



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

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MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES,  
CHIEF HUMAN CAPITAL OFFICERS, AND  
AGENCY SECURITY OFFICERS

FROM: LINDA M. SPRINGER  
DIRECTOR

A handwritten signature in black ink, appearing to read "LMS", written over the printed name and title.

SUBJECT: INTRODUCTION OF CREDENTIALING, SUITABILITY,  
AND SECURITY CLEARANCE DECISION-MAKING  
GUIDE

As a result of an initiative to create a more simplified system of Federal Government investigative and adjudicative procedures that applies to all persons, including contract personnel, who perform work on behalf of the government, we are providing the attached Credentialing, Suitability, and Security Clearance Decision-Making Guide. The Guide reflects current processes, authorities, and regulations for those decisions and discusses other actions that may be taken when unfavorable information is developed to assist agencies in considering all of their options. The Guide will be revised as future enhancements to the decision-making process develop. As it is refined, any future enhancements will supersede the information contained in and attached to this memorandum.

**Purpose of the Guide**

This tool is primarily for use in adjudicative decisions for HSPD-12 credentialing, suitability determinations, and national security determinations. HSPD-12 credentialing involves all Federal employees and contract personnel requiring long-term access to Government-controlled facilities and/or information systems; suitability determinations involve competitive service and career SES positions; and national security determinations involve candidates for appointments to sensitive national security positions in the Federal service, as well as individuals (typically Federal employees, contractors, or military personnel) who require eligibility for access to classified information.

While there are distinct purposes and processes behind each decision that must be made when unfavorable information is developed about a person's background, there also are some commonalities in the criteria applied to each decision-making process. The goal of this decision-making tool is to: (1) provide a reference guide to outline and clarify the scope of the various authorities agencies may currently utilize to act on unfavorable information, and (2) define and outline the various adjudicative criteria at each decision point so that agencies may take advantage of the commonalities in the criteria while still recognizing the essential differences in the considerations for these decisions. We believe this will aid decision-makers in using their existing authorities to adopt a tiered approach to the decision-making process, and allow them to streamline their processes so

that multiple decisions about the same person can be made without unnecessary duplication of effort.

**Further information**

For additional information or if you have questions about the Guide or suggestions on improvements to it, please contact the Operational Policy Group, Federal Investigative Services Division, OPM, at 202-606-1042.

Attachment

# **CREDENTIALING, SUITABILITY, AND SECURITY CLEARANCE DECISION-MAKING GUIDE**

As part of a tasking to create a more simplified system of Federal Government investigative and adjudicative procedures that applies to all individuals, including contractors, who perform work on behalf of the government, OPM has created this guide to assist decision-makers. The guide reflects “as-is” processes and will be revised as future enhancements to the decision-making process develop. While there are distinct purposes and processes behind each decision that must be made when unfavorable information is developed about an individual’s background, there also are some commonalities in the criteria applied to each decision-making process. The goal of this decision-making tool is to: (1) provide a reference guide to outline and clarify the scope of the various authorities agencies may utilize to act on unfavorable information, and (2) define and outline the various adjudicative criteria at each decision point so that agencies may take advantage of the commonalities in the criteria while still recognizing the logical differences in the considerations for these decisions. We believe this will aid decision-makers in using their existing authorities to adopt a tiered approach to the decision-making process, and allow them to streamline their processes so that multiple decisions about the same person can be made without unnecessary duplication of effort.

This tool consists of two parts. The first part outlines the various decision points, the individuals covered by those decisions, the authority and regulations pertinent to actions taken when those decisions are made, and the related appeal procedures. The second part outlines the concerns and adjudicative criteria for the three primary decisions agencies may need to make when unfavorable information is developed: credentialing decisions, suitability decisions, and security clearance decisions.

## Part 1: Decision Point Overview

Agencies have diverse authorities for taking action when negative information arises about an individual. Each of these decisions is made for a specific reason, and the process varies greatly between the various actions that may be taken, resulting in potential confusion regarding terms and processes. The following chart describes the purpose and legal authority for each determination, defines which populations are affected at each decision point, and identifies any applicable appeal procedures. Please note the list below does not include actions against an employee which do not arise out of a background investigation or other inquiry, for example, action based on unacceptable performance authorized under 5 USC 4303.

