

# MS 403 Personnel Security Program Procedures

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**Effective Date:** April 18, 2025

**Responsible Office:** Office of Safety and Security

**New Procedural Document**

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## 1.0 Purpose

The purpose of this procedure is to implement the policies outlined in MS 403 *Personnel Security Program*.

## 2.0 Applicability

This procedure applies to all staff, be it an individual employed, detailed, or assigned to the Peace Corps; an expert, intern, or consultant to the Peace Corps; a contractor, licensee, certificate holder or grantee of the Peace Corps, including subcontractors; a personal services contractor (PSC) if assigned domestically or requiring and eligible for a National Security Clearance; or any other individual who acts for or on behalf of the Peace Corps as determined by the Director of the Peace Corps.

## 3.0 Definitions

See MS 403 *Personnel Security Program*, Section 4.0 *Definitions*.

## 4.0 Process for Personnel Security Activities

See MS 403 *Personnel Security Program*, Section 6.0 for the policies pertaining to personnel security activities.

### 4.1 Position Risk and Sensitivity Designation

The Information and Personnel Safety and Security Division (SS/IPS) will periodically conduct position risk and sensitivity surveys of existing positions and in addition conduct a position risk and sensitivity survey of any new or significantly changed position. A survey may include interviews with program managers responsible for positions being surveyed to ensure proper designations when using the Office of Personnel Management (OPM's) position designation tool.

The Office of Human Resource (OHR) will provide SS/IPS a list annually consisting of all positions within the agency for a review by SS/IPS to confirm the appropriate designations of the risk and sensitivity of each position in the Peace Corps. That list will be validated by SS/IPS and returned to OHR, for their use to code within the automated hiring system, the level of background investigation that will be requested on new or reassigned employees.

When there are government-wide updates, such as updates to 5 CFR 1400 and to the OPM Position Designation Tool related to investigative requirements, OHR will respond so as to enable SS/IPS to validate Position Designations, in accordance with risk and sensitivity, on position descriptions.

## **4.2 Personnel Investigative Determination**

Staff, as defined previously, selected to work at Peace Corps will require an investigation commensurate with the risk and sensitivity level of the position that is to be encumbered and/or the work to be performed.

All such individuals will, at a minimum, require a Low Tier or Tier 1 background investigation or higher based on position risk and sensitivity designation, along with the completion of Optional Form 306, Declaration for Federal Employment (OF306), other security documents, favorable fingerprint results, and drug test, if applicable, for the position.

## **4.3 Investigative Notification**

Each applicant for a position requiring assessment to occupy a national security position, unescorted access, whether physical or virtual (network) to Peace Corps domestic facilities, along with access to Peace Corps staff and information, will be notified by their sponsor, that placement and/or retention in any position is contingent upon the favorable adjudication of a personnel security background investigation. Language to this effect must appear in all offers of employment, contracts solicitations, or agreements. The sponsors are OHR for direct hire employees, experts, work study students, interns, other federal agency detailees or the Contracting Officer Representative (COR) for contractors.

When a candidate has been selected, the sponsor uploads the required security forms into SS/IPS case management system after completion of fingerprinting and drug testing, if applicable, to request a personnel security review and approval for issuance of a Personal Identity Verification (PIV) card if required and/or approved access to systems, staff, information, and facilities.

## **4.4 Document Completion, Registration and Investigative Scheduling**

Human Resources Staffing Specialists or COR representatives provides the appropriate personnel security documents to the applicant whether for internal or external candidates. The applicant completes the documents and submits the documents back to the HR Specialist or COR representative.

After receipt of the personnel security documents, the HR Specialist or COR representative ensures sponsorship of the applicant in GSA's USACCESS system by coordinating with the office of Emergency Management and Physical Security (EMPS) for enrollment and required fingerprinting either by new fingerprinting or re-sponsoring/reprinting those with existing fingerprints in USACCESS. The applicant is notified and schedules an appointment with GSA to capture the applicant's fingerprints for an FBI check. The applicant will need to bring two forms of identification for the appointment with GSA. In the appointment notice, GSA will indicate acceptable forms of identification.

Following completion of the required paperwork and receipt of fingerprint results, SS/IPS scopes and schedules the required investigation or transfer of trust/reciprocity review upon receipt of complete and accurate personnel security documents in the SS/IPS case management system.

