

## Guidance and Procedures for Personnel Security, Suitability and Investigations Program in the Corporation for National and Community Service (CNCS.)

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### 1. **PURPOSE:**

This document provides guidance and procedures for implementing the Personnel Security, Suitability and Investigations Program in the Corporation for National and Community Service (CNCS.)

### 2. **SCOPE:**

This guidance applies to all CNCS Federal employees and contractors.

### 3. **AUTHORITIES:**

The following Executive Orders and regulations either govern or guide the CNCS security, suitability and investigation programs.

- a) Executive Orders 10450 and 10577
- b) 5 CFR 731, 732, 736 and 752
- c) OMB Circular A – 130

### 4. **BACKGROUND:**

This guidance provides the policy for requesting investigations and adjudicating suitability of applicants, employees and contractors with CNCS. CNCS will employ and/or retain only those persons whose suitability for employment is found to be clearly consistent with this directive. The process applies to both Federal employees and contractor personnel.

### 5. **DEFINITIONS:**

- a) *Suitability* refers to identifiable character traits and past conduct which are significant in determining whether an individual is likely to carry out the duties of a federal job with appropriate efficiency and effectiveness. Suitability is distinguishable from a person's ability to fulfill the qualifications requirements of a job as measured by experience, education, knowledge, skills, or abilities.
- b) *Risk Level* is a designation that is commensurate with the public trust responsibilities and attributes of the position as they relate to the efficiency of the service. Risk levels are ranked according to the degree of adverse impact on the efficiency of the service that an unsuitable person could cause.
- c) *Public Trust Positions* are those which, through action or inaction, have the potential to affect the integrity, efficiency, and/or effectiveness of assigned Government activities. The potential for adverse effect includes action or inaction which could

diminish public confidence in the integrity, efficiency, or abilities, whether or not actual damage occurs.

- d) *National Security Positions* are those which require access to National Security information, secrets or facilities. National Security is not in the mission of CNCS, but because of an occasional need for such access by employees of the Inspector General's Office and the Office of Personnel Security OPS, specific positions in both offices have been designated High Risk. These positions require the highest level of investigation.
- e) *Personnel Investigations* are an examination of personal traits and qualifications, including reputation, suitability, loyalty, education, qualifications and other pertinent factors. Personnel Investigations may be conducted by personal contact, written inquiry, letter, or electronic linkage with the sources of information.

## **6. POLICY:**

It is the policy of the Corporation to investigate its employees and applicants for employment, to adjudicate their suitability for employment in the competitive and excepted services, and retain only those persons whose suitability is found to be clearly consistent with this guidance. This guidance applies to both Federal and contractor employees.

## **7. RESPONSIBILITIES:**

- a) The *Director, Office of Personnel Security (Security Officer)* is responsible for the development, implementation and administration of the Corporation's Personnel Security, Suitability, and Investigation processes in a timely manner. The processes include ensuring that an appropriate suitability risk level is determined and assigned to all positions, that staff are informed of the Corporation's security policies and procedures, and that appropriate background investigations are initiated, reviewed and adjudicated for all CNCS personnel.
- b) The *Information Security Officer (ISO)*, in partnership with the *Office of Human Capital (OHC)*, is responsible for identifying and recommending risk levels for all Computer/Information Technology (IT) positions, in accordance with this guidance. *Note:* The Chief Information Officer (CIO), Office of Information Technology (OIT), will be responsible for implementing OMB Circular A-130 guidance regarding all IT personnel.
- c) *Managers and Supervisors* are responsible for participating in the administration of the process to the degree necessary to promote the efficiency of service. This includes informing the Security Officer (SO) and ISO of contractors who require access to sensitive computer systems.
- d) The SO in consultation with the *Contracting Officer* and *Contracting Officer's Technical Representative* are responsible for determining and assigning an appropriate risk level for contractor positions, utilizing the risk levels set forth by this guidance.

## **8. POSITION SENSITIVITY RISK LEVEL:**

Each position at CNCS is designated at one of three sensitivity risk levels. Each level is commensurate with the responsibilities and other attributes of the position as they relate to the integrity and efficiency of the service. The three risk levels, High, Medium and Low, indicate the potential impact the incumbent of a position may have on the agency's mission or operations. High Risk positions have the potential for exceptionally serious impact, Medium Risk have the potential for moderate to serious impact, and Low Risk have limited impact. The type of investigation conducted for each position is determined primarily by its risk level.

