

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION		Number: 4725-001
SUBJECT: Procedures for the Submission of Fingerprints in the Background Investigation Process	DATE: January 9, 2013	
	OPI: Office of Homeland Security and Emergency Coordination	

<u>Section</u>	<u>Page</u>
1 Purpose	1
2 Background	1
3 Definitions	2
4 Authorities and References	3
5 Submission Methods	3
6 Types of Results	4
7 Costs	5
8 Policy	5
9 Reciprocity	6

1. PURPOSE

This regulation outlines the fingerprinting responsibilities and practices of the U.S. Department of Agriculture (USDA).

2. BACKGROUND

Executive Order 10450, Security Requirements for Government Employment, requires that all Federal employees be fingerprinted.

In addition, the Office of Management and Budget (OMB) guidance and Federal Information Processing Standard (FIPS) 201-1 require that departments and agencies initiate a background investigation (National Agency Check and Inquiries (NACI) or at least equivalent) and ensure the FBI fingerprint check is completed before issuing an identity credential.

Initial applicant suitability screening at USDA and related hiring processes are conducted by Human Resources Offices, or delegated Personnel Security Offices,

across each Mission Area. In accordance with Code of Federal Regulations (CFR), 5 CFR Part 731, Suitability, investigations should be initiated before appointment or, at most, within 14 calendar days of placement in the position. Agencies should begin screening, to include the fingerprinting process, as soon as a person accepts a tentative offer of employment.

3. DEFINITIONS

- a. **EOD** - “Entry on Duty” refers to the first day of employment
- b. **FBI Identification Record** - Often referred to as a criminal history record or a “rap sheet” – is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, Federal employment, naturalization, or military service. If the fingerprints are related to an arrest, the Identification Record includes name of the agency that submitted the fingerprints to the FBI, the date of the arrest, the arrest charge, and the disposition of the arrest, if known to the FBI.
- c. **Federal Document (FD) 258** - An FBI-issued collection chart intended for use when collecting fingerprints from contractor personnel. The FBI does not maintain FD 258 fingerprint images for contractor personnel.
- d. **Live Scan** - Live Scan fingerprinting makes it possible for a fingerprint to be taken electronically and sent to law enforcement for identification. Live Scan fingerprinting is inkless and it captures the fingerprint digitally on a computer. The prints are then forwarded electronically to the FBI or another authorized agency for a criminal background check.
- e. **Standard Form (SF) 87** - An Office of Personnel Management (OPM) - sponsored form intended for use when collecting fingerprints from Federal civilian employees and military personnel. The FBI maintains Standard Form (SF) 87 fingerprint images for military and Federal employees. This information supports the post-appointment arrest information process, which enables new FBI criminal arrest information to be forwarded through the OPM to the employing agency of a Federal employee.

4. AUTHORITIES AND REFERENCES

- a. 5 CFR Part 731, Suitability
- b. Executive Order 10450, Security Requirements for Government Employment, April 27, 1953

- c. DR 4720-001, USDA Onboarding Requirements, June 3, 2011
- d. DR 4620-002, Common Identification Standard for U.S. Department of Agriculture Employees and Contractors, January 14, 2009
- e. OMB, Reciprocal Recognition of Existing Personnel Security Clearances, December 12, 2005
- f. Executive Order 13488, Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness, January 16, 2009

5. SUBMISSION METHODS

Fingerprint submissions are required for all initial investigations sent to OPM. In most instances, the agency requiring the investigation will fingerprint the individual. However, individuals may go to a police station to be fingerprinted if onsite fingerprinting is unavailable due to geographical location. USDA Agencies will instruct their personnel security office to use one of the following three methods to submit fingerprints:

- a. Fingerprints are submitted to OPM's Fingerprint Transaction System (FTS) electronically via an FBI approved Live Scan System or Fingerprint Card Scan System that utilizes OPM-approved software.
- b. Hardcopy fingerprint submissions may be provided to OPM on an approved SF 87 or FD 258 fingerprint chart. The chart type dictates the maintenance and retention cycle for the fingerprints, which is dictated by the applicant's affiliation (Federal or non-Federal).
- c. Electronically submit the fingerprints (either a scan of the fingerprint card or direct transmittal of fingerprints must be provided) to OPM or FBI with biometric capture scanners. The table in Appendix A identifies which USDA Agencies have currently implemented this process and the Agency they are transmitting to.

To obtain additional information regarding OPM requirements, please email the following address: livescanauthorization@opm.gov

For additional information regarding FBI system requirements, please visit <https://www.fbibiospecs.org/iafis/>.

6. TYPES OF RESULTS

A **fingerprint only Special Agreement Check (SAC)** may be conducted prior to submission of any investigative request and may be captured either (1) electronically using Live Scan System or Fingerprint Card Scan System and transmitted to OPM's Fingerprinting Transaction System (FTS) or (2) captured hardcopy and mailed to OPM. The fingerprint request is processed as a SAC case type 92.

If the request for a higher level investigation is received within 120 days of the fingerprint result, OPM will merge the results from the Fingerprint SAC into the new investigation and issue an adjustment for the Fingerprint SAC. When using results from a fingerprint SAC for a higher level investigation, indicate the letter "T" in the FIPC Codes block of the Agency Use Block (AUB) on the SF85, SF85P, or SF86.

An **Advance Fingerprint Result** may be requested as part of a full background investigation. To request an Advance Fingerprint Result with an SF85, SF85P, or SF86, indicate the letter "R" in the FIPC Codes block in the AUB. This code will generate priority processing of your request and will trigger an Advance Fingerprint Report to be generated the day after completion of the criminal history check.