#### **4.5 Adjudication of the Applicable Background Investigation and PIV Card Issuance**

Upon completion of the preliminary paperwork and fingerprinting portion of the investigation, if the applicant is under consideration for a public trust position that does not require a national security review for a clearance, the results are adjudicated. If the results are favorable, the sponsor is notified that the applicant is provisionally approved to begin working. SS/EMPS ensures the PIV card is ready to print and sends the PIV card to the applicable location. The PIV card allows the recipient to provisionally have access to agency information technology systems, people, information, and unescorted access to Peace Corps facilities pending the final adjudication of a complete background investigation. Retention in the position, once the public trust background investigation has been complete is dependent on favorable adjudication. As outlined in EO 12968, those who require a national security adjudication for their position will not normally be brought onboard until approval for access to Classified National Security Information. National security background investigations will be completed with a favorable adjudication before the applicant is approved for access listed above and a PIV card.

If the results of the initial or final review for national security are unfavorable, the applicant will not be issued a PIV card and access to agency information technology systems, people, information, and unescorted access to Peace Corps facilities will not be permitted. Attempts to resolve issues of concern will be made through further investigation or review if needed. Applicants will be given the ability to appeal these determinations described later in these procedures.

#### **4.6 Transfer of Trust/Reciprocity/Re-Establishment of Trust Reviews of Investigative Requirements and Security Clearances**

As required by Executive Orders 13764, 13488, 13467, and 12968 and Security Executive Agent Directive (SEAD) 7, where possible, background investigations, including for national security clearances, granted by other federal agencies, will be accepted by Peace Corps, and duplicative investigations will not be conducted. This does not relieve the applicant of the responsibility of submitting the required documentation when being selected for positions at Peace Corps, whether externally or for internal movement. Those documents include a release authorizing the Peace Corps to conduct inquiries, to include the review of records held by another Federal agency and conduct required continuous vetting checks as required under SEAD 6 and 5 CFR 731. When it is determined that a completed background investigation, which is favorably adjudicated, currently exists that meets all or part of the investigative requirements, the scope of the current investigation will be shortened or eliminated as appropriate by following government wide standards regarding the granting of transfer of trust/reciprocity.

#### **4.7 Other Investigations**

The initiation of additional investigative activity is set forth below.

#### **4.7.1 Questions of Continued Suitability for Employment or Clearance**

When information is received, through mechanisms such as Continuous Vetting, SEAD 3 reporting, investigation such as by OIG or HR, etc. that raise questions as to an individual's continued fitness/suitability for either Peace Corps employment or continued access to classified national security information or occupancy in a sensitive position, a personnel security investigation may be initiated to resolve the concerns. Pending resolution, the individual's national security clearance or access to Peace Corps facilities, systems, staff, and information may be suspended by the office of IPS. Results of the investigation will be adjudicated, and appropriate action will be taken which could include termination of employment, revocation of security clearance and/or other necessary administrative actions.

Should any indication of waste, fraud or abuse of Peace Corps programs, or matters otherwise under the jurisdiction of the OIG, be received or disclosed, they will be referred to the OIG for action.

#### **4.7.2 Position Changes/Upgrades**

If a person moves from one position to another position including short term assignments to serve as details or in acting roles, or due to a redesignation of their current position within Peace Corps, the sponsor will submit to SS/IPS the required personnel security paperwork and ensure new fingerprinting is obtained or if on with USACCESS. SS/IPS will conduct mandated continuous vetting checks and determine whether there is a need for a higher risk and/or sensitivity level, and/or if the new position requires access to classified national security information because of promotion, reassignment, or re-designation of the position. Staff moving internally may have to undergo an upgraded or new background investigation to meet the investigation requirements of the new position. SS/IPS will notify such persons of the requirements and conduct the upgraded investigations as required.

#### **4.7.3 Continuous Vetting (CV) or Re-Investigations**

Individuals requiring access to classified national security information, along with those in moderate and high-risk positions, must be entered into continuous vetting as required in SEAD 6 or 5 CFR 731. Individuals holding Top Secret and Secret clearances must be re-investigated at least every 5 years if not in full CV or new issues arise. Those in moderate and high-risk positions also required reinvestigation every 5 years if not in full CV or new issues arise SS/IPS will contact individuals requiring a re-investigation at the appropriate time. Failure to complete the required documentation for the re-investigation may result in the suspension of the individual's security clearance and access to classified national security information or for those not in a clearance position, loss of access to Peace Corps' systems and facilities. Once Continuous Vetting is implemented fully through products provided by Defense Counterintelligence Security Agency, these periodic reinvestigations will largely end unless the individual has new issues that have developed.