## **9. INITIATING PERSONNEL INVESTIGATIONS:**

### **a) Investigation Requirement**

All CNCS employees with appointments of more than 180 days are required to have a background investigation. The SO may waive this requirement for temporary employees whose appointments extend past 180 days. The SO will consider the following factors when making this determination: (1) Risk level, (2) Length of appointment, and (3) Frequency and duration of prior temporary appointments. The following guidance must be followed:

- 1) High Risk: Positions in this category require a five year Background Investigation (BI) for Public Trust positions involving no National Security duties (using the SF85P, Questionnaire for Public Trust Positions). If National Security responsibilities are included, a seven year Single-Scope Background Investigation (SSBI) is required (using the SF86, Questionnaire for National Security Positions). Such investigations must be initiated prior to employment. However, waivers of the pre-employment requirement may be obtained if the Chief Human Capital Officer (or Inspector General, for positions in that office) requests such in writing. At a minimum, the hiring official must review the applicant's completed Declaration for Federal Employment (OF306) and make a determination that there is no information present to cause an adverse employment determination. If the pre-employment completion requirement is waived, the investigation must be initiated and the advance National Agency Checks (NAC) report must be received and favorably adjudicated before the individual begins employment.
- 2) Medium Risk: Positions in this category require a three year Limited Background Investigation (LBI) using the SF85P. ). Such investigations should be initiated prior to employment. However, waivers of the pre-employment requirement may be obtained if the Chief Human Capital Officer (or Inspector General for positions in that office) requests such in writing. At a minimum, the hiring official must review the applicant's completed Declaration for Federal Employment (OF306) and make a determination that there is no information present to cause an adverse employment determination.

- 3) **Low Risk:** Positions in this category will have a National Agency Checks and Inquires (NACI) Investigation initiated post-employment. However, OHC will obtain and review the applicant's OF306 prior to employment, and either make a positive suitability determination or refer any issues that can't be resolved to the SO prior to a job offer. The applicant should be advised to complete the SF85, Questionnaire for Non-Sensitive Positions, before reporting for duty so the form may be brought to the OPS along with the recertified OF306 and a copy of the resume when the new employee is sent to the OPS for fingerprinting. New hires who do not complete the SF85 prior to employment must complete and return the form to the OPS no later than 3 business days following entrance on duty. The SO may grant reasonable extensions if there are mitigating circumstances that would cause a delay in completing the paperwork. Failure to do so may result in cancellation of building access, suspension, enforced leave, or termination of employment.
  
- 4) **Contracted personnel: (Pending Approval)** All contractors expected to work for the Corporation for more than 180 days must have an investigation completed prior to the start of the period of performance. Contractors with limited access to sensitive information or systems and Contractors whose period of performance is not expected to exceed 180 days in duration will complete an OF306 or equivalent CNCS form, and be processed with a positive identification check, fingerprint search, and citizenship or immigration status verification. The level of investigation depends on the nature of the contract responsibilities, following the three-level risk system above. If the requirement is found to excessively impact the Corporation's ability to obtain goods or services in accordance with contracting regulations and requirements, the CHCO in consultation with the Director of Procurement Services on a case-by-case basis may waive the requirement.

If enforcing such a requirement would keep the Corporation from obtaining individuals with unique or hard-to-find capabilities, the Corporation may agree to investigate selected individuals post award at Government expense, or agree with the individual that the government will be reimbursed for the cost of the investigation. In all instances, individual contractors must submit a completed SF85P with their resume for a medium or high risk position before they are allowed to start work.

b) **Other Forms Required for Investigations**

All Federal appointees and contractors must submit the following documents:

- OF 306, "Declaration for Federal Employment."
- SF-87, "Fingerprint Chart" or electronic submission of fingerprints through an agency link to OPM and the FBI via OPM approved Live Scan.

- Resume or other application that was submitted to CNCS for employment.
- Fair Credit Reporting Act form (Medium and High Risk positions only.)

c) **Periodic Re-investigation (see definition under section 12)**

Periodic Reinvestigations (PR) will be obtained on High Risk, National Security Positions only. A SSBI-PR will be initiated five years following completion of the initial SSBI and each subsequent SSBI-PR.

d) **Exceptions to Investigations Requirements**

Employment of persons, including interns or volunteers, in Low or Medium Risk positions for a total period not exceeding 180 days but more than 30 days, will complete an OF306 or equivalent CNCS form, and be processed with a positive identification check, fingerprint search, and citizenship or immigration status verification. However, the SO may make exceptions for such positions based on OF 306 answers or other information obtained. The SO may also require such checks as the SO deems appropriate or necessary to ensure that the employment or retention of such a person is clearly consistent with the efficiency and integrity of the service.

**10. BACKGROUND INVESTIGATIONS CONDUCTED BY OPM:**

Background Investigations conducted on CNCS employees shall meet Office of Personnel Management (OPM) standards. OPM conducts a variety of investigations established by Federal policy and interagency agreements appropriate for the Sensitivity Risk Levels specified above.

The four Risk Level-based investigations requested by CNCS, and the degree of coverage provided by each are as follows:

- a. **National Agency Checks and Inquiries (NACI)**. This investigation consists of searches of four national agency data repositories, written inquiries to employers, references and law enforcement agencies, and other appropriate record searches covering specific areas of a subject's background during the past five years. The four national agency data repositories are: OPM's Security/Suitability Investigation Index; Department of Defense's Defense Clearance and Investigations Index; FBI's Identification Division; and FBI's Records Management Division.
- b. **Limited Background Investigation (LBI)**. The Limited Background Investigation consists of a NAC, credit search, personal interview(s) of subject and sources, written inquiries of selected sources covering specific areas of the subject's

background during the most recent three years, and record searches for a total of five years coverage.

