



Common Principles in Applying Federal Personnel Vetting Adjudicative Standards

I. Purpose

This document describes common principles for authorized adjudicative entities to determine if an individual presents a risk to people, property, information, or mission for the position the individual occupies or is proposed to occupy. The intent of this document is to highlight and align commonalities in adjudication across personnel vetting domains (suitability, fitness, national security, and credentialing), including requirements and processes. More specifically, these principles are for department and agency (D/A) adjudicators that evaluate individuals who are undergoing Federal personnel vetting to make a trust determination (adjudicative decision). Adjudicative criteria are established and found in regulation for suitability (5 C.F.R. part 731) and by Security Executive Agent Directive (SEAD) 4 for national security. Adjudicative criteria for credentialing were issued through a memorandum from the Credentialing Executive Agent and are expected to be incorporated into regulation through forthcoming proposed rulemaking. Proposed rulemaking is also forthcoming for fitness for employment in excepted service positions.

II. Authorities

These principles are consistent with the following Security Executive Agent and the Suitability & Credentialing Executive Agent¹ (EAs) authorities:

- A. 50 U.S.C. §§ 3024, 3341, 3343, 3161, and 3162a.
- B. 5 U.S.C. §§ 1103, 1104, 3301, and 3302.
- C. 5 C.F.R. parts 1, 2, 5, 6, 731, and 1400.
- D. Executive Order (E.O.) 12968, *Access to Classified Information* (August 2, 1995), as amended.
- E. E.O. 13467, *Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information* (June 30, 2008), as amended.

¹ Per Executive Order 13467, as amended, the Director of the Office of Personnel Management is the Suitability & Credentialing Executive Agent, and per section 803 of the National Security Act (50 U.S.C. § 3162a) and Executive Order 13467, as amended, the Director of National Intelligence is the Security Executive Agent.

- F. E.O. 13488, *Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust* (January 16, 2009), as amended.
- G. *Homeland Security Presidential Directive 12, Policies for a Common Identification Standard for Federal Employees and Contractors* (August 27, 2004).

III. Scope, Applicability, and Review

- A. These principles are consistent with the *Federal Personnel Vetting Guidelines* that establish the outcomes for successful personnel vetting programs.
- B. These principles apply in conjunction with the relevant adjudicative criteria, when authorized adjudicative entities make trust determinations for any individual (Federal civilian, military, contractor employee, or other²) subject to personnel vetting by the Executive Branch, except as provided by law, regulation, and policy.
- C. These principles account for the specific requirements of each domain listed below and apply to all personnel vetting scenarios (initial vetting, continuous vetting, upgrades, transfer of trust, and re-establishment of trust).
 - 1. Suitability – a determination of whether the character or conduct of an individual applying to or occupying a position in the competitive service, a position in the excepted service that can non-competitively convert to the competitive service, or a career appointment to the Senior Executive Service may have an adverse impact on the integrity or the efficiency of the service.
 - 2. Fitness – a determination of whether an individual has the character or conduct determined necessary to perform work for or on behalf of an agency as an excepted service employee, as a contractor employee, or as a non-appropriated fund employee, as those terms are defined in E.O. 13488, as amended.
 - 3. National Security – a determination of whether an individual’s eligibility for access to classified information or eligibility to hold a sensitive position is clearly consistent with the national security interests of the United States. Any doubt must be resolved in favor of national security.
 - 4. Credentialing – a determination of whether an individual’s eligibility to obtain a Homeland Security Presidential Directive 12 (HSPD-12) compliant personal identity verification (PIV) credential is consistent with protecting the life, safety, property, or health of people with access to Federal facilities

² This may include but is not limited to State, Local, and Tribal personnel subject to Federal personnel vetting.

and with protecting the Government's physical assets or information systems.

- D. Although each of these determinations has a distinct purpose and its own requirements and adjudicative criteria, they reflect a common concern for assessing an individual based on the characteristics of a trusted person: good conduct, integrity, sound judgment, loyalty, and reliability. The adjudicative criteria established by the EAs take into account such attributes as:
 - 1. Whether an individual demonstrates a regard for rules.
 - 2. Whether an individual appropriately engages others.
 - 3. Whether an individual demonstrates conduct consistent with the interests of the United States.
 - 4. Whether an individual demonstrates a willingness and ability to protect people, property, information, and mission.
- E. These principles do not describe existing due process, appeal, or redress procedures governed by law, regulation, and policy for each personnel vetting domain.
- F. D/A-internal level policy will use these principles absent D/A-specific obligations pursuant to law, regulation, and policy, or EA approval of a policy waiver or exception.
- G. D/As will protect the privacy and civil liberties of all individuals and make sure there is consistent treatment, equity, and fairness when implementing these principles in the personnel vetting process.
- H. The EAs, or their designees, will review these principles and revise as appropriate in response to evolving threats, societal trends, changes to law, regulation, or policy, research and innovation, or to accommodate process or technology improvements. At a minimum, the EAs, or their designees, will review this document every five years.
- I. These principles remain in effect until revoked in writing by the EAs.

