

# FACT SHEET

## Contractor Fitness at DHS

The Personnel Security Office is the component office responsible for ensuring that Federal employees and contractors meet acceptable standards of character and conduct and that their employment or continued employment will not adversely affect the integrity or efficiency of the Federal service. When this process is applied to contractor employees, it is known as a **Fitness Determination**.

This Fact Sheet describes the general procedure for vetting contractors at DHS. Every DHS component has its own Personnel Security office that serves the unique mission needs of the component.

### Adjudicative Process

Below is an outline of the adjudicative process used by DHS to vet contractors. Figure 1 tracks the process from selection by the contractor vendor to final adjudication following a background investigation.



Figure 1: Adjudicative Process

Following the favorable completion of the adjudication process, contractor employees will be able to start or remain on contract with DHS. This process is repeated in the form of a **Periodic Reinvestigation**, typically every 5 years. In the event that a contractor employee is no longer supporting a DHS contract, the vendor will need to notify the COR and/or cognizant personnel security office.

### What does DHS look at?

DHS personnel security offices look at many **Factors** when determining whether or not to grant a favorable fitness determination to a contractor applicant. In addition to the conduct, personnel security offices also look at various pieces of additional information surrounding the conduct, known as **Considerations**. Although contractor employees may exhibit similar behaviors, the result of the adjudication may vary from case to case depending on the complexities of the individual's background and circumstances. In addition, there may be information that disqualifies the contractor employee entirely from holding that specific position. For example, someone who is legally prohibited from possessing a firearm will not be permitted to occupy a law enforcement position at DHS.

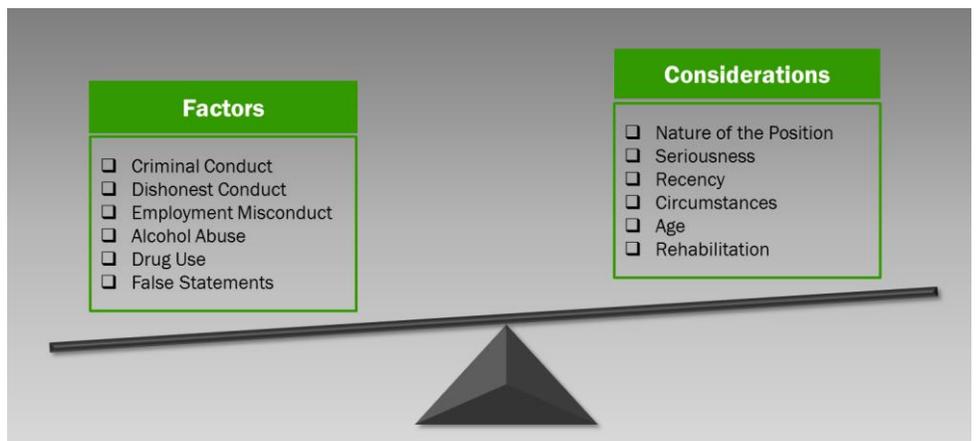


Figure 2: Adjudicative Decision Making



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## Personnel Security Terminology

Personnel Security language can be difficult to comprehend. Below is a table with some of the more common acronyms and terms that may be utilized when processing contractor employees for fitness determinations:

Term	Definition
<b>Contracting Officer's Representative (COR)</b>	Government employee assigned to oversee the administration and technical performance of a contract.
<b>National Background Investigations Bureau (NBIB)</b>	Federal agency responsible for conducting the majority of government investigations, formerly the Office of Personnel Management's (OPM) Federal Investigation Service Division.
<b>Electronic Questionnaire for Investigation Processing (e-QIP)</b>	Website used by NBIB to collect the standard forms to investigate and adjudicate individuals.
<b>Entry on Duty (EOD) Determination</b>	Allows a new contractor to begin providing services on a DHS contract. This decision may be made prior to the completion of a full background investigation.
<b>Homeland Security Presidential Directive 12 (HSPD-12)</b>	DHS Directive that establishes the requirement for all Federal agencies to vet employees and contractors prior to issuing a Personnel Identity Verification (PIV) Card.
<b>Fitness Determination</b>	A decision by an agency that a contractor employee has or does not have the required level of character and conduct necessary to perform work for or on behalf of a federal agency.
<b>Suitability Determination</b>	An evaluation on a Federal applicant based on a person's character and conduct, to decide whether their employment would or would not impact the integrity or efficiency of the Federal Service.
<b>Security Determination</b>	A determination as to whether an individual is eligible to have access to classified materials. This is separate and distinct from a Suitability or Fitness Determination. Security determinations for contractors are processed through the Defense Security Service (DSS).