### Decision Point 1: Eligibility to access Federally controlled facilities and/or information systems

Nature of Concern	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
<p>Is the individual who he or she says he or she is?</p> <p>Is there a reasonable basis to believe<sup>1</sup> granting the individual a Personal Identity Verification (PIV) card would pose an unacceptable risk<sup>2</sup>?</p>	<p><b>Credentialing Determination</b></p> <p>Applies to all Federal employees and contractor personnel requiring physical access to Federally controlled facilities and/or logical access to Federally controlled information systems</p>	<p>HSPD-12</p> <p>Federal Information Security Management Act</p>	<p>FIPS 201-1 (and related issuances)</p> <p>OPM Interim Credentialing Standards for Issuing PIV Cards Under HSPD-12 (issued 12/18/07)</p>	<p>FIPS 201-1 requires each department and agency to establish a reconsideration (appeal) process when a PIV card has been denied or revoked. However, no reconsideration is required when the card is denied based on the results of a negative suitability determination under 5 CFR part 731 or a decision to deny a security clearance since the person is already entitled to seek review under applicable suitability or national security procedures. Likewise, there is no right to reconsideration when the decision to deny the PIV card is based on the results of a determination to disqualify the person from an appointment in the excepted service or from working on a contract.</p>

<sup>1</sup> A reasonable basis to believe occurs when a disinterested observer, with knowledge of the same facts and circumstances, would reasonably reach the same conclusion. Departments and agencies should consult with their legal counsel about any legal questions concerning the standards.

<sup>2</sup> The term “an unacceptable risk” refers to an unacceptable risk to the life, safety, or health of employees, contractors, vendors, or visitors; to the Government’s physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, or medical records; or to the privacy of data subjects.

**Decision Point 2: Eligibility to perform work for the government in a competitive service or career SES**

Nature of Concern Position	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
Does the conduct and character of the competitive service or career SES applicant, appointee, or employee promote the efficiency or protect the integrity of the competitive service?	<p><b>Suitability Action</b></p> <p>Applies to competitive service and career SES applicants and appointees, and on a limited basis, to competitive service employees when OPM directs a removal action (see 5 CFR 731.105 for specific limitations with regard to employees). <u>Does not apply to contractor personnel or excepted service</u></p>	5 U.S.C. 1103, 1302, 3301, 3302, 7301; E.O. 10577, as amended	5 CFR part 731	Appeal to MSPB (see 5 CFR parts 731, 1201)

**Decision Point 3: Eligibility to perform work for the government in an excepted service position**

Nature of Concern	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
Should the individual be appointed to an excepted service position?	<p><b>Disqualification Determination</b></p> <p>Applies to excepted service positions</p>	5 U.S.C. 301, 302; E.O. 10577, as amended	5 CFR 302.203  Any regulations or practices the head of the agency finds necessary	The employing agency head has authority to determine what recourse, if any, is available, and should apply that recourse consistently. The only provision for appealing a decision to the MSPB applies to individuals entitled to priority consideration when there is a violation of his/her restoration rights (see 5 CFR 302.501.)

**Decision Point 4: Eligibility to perform work for the government in a contract position**

Nature of Concern	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
<p>Should the individual be permitted to work on a particular government contract?</p>	<p><b>Contract Employment Eligibility Determination</b></p> <p>Applies to personnel doing government work in a contract capacity</p>	<p>Federal Acquisition Regulation; see also authorities pertaining to credentialing and security clearance determinations, as appropriate. Criteria for these determinations may apply at this decision point.</p>	<p>See authorities pertaining to credentialing and security clearance determinations, as appropriate. Criteria for these determinations may apply at this decision point.</p> <p>Also the terms of the contract and any regulations or practices the head of the agency finds necessary to regulate the process apply.</p>	<p>All contractor personnel are subject to the requirements outlined above concerning Eligibility for a Personal Identity Verification (PIV) card</p> <p>Contractor personnel requiring access to classified material, are subject to the requirements for access outlined in # 5 below and the associated appeal process</p>

**Decision Point 5: Eligibility for a National Security position and/or access to classified information**

Nature of Concern	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
Is it in the best interest of the United States to grant the individual eligibility for access to classified information, or permit the individual to work in a sensitive National Security position?	<p><b>National Security Determination</b></p> <p>Applies to all individuals who require eligibility for access to classified information, and candidates for Federal appointments to sensitive National Security positions.</p>	E.O. 10450, as amended; E.O. 12968	Adjudicative Guidelines for Determining Eligibility for Access to Classified Information; 5 CFR part 732	Appeal to a high level panel, as outlined in E.O. 12968, for applicants and employees (as defined in that order) whose eligibility for access to classified information is denied or revoked.

