

PERIODIC REINVESTIGATIONS: ANSWERS TO NTEU QUESTIONS

- 1. Is it true that those conducting periodic investigations are paid a fee (e.g. \$30-37 per interview) thereby putting a premium on interviewing as many individuals as possible?**

Answer:

CBP uses an Investigative Service Provider (ISP) to conduct its investigations. The ISP charges CBP based on the case type schedule (not by the number of interviews or leads). CBP is not privy to the way in which the ISP compensates its investigators for the work that is performed on a specific case.

- 2. Why is CBP putting its uniformed employees in harms-way by encouraging investigators to interview as many employee neighbors as possible, often in poor gang-infested neighborhoods, thereby blowing the employment cover of its uniformed employees?**

Answer:

IA is not aware of any employee raising any personal safety concerns during or as a result of a PRI investigation. In the event an employee has such a concern, (s)he should bring it to the attention of his/her supervisor.

For SSBI-PRs, Federal Investigative Standards require 2 personal sources be interviewed for a residence of 6 months or more; at least 1 source of 6 months or less; and a record check for all leased/rented/on-campus/on-military property. Coverage period dates back to the date of the last investigation, up to 7 years.

- 3. Describe the rationale of requesting the names of and interviewing ex-husbands, ex-wives, ex-girlfriends, and ex-boyfriends who may have an incentive at worst to lie and at best to paint employees in less than glowing terms, especially when this is done every five years?**

Answer:

Federal Investigative Standards require that former spouses be interviewed in cases where the divorce occurred since the last background investigation. Ex-girlfriends/boyfriends, cohabitants, or other individuals in which the employee has maintained a spouse-like relationship may also be interviewed, along with an employee's family and associates in accordance with OPM standards. In recognition of the fact that these relationships may have ended less than amicably, employees are always presented with and provided an opportunity to explain or refute any derogatory information provided by these individuals. However, in most cases these sources do not provide derogatory information.

- 4. Are there any limitations on the scope of a PRI investigations?; e.g. what is the rationale behind interviewing an employee's 40- something children, divorced spouse of 30 years, especially when this is done every 5 years?**

Answer:

In accordance with OPM requirements and Federal Investigative Standards, ex-spouses are only interviewed if the divorce occurred after the last background investigation, unless the ex-spouse is a developed character reference. Any relative, to include grown children, or associate may be interviewed to confirm information provided by the employee.

- 5. Has any job analysis been done to show the rational relationship between such open-ended investigative practices every five years and the security benefits to the nation?**

Answer:

PRIs are required by 5 CFR 732 "National Security Positions;" and E.O. 12968 "Access to Classified Information," for any PRIs related to security clearances. Further, E.O. 13488 established a PRI requirement for persons serving in Public Trust positions. CBP has not conducted a job analysis, as none is required.

- 6. Inasmuch as PRI's are conducted prior to employment and thereafter every five years, what is the purpose of the onerous requirement to provide documentation going back 10 years and in general to investigate the past 10 years of an employee's life?**

Answer:

Today, candidates for selection to positions designated as "Critical Sensitive" are subject to a Single Scope Background Investigation (SSBI) prior to their appointment. Once completed and hired, the employee is subject to a Periodic Reinvestigation (PRI) every 5 years. As part of that process, the employee reviews and provides an update to the information provided during the previous investigation.

In situations where an employee was not previously subject to a SSBI (e.g., a former Immigration Inspector), one must be conducted. Unfortunately, this may require the employee to provide information that may have been provided during the lower-level investigation. OPM's basic coverage for a SSBI is 10 years. Additionally, questions on the SF-86 cover a 10-year period.

Previously, employees would be required to complete a new form and submit the necessary documentation in paper form. Fortunately, CBP's use of the e-QIP system allows much of the background information to automatically populate the form – making it easier for

employees to complete and update their information. Please note that employees are required to update the form with any new information and provide current responses to each Privacy question.

