



DEPARTMENT OF THE NAVY

OFFICE OF CIVILIAN HUMAN RESOURCES
NEBRASKA AVENUE COMPLEX
321 SOMERS COURT NW SUITE 40103
WASHINGTON, DC 20393-5441

12731
Ser 012/123-03
MAY 15 2003

MEMORANDUM FOR DISTRIBUTION

Subj: DEPARTMENT OF THE NAVY GUIDANCE ON IMPLEMENTATION OF
DOMESTIC VIOLENCE MISDEMEANOR AMENDMENT TO THE GUN
CONTROL ACT FOR CIVILIAN EMPLOYEES

Ref: (a) OCHR memo of 18 Mar 03, Ser 012/091-03
(b) Memo on DoD Policy for Implementation of Domestic
Violence Misdemeanor Amendment to the Gun Control Act
for DoD Civilian Personnel of 27 Nov 02

Encl: (1) List of Identified Covered Positions
(2) Sample Memorandum to Activity Liaisons
(3) Sample Memorandum to Employees in Covered
Positions
(4) Sample Notice for Vacancy Announcements
(5) Sample Memorandum to Applicants for Covered
Positions
(6) Sample Notice for Posting

The purpose of this memorandum is to forward additional guidance for use by managers, Human Resources Offices (HROs), Human Resources Service Centers (HRSCs), and activity liaisons in implementing the Domestic Violence Misdemeanor Amendment to the Gun Control Act of 1968 (the Lautenberg Amendment). References (a) and (b) detail the Department of the Navy (DON) and Department of Defense (DoD) implementing policy and guidance, and can be accessed on the DON Human Resources (HR) website at http://www.donhr.navy.mil/managers/dealing_with_problem_employees.asp

Implementation of the Lautenberg Amendment requires the following actions:

- a. Identify covered positions.
- b. Code the identified positions in the Defense Civilian Personnel Data System (DCPDS).
- c. Inform current employees and tentative selectees of the amendment and its consequences.
- d. Amend vacancy announcements.
- e. Require individuals in covered positions to report qualifying convictions.

f. Post a notice in all locations where employees have access to firearms or ammunition.

g. Remove employees with qualifying convictions from covered positions.

h. Identify covered positions on requests for security clearance and suitability investigation.

Enclosure (1) lists the covered positions currently identified in DCPDS. However, given the broad coverage of the amendment, there are most likely many covered positions that have not been identified. Enclosure (2) is provided for HROs to use in notifying activity liaisons of the required identification process that must be accomplished by activity managers and supervisors. This office will forward a spreadsheet template to HROs that should be used to list all covered positions. The completed spreadsheet must be forwarded electronically to the servicing HRSC within 30 days of the date of this memorandum. The HRSC must complete input into DCPDS within 60 days of receipt.

All current employees in covered positions must be notified of the DoD policy and related requirements. A sample memorandum to covered employees is provided as enclosure (3). The notification process must be completed within 30 days of identifying the covered positions.

Because the absence of a qualifying conviction is a condition of employment for all covered positions, each HRSC must begin including an appropriate notice in vacancy announcements for covered positions. A sample notice has been provided as enclosure (4). A standard notice will be included in the new vacancy announcements currently being developed. Additionally, the processing packages for all covered positions must now include a statement to the applicant explaining the restrictions for that position and the requirement to bring a completed DD Form 2760 to the HRO at the in-processing meeting. A sample memo is provided as enclosure (5). Finally, HRSC personnel must remember to clarify that any job offer for a covered position is only tentative until the DD Form 2760 has been reviewed and it is verified that the applicant has no qualifying convictions, as defined in reference (b), that would prohibit employment.

DoD Policy also requires that a notice explaining the coverage of the Gun Control Act be posted in every location where employees have access to firearms and/or ammunition. A sample notice is provided as enclosure (6). Heads of activities must ensure that it is posted in all locations where there are covered positions.

Covered positions must be identified on requests for security clearance and suitability investigations.

Investigations that reveal a qualifying conviction shall be referred to the supervisor/manager to make an employment suitability determination.

