

# MS 403 Personnel Security Program Procedures

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**Effective Date:** March 27, 2019

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

**New Procedural Document**

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## 1.0 Purpose

The purpose of these procedures are to support the policies outlined in MS 403 Peace Corps Personnel Security Program.

## 2.0 Applicability

These procedures apply to any individual, be it employee, intern, detailee, contractor, or other individual who requires physical and/or virtual (network) access to Peace Corps domestic facilities or any individual nominated for access to classified national security information.

## 3.0 Definitions

See section 4.0 Definitions of MS 403 *Personnel Security Program*.

## 4.0 Process for Personnel Security Activities

See section 6.0 of MS 403 *Personnel Security Program* 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 will include interviews with program managers responsible for positions being surveyed to insure proper designation when using the Office of Personnel Management (OPM's) position designation tool.

SS/IPS will provide the Office of Human Resource Management (M/HRM) a list consisting of the most recent designations of the risk and sensitivity of each position in the Peace Corps. That list will be used by M/HRM to code within the automated hiring system the level of background investigation that will be requested on new or reassigned employees.

### 4.2 Personnel Investigative Determination

Individuals subject to investigation include employees, experts, consultants, personal service contractors, contractor employees, work study students, interns, and any other individual requiring unescorted access, either physical or virtual (network), to Peace Corps domestic

facilities. Individuals hired 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 pre-employment National Agency Check (NAC) or Tier 1 background investigation or higher based on position risk and sensitivity designation, along with completion of Optional Form 306, Declaration for Federal Employment (OF306), and favorable fingerprint results

### **4.3 Investigative Notification**

Each applicant for a position requiring unescorted access, either physical or virtual (network), to Peace Corps domestic facilities, will be notified by their Sponsor, that placement and/or retention in any position is contingent upon the favorable adjudication of a personnel background investigation. Language to this effect must appear in all contracts or agreements. All others will be advised in writing as part of the offer of employment. The Sponsors are: M/HRM for direct hire employees and for work study students, interns, or the Contracting Officer Representative (COR) for contractors.

When a candidate has been selected, the Sponsor sends to SS/IPS a Workplace Access Authorization Form and an Optional Form 306, to request the issuance of a Personal Identity Verification (PIV) card.

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

Human Resources Specialist provides the appropriate paper or online documents to the applicant. The applicant completes the documents and submits the documents back to the HR Specialist. .

After receipt of the documents, the HR Specialist sponsors the applicant, includes all staff whether to include contractors, in GSA. The applicant is notified and schedules an appointment with GSA for them to capture the applicant's fingerprints. 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 schedules the required investigation.

### **4.5 Adjudication of the NAC 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 approved to begin and instructed to appear in person before Emergency Management and Physical Security (SS/EMPS). SS/EMPS verifies the identity of the applicant and issues PIV card which allows the recipient to provisionally have unescorted access to Peace Corps facilities pending the final adjudication of a complete background investigation. Retention in the position is dependent on a favorable completed background investigation. Those who require a national security adjudication for their position

will not normally be brought onboard until approval for access to a Classified National Security Information.

If the results of the preliminary review are unfavorable, the applicant will not be issued a PIV card 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.

Individuals, whose need for unescorted access to Peace Corps facilities is less than 6 months, will be given a Facilities Access Card (FAC) instead of a PIV Card upon the successful adjudication of the preliminary paperwork and fingerprinting.

#### **4.6 Reciprocity of Investigative Processes and Security Clearances**

Where possible, security clearances granted by one Federal agency 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. Those documents include a release authorizing the Peace Corps to conduct inquiries, to include the review of records held by another Federal agency. When it is determined that an investigative report 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 reciprocity.

#### **4.7 Other Investigations**

The initiation of additional investigative activity is set out below.

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

When information is received that raises questions as to an individual's continued suitability for either Peace Corps employment or continued access to classified national security information, an investigation will be initiated to resolve the concerns. Pending resolution, the individual's security clearance or access to Peace Corps facilities may be suspended. 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 Office of Inspector General (OIG), be received or disclosed, they will be referred to the OIG for action.