**Decision Point 6: Fitness/qualifications verification during probationary period for competitive service appointee or for new supervisor or manager**

Nature of Concern	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
Does the individual’s work performance or conduct demonstrate his or her fitness or qualifications for continued employment past the probationary period?	<p><b>Separation of competitive service probationer for unsatisfactory performance or conduct</b></p> <p>Applies to initial appointment to a competitive service position (during the first year probationary period) or as a supervisor or manager (during the probationary period prescribed by the agency)</p>	5 U.S.C. 1302, 3301, 3302, 3321; E.O. 10577, as amended	5 CFR part 315, subparts H and I	Limited appeal to MSPB, on allegation of removal for partisan political reasons or marital status, as outlined in 5 CFR part 315; probationers in an initial appointment to the competitive service who are terminated for pre-employment reasons can seek MSPB review of whether minimum required procedures were followed by agency as provided in 5 CFR 315.806.

**Decision Point 7: Fitness/qualifications during trial period for continued employment in excepted service**

Nature of Concern	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
Does the individual’s work performance or conduct demonstrate his or her fitness or qualifications for continued employment in the excepted service?	<p><b>Separation of excepted service employee</b></p> <p>Applies to excepted service positions</p>	5 U.S.C. chapter 75 (after two years of employment)	5 CFR part 302 (before two years of employment), 5 CFR part 752 (after two years of employment)	Appeal to MSPB after two years of employment

**Decision Point 8: Fitness/ qualifications verification during probationary period for career appointment in**

Nature of Concern the SES	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
Should the SES employee be retained past the probationary year?	<p><b>Termination of SES probationer for unsatisfactory performance or conduct</b></p> <p>Applies to initial appointment to a career SES position (during the first year probationary period)</p>	5 U.S.C. 3592	5 CFR part 359	Appeal to MSPB only if the appointee was covered under 5 CFR 752 adverse action procedures immediately before appointment to the SES.

**Decision Point 9: Misconduct, neglect of duty, malfeasance, etc.** (as they relate to SES career appointees)

Nature of Concern	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
Does the information developed warrant suspension or removal of the SES career appointee?	<p><b>Adverse Action</b></p> <p>Applies to “employee” as defined in 5 CFR 752.601</p>	5 U.S.C. 7543	5 CFR part 752, subpart F	Appeal to MSPB. However only limited MSPB review is available under 5 USC 7543 when removal is the result of the denial of a security clearance

**Decision Point 10: Efficiency of the Service determination** (as it relates to Federal employees)

Nature of Concern	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
Does the information developed warrant taking action (suspension or removal, etc.) against the employee to promote the efficiency of the service?	<p><b>Adverse Action</b></p> <p>Applies to “employees” as defined in 5 CFR part 752</p>	5 U.S.C. chapter 75	5 CFR part 752	Appeal to MSPB (see 5 CFR part 752). However, only limited MSPB review is available under 5 U.S.C. 7513 when removal is the result of the denial of a security clearance.

**Decision Point 11: Summary suspension/ removal in the interest of national security**

Nature of Concern	Nature of Action and Individuals Covered	Applicable Authority	Regulations and Guidance	Recourse for Negative Determination
<p>Is suspension, and, after investigation and review, removal, necessary on grounds of immediate threat of harm to the national security, where the delay from invoking normal dismissal procedures could cause serious damage to the national security?</p>	<p><b>Adverse Action</b></p> <p>Applies to employees in sensitive National Security positions.</p>	<p>5 U.S.C. 7532; E.O. 10450, as amended</p>		<p>Appeal procedures prescribed by 5 U.S.C. 7532(c), and any additional procedures prescribed by the agency</p>

## Part 2: ADJUDICATIVE CRITERIA

There are three primary decisions agencies may need to make when unfavorable information is developed:

**Credentialing Decisions:** HSPD-12 credentialing adjudication considers whether or not an individual is eligible for long-term access to Federally controlled facilities and/or information systems. If an individual is found unsuitable for competitive civil service under 5 CFR 731, ineligible for access to classified information under E.O. 12968, or disqualified from appointment in the excepted service or from working on a contract, the unfavorable decision is a sufficient basis for non-issuance or revocation of a PIV card, but does not necessarily mandate this result. However, all individuals requiring a PIV card must meet credentialing standards prescribed by OPM. For those individuals who are subject to an interim credentialing decision before a security, suitability, or equivalent adjudication described above is completed, the OPM credentialing standards will be the basis for denying or revoking a PIV card.