IV. Policy

A. General

- 1. Adjudicative trust determinations and other discretionary adjudicative decisions are inherently governmental and must be performed by Federal employees. Some functions pertaining to these determinations and decisions may be performed by either Federal employees or contractors. Descriptions

of such functions will be addressed in the forthcoming *Federal Personnel Vetting Management Standards*.

2. D/As are responsible for ensuring adjudicators are trained and comply with any continuing educational requirements in accordance with the *National Training Standards (NTS) for Suitability and/or Security Adjudicators*, or its successor, as specified in the *NTS Implementation Plan*. Training will integrate awareness of unconscious bias and ethnic and cultural differences among Americans, consistent with existing law, regulation, and policy, to ensure the fair and equal treatment of individuals in the personnel vetting process.
3. D/As will use EA-approved automated adjudicative capabilities to the greatest extent practicable.
4. D/As will reciprocally accept trust determinations (for example, in the transfer of trust or re-establishment of trust scenarios), as described in the *Federal Personnel Vetting Management Standards* and in accordance with applicable law, regulation, and policy.
5. D/As will ensure their adjudicators comply with the following requirements:
 - i. Adjudicators will use information that is relevant, timely, and as complete as is reasonably necessary to assure fairness to the individual to make trust determinations using the whole-person concept, where applicable.
 - ii. Adjudicators will use the adjudicative criteria for trust determinations for the applicable personnel vetting domain(s) and adhere to the adjudicative process framework as described in Section V below.
 - iii. Adjudicators will treat all individuals undergoing personnel vetting with fairness, dignity, and respect by adhering to legal and ethical requirements. Adjudicators shall not engage in unlawful discrimination or take action that is contrary to applicable policy when making a trust determination. As adjudicators make trust determinations, they must ensure compliance with whistleblower protection statutes that prohibit retaliation against individuals who make protected disclosures.
 - iv. Adjudicators will offer to recuse themselves from adjudicating cases where there may be an actual or perceived conflict of interest.
 - v. Adjudicators will request and collect relevant information in accordance with applicable guidance when needed to resolve outstanding matters necessary for adjudication.

- vi. Adjudicators will properly protect, use, share, transmit, and retain information in accordance with law, regulation, and policy.
- vii. Adjudicators will refer adjudicatively relevant information to law enforcement, counterintelligence, insider threat, and other mission partners in accordance with applicable law, regulation, and policy.
- viii. Adjudicators will comply with quality oversight measures established by the EAs including the following requirements to:
 - a. Provide feedback to the authorized personnel vetting investigative service provider (ISP) on the quality of investigative products (for example, whether coverage requirements were met, the readability and thoroughness of the investigative product, etc.) using an appropriate quality assessment tool.
 - b. Promote the quality of adjudicative assessments (for example, peer review) as described in the *Federal Personnel Vetting Performance Management Standards*.

V. Adjudicative Process Framework

The objective of personnel vetting is to ensure a trusted workforce that protects people, property, information, and mission. Regardless of the personnel vetting domain(s), in each of the five personnel vetting scenarios, adjudicators will use the adjudicative process framework to assess the potential risk presented by the individual, to determine if the risk is able to be managed or mitigated, and to make a trust determination.

- A. Investigation. ISPs collect information and provide adjudicators with a report (relevant data and context) needed to support a trust determination in accordance with the *Federal Personnel Vetting Investigative Standards*. Adjudicators in federal personnel vetting offices may receive adjudicatively-relevant information self-reported by the individual or from non-ISP entities as appropriate including information from complementary mission partners (for example, Inspector General offices, Human Resource offices, and Industrial Security offices.)
- B. Order of Operations. Trust determinations are made in the following sequence:
 - 1. Suitability or fitness trust determination, if applicable.
 - 2. National security trust determination, if applicable.

3. Credentialing trust determination, if needed. (Note: Individuals adjudicated favorably for suitability, fitness, or national security are eligible for a credential without a separate adjudication; however the credentialing trust determination and issuance must also be recorded in the Federal personnel vetting record.)

It is possible for an individual to receive a favorable trust determination for one domain but an unfavorable trust determination for a different domain. For example, an individual could be determined suitable for federal employment but not eligible for access to classified information.