#### **4.7.4 SEAD 3 Reporting Requirements for Personnel with National Security Clearance**

*SEAD 3, Reporting Requirements for Personnel with Access to Classified Information or Who Hold a Sensitive Position* details the required elements for clearance holders at various levels or

in general are required to report as a national security clearance holder. This information is also explained in depth during the initial and annual training required for all national security clearance holders.

All reporting required under SEAD 3 shall be sent to the SS/IPS email alias, [personnelsecurity@peacecorps.gov](mailto:personnelsecurity@peacecorps.gov) for review and follow-up where necessary.

## **5.0 Process for National Security Adjudications**

See section 7.0 of MS 403 *Personnel Security Program* for the policy pertaining to adjudication for security clearances.

### **5.1 National Security Adjudicative Process Pertaining to Adjudication for Security Clearances**

The national security adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible, either initially or for continued access to classified national security information or to hold a sensitive position. This examination, as described in SEAD 4, *National Security Adjudicative Guidelines* is known as the whole-person concept. The following national security adjudicative factors, outlined in SEAD 4 will be used to adjudicate applicant eligibility for access to classified national security information or to hold a sensitive position:

- (a) Allegiance to the United States;
- (b) Foreign influence;
- (c) Foreign preference;
- (d) Sexual behavior;
- (e) Personal conduct;
- (f) Financial considerations;
- (g) Alcohol consumption;
- (h) Drug involvement and substance misuse;
- (i) Psychological conditions;
- (j) Criminal conduct;
- (k) Handling protected information;
- (l) Outside activities; and
- (m) Misuse of Information Technology.

Each case must be judged on its own merits. As mandated in SEAD 4, any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of national security and will result in the national security clearance in question being denied or revoked.

## **5.2 Favorable Decision**

An SS/IPS Senior Personnel Security Specialist will review the completed national security background investigation considering the national security adjudicative factors and whole person as cited above. If a favorable decision is clearly consistent with national security, SS/IPS will notify OHR, the office head (e.g. Chief of Staff, Associate Director, Regional Director, Inspector General), and the employee in writing via an approval for access memo.

## **5.3 Potentially Unfavorable Decision**

If the pre-employment screening, the completed national security background investigation and subsequent reinvestigations, or developed issues such as from continuous vetting or SEAD 3 reporting, indicate the subject may not meet the standards for initial or continued access to classified national security information or occupancy of a sensitive position, the Senior Personnel Security Specialist will advise the Chief of SS/IPS who will need to concur on initiation of the due process procedures in order to arrive at a final determination. Prior to moving forward with the initiation of due process, the Senior Personnel Security Specialist will confer with the HR staffing office to determine whether the hiring official would prefer to move to another selectee and rescind the offer of employment to the individual rather than propose the adverse action and appeal. Should the offer of employment be rescinded, SS/IPS loses personnel security jurisdiction over the individual for further review and no final adjudication is rendered on the individual. This would be true also should the individual decide to withdraw from consideration at this point.

Should HR confirm that the hiring office wishes to continue with the offer for the individual or the individual does not withdraw from consideration, the Senior Personnel Security Specialist, in their role as the deciding official, will move forward with the due process procedures. Those procedures are as follows:

### **(a) Deciding Official Process**

A Senior Personnel Security Specialist shall be designated the Deciding Official by the Chief of SS/IPS. When the Deciding Official determines that an individual nominated for access to, or has access to, classified national security information or occupancy of a sensitive position by Peace Corps does not meet the standards for access or occupancy of the position, the Deciding Official shall:

- (1) Provide the individual, normally, with a Letter of Interrogatory (LOI), prior to issuance of notice proposing to deny or revoke the national security clearance. The LOI will allow the individual, whether applicant or current staff member, another opportunity, outside of their investigation and/or providing clarifying information to the adjudicator, to provide additional information to mitigate the proposed unfavorable adjudicative charges. The LOI will detail the unfavorable

adjudicative charges, both for national security and suitability if relevant and all the individual the ability to reply within 7-14 days depending on the seriousness of the unfavorable adjudicative charges.