##### **4.7.2 Position Upgrade**

If a person moves from a one position to another position with a higher risk and/or sensitivity level, or requires access to classified national security information because of promotion, reassignment, or re-designation of the position, he or she may have to undergo an upgraded investigation to meet the requirements of the new position. SS/IPS will notify such persons of the requirements and conduct upgraded investigations as required.

### **4.7.3 Re-Investigations**

Individuals requiring access to classified national security information, along with those in moderate and high risk positions, must be re-investigated periodically. Individuals holding Top Secret clearances must be re-investigated at least every 5 years and those holding Secret clearances must be re-investigated at least every 10 years. Those in moderate and high risk positions also required reinvestigation every 5 years. 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.

### **4.7.4 Foreign Service Nationals/Locally Hired Staff**

A Foreign Service National (FSN) hire or Locally Hired Staff are required to have a security and Suitability investigation conducted by the Regional Security Officer (RSO) or Post Security Officer (PSO) at the servicing U.S. Embassy in accordance with 3 FAM 7222. An FSN may not be appointed until at least a temporary security certification, good for 120 days, has been issued by the RSO/PSO. The RSO/PSO may issue extensions of the initial 120 day temporary security certification. Additionally, the RSO/PSO must conduct an update investigation every 5 years for the purpose of reissuing the security certification. Contact the RSO/PSO for instructions and appropriate forms. Refer to MS 691, Guidelines for Employment of Foreign Service Nationals by Direct Hire and Detail.

### **4.7.5 Mandatory requirements Pending Marriage Notification of Cohabitation to a non-U.S. Citizen**

One factor applicable to an employee obtaining or maintaining a security clearance is an assessment of the employee's non-U.S. citizen family members relative to national security concerns. Marriage to a non-U.S. citizen may affect the clearance holder's eligibility for continued access to classified national security information. Additionally, under the requirements of Security Executive Agent Directive (SEAD) 3, clearance holders are required to report cohabitants, Foreign National Roommate(s) who co-occupies a residence for a period of more than 30 calendar days, and impending marriages. Consequently, an evaluation of the impact of the marriage on the clearance holder's continued eligibility to hold a security clearance must be made prior to the marriage. A similar determination should be made for cohabitants and Foreign National Roommate(s) of more than 30 calendar days. If it is determined that a proposed marriage, cohabitant, or Foreign National Roommate(s) would result in the revocation of an employee's security clearance, and the individual chooses to marry or cohabit despite this determination, the individual's employment with Peace Corps will be terminated or other necessary and appropriate action taken.

- (a) Those with a security clearance and plans to marry, must report the pending marriage to IPS per the requirements of SEAD 3. In addition, if the clearance holder is employed overseas and planning to cohabit or marry a non-U.S. citizen, they must follow the requirements outline in 12 FAM 275 Reporting Cohabitation with and/or Intent to Marry

a Foreign National and notify the Country Director, in writing, 90 days in advance of the marriage.

- (b) The Country Director must forward this information to the Office of Safety and Security for determination as to appropriate background investigation required of the intended spouse and the appropriate embassy security official initiate administrative clearance of the intended spouse.
- (c) The Office of Safety and Security will initiate the appropriate background investigation required of the intended cohabitant or spouse. Upon completion of required checks for those intended who are Foreign Nationals, the embassy security official will advise the Country Director if the embassy has any objection to the proposed marriage. The Country Director will then forward the results of the administrative clearance to the Office of Safety and Security.
- (d) Upon completion of the background investigation and embassy clearance, if needed for a Foreign National intended, the Office of Safety and Security will advise M/HRM, the Office of Acquisition and Contracts Management (if a PSC with a clearance), the Regional Director, and the Country Director whether the planned marriage will negatively affect the employee's security clearance.
- (e) When the U.S. citizen employee is a country director who plans to marry or cohabitate, he or she must follow the same notice requirements outlined above and for a non-U.S. citizen. The Country Director must provide the same notice, in writing, 120 days in advance of the marriage. The background investigation and embassy clearance, if a Foreign National, will be initiated and the results will be forwarded to the Office of Safety and Security, which will advise the Regional Director and the Director whether the planned marriage will negatively affect the security clearance of the Country Director.