## Communication

In order to coordinate the successful onboarding of contractor employees, DHS encourages contract vendors to actively manage and facilitate the flow of communication between the contractor employee and DHS. Below are several critical milestones in the adjudication process and tips on how to ensure timely and efficient processing.

**Selection:** In order to initiate the fitness process on a contractor employee, contract vendor and/or CORs will need to submit initiation paperwork. Company personnel should work together with CORs to ensure that this paperwork is complete and accurate. Incorrect or inaccurate information will result in delays or errors. In addition, it is recommended that contract vendors utilize commercial background checks before submitting candidates to DHS. The adjudication process is not intended to pre-screen applicants for positions.

**Forms Completion:** Contractor employees may be asked to complete a Standard Form through NBIB's e-QIP application as well as other required forms. Contract vendors should ensure that employees complete all required forms in a timely fashion. Contractor employees who do not complete the forms within the appropriate timeframe will have their applications terminated and will need to be initiated again.

**Letters of Interrogatory:** In some instances the Personnel Security Office will need to reach out to the contractor employee to resolve issues that relates to derogatory information. This is the employee's opportunity to address any derogatory information.

**Entry on Duty:** Once the Personnel Security Office has made a favorable EOD determination, the COR will coordinate with the contract vendor to provide an acceptable EOD date for the employee to begin providing services. If a contractor employee already has an active clearance with a recent investigation, the EOD can be approved immediately provided there is no new disqualifying information. If a higher investigation is required for the position, e-QIP will be initiated.

**Final Fitness Determination:** Once the background investigation is complete, the Personnel Security office will conduct a final review of all investigative information. A final favorable determination will not impact the contract employee if a favorable EOD determination was made, as they are already performing services on the contract. In the event of a final unfavorable determination, the contract vendor will be advised immediately that the individual's access to DHS information and/or facilities has been denied and performance on the contract is no longer authorized. The vendor must immediately remove the contractor employee from the DHS contract and may need to identify another candidate for the position.

### Applicant Questions: What can I do to ensure timely processing?

- ✓ Complete a paper copy of the SF-85P first for practice.
- ✓ Ensure that you complete the form with accurate information and that there are no gaps in any answers.
- ✓ Request a free credit report from your credit bureau so you can answer the financial questions.
- ✓ Gather all necessary supporting documents, such as naturalization certificates, birth certificates, financial documents, etc.
- ✓ Explain all extenuating circumstances and other relevant information in the comments sections of the form
- ✓ Be honest! Fitness determinations are an evaluation of character. Any evidence of falsification or dishonesty is almost always disqualifying and may lead to an unfavorable determination



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## Investigative Coverage

In December 2012 the Office of Personnel Management and the Office of the Director for National Intelligence approved the revised Federal Investigative Standards. These standards simplified the background investigation products and integrated investigative methodologies across investigation types creating a tiered concept; which supports a more streamlined and efficient investigative process. Each successively higher level of investigation builds upon, but does not duplicate the one below it. Figure 3 explains the relationship of the current investigations with other personnel security concepts.

Federal Investigative Standards						
Type	Public Trust			National Security		
Purpose	Suitability / Fitness			Access to Classified Information		
Risk / Clearance Level	Low Risk	Moderate Risk	High Risk	Confidential /Secret	Secret/Top Secret	Top Secret/SCI
Position Sensitivity Level	Non-Sensitive			Non-Critical Sensitive	Critical Sensitive	Special Sensitive
Current Investigation Type	Tier 1	Tier 2	Tier 4	Tier 3	Tier 5	
Legacy Investigation Type	NACI	MBI	BI	NACL / ANACI	SSBI	
Standard Form	SF85	SF85-P		SF86		
Adjudicative Authority	5 CFR 731.202			SEAD 4/E.O. 12968		ICD 704

Figure 3: Federal Investigative Standards

## Frequently Asked Questions

**Why are you investigating my employee? They are only applying for an entry-level job and they don't need a security clearance.** All persons privileged to be employed in the Federal government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States. This means that the placement of any contractor employee in any agency of the government is subject to investigation. The scope of the investigation will vary, depending on the nature of the position and the degree of harm that an individual in that position could cause. The requirement to be investigated applies whether or not the position requires a security clearance.

**What types of information will be used to make a fitness determination?** The adjudication process evaluates all pertinent data contained in a background investigation, including all available, reliable, and relevant information about a person, past and present, favorable and unfavorable. The background investigation product itself typically contains information about the contractor employee's residence, employment, education, and financial information. Additionally, DHS runs independent criminal history and financial checks.