- (2) Following any LOI responses, if given, provide the individual, a written proposal to deny or revoke the national security clearance to the individual. This proposal will provide a comprehensive and detailed explanation, to the extent that the National Security interests of the United States and other applicable laws permit, of the basis for the decision to deny or revoke clearance eligibility;
- (3) Include with the written proposal, the entire releasable background investigative file and any other documents, records, reports or other materials upon which the denial or revocation decision was based, as permitted by the National Security interests and any other applicable law, and to the extent the documents would be provided if requested under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act (5 U.S.C. 552a);
- (4) Include with the written proposal a copy of Executive Order 12968 and MS 403 Policy and Procedures;
- (5) Advise the individual in the written notice of the right to be represented by counsel or other representative at their own expense;
- (6) Advise the individual in the written proposal that, within 30 days of the decision by the Deciding Official to deny/revoke a clearance, they may request a review of the decision, may reply in writing and/or in person, normally virtually, to the Reviewing Official and may present any relevant documents, materials, and information to the Reviewing Official for consideration. The individual shall also be notified that, if the individual meets with the Reviewing Official virtually, a written summary of the appearance will be made part of the individual's security file. Any request for extension to the 30 days will be reviewed and if approved be minimal and one extension is the maximum permitted; and
- (7) Advise the individual in the written proposal that if they believe an action was in violation of Presidential Policy Directive-19 (PPD-19), the individual may request a review by the Inspector General.

**(b) Reviewing Official Process**

- (1) The Chief, SS/IPS is the designated Reviewing Official.
- (2) After the individual has submitted a written reply and/or has presented information in person, normally virtual, or upon expiration of the 30-day time period if the individual decides not to respond, a decision on the proposed denial or revocation of the national security clearance will be made by the Reviewing Official.

- (3) If the Reviewing Official disagrees with the decision of the Deciding Official, the access eligibility determination will be appropriately modified and written notification will be sent to the individual. Details of the reviewing official's determination to overturn the deciding official's decision will be provided in writing.
- (4) If the Reviewing Official agrees with the decision of the Deciding Official, the Reviewing Official will notify the individual in writing of the results of the review and of the right to file a written appeal of the Reviewing Official's decision within 30 days to the Security Clearance Review Panel, and of the right to request a review by the Inspector General as provided as stated above if the individual believes an action was in violation of PPD-19. Any request for extension to the 30 days will be reviewed and if approved be minimal and one extension is maximum permitted.
- (5) If the individual does not appeal the decision to uphold the proposed denial or revocation and 30 days has elapsed, the Senior Personnel Security Specialist as the Deciding Official will close out the denial or revocation by updating the appropriate internal and government wide databases as required. Human Resources will be contacted for next steps for current employees as a favorable national security determination is a condition of Federal employment for positions requiring a national security clearance.

**(c) Security Clearance Review Panel**

- (1) The Security Clearance Review Panel (SCRCP) shall be comprised of the Associate Director for Safety and Security, who serves as Chairperson of the SCRCP, the Chief Compliance/Risk Official and the Chief Human Capital Officer. If the individual appealing the decision of the Reviewing Official was selected for or is in the office represented on the panel and effectively the hiring office, then another office head representative of comparable level with a national security clearance shall be selected in coordination with the Office of General Counsel (OGC) either the AD of OSS or another member of the SS/IPS team.
- (2) If the individual appeals the decision of the Reviewing Official, after first appealing the decision of the Deciding Official, the Reviewing Official shall forward the complete file to the Chair of the SCRCP. The Chair of the SCRCP then notifies the individual that the SCRCP will convene and notifies the members of the SCRCP that the SCRCP must meet and conduct a review of the materials to issue an appeal decision.
- (3) The Chair of the SCRCP will be the primary representative to engage with the appealing individual and/or their representative with regular consultations with the OGC representative of OSS.
- (4) In reaching its decision, the SCRCP is limited to consideration of information developed and presented in the individual's entire security file, including, but not limited to, any and all information and material provided by the individual in



connection with the clearance denial/revocation proceedings, and the access eligibility policy, procedure, and standards set forth in Executive Order 12968, as well as the National Security Adjudicative Guidelines listed above. Under SEAD 4, the whole person will be applied and a preponderant determination will be made.