- C. Risk Assessment. Adjudicators will analyze investigative and/or developed information to determine the likelihood an individual presents or will present an unacceptable risk to people, property, information, and mission under the specific legal requirements and adjudicative criteria for each personnel vetting domain, and will use critical thinking to assess issues, concerning conduct or behaviors, or perceived vulnerabilities.
 1. In their analysis, adjudicators must validate that the investigation includes sufficient information pursuant to the *Quality Assessment Standards* to support the required trust determination. (For example, the investigation of a non-U.S. national who has limited residency in the United States may not reveal adequate information to determine credentialing eligibility.) Adjudicators should refer to the adjudicative criteria for the applicable personnel vetting domain and guidance on how to adjudicate an investigation with inadequate information.
 2. Adjudicators should request that ISPs conduct any further investigation necessary to resolve issues. Adjudicators may also request information directly from the individual in accordance with the *Federal Personnel Vetting Engagement Guidelines*. All information gathered or received must be recorded in the individual's Federal personnel vetting record.
- D. Preliminary Determination. Using the adjudicative criteria for the applicable personnel vetting domain(s) to assess the results of high-yield checks, D/As may make a preliminary determination to onboard the individual prior to completing the investigative coverage requirements and making the trust determination. Executive Order 12968 and SEAD 8 describe circumstances when agencies may grant temporary eligibility for access to classified information and to hold a sensitive position. As applicable, D/As will report preliminary determinations in the applicable government-wide repository and the D/A internal systems of records.
- E. Trust Determination. The adjudicative process framework culminates in a trust determination for each applicable personnel vetting domain.

1. Adjudicators apply the personnel vetting adjudicative criteria based on the applicable personnel vetting domain(s) to make a trust determination.
2. When the investigation meets the requirements in the *Federal Personnel Vetting Investigative Standards* and there are no issues, concerning conduct or behaviors, or perceived vulnerabilities identified, a Favorable trust determination is made.
3. When issues, concerning conduct or behaviors, or perceived vulnerabilities are present, the adjudicator will conduct further analysis:
 - i. The adjudicator must determine whether there are any statutory or regulatory bars or restrictions that prevent the individual from holding the particular position. If so, the decision may translate to an Unfavorable trust determination within the applicable personnel vetting domain(s), and coordination with appropriate complementary mission partners will be necessary.
 - ii. When there are no statutory or regulatory bars or restrictions the adjudicator will then assess if the issues, concerning conduct or behaviors, or perceived vulnerabilities can be mitigated or how to apply the additional considerations according to the applicable personnel vetting domain(s).
 - iii. When issues, concerning conduct or behaviors, or perceived vulnerabilities are resolved or able to be mitigated consistent with the applicable personnel vetting domain, a Favorable trust determination is made.
 - iv. When the adjudicator determines that issues, concerning conduct or behaviors, or perceived vulnerabilities are present but not sufficiently mitigated or exceptions are not applied, the Federal personnel vetting record will reflect an Unfavorable trust determination. Additionally, an assessment will be conducted to determine what, if any, due process or action is appropriate based on the domain.
 - v. There may be instances when the adjudicator can apply an exception as described below to otherwise make a favorable suitability, fitness, or national security determination. In this case, the trust determination will be reported as follows:

Suitability/Fitness:

- a. If the adjudicator determines the issues would render the individual unsuitable or unfit under the adjudicative criteria in 5

C.F.R. part 731, but decides to accept the risk and make a favorable trust determination, the Federal personnel vetting record will reflect Favorable “5 C.F.R. 731 or equivalent do not apply.” This prevents other D/As from reciprocally accepting this trust determination.

- b. If the investigation does not meet the requirements specified in the *Federal Personnel Vetting Investigative Standards*, but the adjudicator decides to make a favorable trust determination with the available information, the Federal personnel vetting record will reflect Favorable “5 C.F.R. 731 or equivalent do not apply.” This prevents other D/As from reciprocally accepting this trust determination.
- c. If the adjudicator determines a warning with regard to conduct is appropriate, the Federal personnel vetting record will reflect “Letter of counseling/advisement/warning.” The individual may enter or remain on duty.

National Security Eligibility:

- d. If making a favorable determination when presented with facts that meet the criteria for which an exception can be applied under SEAD 4, the Federal personnel vetting record will reflect Favorable with applicable exceptions. D/As do not have to reciprocally accept national security eligibility adjudications that are recorded with an exception, as defined in the SEAD.

VI. Recording Personnel Vetting Information

Adjudicators must record personnel vetting trust determinations in the individual’s Federal personnel vetting record.