**What is reciprocity?** Reciprocity is the process of recognizing and accepting an investigation or adjudication in the evaluation of a current position, barring any exception or newly developed information. Although this process is primarily utilized in the handling of security clearances, there is some applicability to fitness. If a prospective employee has a background investigation that meets or exceeds the position sensitivity level, it may be used to expedite the adjudication process depending on the age of that investigation.

**How does reciprocity work in DHS?** DHS honors all clearances under reciprocity as required by law, as long as there has not been a break in service of more than two years, the investigation is within scope, and the investigation meets or exceeds the requirements of the proposed position. Even if a contractor holds a security clearance, he or she will still be evaluated for fitness.

**Are fitness standards the same across DHS?** Fitness factors (see Figure 2) are generally standard across DHS, for example, all DHS components utilize the same criteria when evaluating financial delinquencies. Once a contractor is cleared at one component, the determination should easily transfer to another component for an equivalent position; however unique position requirements may apply.

**What is a Position Sensitivity Level?** The Position Sensitivity Level is an evaluation of risk and sensitivity of a position. It is designated by evaluating the duties and responsibilities of a position against a set of criteria that measure the potential for applicants to bring about adverse effect on the national security, and the degree of that potential effect.

**My employee has already been cleared by another DHS component; does he or she need to complete new forms?** The contractor employee will be required to complete new forms if they are moving to a position with a higher PSL, or if the investigation for their current position is too old to be used.

**Who can I contact if I have further questions about this process?** Contact your COR or your cognizant security office.



## Adjudicative Process

1. Selection
  - a. Applicant selected for position
  - b. eQIP completed
  - c. Forms submission
  - d. Fingerprinting
2. Checks
  - a. Criminal history
  - b. Financial history
  - c. Citizenship
  - d. Previously completed investigations
3. Review
  - a. eQIP acceptability
    - i. Legibility
    - ii. Accuracy
    - iii. Completeness
  - b. Issue Resolution
    - i. May contact applicant to resolve issues
4. EOD Decision
  - a. Favorable Decision
    - i. Applicant can start
  - b. Unfavorable Decision
    - i. Applicant cannot start
5. Investigation
  - a. Investigation scheduled
  - b. Fieldwork completed
  - c. Report of investigation sent back to DHS
6. Final Decision
  - a. Favorable Decision
    - i. Applicant continues work
  - b. Unfavorable Decision
    - i. Applicant must be removed from contract

## Adjudicative Decision Making

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• Factors<ul style="list-style-type: none"><li>○ Criminal Conduct</li><li>○ Dishonest Conduct</li><li>○ Employment Misconduct</li><li>○ Alcohol Abuse</li><li>○ Drug Use</li><li>○ False Statements</li></ul></li></ul> | <ul style="list-style-type: none"><li>Considerations<ul style="list-style-type: none"><li>○ Nature of the position</li><li>○ Seriousness</li><li>○ Recency</li><li>○ Circumstances</li><li>○ Age</li><li>○ Rehabilitation</li></ul></li></ul> |
|---|---|

## Federal Investigative Standards

Type: Public Trust

Purpose: Suitability / Fitness

Risk / Clearance Level:

- Low Risk
  - Position Sensitivity Level: Non-Sensitive
  - Current Investigation Type: Tier 1
  - Legacy Investigation Type: NACI
  - Standard Form: SF85
  - Adjunctive Authority: 5 CFR 731.202
- Moderate Risk
  - Position Sensitivity Level: Non-Sensitive
  - Current Investigation Type: Tier 2
  - Legacy Investigation Type: MBI
  - Standard Form: SF85-P
  - Adjunctive Authority: 5 CFR 731.202
- High Risk
  - Position Sensitivity Level: Non-Sensitive
  - Current Investigation Type: Tier 4
  - Legacy Investigation Type: BI
  - Standard Form: SF85-P
  - Adjunctive Authority: 5 CFR 731.202

Type: National Security

Purpose: Access to Classified Information

Risk / Clearance Level:

- Confidential / Secret
  - Position Sensitivity Level: Non-Critical Sensitive
  - Current Investigation Type: Tier 3
  - Legacy Investigation Type: NACLIC / ANACI
  - Standard Form: SF86
  - Adjunctive Authority: SEAD 4/E.O. 12968
- Secret / Top Secret
  - Position Sensitivity Level: Critical Sensitive
  - Current Investigation Type: Tier 5
  - Legacy Investigation Type: SSBI
  - Standard Form: SF86
  - Adjunctive Authority: SEAD 4/E.O. 12968
- Top Secret / SCI
  - Position Sensitivity Level: Special Sensitive
  - Current Investigation Type: Tier 5
  - Legacy Investigation Type: SSBI
  - Standard Form: SF86
  - Adjunctive Authority: ICD 704