

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

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DPM Instruction No. 4-9

SUBJECT: Standards for Background Investigations
Required for Information Technology (IT)
Employees

Date: April 9, 2009

NOTE: This District Personnel Manual (DPM) instruction supersedes DPM Instruction No. 4-5, *Standards for Background Investigations Required for Potential and Current Information Technology (IT) Employees*, dated May 1, 2008, to revise certain procedures for the background investigations of IT personnel as well as the forms used for the investigations.

1. Purpose

The purpose of this instruction is to update the procedures for conducting background investigations required for Information Technology (IT) personnel, specifically:

- a. Remove language that established a requirement for ¹criminal background investigations of IT personnel; and
- b. Revise the following D.C. Standard Forms (DCSFs), used for background investigations of IT personnel:
 - (1) *DCSF No. 04-04, Authorization for Release of Information* (copy attached);
 - (2) *DCSF No. 04-08, Disclosure and Authorization for Credit Check* (form renumbered (currently *DCSF No. 04-05*), copy attached); and
 - (3) *DCSF No. 04-09, Agency Determination and Findings on Background Investigation for Information Technology Position* (form renumbered (currently *DCSF No. 04-06*), copy attached).

¹ While the DPM instruction being superseded (and 2 of the forms attached to it) provided that background investigations for IT personnel pursuant to Mayor's Order 2003-136 included criminal record checks, Mayor's Order 2003-136 does not establish a requirement for criminal background checks for IT personnel.

Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart I, § 1.3]

Inquiries: Policy and Planning Administration, DCHR (202) 442-9700

Distribution: Heads of Departments and Agencies, HR Advisors, and DPM Subscribers

Retain Until Superseded

2. Authority

D.C. Official Code § 1-604.08; Chapter 4 of the D.C. personnel regulations, Organization for Personnel Management; and Mayor's Order 2003-136, *Delegation of Personnel Authority to Conduct Background Investigations for Potential and Current Information Technology Employees in Subordinate Agencies*, dated September 25, 2003.

3. Delegation of Recruitment and Selection Personnel Authority

Mayor's Order 2008-81, *Joint Delegation of Personnel Authority* (Order), dated June 5, 2008, jointly delegated recruitment and selection personnel authority for all Career, Legal, and Management Supervisory Services positions to the Director, D.C. Department of Human Resources (DCHR) and the heads of the 23 subordinate agencies listed in the Order.

4. General Provisions

a. *Mayor's Order 2003-136* delegated to subordinate agency heads the authority vested in the Mayor to function as personnel authority for the purpose of conducting pre-employment background investigations for appointees/selectees and current IT employees.

b. Using the information provided in this instruction, subordinate agencies will be responsible for conducting a background investigation for each individual appointed to or selected for an IT position.

c. Vacancy announcements for IT positions:

Vacancy announcements for IT positions must include the following statement:

"A background investigation, including a credit check, is required for this position.

d. Except as otherwise specified in this instruction, IT background investigations for new hires must be conducted after the selection and tentative job offer are made but before employment commences. A job offer made under these conditions shall be considered a tentative job offer, non-binding on the employing agency and the DCHR.

e. Forms:

DCSF No. 04-04 constitutes the appointee/employee authorization for the release of information for the background investigation (general).

DCSF No. 04-08 constitutes the appointee/employee authorization for the release of credit information for the background investigation pursuant to the Fair Credit Reporting Act.

DCSF No. 04-09 documents the results of each background investigation conducted.

- f. Conditional job offer letters for new hires into IT positions must inform the appointee/selectee of the tentative selection; and that a final job offer is contingent upon the completion of a satisfactory background investigation. The conditional job offer letter must include copies of DCSF No. 04-04 and DCSF No. 04-08.
- g. Original completed *DCSF No. 04-04 and DCSF No. 04-09* are filed in the Official Personnel Folder (OPF). Accordingly, subordinate agencies conducting background investigations pursuant to *Mayor's Order 2003-136* and this instruction shall forward the 2 forms to the DCHR for filing in the OPF (the employing agency will retain *DCSF 04-08*).
- h. The original (completed) *DCSFs No. 04-04 and No. 04-09* for satisfactory background investigations of new hires should be submitted to the DCHR before the effective date of the appointment.
- i. The final offer letter issued to the appointee/selectee to the IT position must state that any false or misleading information provided by the person during the background investigation which is uncovered after employment commences may result in forfeiture of employment.
- j. A final job offer may be made upon completion of a satisfactory background investigation by the employing agency and receipt of *DCSF No. 04-04* and *DCSF No. 04-09* in the DCHR.
- k. An appointee to an IT position for whom a background investigation was conducted pursuant to *Mayor's Order 2003-136* and this instruction will be subject to investigation for 1 year from the date of appointment. The purpose of this provision is to continue the agency's authority and jurisdiction to investigate the qualifications and suitability of the person, if needed.
- l. An investigation being conducted for a new hire shall consist of all the elements specified in Paragraph 7 (a) through (e) below.