- 7. What, if anything, has been done to address the situation where IA sends PRI forms to the wrong employees?**

Answer:

When such instances have been brought to the attention of IA and/or HRM, action has been taken to remedy the situation. To the extent NTEU is aware of any current or future situations, we appreciate NTEU's assistance in bringing them to the attention of IA and/or HRM.

- 8. What, if anything, has been done address the situation where some employees in the same position receive an SF-85P while others receive an SF-86?**

Answer:

Efforts to ensure position sensitivity levels are accurate and consistent for employees occupying identical positions. These efforts are expected to result in the eventual elimination of situations where employees receive the wrong form. To the extent NTEU becomes aware of any errors in the future, we appreciate NTEU's assistance in bringing them to the attention of IA and/or HRM.

- 9. What, if anything, has been done to address the situation where some employees are sent a CBP 257 to complete accompanied by fax sheet telling the employee to complete a 258?**

Answer:

A correction has been made to the fax sheet.

- 10. What, if anything, has been done to make it easier to receive previously submitted PRI forms from IA?**

Answer:

As explained in the answer to Q#6 above, employees who have not previously been subject to a SSBI will need to provide more detailed information than what was provided during

their previous investigation. Fortunately, once an employee enters information into the e-QIP system, a copy of the completed form will be available for the employee.

11. Why is it virtually impossible for an employee to talk to IA in person to address the mistakes they make in the PRI process?

Answer:

Employees needing to speak with an IA representative during the course of an investigation may contact IA by calling the customer service number ((202) 344-2600). If an employee does not receive a response, (s)he may call and ask to speak with a manager – and will be forwarded appropriately.

12. Why is IA so resistant to modifying PRI time-frames when often it is an IA mistake that makes it virtually impossible to meet its time-frames in the first instance?

Answer:

Response timeframes for employees are established through OPM standards. In situations where an employee is in need of an extension in order to obtain specific information, (s)he may make a request for an extension by calling the customer service number ((202) 344-2600).

13. Isn't it a security breach waiting to happen whereby contractors do not have e-quip access such that they are faxed and emailed copies of questionnaires and hand carry and transport paper copies of completed questionnaires and related documentation?

Answer:

CBP and the Investigation Service Provider (ISP) transmit all data in an encrypted format. The investigator needs working documents in order to conduct the interviews, however all ISPs have approved procedures in place for the protection of such documents.

14. Are the contractors' homes, vehicles, the businesses and neighborhoods where they travel, secure while carrying, transporting, and storing such materials?

Answer:

ISPs have the proper procedures in place for securing and transporting all investigative documents containing PII information.

- 15. What, if anything, has been done to train IA on the contract so that there is compliance as opposed to non-compliance e.g. interviewing employees outside of duty hours and in non-work locations contrary to the contract?**

Answer:

IA has provided ISPs the new contract requirements concerning investigatory interviews. As potential issues arise, CBP provides ISPs direction/clarification to mitigate future problems, which is subsequently disseminated to the contract investigators. To the extent any problems occur in the future, we appreciate NTEU bringing them to the attention to IA and/or HRM so that they may be corrected as quickly as possible..

- 16. Is IA or OFO informing employees of the completion of a PRI investigation?**

Answer:

As indicated during the briefing at the last National Labor-Management Forum, IA recently began informing employees by email when their PRI review has been completed.

- 17. Is it normal for a PRI investigation to remain open from 6 months to a year?**

Answer:

IA has been working to reduce the current backlog of pending PRIs, which significantly impact the length of time between the submission of the documentation by the employee and the completion of the investigatory and adjudication processes. Additionally, if adverse information is found during the review, additional time may be needed for a particular case.

- 18. If an employee has submitted all required documents and IA loses one of the document, is it true that the entire investigation is purged from the system requiring a new PRI?**

Answer:

No. If during the investigatory or adjudication process a critical document is absent from the case file (for whatever reason), only that document is requested from the employee.