Finally, where unions represent employees in covered positions, implementation of this policy cannot be accomplished until any bargaining obligations have been met.


DEBRA J. EDMOND
Director
Acting

Distribution:
Echelon I & II

Copy to:
DCPPs
HRDs
HRSC Directors
HRSD BOD

Region	Agency	Major Claimant	Major Claimant Name	UIC	Pos Num	Pos Seq	Pay Plan	Series	Grade	Duty Title	BUS Code
Northwest	NV	10	NAVY FIELD OFFICES	63285	IA706	86859	GS	1811	11	CRIMINAL INVESTIGATOR	8888
Northwest	NV	10	NAVY FIELD OFFICES	63285	IA707	86747	GS	1811	09	CRIMINAL INVESTIGATOR	8888
Northwest	NV	10	NAVY FIELD OFFICES	63285	IA707	86853	GS	1811	09	CRIMINAL INVESTIGATOR	8888
Northwest	NV	10	NAVY FIELD OFFICES	63285	IA707	88273	GS	1811	09	CRIMINAL INVESTIGATOR	8888
Northwest	NV	10	NAVY FIELD OFFICES	63285	IA707	88667	GS	1811	09	CRIMINAL INVESTIGATOR	8888
Northwest	NV	10	NAVY FIELD OFFICES	63285	IA707	88892	GS	1811	09	CRIMINAL INVESTIGATOR	8888
Northwest	NV	10	NAVY FIELD OFFICES	63285	IA707	89467	GS	1811	09	CRIMINAL INVESTIGATOR	8888
Northwest	NV	10	NAVY FIELD OFFICES	63285	IA707	89472	GS	1811	09	CRIMINAL INVESTIGATOR	8888
Northwest	NV	10	NAVY FIELD OFFICES	63285	IA810	39632	GS	1811	12	CRIMINAL INVESTIGATOR	8888
Northwest	NV	11	IMMEDIATE OFFICE OF THE CHIEF OF NAVAL OPERATIONS	00161	S0260	56561	GS	1712	09	TRAINING INSTRUCTOR (SMALL ARMS)	7777
Northeast	NV	14	OFFICE OF NAVAL RESEARCH	00173	45977	60436	GS	0085	06	SECURITY GUARD	0140
Northeast	NV	14	OFFICE OF NAVAL RESEARCH	00173	46031	58679	GS	0085	05	SECURITY GUARD	0140
Northeast	NV	14	OFFICE OF NAVAL RESEARCH	00173	46031	58680	GS	0085	05	SECURITY GUARD	0140
Northeast	NV	14	OFFICE OF NAVAL RESEARCH	00173	46031	59434	GS	0085	05	SECURITY GUARD	0140
Northeast	NV	14	OFFICE OF NAVAL RESEARCH	00173	46031	59435	GS	0085	05	SECURITY GUARD	0150
Northeast	NV	14	OFFICE OF NAVAL RESEARCH	00173	46031	59436	GS	0085	05	SECURITY GUARD	0140
Northeast	NV	15	NAVAL INTELLIGENCE COMMAND	00015	T930A	44146	GG	0083	07	POLICE OFFICER	8888
Pacific	NV	18	BUREAU OF MEDICINE AND SURGERY	68096	H0619	38102	GS	0610	09	CLINICAL NURSE	7777
Soutwest	NV	19	NAVAL AIR SYSTEMS COMMAND	65888	PU490	83746	GS	0346	13	LOGISTICS MANAGEMENT SPECIALIST	0515
Southeast	NV	22	BUREAU OF NAVAL PERSONNEL	00639	10923	62519	GS	0346	09	LOGISTICS MANAGEMENT SPEC (ARMORER)	4760
Pacific	NV	23	NAVAL SUPPLY SYSTEMS COMMAND	00604	0123G	38555	GS	2010	09	INVENTORY MGMT SPEC	2630
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74744	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74745	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74746	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74753	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74767	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74768	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74769	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74770	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74771	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74772	GS	0085	04	SECURITY GUARD	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	22290	74773	GS	0085	04	SECURITY GUARD	2731

Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	27000	79744	GS	0083	05	POLICE OFFR	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	27000	79745	GS	0083	05	POLICE OFFR	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	27000	81053	GS	0083	05	POLICE OFFR	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	27000	81081	GS	0083	05	POLICE OFFR	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	27000	81238	GS	0083	05	POLICE OFFR	2731
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	D3233	81271	NG	0083	03	SUPV POLICE OFFR	8888
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	D3234	81176	NG	0083	03	SUPV POLICE OFFR	8888
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	D3235	81182	NG	0083	03	SUPV POLICE OFFR	8888
Northeast	NV	24	NAVAL SEA SYSTEMS COMMAND	00164	D3250	81075	NG	0085	02	SUPV SECURITY GUARD	8888
Southeast	NV	24	NAVAL SEA SYSTEMS COMMAND	61331	00083	54783	GS	0085	03	SECURITY GUARD	2310
Soutwest	NV	39	SPACE AND NAVAL WARFARE SYSTEMS COMMAND	66001	90269	42854	DP	1515	04	MANAGER	8888
East	NV	60	ATLANTIC FLEET	30297	J688A	61864	WG	5703	06	MVO	5011
Northeast	NV	60	ATLANTIC FLEET	32446	T0502	51450	GS	0083	05	POLICE OFFICER	3231
Southeast	NV	62	NAVAL EDUCATION AND TRAINING COMMAND	68891	CSACH	39059	GS	0080	11	SECURITY OFFICER	8888
Southeast	NV	62	NAVAL EDUCATION AND TRAINING COMMAND	68891	CSAFQ	49495	GS	0080	11	SUPV SECURITY SPECIALIST	8888
Soutwest	NV	70	PACIFIC FLEET	00242	F0110	80472	GS	0083	06	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	00242	F0110	80473	GS	0083	06	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	00242	F0110	80474	GS	0083	06	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	00242	F0110	81929	GS	0083	06	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	53054	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	58948	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	59163	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	70256	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	70975	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	71310	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	71312	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	72720	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	73481	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	75731	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	75774	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	76130	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	76131	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	77480	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	77538	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	79951	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	80721	GS	0083	05	POLICE OFFICER	0551

Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	83228	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	84440	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	84981	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ200	85023	GS	0083	05	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ201	81435	GS	0083	04	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ201	84079	GS	0083	04	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FJ202	59164	GS	0083	03	POLICE OFFICER	0551
Soutwest	NV	70	PACIFIC FLEET	00242	FL640	76508	GS	0083	08	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	00242	FL640	77608	GS	0083	08	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	00242	FL640	79663	GS	0083	08	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	00242	FL641	73753	GS	0083	07	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	00242	Z1660	83138	GS	0083	09	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	00242	Z1660	83145	GS	0083	09	SUPERVISORY POLICE OFFICER	8888
Soutwest	NV	70	PACIFIC FLEET	60042	FO120	78862	GS	0083	05	POLICE OFFICER	7777
Soutwest	NV	70	PACIFIC FLEET	60042	FO120	78871	GS	0083	05	POLICE OFFICER	7777
Northwest	NV	70	PACIFIC FLEET	68742	X9486	56440	GS	0083	04	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9486	57008	GS	0083	04	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9486	82650	GS	0083	04	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	29158	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	31343	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	31344	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	31456	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	33481	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	56942	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	57178	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	57180	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	67731	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	69395	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	69396	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	69397	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	69398	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	69402	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	69403	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	69404	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	69408	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	69409	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	70300	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	81931	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	81932	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	81934	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	81938	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	81939	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	81940	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	81941	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	82680	GS	0083	05	POLICE OFFICER	5542
Northwest	NV	70	PACIFIC FLEET	68742	X9487	86118	GS	0083	05	POLICE OFFICER	5542

SAMPLE MEMORANDUM TO ACTIVITY LIAISONS

From: Director, Human Resources Office
To: Activity Human Resources Liaison

Subj: DOMESTIC VIOLENCE MISDEMEANOR AMENDMENT TO THE GUN CONTROL ACT FOR DEPARTMENT OF THE NAVY CIVILIAN PERSONNEL

Encl: (1) OCHR Memo of 18 Mar 03, Ser 012/091-03 w/encl

1. The purpose of this memorandum is to forward guidance for use by activity personnel in implementing the Domestic Violence Misdemeanor Amendment to the Gun Control Act of 1968 (the Lautenberg Amendment). Enclosure (1) provides the Department of the Navy (DON) and Department of Defense (DoD) implementing policy and guidance.