5. Background Investigations of Current IT Employees

- a. A current IT employee may be subject to a background investigation when derogatory information about the employee, of a nature that may impact the employee's suitability to continue performing the duties of the IT position, is disclosed to the agency by credible source(s). Under such circumstances, the background investigation will be conducted by the Audit and Compliance Administration, DCHR.
- b. In addition to a background investigation conducted upon initial appointment or an investigation for the reasons specified in Paragraph 5 (a) above, as applicable, a current IT employee will be subject to re-investigation if, as a result of a *promotion, reassignment, or other position change*, the employee moves to a position with greater security requirements (including any instances when the duties of the position change resulting in an increased security level).
- c. Before conducting an investigation or re-investigation for the reasons described in Paragraph 5 (b) above, the employing agency will require that the employee complete

DCSF No. 04-04 and *DCSF No. 4-08*. Additionally, the agency will complete the *DCSF No. 04-09*, and submit it to the DCHR.

- d. At a minimum, a re-investigation for the reasons described in Paragraph 5 (b) above shall consist of the elements specified in Paragraph 7 (d) and (e) below.

6. Conducting the Background Investigations for IT Personnel through Third-Party Service Providers

- a. Agencies may conduct the IT background investigations pursuant to this instruction; or enter into a contract with a third-party service provider to conduct the investigations. In such cases, agencies may utilize disclosure and other forms generated by the third-party service provider instead of the standard forms attached to this instruction.
- b. When a third-party service provider is conducting the background investigation, agencies must ensure that the third-party service provider obtains the following information prior to conducting an investigation:
 - (1) Authorization from appointee/selectee; and
 - (2) Written disclosure to the appointee/selectee that a credit check will be conducted.

7. Elements of the Background Investigation for IT Positions

Each background investigation conducted for an appointee/selectee to an IT position shall include all of the following:

- a. Highest education completed or last attended above high school;
- b. Employment during the last 5 years;
- c. Personal references;
- d. Credit check – an agency should perform credit checks in compliance with the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681, as amended, which regulates the use of consumer credit reports in the employment process. The agency should obtain written authorization from the applicant by using *DCSF No. 04-08*.
- e. Any other background information considered necessary by the agency (i.e., professional standing, if relevant to the position), provided that the basis for obtaining such information is not arbitrary or capricious.

8. Guidelines for Determining Disqualification

In addition to the guidelines for determining disqualification below, an agency should adhere to the provisions of District of Columbia and federal anti-discrimination laws and regulations when conducting background investigations.

- a. The reasons which may be used in making a determination of disqualification of an appointee/selectee due to unsuitability may include, but shall not necessarily be limited to the following:
 - (1) Delinquency or misconduct in prior employment;
 - (2) Criminal, dishonest, or other conduct of a nature that would cause discredit to the District government;
 - (3) Intentional false statement of any material fact or deception or fraud in examination or appointment;
 - (4) Illegal use of drugs; or
 - (5) Any other legal disqualification for appointment.
- b. In making a determination that an appointee/selectee is unsuitable, the agency head (or designee) shall consider the following additional factors, to the extent that these factors are deemed pertinent to the individual case:
 - (1) The nature and seriousness of the conduct, occurrence or information;
 - (2) The circumstances surrounding the conduct or occurrence;
 - (3) The recency of the conduct or information;
 - (4) Contributing social or environmental conditions;
 - (5) The absence or presence of rehabilitation or efforts towards rehabilitation; or
 - (6) The relevancy of the criminal conduct to the duties of the position.
- c. An agency shall not set unreasonably high suitability standards and view minor transgressions as disqualifying. Neither shall the agency be overly permissive in the background investigation.
- d. Generally, serious criminal conduct will be disqualifying; however, a conviction of a minor nature, for example, mischievous conduct, should not be used to disqualify an otherwise eligible appointee/selectee.

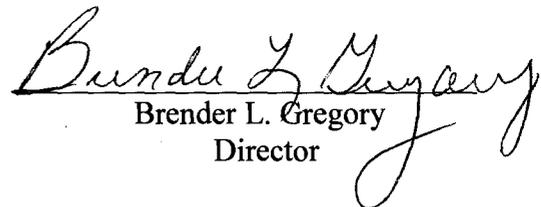
9. Dealing with Derogatory Information

- a. An agency will attempt to verify any derogatory information by seeking it from more than 1 source, asking former employers and other sources for permission to name them as the source of the information and, as needed, obtaining a written release from the subject.