#### **4.7.6 U.S. Citizens Hired Abroad**

All U.S. citizen employees hired abroad must be investigated and approved commensurate with their position sensitivity level and requirement for access to classified information. The identity verification and investigative processes required of domestic employees described in sections 6.2 to 6.5 of this Manual Section apply. Refer also to MS 693 Employment of U.S. Citizens Abroad.

#### **4.8 Exemptions from Investigation Requirements**

Temporary employees, to include some interns, in non-sensitive positions who serve less than 60 cumulative (not necessarily consecutive) days do not require a personnel security investigation if pre-employment screening has been conducted. The applicant for a temporary position is still required to complete the PIV process described in sections 6.3 to 6.5 of this Manual Section. Unless issues of concern are developed, no additional investigation will be scheduled on incumbents of temporary positions. If an employee is continued past 60 days, becomes permanent, or fills a higher risk or sensitivity position, the required investigation will be conducted.

## **5.0 Processes for Fitness, Suitability, and 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 adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance. The following national security adjudicative factors will be used to adjudicate applicant eligibility for access to classified national security information:

- (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;
- (i) Emotional, mental, and personality disorders;
- (j) Criminal conduct;
- (k) Security violations;
- (l) Outside activities; and
- (m) Misuse of Information Technology Systems.

Each case must be judged on its own merits. Any doubt as to whether access to classified information is clearly consistent with national security will result in the security clearance in question being denied or revoked.

### **5.2 Favorable Decision**

An SS/IPS Personnel Security Specialist will review the completed investigation considering the personnel security factors cited described above. If a favorable decision is clearly consistent with national security, SS/IPS will notify M/HRM, the office head (e.g. Chief of Staff, Associate Director, Regional Director, Inspector General), and the employee in writing.

### **5.3 Potentially Unfavorable Decision**

If the pre-employment screening or the completed investigation indicates the subject may not meet the standards for initial or continued access to classified information, the Personnel Security Specialist will advise the Chief of SS/IPS who will initiate due process procedures in order to arrive at a final determination. Those procedures are as follows:

#### **(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, classified information by Peace Corps does not meet the standards for access to classified information, the Deciding Official shall:

- (1) Provide a written notice to the individual which provides 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, reduce, or revoke clearance eligibility;
- (2) Include with the written notice, the entire background investigative file and any other documents, records, reports or other materials upon which the denial, reduction 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);
- (3) Include with the written notice a copy of Executive Order 12968;
- (4) Advise the individual in the written notice of the right to be represented by counsel or other representative at his or her own expense; and
- (5) Advise the individual in the written notice that, within 30 days of the decision by the Deciding Official to deny/reduce/revoke a clearance, he/she may request a review of the decision, may reply in writing and/or in person to the Reviewing Official and may present any relevant documents, materials, and information to the Reviewing Official. The individual shall also be notified that, if the individual meets with the Reviewing Official in person, a written summary of the appearance will be made part of the individual's security file.
- (6) Advise the individual in the written notice that if he/she believes 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, or upon expiration of the 30-day time period, a decision 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.
- (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 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.

**(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 Designated Agency Ethics Official and the Deputy Director of the Office of Human Resource Management.
- (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 members of the SCRCP that the SCRCP must meet to issue an appeal decision.
- (3) 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/reduction 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.
- (4) The Chair of the SCRCP notifies the individual in writing of the final decision reached by majority vote of the SCRCP and of the right to request a review by the Inspector General, as provided described below in this document, if the individual believes an action was in violation of 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 SCRCP 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 within 45 days of receiving the notice from the Director regarding the internal review. Such request 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 employee's 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 Suitability Adjudicative Process**

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**

The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is suitable for federal employment. The following suitability adjudicative factors will be used to adjudicate applicant's suitability for employment in the Peace Corps:

- (a) Delinquency or misconduct in employment;
- (b) Criminal or dishonest conduct;
- (c) Material intentional false statement or deception or fraud in examination or appointment;
- (d) Alcohol abuse;

- (e) Illegal use of narcotics, drugs, or other controlled substances;
- (f) Knowing and willful engagement in acts or activities designed to overthrow the U.S. government by force; or
- (g) Statutory or regulatory bar.

## **6.2 Favorable Decision**

SS/IPS will review the data from a completed investigation considering the factors cited in Section 8.1 of this Manual Section. If a favorable decision is clearly consistent with the standards, SS/IPS will notify M/HRM, the office head (e.g. Chief of Staff, Associate Director, Regional Director, Inspector General), and the employee in writing.