2. The domestic violence amendment to the Gun Control Act of 1968, commonly referred to as the Lautenberg Amendment, made it illegal for anyone convicted of a misdemeanor crime of domestic violence to possess, ship, transport or receive any firearm or ammunition; and made it a felony for any person to sell or dispose of firearms or ammunition to any person known or reasonably believed to have been convicted of a misdemeanor crime of domestic violence. Additionally, on 27 November 2002, the Department of Defense (DoD) issued policy that extended those prohibitions to anyone convicted of a "felony crime of domestic violence" adjudged on or after 27 November 2002. Enclosure (1) provides Department of the Navy (DON) guidance on the DoD implementing policy.

3. The Lautenberg Amendment covers both appropriated and nonappropriated fund employees with duties, activities or responsibilities that include selling or disposing of firearms and ammunition, or receiving, possessing, shipping or transporting any firearm or ammunition in or affecting interstate or foreign commerce. Consequently, unlikely positions such as Warehouse Worker or Sales Associate in a Navy Exchange may be covered positions. According to DoD policy, all such positions must be identified and appropriately coded in DCPDS. This identification process should be conducted by managers and supervisors and be completed within 30 days. Please coordinate this action with your servicing Human Resources Specialist, , who can be reached at .

4. After the covered positions are identified, supervisors will be required to notify each employee in a covered position about the DON policy and related requirements,

including the requirement to provide a completed DD Form 2760 (provided in enclosure (1)), and the continuing obligation to inform the supervisor at any time that the employee obtains a qualifying conviction.

**SAMPLE MEMORANDUM TO ALL CIVILIAN EMPLOYEES CURRENTLY
ASSIGNED TO COVERED POSITIONS**

From: Activity Commander
To: All Civilian Employees Authorized to Possess, Ship,
Transport or Receive Firearms and/or Ammunition

Subj: DOMESTIC VIOLENCE MISDEMEANOR AMENDMENT TO THE GUN
CONTROL ACT FOR DEPARTMENT OF THE NAVY CIVILIAN
PERSONNEL

Encl: (1) OCHR memo of 18 Mar 03, Ser 012/091-03 w/encl
(2) DD Form 2760, Qualification to Possess Firearms
or Ammunition

1. The purpose of this memorandum is to inform you of the Domestic Violence Misdemeanor Amendment to the Gun Control Act of 1968, and explain how it impacts you as a civilian employee. Enclosure (1) provides the Department of the Navy (DON) and Department of Defense (DoD) implementing policy and guidance.

2. The domestic violence amendment to the Gun Control Act of 1968, more commonly referred to as the Lautenberg Amendment, made it illegal for anyone convicted of a misdemeanor crime of domestic violence to possess, ship, transport or receive any firearm or ammunition; and made it a felony for any person to sell or dispose of firearms or ammunition to any person known or reasonably believed to have been convicted of a misdemeanor crime of domestic violence. Additionally, on 27 November 2002, the Department of Defense (DoD) issued policy that extended those prohibitions to anyone convicted of a "felony crime of domestic violence" adjudged on or after 27 November 2002.

3. Positions covered by this amendment, referred to as "covered positions," are identified as positions that include duties, activities, or responsibilities covered by the Gun Control Act, including selling or disposing of firearms and ammunition, or receiving, possessing, shipping or transporting any firearm or ammunition in or affecting interstate or foreign commerce. You currently occupy a position that has been identified as a "covered position."

