description of the disposition of the arrest or charge. An application must also state that it is being signed under penalty of perjury, with the applicable Federal punishment for perjury stated on the application. DoD Instruction 1402.05, *Background Checks on Individuals in DoD Child Care Services Programs* outlines the requirements. DoD Manual 1402.05, *Background Checks on Individuals in DoD Child Care Services Programs* requires individuals affected by this policy to annually self-report changes to his or her status utilizing this form.

2. Use of the Information

Individuals who are interested in working for the DoD or for a program operated by or through a contract with the DoD must complete the form prior to working with children under the age of 18 years. Respondents include DoD employees, contractors, family childcare providers, adult family member residing in a family childcare home, and specified volunteers. The form requires disclosure of any apprehensions, arrests, charges, or convictions that would keep the individual from obtaining or maintaining a favorable suitability or fitness determination. Individuals must declare if they have been apprehended, arrested, charged, or convicted by Federal, State, or local authorities for any violation of any Federal law, military law, municipal law, or have met the Family Advocacy criteria for child maltreatment for the following: child abuse and neglect; sex crimes; crimes involving drugs and/or alcohol, domestic violence, or violent crimes or assaultive behavior. Individuals are not required to disclose information about incidents that occurred prior to their 16th birthday or traffic fines of less than \$300. Disclosure is voluntary; however, failure to furnish all the requested information may impact the individual's ability to work with and around children. Respondents are provided the collection instrument during the application phase or on boarding. The collection instrument requires each respondent to complete the form using pen or pencil or electronically (using a computer). The respondent may receive assistance in filling out the form, such as having the form read to them by the human resource officer or security manager. The individual must sign. The form is completed at the program site or human resource or security offices and securely maintained by the program manager, human resource office or security manager. There are no other communications sent to the respondent associated with the information collection. The human resource office or

security manager reviews the form and, if no derogatory information is disclosed, the form is securely saved until the annual update. If derogatory information is disclosed, the program manager notifies the installation human resource officer or security manager. Respondents who are part of the military child and youth programs workforce are required to update the form on an annual basis by reviewing the information and signing the form. Each child and youth programs office is responsible for notifying the individual in person, by phone or email when it's time to update the form. The respondent indicates changes to their status through a yes or no response with an accompanying signature. Respondents will complete a reinvestigation of background checks, to include the FBI fingerprint check and State child abuse and sex offender registry databases, at the end of the five-year period. These reinvestigations are initiated and adjudicated by the human resource office or security manager.

3. Use of Information Technology

While this form can be downloaded as fillable .pdf, there is not an electronic collection system in place for these forms. Currently, the form is exclusively collected in hard copy with 0% of responses collected electronically. The form is collected at the local installation level. The Department worked with installation-level human resource offices and security managers, through the Military Services Child and Youth Program offices, to establish new protocols for accepting the document via email.

The form is formatted to collect responses via printed copy and electronically. Offices responsible for utilizing the form are encouraged to utilize the electronic submission and to provide the respondent access to a computer. In addition, the form is designed to use for a five-year period for use by the child and youth workforce, thereby reducing the amount of paper used. The annual review of the original document is recorded with a signature and date, in the section where the individual annually certifies, that they have not been apprehended, arrested, charged, or convicted in the past year.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source on an annual basis.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

This information is collected during hiring and certified annually. The frequency of collection is required by DoD policy and is intended to mitigate the risk of individuals with specific criminal history (child abuse or sex offenders, for example) having access to children.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d) (2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Tuesday, July 23, 2024. The 60-Day FRN citation is 89 FRN 59724.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Friday, October 18, 2024. The 30-Day FRN citation is 89 FRN 83852.

Part B: CONSULTATION

No additional consultation apart from soliciting public comments through the 60-Day Federal Register Notice was conducted for this submission.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

The Privacy Act Statement is located on the top of the form in the section labeled PRIVACY ACT STATEMENT and clearly visible to the respondent when completing the form.

All information is collected, maintained, and used in accordance with Federal Law and regulations and information is secured to protect information. All records are maintained as a hard copy and stored in secure, limited access, or monitored areas. Physical entry by unauthorized persons is restricted by locks, passwords, or similar system. Access to personal information is limited to those individuals who require the records to perform official assigned duties.