- (5) If the individual did not utilize the in person, normally virtual, reply during the appeal to the Reviewing Official, as described above and outlined in EO 12968, the board will approve the individual's request for a virtual reply. However, if the individual did have an in person, normally virtual, reply to the Reviewing Official, as required under EO 12968, they will not receive a second in person, normally virtual, reply. The SCRP Chair will work with the appealing individual/their representation to establish the both the logistical and time parameters for the in person, normally virtual, reply.
- (6) The in person, normally virtual, reply, if requested and granted, shall have a transcriptionist made available by Peace Corps in order to completely and accurately capture the reply and provide a transcript of reply to all parties of the appeal to the SCRP. This will be the official transcript of the reply. Additionally, the general counsel for the Office of Safety and Security Will sit in the normally virtual, reply as a bystander to assist with any procedural concerns.
- (7) The Chair of the SCRP notifies the individual in writing of the final decision reached by majority vote of the SCRP and of the right to request a review by the Inspector General, as described below in this document, if the individual believes an action was in violation of Presidential Policy Directive (PPD)-19. The request for the Inspector General review of an alleged PPD-19 violation must be made within 30 days of receiving the written notice of the SCRPs final decision. The majority decision of the SCRP is not otherwise subject to further appeal.

#### **(d) Certification**

If the Director personally certifies that any procedure set forth herein cannot be made available in a particular case without damaging the national security interests of the United States by revealing classified information, the particular procedure(s) shall not be made available. The Director's certification shall be conclusive.

### **5.4 Whistleblower Review**

#### **(a) Internal Inspector General Review Process**

An employee who alleges that any action affecting the employee's Eligibility for Access to Classified Information is in violation of PPD-19 can request a review by the Inspector General at any time during the adjudication process for security clearance set out below.

An employee who wants an internal review by the Inspector General of such action must raise the allegation of a PPD-19 violation to the Office of Inspector General at any point

during the adjudication process, but no later than 30 days after the SCRP's negative adjudication.

The Inspector General must conduct a review of the allegations to determine whether a PPD-19 violation occurred. This review must provide for the protection of classified national security information and intelligence sources and methods. Upon conclusion of the review, the Inspector General will inform the Director of the outcome of the review and provide, as needed, any recommendations resulting from the review in accordance with PPD-19.

The Director will carefully consider the findings of and actions recommended by the Inspector General and will make a final determination regarding the employee's Eligibility for Access to Classified Information and other actions recommended by the Inspector General. The Director must then notify the employee of the Director's determination and any other actions to be taken.

#### **(b) External Intelligence Community Inspector General Review**

An employee who makes allegations under the Internal Inspector General Review Process described above and has exhausted the internal review process set out in there may request an external review by a three-member Inspector General panel chaired by the Inspector General of the Intelligence Community as provided in PPD-19.

The employee seeking an external review must provide a formal written request for such a review directly to the Inspector General of the Intelligence Community Hotline Manager [Hotline \(dni.gov\)](https://hotline.dni.gov) within 45 days of receiving the notice from the Director regarding the internal review. Such requests must include:

- (1) Employee's Full Name
- (2) Federal Employing Agency
- (3) Reprisal Complaint, which should include a summary of:
  - (i) Protected disclosure(s),
  - (ii) Personnel actions, and/or Actions Affecting Eligibility for Access to Classified Information,
  - (iii) Reprisal allegation(s),
  - (iv) Efforts to exhaust the applicable agency review process, and
  - (v) Agency final decision on the reprisal allegations.
- (4) Reason for seeking an external IG review, and
- (5) Any other supporting documentation.

Requests for the external review must be mailed to:

Office of the Inspector General of the Intelligence Community  
Attn: Investigations Division  
Washington D.C. 20511

The Director will carefully consider the findings of and actions recommended by the External Review Panel and will make a final determination regarding the employees' Eligibility for Access to Classified Information and other actions recommended by the External Review Panel. The Director will notify the employee of the determination and any other actions to be taken. Within 90 days of receiving the recommendations of the External Review Panel, the Director will inform the Panel and the Director of National Intelligence (DNI) of the action taken. Under PPD-19, if the Director fails to inform the DNI, the DNI will notify the President.