- b. Before disqualifying an appointee/selectee for information uncovered during the background investigation, and at the discretion of the agency head (or designee), the person may be given an opportunity to explain the derogatory information, in writing, within 15 days of being notified of the derogatory information by the agency, in order to avoid errors which might otherwise result from mistakes in identity, or where mitigating circumstances may exist which are unknown to the agency.
- c. In allowing an appointee/selectee to explain any derogatory information, the agency may serve him or her with a written interrogatory, or may have the person appear personally before a designee of the agency head.
- d. Before taking any adverse employment action against a person (such as refusing to hire the person) based in whole or in part on a consumer report, provide the affected person with a copy of the report as well as a written description of his or her rights, pursuant to the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681b(b)(3).

10. Privacy Concerns and Record-Keeping

Each agency will maintain background investigation reports for **3 years** from the date of completion. Information related to background investigations conducted pursuant to *Mayor's Order 2003-136* and this instruction shall be maintained in strict confidence in accordance with this instruction and under the provisions of Chapter 31 of the regulations, Records Management and Privacy of Records.


Brender L. Gregory
Director

Attachments:

- *DCSF No. 04-04, Authorization for Release of Information (Rev. 3/09)*
- *DCSF No. 04-08, Disclosure and Authorization for Credit Check (Rev. 3/09)*
- *DCSF No. 04-09, Agency Determination and Findings for Background Investigation for Information Technology Position (Rev. 3/09)*
- *Mayor's Order 2003-136*

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

AUTHORIZATION FOR RELEASE OF INFORMATION
BACKGROUND INVESTIGATION – INFORMATION TECHNOLOGY POSITION

[Carefully read this authorization to release information about you, then sign and date it in ink.]

Name: _____ Date of Birth: _____

*Social Security Number (SSN): _____ Place of Birth: _____

Home Address: _____

This release, as transmitted to me by a duly authorized representative of the District government, constitutes my consent and authority to the District government to examine and obtain copies, abstracts of records, or receive statements and information regarding my background. Specifically, I hereby authorize the release of the following information or records to a duly authorized representative of the District government agency considering me for employment:

- a. Information about my employment during the last 5 years;
- b. Information about my educational background (if relevant to the position tentatively offered to me);
- c. Personal references;
- d. Credit check (separate disclosure and authorization form attached);
- e. Any other background information considered necessary by the agency (i.e., professional standing, if relevant to the position tentatively offered to me), provided that the basis for obtaining such information is not arbitrary or capricious.

I give this authorization for the release of the information above in connection with a tentative offer of appointment to an Information Technology (IT) position made by the _____ /D.C. Department of
(Employing Agency)

Human Resources (DCHR). I further authorize the custodians of records and other sources of information pertaining to me to release such information upon request of the duly authorized representative of the employing agency/DCHR. I authorize the release of this information regardless of any previous agreement to the contrary.

I understand that the information released by the custodians of records and other sources of information are for official use by the District government, only for the purposes of employment in an IT position, and that it may be re-disclosed by the District government only as authorized by law or regulation.

I acknowledge that a telephone facsimile or copy of this release shall be as valid as the original. This release is valid for all federal, state, county, and local government agencies and authorities, and private organizations.

Copies of this authorization that show my signature are as valid as the original release signed by me. I understand that this authorization is **valid for 1 year** from the date signed, or upon the termination of my affiliation with the District government, whichever is sooner.

[*NOTE: Information regarding disclosure of your Social Security Number (SSN) is in accordance with section 3104.3 of Chapter 31 of the D.C. personnel regulations, Records Management and Privacy Records. Disclosure of your SSN is mandatory to obtain the services and benefits of employment with the District government. The SSN is used as an identifier throughout your District government career. The SSN also will be used by the District government in connection with lawful requests for information about you directed to your former employees, educational institutions and financial or other organizations. The information gathered through the use of the SSN will be used only as necessary in personnel administration processes carried out in accordance with established regulations and published notices of systems of records.]

Signature of Appointee

Date

[Form to be filed on the RIGHT SIDE of employee's OPF]

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources**

**DISCLOSURE AND AUTHORIZATION FOR CREDIT CHECK
BACKGROUND INVESTIGATION – INFORMATION TECHNOLOGY POSITION**

In accordance with the Fair Credit Reporting Act, approved October 26, 1970 (P.L. 91-508; 15 U.S.C. § 1681), this notifies you that a Consumer Credit Report or Investigative Consumer Report will be obtained on you for purposes of your employment in an Information Technology (IT) position with the _____,
(Employing Agency)
District government.

