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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R.

To amend title 5, United States Code, to provide that a Federal employee who leaves Government service while under personnel investigation shall have a notation of any adverse findings under such investigation placed in such employee's official personnel file, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CHAFFETZ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 5, United States Code, to provide that a Federal employee who leaves Government service while under personnel investigation shall have a notation of any adverse findings under such investigation placed in such employee's official personnel file, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Official Personnel File
5 Enhancement Act".

1 **SEC. 2. RECORD OF INVESTIGATION OF PERSONNEL AC-**
2 **TION IN SEPARATED EMPLOYEE'S OFFICIAL**
3 **PERSONNEL FILE.**

4 (a) IN GENERAL.—Subchapter I of chapter 31 of title
5 5, United States Code, is amended by inserting after sec-
6 tion 3321 the following:

7 **“§ 3322. Voluntary separation before resolution of**
8 **personnel investigation**

9 “(a) With respect to any individual occupying a posi-
10 tion in the competitive service or the excepted service who
11 is the subject of a personnel investigation and resigns from
12 Government employment prior to the resolution of such
13 investigation, the head of the agency from which such em-
14 ployee so resigns shall, if an adverse finding was made
15 with respect to such employee pursuant to such investiga-
16 tion—

17 “(1) make a permanent notation in the employ-
18 ee’s official personnel record file; and

19 “(2) make reasonable efforts to notify the em-
20 ployee of such permanent notation.

21 “(b) The notation described in subsection (a) shall
22 be made not later than 14 days after the date of the reso-
23 lution of such investigation.

24 “(c) In this section, the term ‘personnel investigation’
25 includes—

26 “(1) an investigation by an Inspector General;

1 “(2) an adverse personnel action as a result of
2 performance, misconduct, or for such cause as will
3 promote the efficiency of the service under chapter
4 43 or chapter 75; and

5 “(3) any other type of investigation relating to
6 poor performance or misconduct, including an inves-
7 tigation into an alleged prohibited personnel practice
8 committed by the employee.”.

9 (b) **APPLICATION.**—The amendment made by sub-
10 section (a) shall apply to any employee described in section
11 3322 of title 5, United States Code, (as added by such
12 subsection) who leaves the service after the date of enact-
13 ment of this Act.

14 (c) **CLERICAL AMENDMENT.**—The table of sections
15 of subchapter I of chapter 33 of title 5, United States
16 Code, is amended by inserting after the item relating to
17 section 3321 the following:

“3322. Voluntary separation before resolution of personnel investigation.”.

18 **SEC. 3. REVIEW OF OFFICIAL PERSONNEL FILE OF FORMER**
19 **FEDERAL EMPLOYEES BEFORE REHIRING.**

20 (a) **IN GENERAL.**—Subchapter I of chapter 31 of title
21 5, United States Code, is amended by adding at the end
22 the following:

1 **“§ 3330e. Review of official personnel file of former**
2 **Federal employees before rehiring**

3 “(a) If a former Government employee is a candidate
4 for a position within the competitive service or the ex-
5 cepted service, prior to making any determination with re-
6 spect to the appointment or reinstatement of such em-
7 ployee to such position, the appointing authority shall re-
8 view and consider the information relating to such employ-
9 ee’s former period or periods of service in such employee’s
10 official personnel record file.

11 “(b) In subsection (a), the term ‘former Government
12 employee’ means an individual whose most recent position
13 with the Government prior to becoming a candidate as de-
14 scribed under subsection (a) was within the competitive
15 service or the excepted service.

16 “(c) The Office of Personnel Management shall pre-
17 scribe regulations to carry out the purpose of this sec-
18 tion.”.

19 (b) APPLICATION.—The amendment made by sub-
20 section (a) shall apply to any former Government em-
21 ployee (as described in section 3330e of title 5, United
22 States Code, as added by such subsection) appointed or
23 reinstated on or after the date that is 180 days after the
24 date of enactment of this Act.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 of subchapter I of chapter 33 of title 5, United States
3 Code, is amended by adding at the end the following:

“3330e. Review of official personnel file of former Federal employees before re-
hiring.”.