## **6.3 Potentially Unfavorable Decision**

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

### **(a) Unfavorable Suitability Determination**

A personnel security specialist shall verify suitability adjudicate results of the investigation and prepare a written adjudication indicating the grounds for the proposed adverse Suitability determination for review by the Reviewing Official.

### **(b) Review**

- (1) The Chief, SS/IPS is the designated Reviewing Official.
- (2) If the Reviewing Official disagrees with the adjudicative determination, the Suitability determination will be appropriately modified and notice of suitability will be provided to OHR, the office head and the subject in writing.
- (3) If the Reviewing Official agrees with the decision of the personnel security specialist, OHR will be requested to make a Suitability determination. The Deputy Director for OHR will be furnished with a recommendation memo indicating the adverse findings and the investigative materials (the report of investigation and the written adjudication) upon which that recommendation is based.

### **(c) Decision**

- (1) If the Deputy Director of OHR disagrees with the recommendation the office will prepare a written reply to SS/IPS, providing their basis for dissent. The office will also prepare a written notice of suitability and provide it to SS/IPS, the office head, and the subject.

- (2) If the Deputy Director of OHR agrees with the recommendation, he or she will prepare a letter to the subject, explaining the basis for finding the subject unsuitable for Federal employment. The letter will be sent to the subject along with a copy of the investigation and recommendation.
- (3) The subject will be given 15 days to provide to the Chief Human Capital Officer (CHCO) for OHR, any evidence that might refute, explain, or mitigate the information upon which the recommendation is based. The subject may be represented by a person of his or her choice, at his or her own cost. Following the expiration of the 15 day appeal window, the CHCO for OHR will issue a finding regarding the suitability of the individual. The decision of the CHCO for OHR is not subject to further appeal.

## **7.0 Fitness Adjudicative Process for Contractors**

See section 9.0 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 suitable for unescorted access, physical and virtual (network) to Federal facilities. The following suitability factors will be used to adjudicate the subject's suitability for access to Peace Corps domestic facilities:

- (a) Delinquency or misconduct in employment;
- (b) Criminal or dishonest conduct;
- (c) Material, intentional false statement or deception or fraud in examination or appointment;
- (d) Alcohol abuse;
- (e) Illegal use of narcotics, drugs, or other controlled substances;
- (f) Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force; and
- (g) Statutory or regulatory bar.

### **7.1 Favorable Decision**

SS/IPS will review the data from a completed investigation and will consider the factors cited in Section 9.0 of this Manual Section. If a favorable decision is clearly consistent with the standards, SS/IPS will notify when appropriate the COTAR, the office head (e.g. Chief of Staff, Associate Director, Regional Director, Inspector General), and the subject in writing.

## **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 adjudicative results of the investigation and prepare a written adjudication indicating the grounds for the proposed adverse determination and notify the Chief, SS/IPS.

### **(b) Review**

If the Chief, SS/IPS disagrees with the adjudicative determination, the suitability determination will be appropriately modified and notice of 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.

If the Chief, SS/IPS agrees with the adjudicative determination, the Personnel Security Specialist will prepare a letter to the subject, explaining the basis for finding the subject unsuitable for unescorted access into Peace Corps domestic facilities. The letter will be sent to the subject along with a copy of the recommendation.

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

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

See section 10.0 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. If the traveler will be visiting an Embassy, SS/IPS should be copied on the eCC so that the traveler's clearance information can be sent to the Embassy. This clearance notification is required for unescorted access to the Embassy and access to Department of State controlled classified information. Should issues arise regarding the clearance level of a Peace Corps employee, the U.S. Embassy Regional Security Officer (RSO) should be directed to the Chief of SS/IPS for confirmation of clearance.

### **8.2 Facilities Access**

Many government facilities restrict access within their facilities. Peace Corps employees requiring access to other agency facilities that impose such restrictions should notify SS/IPS for accreditation.

### **8.3 Other Access**

Some agencies may require accreditation of an employee prior to attendance at meetings, seminars, or briefings that involve discussion of classified information. SS/IPS should be notified by the employee or agency requiring such clearance.