4. A "misdemeanor crime of domestic violence" means an offense classified as a misdemeanor under State or Federal law which has, as its factual basis, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by the victim's current or former domestic partner, parent, or guardian. The term "convicted" includes any general or special court-martial conviction for a Uniform Code of Military Justice offense, but does not include nonjudicial punishment (Article 15, UCMJ action) or a summary court-martial conviction. The term also excludes anyone whose conviction has been expunged or been set aside, or has received a pardon. A copy of the DON policy is provided at enclosure (1) and includes definitions of the terms used in the statute and the policy statement. Please read it carefully.

5. This provision applies to persons convicted of misdemeanor crimes of domestic violence at any time, prior to or after the passage of the 30 September 1996 law. There is no exemption for law enforcement officers and agents. If you have ever been convicted of a misdemeanor crime of domestic violence within the meaning of the statute, or a have been convicted of a felony crime of domestic violence adjudged on or after 27 November 2002, you may not continue employment in a covered position.

6. You are required to complete the form provided in enclosure (2) and return it to your immediate supervisor within 10 days. You will not be allowed to occupy a position requiring access to firearms or ammunition until you have provided this form to your supervisor.

7. If you have any qualifying conviction as described in this memorandum or the DON policy statement enclosed, you must immediately return any Government-issued firearm or ammunition to your supervisor. Furthermore, since the statute makes it illegal for you to possess or have access to any firearm or ammunition, any previously issued authorization to possess a firearm or ammunition is hereby revoked.

8. You are advised that you have an affirmative duty on an ongoing basis to notify your supervisor if you have or believe you may have a qualifying conviction. Moreover, you are required to immediately notify your supervisor if you receive a qualifying conviction in the future.

8. If you have any questions, you may contact your immediate supervisor, the Staff Judge Advocate, the Employee Relations branch of your Human Resources Office, your union representative, or private attorney.

(Signature of Employee)

(Date)

**Domestic Violence Misdemeanor Amendment to the Gun Control Act of 1968
OPEN CONTINUOUS ANNOUNCEMENT**

For all positions requiring access to firearms or ammunition: The Federal government is prohibited from employing individuals in these positions who have ever been convicted of a misdemeanor crime of domestic violence, or a felony crime of domestic violence adjudged on or after 27 November 2002. Selectees for such positions must submit a completed DD Form 2760, Qualification to Possess Firearms or Ammunition, **before a final job offer can be made.**

SAMPLE MEMORANDUM TO APPLICANTS FOR COVERED POSITIONS

From:

To: Applicants for Positions Required to Possess, Ship,
Transport or Receive Firearms and/or Ammunition

Subj: DOMESTIC VIOLENCE MISDEMEANOR AMENDMENT TO THE GUN
CONTROL ACT FOR DEPARTMENT OF THE NAVY CIVILIAN
PERSONNEL

Encl: (1) OCHR memo of 18 Mar 03, Ser 012/091-03 w/encl
(2) DD Form 2760, Qualification to Possess Firearms
or Ammunition

1. The purpose of this memorandum is to inform you of the Domestic Violence Misdemeanor Amendment to the Gun Control Act of 1968, and explain how it impacts you as an applicant for federal employment. Enclosure (1) provides the Department of the Navy (DON) and Department of Defense (DoD) implementing policy and guidance.

2. The domestic violence amendment to the Gun Control Act of 1968, more commonly referred to as the Lautenberg Amendment, made it illegal for anyone convicted of a misdemeanor crime of domestic violence to possess, ship, transport or receive any firearm or ammunition; and made it a felony for any person to sell or dispose of firearms or ammunition to any person known or reasonably believed to have been convicted of a misdemeanor crime of domestic violence. Additionally, on 27 November 2002, the Department of Defense (DoD) issued policy that extended those prohibitions to anyone convicted of a "felony crime of domestic violence" adjudged on or after 27 November 2002.