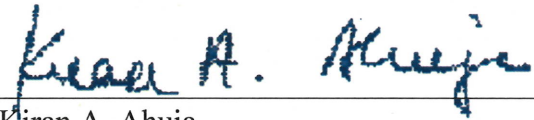
Accurately recording personnel vetting actions and determinations promotes transparency, enhances mobility, and facilitates information sharing. Unless authorized to withhold information pursuant to law, regulation, or policy, such as 50 U.S.C. 3341(e)(5), the adjudicative entity is responsible for recording personnel vetting actions and trust determinations, as applicable, in the individual’s Federal personnel vetting record that may include, but are not limited to:

- A. Preliminary determinations, including temporary eligibility and temporary access.
- B. Trust determinations, and reciprocal acceptance of trust determinations, for all personnel vetting scenarios and domains, which should include classified information eligibility level and supporting adjudicative information (as applicable).
- C. Classified information access level(s) and date granted.

- D. The adjudication of new continuous vetting and developed information.
- E. Exceptions.
- F. Status of suspensions and revocations, due process, appeal, or redress proceedings, separations, open or unadjudicated investigations, and loss of jurisdiction.
- G. Issuance of a PIV credential and/or denial, suspension, or revocation of PIV eligibility.
- H. Polygraph date and administering D/A.



Avril D. Haines
Director of National Intelligence
Security Executive Agent



Kiran A. Ahuja
Director
Office of Personnel Management
Suitability and Credentialing Executive Agent

July 12, 2022
Date

7/19/2022
Date

Distribution:

Secretary of State
Secretary of the Treasury
Secretary of Defense
Attorney General
Secretary of the Interior
Secretary of Agriculture
Secretary of Commerce
Secretary of Labor
Secretary of Health and Human Services
Secretary of Housing and Urban Development
Secretary of Transportation
Secretary of Energy
Secretary of Education
Secretary of Veterans Affairs
Secretary of Homeland Security
Administrator, Environmental Protection Agency
Director, Office of Management and Budget
United States Trade Representative
Administrator, Small Business Administration
Director, Office of Science and Technology Policy
Director, Office of Administration, Executive Office of the President
Director, Office of National Drug Control Policy
Secretary of the Army
Secretary of the Navy
Secretary of the Air Force
Chairman, Joint Chiefs of Staff
Chairman of the Board of Governors of the Federal Reserve
Commissioner, Social Security Administration
Director, Central Intelligence Agency
Director, National Science Foundation
Administrator, National Aeronautics and Space Administration
Administrator, United States Agency for International Development
Commissioner, Nuclear Regulatory Commission
Under Secretary for Intelligence and Security, Department of Defense
Under Secretary for Intelligence and Analysis, Department of Homeland Security
Director, United States Secret Service
Director, National Security Agency
Director, Defense Advanced Research Projects Activity
Director, Defense Information Systems Agency
Director, National Reconnaissance Office
Director, Defense Logistics Agency
Director, Defense Intelligence Agency
Director, Defense Contract Audit Agency
Director, National Geospatial-Intelligence Agency

Director, Missile Defense Agency
Director, Defense Finance and Accounting Services
Commissioner, United States Customs and Border Protection
Director, Defense Counterintelligence and Security Agency
Commandant of the Marine Corps
Chief, National Guard Bureau
Chairman, Federal Trade Commission
Chairman, United States International Trade Commission
Chairman, Federal Communications Commission
Chairman, Securities and Exchange Commission
Archivist, National Archives and Records Administration
Chairman, National Labor Relations Board
Administrator, General Services Administration
Director, United States Peace Corps
Chairman, Federal Maritime Commission
Administrator, Equal Employment Opportunity Commission
Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives
Administrator, Drug Enforcement Administration
Director, Office of Government Ethics
Postmaster General, United States Postal Service
Assistant Secretary for Intelligence and Research, Department of State
Assistant Secretary for Intelligence and Analysis, Department of Treasury
Inspector General, Department of Defense
Director, Selective Service Systems
Chief Executive Officer, U.S. Agency for Global Media
Deputy Chief of Staff for Intelligence, United States Army
Director of Naval Intelligence, United States Navy
Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance, United States Air Force
Director of Intelligence, United States Marine Corps
Assistant Commandant for Intelligence and Criminal Investigations, United States Coast Guard
Executive Assistant Director for Intelligence, Federal Bureau of Investigation
Director, Office of Intelligence and Counterintelligence, Department of Energy
Chief of Intelligence, Drug Enforcement Administration
Director, Information Security Oversight Office
Chief Postal Inspector, United States Postal Inspection Service