

**AMENDMENT TO H.R. \_\_\_\_\_**  
**OFFERED BY MR. CONNOLLY OF VIRGINIA**

Page 2, line 9, strike “individual” and insert “employee”.

Page 2, strike lines 15 through 20 and insert the following: “with respect to such employee pursuant to such investigation, make a permanent notation in the employee’s official personnel record file. The head shall make such notation not later than 40 days after the date of the resolution of such investigation.”.

Page 2, strike lines 21 through 23 and insert the following (and redesignate accordingly):

1           “(b) Prior to making a permanent notation in an em-  
2 ployee’s official personnel record file under subsection (a),  
3 the head of the agency shall—

4                   “(1) notify the employee in writing within 5  
5 days of the notation and provide such employee a  
6 copy of the adverse finding and any supporting doc-  
7 umentation;

8                   “(2) provide the employee with a reasonable  
9 time, but not less than 30 days, to respond in writ-  
10 ing and to furnish affidavits and other documentary

1 evidence to show why the adverse finding was un-  
2 founded; and

3 “(3) provide a written decision and the specific  
4 reasons therefore to the employee at the earliest  
5 practicable date.

6 “(c) An employee is entitled to appeal the decision  
7 of the head of the agency to make a permanent notation  
8 under subsection (a) to the Merit Systems Protection  
9 Board under section 7701.

10 “(d)(1) If an employee files an appeal with the Merit  
11 Systems Protection Board pursuant to subsection (c), the  
12 agency head shall make a notation in the employee’s offi-  
13 cial personnel record file not later than 2 weeks after the  
14 date on which such appeal was filed.

15 “(2) If the head of the agency is the prevailing party  
16 on appeal, not later than 2 weeks after the date that the  
17 Board issues the appeal decision, the head of the agency  
18 shall remove the notation made under paragraph (1) from  
19 the employee’s official personnel record file.

20 “(3) If the employee is the prevailing party on appeal,  
21 not later than 2 weeks after the date that the Board issues  
22 the appeal decision, the head of the agency shall remove  
23 the notation made under paragraph (1) and the notation  
24 of an adverse finding made under subsection (a) from the  
25 employee’s official personnel record file.”.

Page 2, line 26, insert “and” at the end.

Page 3, line 4, strike “; and” and insert a period.

Page 3, strike lines 5 through 8.