## **6.0 Process for Suitability and Fitness Adjudications non-Contractor staff**

See section 8.0 of MS 403 *Personnel Security Program* for the policy pertaining to adjudication for suitability.

### **6.1 Suitability Adjudicative Process for Employees**

Per the requirements in 5 CFR, 731, *Suitability* and 5 CFR 302, *Employment in the Excepted Service*, the suitability/fitness adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination based on a person's character or conduct that may have an impact on the integrity or efficiency of the service that the person is suitable for federal employment. The following suitability/fitness adjudicative factors will be used to adjudicate applicant's suitability for employment in the Peace Corps:

- (a) Misconduct or negligence in employment;
- (b) Criminal conduct;
- (c) Material, intentional false statement, or deception or fraud, in examination or appointment;
- (d) Dishonest conduct;
- (e) Excessive alcohol use, without evidence of rehabilitation, of a nature and duration that suggests the applicant or appointee would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of the applicant, appointee, or others;
- (f) Illegal use of narcotics, drugs, or other controlled substances, without evidence of rehabilitation;
- (g) Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force;

- (h) Any statutory or regulatory bar that prevents the lawful employment of the individual involved in the position in question; and
- (i) Violent conduct.

Additional considerations: OPM and an agency must consider any of the following additional considerations to the extent OPM or the relevant agency, in its sole discretion, deems any of them pertinent to the individual case:

- (1) The nature of the position for which the individual is applying or in which the individual is employed;
- (2) The nature and seriousness of the conduct;
- (3) The circumstances surrounding the conduct;
- (4) The recency of the conduct;
- (5) The age of the individual involved at the time of the conduct;
- (6) Contributing societal conditions; and
- (7) The absence or presence of rehabilitation or efforts toward rehabilitation.

## **6.2 Favorable Decision**

SS/IPS will review the data from a completed background investigation considering the factors cited above from 5 CFR 731. If a favorable decision is clearly consistent with the standards, SS/IPS will notify OHR, the office head (e.g. Chief of Staff, Associate Director, Regional Director, Inspector General), and the employee in writing via an approval for access memo.

## **6.3 Potentially Unfavorable Decision**

If the pre-employment personnel security screening, the completed background investigation, or developed issues such as from continuous vetting indicates the subject may not meet the suitability/fitness standards for federal employment, SS/IPS will initiate the following due process procedures in order to arrive at a final determination. Prior to moving forward with the initiation of due process, the Personnel Security Specialist will confer with the HR staffing office to determine whether the hiring official would want to move to another selectee and rescind the offer of employment to the individual rather than ??propose the adverse action and appeal. Should the offer of employment be rescinded, SS/IPS loses jurisdiction over the individual for further personnel security review and no final adjudication is rendered on the individual. This would be true also should the individual decide to withdraw from consideration at this point.

Should HR confirm that the hiring office wishes to continue with the offer for the individual or the individual does not withdraw from consideration, the Personnel Security Specialist, in their role as the deciding official, will move forward with the due process procedures.

**(a) Deciding Official Process**

A Personnel Security Specialist shall be designated the Deciding Official by the Chief of SS/IPS. When the Deciding Official determines that an individual nominated for access to, or has access to, national security information or occupancy of a sensitive position by Peace Corps does not meet the standards for access or occupancy of the position, the Deciding Official shall:

- (1) The individual will normally be provided with a Letter of Interrogatory (LOI), prior to issuance of notice proposing rendering an unfavorable suitability/fitness determination. The LOI will allow the individual, whether applicant or current staff member, another opportunity to provide additional information to mitigate the proposed unfavorable adjudicative charges. This LOI, if necessary, would be in addition to follow up contact by background investigator(s) and the Personnel Security Specialist, as needed. The LOI will detail the unfavorable adjudicative charges for suitability/fitness and allow the individual the ability to reply within 7-14 days depending on the seriousness of the unfavorable adjudicative charges and/or if any previous contact was made by the background investigator(s) and/or the Personnel Security Specialist for additional information in attempts to mitigate the matter(s).
- (2) Provide a written proposal to render an unfavorable suitability/fitness determination to the individual which provides a comprehensive and detailed explanation, to the extent that applicable laws permit, of the basis for the decision for the unfavorable suitability/fitness determination;
- (3) Include with the written proposal, the entire releasable background investigative file and any other documents, records, reports or other materials upon which the unfavorable suitability/fitness decision was based, as permitted by any other applicable law, and to the extent the documents would be provided if requested under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act (5 U.S.C. 552a);
- (4) Include with the written proposal a copy of 5 CFRs 731 and 302, along with MS 403;
- (5) Advise the individual in the written notice of the right to be represented by counsel or other representative at their own expense; and
- (6) Advise the individual in the written proposal that, within 30 days of the decision by the Deciding Official to render an unfavorable suitability/fitness determination, they may request a review of the decision, by replying in writing to the Reviewing Official and may present any relevant documents, materials, and information to the Reviewing Official for consideration. Any request for extension to the 30 days will be reviewed and if approved be minimal and one extension is maximum permitted.