- c. **Background Investigation (BI)**. The Background Investigation consists of a NAC, credit search, personal interview(s) of subject and sources, written inquiries, and record searches covering specific areas of subject's background during the most recent five years, and additional record searches for a total of seven years coverage.
- d. **Single Scope Background Investigation (SSBI)**. The Single Scope Background Investigation consists of a NAC, credit search, personal interview(s) of subject and sources, written inquiries, and record searches covering specific areas of subject's background during the most recent 10 years, and additional record searches for a total of 15 years coverage.

Additional investigative information may be requested, as necessary, as follows:

- a) **Special Agreement Checks (SAC)**. These are checks of specific records which may be requested from OPM to obtain such information as FBI fingerprint checks on temporary contractors needing unescorted access to CNCS facilities, or credit checks on temporary employees who may have access to CNCS funds.
- b) **Reimbursable Suitability Investigation**. CNCS may ask OPM to provide Reimbursable Suitability Investigation services to pursue issues that are raised but not resolved in a required investigation, or that are developed from other sources of information.

## **11. EXPANDED COVERAGE:**

Notwithstanding the investigative requirements set forth above, and based upon recommendations from OPM, the CEO, CHCO or the SO, CNCS can expand any background investigation in both scope and coverage at any time on any person when such action is appropriate and in the best interest of the Corporation.

## **12. PRIOR INVESTIGATIONS AND INVESTIGATION REQUIREMENT AFTER A BREAK IN SERVICE:**

### ***Federal Employees or Appointees***

When any applicant or employee of CNCS has prior Federal service, a determination will be made by CNCS as to whether the appropriate investigation was previously completed and favorably adjudicated. For Low Risk positions, no new investigation will be requested unless the OF306 or other information raises issue(s) that may require additional resolution.

In the case of Medium and High Risk positions, the SO will obtain copies of any timely previous investigation, and make a determination whether it is sufficient for making a favorable CNCS suitability determination.

***Contractors***

The SO will ascertain from OPM whether or not the contractor has had a favorably adjudicated background investigation at the appropriate risk level. Any contractor who has not had a favorable adjudication at the appropriate level may be barred from access to Corporation systems and entry into Corporation facilities.

**13. ADJUDICATION OF CASES:**

The SO will review and adjudicate all investigative reports received from OPM on a case-by-case basis under the standards set forth in 5 CFR 731. All adjudicative actions must be completed within 90 days of the case closing date.

The Corporation's SO will consider all the information of record, both favorable and unfavorable, and assess it in terms of its relevance and seriousness, as well as whether or not the information is current. The SO will determine suitability in a manner that will promote the integrity and efficiency of the service while assuring fair, impartial, and equitable treatment of the individual. OPS will consult with the Corporations' Office of General Counsel before making an unfavorable determination of any Federal employee.

***Federal Employees and Appointees***

If an unfavorable determination is made for a current Federal employee, the Office of Human Capital will be notified so that appropriate action can be taken.

***Contractors***

If an unfavorable determination is made for a contractor, the Office of Procurement will be notified and take steps to immediately bar them from access to Corporation systems and entry into Corporation facilities.

**14. ADVERSE SUITABILITY ACTION:**

When CNCS proposes to take a final suitability ineligibility action on an employee, including removal against an applicant, eligible appointee or employee, the person against whom the action is proposed shall be given notice of the proposed action, afforded the opportunity to review the materials upon which the determination was made, given an opportunity to answer, provided notice of the final decision on the action, and provided notice of rights of appeal, if any, in accordance with applicable law, rule or regulation.

**15. SAFEGUARDING AND DISPOSITION OF INVESTIGATIVE CASES:**

Investigative cases received from OPM are maintained in a locked safe or cabinet to ensure privacy of the individuals while their records are in the possession of CNCS officials. Access to investigative cases will be limited to those persons determined by the SO or the CHCO to have an official “need to know”, and written record of such access shall be maintained. The SO will maintain a record of each disclosure of OPM investigative material with CNCS including at a minimum (1) the name and title of the person to whom disclosure was made; (2) the level of background investigation conducted on the person to whom the material was disclosed; (3) the date(s) of disclosure; (4) the reason for the disclosure; and (5) who authorized the disclosure.

In all Low Risk investigations, where all results are favorable (Acceptable, No Record or No Pertinent), and favorable adjudication results, the investigative materials will be destroyed after the Case Closing and Adjudication date are entered in the OPS database. The original Certification of Investigation is retained on the permanent record side of the Official Personnel Folder.

In all Medium and High Risk investigations, OPM’s final Case Closing Transmittal, a copy of the completed OPM INV Form 79A, Report of Adjudicative Action on OPM Personnel Investigations, and the signed Fair Credit Reporting Act form, will be retained for seven years from the date of the final action as a record of the adjudication process. Where no issues are present and favorable adjudication is made, other investigative documents may be destroyed in accordance with appropriate security procedures after 90 days. In any case where additional action is pursued by the Security Officer, whether or not it results in a final unfavorable adjudication, the investigative materials or other information leading to the action or on which the decision was based, plus any documents resulting from the due-process procedure and final decision process, will be retained for seven years. Also, the original Certification of Investigation will be retained on the permanent record side of the Official Personnel Folder.