7. COSTS

OPM publishes its investigations billing rates for each fiscal year (FY) in a Federal Investigations Notice (FIN) prior to the end of each fiscal year. All FINs can be viewed at <http://www.opm.gov/investigate/index.aspx>. The costs below represent FY2013 costs and are subject to change thereafter.

The FBI charges user fees for processing Federal fingerprint and name search requests that are not specifically for criminal justice or law enforcement purposes. Contractor positions are not eligible for exemption even if they are in a position supporting the contracting agency's criminal justice position.

As of FY2013, the following costs (by submission method) are associated when requesting a fingerprint only SAC. NOTE: These costs do not include the costs associated with obtaining and maintaining the equipment for electronic processing (varies depending on third party contracting costs).

- a. **Electronically submit fingerprints to OPM** for a charge of \$24.25*; or

- b. **Electronically submit fingerprints directly to the FBI** for an approximate charge of \$47.25* (varies depending on third party contracting costs); or
- c. **Mail in hard-copy fingerprint charts directly to OPM** to initiate the fingerprint only SAC for a charge of \$17.25 plus a \$9 processing rate for all SAC requests = \$26.25*

*All costs are as of 10/01/2012 and are subject to change per OPM. For current costs, please contact PDSD at 202-720-7373.

There is no charge to request an **Advance Fingerprint Result** from OPM as part of the full investigation (NACI or higher).

8. **POLICY**

It is the policy of USDA to utilize the most efficient and cost effective methods available to obtain results to fingerprint searches. USDA will no longer authorize electronically submitting fingerprint charts directly to the FBI without an appropriate waiver (see below). USDA will submit all fingerprint checks through OPM. As a result, the two options agencies have for obtaining fingerprint only SAC results for pre-EOD purposes are:

- a. **Electronically submit fingerprints to OPM** for a charge of \$24.25*; or
- b. **Mail in hard-copy fingerprint charts directly to OPM** to initiate the fingerprint only SAC for a charge of \$17.25 plus the \$9 processing rate for all SAC requests = \$26.25*.

*All costs are as of 07/11/2012 and are subject to change per OPM. For current cost please contact PDSD at, 202-720-7373.

Once an employee has entered on duty (post-EOD), the most cost effective way for agencies to obtain fingerprint results would be to mark the investigation (regardless of type) with an “R” in the Federal Investigations Processing Code FIPC codes portion of the AUB for an Advance Fingerprint Result. There is no cost associated with this check.

In accordance with EO 10450, (b) “...**in case of emergency** a sensitive position may be filled for a limited period by a person with respect to whom a full field

pre-appointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.” In emergency situations where there is a critical need to bring an employee onboard or grant the necessary access permissions, the Director of the Office of Homeland Security and Emergency Coordination (OHSEC) may grant a waiver to allow for submission to the FBI, following an official request from an agency, and pending the proper investigation checks.

If an agency decides to use an alternate submission method that they find is more cost efficient and meets their business needs, the Assistant Secretary of Administration may grant a waiver, following an official request from an agency.

9. RECIPROcity

Reciprocity guidelines require agencies to accept favorable adjudication determinations for a person transferring from another department or agency when the favorable determination can be verified by the person's former department or agency and the individual has undergone a current level of investigation at the required level based on the new position. Break in service rules apply. Agencies must check for reciprocity by utilizing OPM's Central Verification System prior to requesting the employee complete any investigation actions, to include fingerprinting.

-END-

Appendix A

List of USDA Agencies with Current Electronic Fingerprint Submission Capability as of
6/15/2012

<i>USDA Agencies</i>	<i>Submittal Agency</i>	<i>Number of Fingerprint Scanners</i>	<i>Locations</i>	<i>Point of Contact</i>
<i>Animal and Plant Health Inspection Service (APHIS)</i>	<i>OPM</i>	<i>6</i>	<i>Minneapolis, MN Fort Collins, CO Riverdale, MD Raleigh, NC Ames, IA Washington, DC</i>	<i>Dru Dukart, dru.j.dukart@aphis.usda.gov</i>
<i>Agricultural Research Service (ARS)</i>	<i>OPM</i>	<i>3</i>	<i>Beltsville, MD Albany, CA St. Louis, MO</i>	<i>Eleanora Locker Eleanora.locker@ars.usda.gov</i>
<i>Rural Development (RD)</i>	<i>FBI</i>	<i>2</i>	<i>Washington, DC St. Louis, MO</i>	<i>Deborah Oliver Deborah.oliver@wdc.usda.gov</i>
<i>Office of the Chief Information Officer (OCIO)</i>	<i>FBI</i>	<i>2</i>	<i>Kansas City, MO Washington, DC</i>	<i>Dan Loreda Dan.loredo@ocio.usda.gov</i>
<i>Farm Service Agency (FSA)</i>	<i>FBI; In process of switching to OPM</i>	<i>2</i>	<i>Kansas City, MO Washington, DC</i>	<i>Kathy Kroening Kathy.kroening@kcc.usda.gov</i>
<i>FNS (Food Nutrition Service) *contracted out to Bureau of Public Debt (BPD)</i>	<i>OPM</i>	<i>1</i>	<i>Parkersburg, WVA</i>	<i>David Brown David.Brown@bpd.treas.gov</i>
<i>DM (includes OGC and OSEC)</i>	<i>OPM</i>	<i>1</i>	<i>Washington, DC</i>	<i>Anthony White anthony.white@dm.usda.gov</i>
<i>National Finance Center (NFC)</i>	<i>OPM</i>	<i>1</i>	<i>New Orleans, LA</i>	<i>Larry Laurato lawrence.laurato@nfc.usda.gov</i>