**(b) Decision**

- (1) The Chief, SS/IPS is the designated Reviewing Official.
- (2) If the individual has submitted a written reply or upon expiration of the 30-day time period, a decision on the proposed unfavorable suitability/fitness determination will be made by the Reviewing Official.
- (3) If the Reviewing Official disagrees with the decision of the Deciding Official, the access eligibility determination will be appropriately modified, and written notification will be sent to the individual via an approval for access memo.
- (4) If the Reviewing Official agrees with the decision of the Deciding Official, the Reviewing Official will notify the individual in writing of the results of the review and the right to file a written appeal of the Reviewing Official's decision within 30 days to the Suitability Review Panel. Any request for extension to the 30 days will be reviewed and if approved be minimal and one extension is maximum permitted.
- (5) If the individual does not appeal the decision to uphold the unfavorable suitability determination and 30 days has elapsed, the Personnel Security Specialist as the Deciding Official will close out the unfavorable suitability/fitness determination by updating the appropriate internal and government wide databases as required. Human Resources will be contacted for next steps for current employees as a favorable suitability/fitness determination is a condition of Federal employment.

**(c) Suitability Review Panel**

- (1) The Suitability Review Panel (SRP) shall be comprised of the Associate Director for Safety and Security, who serves as Chairperson of the SRP, the Chief Compliance/Risk Official and the Chief Human Capital Officer. If the individual appealing the decision of the Reviewing Official was selected for or is in the office represented on the panel and effectively the hiring office, then another office head representative of comparable level with a national security clearance shall be selected in coordination with the Office of General Counsel (OGC) either the AD of OSS or another member of the SS/IPS team.
- (2) If the individual appeals the decision of the Reviewing Official, after first appealing the decision of the Deciding Official, the Reviewing Official shall forward the complete file to the Chair of the SRP. The Chair of the SRP then notifies the individual that the SRP will convene and notifies the members of the SRP that the SRP must meet and conduct a review of the materials to issue an appeal decision.

- (3) The Chair of the SRP will be the primary representative to engage with the appealing individual and/or their representative with regular consultations with the OGC representative of OSS.
- (4) In reaching its decision, the SRP is limited to consideration of information developed and presented in the individual's entire security file, including, but not limited to, any and all information and material provided by the individual in connection with the unfavorable suitability/fitness determination proceedings, and the access eligibility policy, procedure, and standards set forth in 5 CFR 731.
- (5) There is no requirement under 5 CFR 731 for an in-person response.
- (6) The Chair of the SRP notifies the individual in writing of the final decision reached by majority vote of the SRP. The majority decision of the SCRP is not otherwise subject to further appeal.

## **7.0 Process for Fitness Adjudications for Contractors**

See section 8.0 of MS 403 *Personnel Security Program* for the policy pertaining to the fitness adjudication for security clearances.

The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is fit/suitable for unescorted access, physical and virtual (network) to Federal facilities. The following fitness/suitability factors will be used to adjudicate the subject's suitability for access to Peace Corps domestic facilities, systems, information, and staff:

- (a) Misconduct or negligence in employment;
- (b) Criminal conduct;
- (c) Material, intentional false statement, or deception or fraud, in examination or appointment;
- (d) Dishonest conduct;
- (e) Excessive alcohol use, without evidence of rehabilitation, of a nature and duration that suggests the applicant or appointee would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of the applicant, appointee, or others ;
- (f) Illegal use of narcotics, drugs, or other controlled substances, without evidence of rehabilitation;
- (g) Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force;

- (h) Any statutory or regulatory bar that prevents the lawful employment of the individual involved in the position in question; and
- (i) Violent conduct.

