

**For:** State and County Offices and Real Property Leasing Officers

**Clarification on Using Local Prisoner (Trustee) Labor Within FSA Facilities**

**Approved by:** Deputy Administrator, Management



**1 Overview**

**A Background**

Executive Order 10-450, 5 CFR, Part 731, and Homeland Security Presidential Directive (HSPD)-12 requires that all Federal employees and contractors be positively identified through required background checks appropriate to the positions they hold. This includes the building lessor and their staff who perform janitorial services. In December 2010 a Decision Memorandum from the Administrator provided that those landlords and their contractors (janitors, etc), who require unescorted access, must be vetted through background checks.

Since release of the Decision Memorandum, budget constraints forced EPD to issue Notice SEM-2, stating EPD would be unable to perform this function for State and County Offices, except in special instances. EPD shall notify the Real Property Leasing Officer (RPLO) for counties with at risk threats in those instances in which EPD performs background checks. RPLO's will then provide additional information and guidance on removing the at risk threat.

**B Purpose**

This notice provides RPLO's additional guidance on denying access to FSA facilities for contract laborers (specifically prison and trustee laborers or current parolees) who:

- would automatically be disqualified during a background investigation
- pose a risk to PII and other secure information, as well as potentially jeopardizing employee safety.

<b>Disposal Date</b>	<b>Distribution</b>
September 1, 2012	State Offices and Real Property Leasing Officers; State Offices relay to County Offices

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### 1 Overview (Continued)

#### C Contact

Questions about this notice or the Personnel Security Program should be directed to either of the following:

- Steve Severns, EPD Deputy Director by:
  - e-mail at **steve.severns@wdc.usda.gov**
  - telephone at 202-690-4770
- Kathy Kroening, Personnel Security Lead by:
  - e-mail at **kathy.kroening@kcc.usda.gov**
  - telephone at 816-926-1180.

### 2 Guidelines

#### A Protecting PII and Other Contractor Security Issues

Under the requirements of HSPD-12, the United States shall enhance building and personnel security, increase Government efficiency, reduce identity fraud, and protect personal privacy by establishing a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors (including contractor employees). To meet the identification requirements, employees and contract employees must be favorably adjudicated through background investigations.

Only **after** an employee or contract employee is favorably adjudicated, will the employee or contract employee be permitted to have unescorted access to Government buildings and/or IT networks.

#### B Suitability Factors

OPM establishes policy concerning suitability factors which must be met to allow unescorted access to USDA facilities and IT networks. The items identified during background checks will be adjudicated and access given or denied according to OPM guidelines.

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### 3 Interim Action

#### A RPLO Action

RPLO's shall conduct a review of current labor contracts provided through landlords and determine whether contract employees being used are current prisoners, prison trustees, or parolees. RPLO's will work with the State Office to resolve the issue if or when it is identified.

#### B State and County Office Action

If at any time State and County Offices suspect services being provided are through the use of prisoners, prison trustees, or parolees, the State Office shall work with RPLO and MSD to resolve the issue when identified. For offices that have a stand-alone contract for janitorial services using prisoners, prisoner trustees, or parolees, contact EPD, who will work with AMD to resolve the issue.