RELEASE

By signing below, I hereby authorize the District government agency considering me for employment in an IT position noted above, to contact any and all credit agencies to release information about my background including, but not limited to, information about my consumer credit history. I release from all liability all persons and companies supplying such information. I further discharge and release the District government against any liability that may result from making such requests. I understand that this credit check is needed in connection with a tentative offer of appointment to an IT position made to me by the _____ /
(Employing Agency)

D.C. Department of Human Resources. I also understand that before taking any adverse action based in whole or in part on the report, a summary of my rights under the Fair Credit Reporting Act and a copy of the report will be provided to me upon my request. I believe, to the best of my knowledge, that all information I have provided below is accurate, true and correct, and attest that I fully understand the terms of this release.

(Please print) Name of Appointee/Selectee: _____

(Please print) Other names used: _____

Address: _____

City/State/Zip: _____

*Social Security Number (SSN): _____

[***NOTE**: Information regarding disclosure of your SSN is in accordance with section 3104.3 of Chapter 31 of the D.C. personnel regulations, Records Management and Privacy Records. Disclosure of your SSN is mandatory to obtain the services and benefits of employment with the District government. The SSN is used as an identifier throughout your District government career. The SSN also will be used by the District government in connection with lawful requests for information about you directed to your former employees, educational institutions and financial or other organizations. The information gathered through the use of the SSN will be used only as necessary in personnel administration processes carried out in accordance with established regulations and published notices of systems of records.]

Signature of Appointee/Selectee

Date

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources**

**AGENCY DETERMINATION AND FINDINGS FOR
BACKGROUND INVESTIGATION FOR INFORMATION TECHNOLOGY POSITION**

AGENCY: _____

I certify that a background investigation has been completed on _____.
(Name of Appointee/Selectee or Employee)

The background investigation covered the following:

	RESULTS	
	Verified	Not Verified
a. Educational information	<input type="checkbox"/>	<input type="checkbox"/>
b. Employment during the last 5 years	<input type="checkbox"/>	<input type="checkbox"/>
c. Personal references	<input type="checkbox"/>	<input type="checkbox"/>
d. Credit check	<input type="checkbox"/>	<input type="checkbox"/>
e. Any other background information*	<input type="checkbox"/>	<input type="checkbox"/>

*Specify: _____

IT Background Investigation Results:

- SATISFACTORY** – Based on the satisfactory results of the background investigation: (1) the appointee/selectee is suitable for employment, and the D.C. Department of Human Resources (DCHR)/hiring agency is hereby authorized to make a final offer of appointment and proceed with the hiring process for this appointee/selectee; or (2) the employee is suitable for the position change (i.e., promotion, reassignment, or other position change) which required that an investigation be conducted, and the DCHR/hiring agency may proceed to process the personnel action to effect the position change.
- UNSATISFACTORY** – (1) Please cancel the tentative job offer and inform the appointee/selectee of this determination; or (2) Do not process a personnel action to effect the position change for this employee.

CERTIFIED BY:

Signature of Agency Head (or Designee)

Date

[Form to be filed on the RIGHT SIDE of employee's OPF]

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

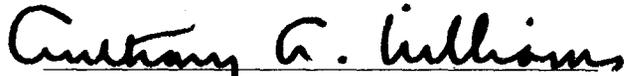
Mayor's Order 2003-136
September 25, 2003

SUBJECT: Delegation of Personnel Authority to Conduct Background Investigations for Potential and Current Information Technology Employees in Subordinate Agencies

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by §§ 422 (2) and (3) of the District of Columbia Home Rule Act, as amended, approved December 24, 1973 (87 Stat. 790, D.C. Official Code § 1-204.22 (2) and (3)) (2001) and the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139, D.C. Official Code § 1-601.01 *et seq.*) (2001) (hereinafter referred to as the "CMPA"), it is hereby **ORDERED** that:

- A. Notwithstanding Paragraphs A and B of Mayor's Order 2000-83, dated May 30, 2000, the Director of Personnel and subordinate agency heads are delegated the authority vested in the Mayor under § 406 (b) of the CMPA (D.C. Official Code § 1-604.06 (b)) (2001) to function as personnel authority for the purpose of conducting pre-employment background investigations for potential and current Information Technology (IT) employees that may be granted access to critical IT resources.
- B. The Director of Personnel shall issue procedures to set forth the standards for background investigations required for IT personnel described in Paragraph A of this Order, reporting mechanisms, *etc.*
- C. **EFFECTIVE DATE:** This Order shall become effective immediately.


ANTHONY A. WILLIAMS
MAYOR

ATTEST: 
SHERRYL HOBBS NEWMAN
SECRETARY OF THE DISTRICT OF COLUMBIA