Additional considerations: OPM and an agency must consider any of the following additional considerations to the extent OPM or the relevant agency, in its sole discretion, deems any of them pertinent to the individual case:

- (1) The nature of the position for which the individual is applying or in which the individual is employed;
- (2) The nature and seriousness of the conduct;
- (3) The circumstances surrounding the conduct;
- (4) The recency of the conduct;
- (5) The age of the individual involved at the time of the conduct;
- (6) Contributing societal conditions; and
- (7) The absence or presence of rehabilitation or efforts toward rehabilitation.

## **7.1 Favorable Decision**

SS/IPS will review the data from personnel security documents, continuous vetting checks, and completed background investigations and will consider the factors cited above. If a favorable decision is clearly consistent with the standards, SS/IPS will notify when appropriate the COR, the office head (e.g. Chief of Staff, Associate Director, Regional Director, Inspector General), and the subject in writing via an approval for access memo.

## **7.2 Potentially Unfavorable Decision**

If the pre-employment screening or the completed investigation indicates the subject does not meet the suitability standards for federal employment, SS/IPS will initiate the following procedures in order to arrive at a final determination.

### **(a) Suitability/Fitness Determination**

A Personnel Security Specialist shall validate the fitness/suitability adjudicative results of the background investigation and personnel security documents to prepare a written fitness/suitability adjudication indicating the grounds for the proposed adverse fitness/suitability determination.

### **(b) Review**



One of the Senior Personnel Security Specialists will review the other Personnel Security Specialist's unfavorable fitness/suitability determination. If they disagree with the fitness/suitability adjudicative determination, the fitness/suitability determination will be reviewed with the Chief of SS/IPS. If the Chief disagrees, the fitness/suitability determination will be appropriately modified and notice of favorable fitness/suitability will be provided to the COR, the office head (e.g. Chief of Staff, Associate Director, Regional Director, Inspector General), and the subject in writing via an approval for access memo.

If the Senior Personnel Security Specialist agrees with the unfavorable fitness/suitability adjudicative determination, the Personnel Security Specialist will draft a Cancelled Contractor Candidate Memo to send to the COR for notice to the contractor's firm, explaining the finding of the subject unfit/unsuitable for unescorted access into Peace Corps domestic facilities, systems, staff, and information.

The finding of the Chief, SS/IPS is not subject to further appeal.

## **8.0 Accreditation of Access and Security Clearances**

See section 9.0 of MS 403 *Personnel Security Program* for the policy pertaining to the accreditation of access and security clearances.

### **8.1 Positions Outside the United States**

The country clearance cable must include the security clearance level of the traveler and is required for unescorted access to the embassy and access to Department of State controlled classified information. If the traveler will be visiting an embassy, the SS/IPS email alias, [personnelsecurity@peacecorps.gov](mailto:personnelsecurity@peacecorps.gov) should be copied on the eCountry Clearance (eCC), State's system for requesting a Verification of Access Request (VAR), and sent to State which requests that the traveler's clearance information can be sent to the Embassy. Once State sends the eCC request to SS/IPS, after receiving the request from the traveler, the office staff will complete the VAR request and send back to State. Copying the SS/IPS email alias will ensure that the office is aware of the forthcoming Verification of Access (VAR) from State. Based on timing and workload for State, SS/IPS recommends sending these VAR requests via their eCC system at least 2 weeks in advance of scheduled travel to an embassy. Should issues arise regarding the receipt of verification of the clearance level of a Peace Corps staff member, the U.S. Embassy Regional Security Officer (RSO) should be directed to the Chief of SS/IPS for confirmation of the clearance if a VAR was not requested in time by the traveler from State or if not received by State.

### **8.2 Facilities Access**

Many government facilities restrict access within their facilities. Peace Corps staff requiring access to other agency facilities that impose such restrictions should notify the SS/IPS email alias [personnelsecurity@peacecorps.gov](mailto:personnelsecurity@peacecorps.gov) for accreditation.

### **8.3 Other Access**

Some agencies may require accreditation of Peace Corps staff prior to attendance at meetings, seminars, or briefings that involve discussion of classified information. The SS/IPS email alias [personnelsecurity@peacecorps.gov](mailto:personnelsecurity@peacecorps.gov) should be notified by the staff member or agency requiring such clearance.