The information collection is covered by the Personnel Vetting Records System (DUSDI-02) System of Record Notice (SORN):

<https://dpcl.d.defense.gov/Portals/49/Documents/Privacy/SORNs/OSDJS/DUSDI-02-DoD.pdf>

A Privacy Impact Assessment (PIA) is not required for this collection because PII is not being collected electronically.

Records are maintained in accordance with each services' retentions schedules.

Army: <https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570012/a0215-fmwrc/>

RETENTION AND DISPOSAL: Data is encrypted and password protected. The system is only accessible to registered users by access through login and password that is activated upon registration. Registrants must click the activation email to activate their login.

Navy: <https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570428/nm01754-3/>

RETENTION AND DISPOSAL: Records are kept for two years after individual is no longer in the Child Development Program and then destroyed by burning, shredding, macerating, pulping, degaussing, erasing, or other appropriate means.

Air Force:

<http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/569755/f034-af-sva-c/>

RETENTION AND DISPOSAL: Retained in office files for one year after child/youth leaves program or until parent/FCC provider requests transfer of records to another base, whichever comes first. In the event the records are not transferred, they will be destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting, or overwriting.

11. Sensitive Questions

Item 6 of the form requests information about an individual's record of apprehensions, arrests, charges, or convictions by Federal, State, or local authorities for any violation of any Federal law, military law, municipal law, or incidents when the individual met the Family Advocacy criteria for child maltreatment for the following: child abuse and neglect; sex crimes; crimes involving drugs and/or alcohol, domestic violence, or violent crimes or assaultive behavior.

The information collection is required under authority of 42 United States Code § 13041 and is used to determine an individual's suitability or fitness for working with children.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1. Collection Instrument(s)

DD 2981 - Basic Criminal History and Statement of Admission (Department of Defense Child Care Services Programs)

- a) Number of Respondents: 8,000
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 8,000
- d) Response Time: 15 minutes
- e) Respondent Burden Hours: 2,000 hours

2. Total Submission Burden

- a) Total Number of Respondents: 8,000
- b) Total Number of Annual Responses: 8,000
- c) Total Respondent Burden Hours: 2,000 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1. Collection Instrument(s)

DD 2981 - Basic Criminal History and Statement of Admission (Department of Defense Child Care Services Programs)

- a) Number of Total Annual Responses: 8,000
- b) Response Time: 15 minutes
- c) Respondent Hourly Wage: \$34.34
- d) Labor Burden per Response: \$8.59
- e) Total Labor Burden: \$68,680.00

2. Overall Labor Burden

- a) Total Number of Annual Responses: 8,000
- b) Total Labor Burden: \$68,680.00

The Respondent hourly wage was determined by using the Bureau of Labor Statistics website hourly wage of \$34.34 for the Education and health services industry:

<https://www.bls.gov/news.release/empsit.t19.htm>

13. Respondent Costs Other than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

1) Collection Instrument(s)

DD2981 - Basic Criminal History and Statement of Admission (Department of Defense Child Care Services Programs)

- a) Number of Total Annual Responses: 8,000
 - b) Processing Time per Response: .25 hours
 - c) Hourly Wage of Worker(s) Processing Responses: \$26.24
 - d) Cost to Process Each Response: \$6.56
 - e) Total Cost to Process Responses: \$52,480
- 2) Overall Labor Burden to the Federal Government
- a) Total Number of Annual Responses: 8,000
 - b) Total Labor Burden: \$52,480

The hourly wage was determined by using the 2024 OPM Website (GS9 Step 3 as average):
https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/GS_h.aspx

Part B: OPERATIONAL AND MAINTENANCE COSTS

- 1) Cost Categories
- a) Equipment: 0\$
 - b) Printing: \$550
 - c) Postage: 0\$
 - d) Software Purchases: 0\$
 - e) Licensing Costs: 0\$
 - f) Other: 0\$
- 2) Total Operational and Maintenance Cost: \$550

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$52,480
- 2) Total Operational and Maintenance Costs: \$550
- 3) Total Cost to the Federal Government: \$53,030

15. Reasons for Change in Burden

There has been an increase in respondent labor wage since the previous approval. The response time and number of responses have not changed.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.