3. Positions covered by this amendment, referred to as "covered positions," are identified as positions that include duties, activities, or responsibilities covered by the Gun Control Act, including selling or disposing of firearms and ammunition, or receiving, possessing, shipping or transporting any firearm or ammunition in or affecting interstate or foreign commerce. **You have been tentatively selected for a covered position.**

4. A "misdemeanor crime of domestic violence" means an offense classified as a misdemeanor under State or Federal law which has, as its factual basis, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by the victim's current or former domestic partner, parent, or guardian. The term "convicted" includes any general or special court-martial conviction for a Uniform Code of Military Justice offense, but does not include nonjudicial punishment (Article 15, UCMJ action) or a summary court-martial conviction. The term also excludes anyone whose conviction has been expunged or been set aside, or has received a pardon. A copy of the DON policy is provided at enclosure (1) and includes definitions of the terms used in the statute and the policy statement. Please read it carefully.

5. This provision applies to persons convicted of misdemeanor crimes of domestic violence at any time, prior to or after the passage of the 30 September 1996 law. There is no exemption for law enforcement officers and agents. If you have ever been convicted of a misdemeanor crime of domestic violence within the meaning of the statute, or a have been convicted of a felony crime of domestic violence adjudged on or after 27 November 2002, you may not be appointed to a covered position.

6. You are required to complete the form in enclosure (2) and provide it to the Human Resources Office when you check in. A final decision on your selection for this covered position cannot be made until you have provided this form. A qualifying conviction will disqualify you for the covered position. Additionally, providing false or inaccurate information on enclosure (2) will result in future disciplinary action, which may include removal from Federal service.

7. If you are appointed to this covered position, you will have an affirmative duty on an ongoing basis to notify your supervisor if you have or believe you may have a qualifying conviction. You are required to immediately notify your supervisor if you receive a qualifying conviction in the future.

(Signature of Employee)

(Date)

NOTICE

REQUIREMENT TO DECLARE CONVICTIONS FOR CRIMES OF DOMESTIC VIOLENCE

"Qualifying Conviction" is defined by Department of Defense (DoD) as: (1) a State or Federal conviction for a "misdemeanor crime of domestic violence;" (2) a State or Federal conviction for a "felony crime of domestic violence" adjudged on or after 27 November 2002; and (3) any general or special court-martial conviction for a Uniform Code of Military Justice offense which otherwise meets the elements of a "crime of domestic violence," even though not classified as a misdemeanor or felony. A person shall not be considered to have a qualifying conviction unless the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel and, if entitled to have the case tried by jury or before court-members, the case was actually tried by a jury or court members or the person knowingly and intelligently waived the right to have the case tried by a jury or court members, and; A person shall not be considered to have a qualifying conviction if the conviction has been expunged or set aside, or the convicted offender has been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess, or receive firearms.

The domestic violence amendment to the Gun Control Act of 1968 makes it a felony for any person to sell or otherwise dispose of firearms or ammunition to any person whom he or she knows or has reasonable cause to believe has been convicted of a "misdemeanor crime of domestic violence" (18 U.S.C. § 922(d)(9)). The amendment also prohibits anyone who has been convicted of a misdemeanor crime of domestic violence from shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce (18 U.S.C. § 922(g)(9)). DoD policy expands the definition of "qualifying conviction" to include any general or special court-martial conviction for a Uniform Code of Military Justice offense and convictions for "felony crimes of domestic violence" adjudged on or after November 27, 2002. (See definition above).

All employees, including NAF employees, who come in contact with firearms or ammunition (referred to as "covered employees"), must complete a DD Form 2760 certifying whether or not they have ever obtained a "qualifying conviction." The DD Form 2760 will be provided to the employee by his/her supervisor. All covered employees have a continuing obligation to notify their supervisors through the use of DD Form 2760 if they obtain a qualifying conviction.

At any time the activity becomes aware, or reasonably suspects, that a civilian employee in a covered position has a qualifying conviction, the employee shall be immediately removed from the covered position, government-issued firearms and ammunition shall be retrieved from the employee, and the employee's authority to possess firearms or ammunition shall be suspended. The Activity may allow an employee found to have a qualifying conviction a reasonable period of time to obtain an expungement or pardon of the conviction, but must retrieve all government-owned firearms and ammunition, and must suspend the employee's authority to possess firearms and ammunition until an expungement or pardon is obtained.