**Suitability Decisions:** Suitability, as stated in 5 CFR 731.101, concerns “an individual’s character or conduct that may have an impact on the integrity or efficiency of the service” and is limited to competitive service and career SES positions. Many national security issues may also be disqualifying under suitability; therefore, adjudication of the issues under suitability criteria (when the position is in the competitive or Senior Executive service and subject to adjudication under 5 CFR 731) should be done prior to adjudication under security criteria. An unfavorable suitability action may result in a decision that a period of debarment is warranted, while a negative security decision is only pertinent to the specific appointment or level of access under consideration.

**National Security Decisions:** The objective in adjudicating national security is to establish a reasonable expectation that the person's appointment or eligibility for access to classified information would or would not be clearly consistent with the interests of national security. This security determination is an individual agency responsibility that is made in addition to the suitability determination and is separate and distinct from the suitability determination. While suitability adjudication addresses fitness for employment based on character and conduct, security adjudication addresses risk to national security based on concerns that may be unrelated to the individual’s character and conduct; for example, concerns about associates or relatives, or the influence of foreign contacts.

The following outlines common issue categories that decision-makers may encounter, and describes the nature of the concern and the applicable adjudicative criteria for each of the above decision points. The OPM investigation issue code that will appear in the report of investigation is also identified for each issue category. These criteria are based on “as-is” rules, regulations, and processes. No attempt is made here to describe issue categories as they may apply to disciplinary charges against Federal employees, or to disqualifications of candidates for excepted service employment, as those are matters within each agency's management authority. Likewise, no attempt is made here to describe issue categories as they may apply to disqualifications to work on Federal contracts, since such determinations are within the contracting agency's discretion subject to the applicable contract terms.

**1. Loyalty, allegiance, foreign preference, etc.** (OPM investigation issue code 11, Loyalty and Security)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>Individuals entrusted with access to Federal property and information systems must not put the government at risk or provide an avenue for terrorism. A PIV card will not be issued to a person if:</p> <p><b>The individual is known to be or reasonably suspected of being a terrorist</b></p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>The following consideration may apply:</p> <p><b>The individual has knowingly and willfully engaged in acts or activities designed to overthrow the U.S. Government by force</b></p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>All Federal employees must be loyal to the United States. The following suitability factor may apply:</p> <p><b>Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force</b></p> <p><i>Information to consider when using this factor:</i></p> <ul style="list-style-type: none"> <li>(a) Disqualifying acts must be overt, defined illegal acts.</li> <li>(b) Disqualifying advocacy must be the incitement or indoctrination to commit defined illegal acts.</li> <li>(c) Disqualifying associations require the individual to know of the organization’s unlawful goals, and for the individual to be an active member of the organization or to have the specific intent to further its unlawful goals.</li> </ul>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p><b>Guideline A. Allegiance To the United States</b></p> <p>An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ul style="list-style-type: none"> <li>(a) involvement in, support of, training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States of America</li> <li>(b) association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts</li> </ul>

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Clearance Determination</b> (Continued)</p>	<p>(c) association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to:</p> <ol style="list-style-type: none"> <li>(1) overthrow or influence the government of the United States or any state or local government</li> <li>(2) prevent Federal, state, or local government personnel from performing their official duties</li> <li>(3) gain retribution for perceived wrongs caused by the Federal, state, or local government</li> <li>(4) prevent others from exercising their rights under the Constitution or laws of the United States or of any state</li> </ol> <p><b>Guideline B: Foreign Influence</b> Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest.</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ol style="list-style-type: none"> <li>(a) contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion</li> <li>(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information</li> <li>(c) counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security</li> <li>(d) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion</li> <li>(e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation</li> <li>(f) failure to report, when required, association with a foreign national</li> <li>(g) unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence service</li> <li>(h) indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, inducement, manipulation, pressure, or coercion</li> <li>(i) conduct, especially while traveling outside the U.S., which may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country</li> </ol>

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<p><b>Clearance Determination</b> (Continued)</p>	<p><b>Guideline C. Foreign Preference</b> When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ul style="list-style-type: none"> <li>(a) exercise of any right, privilege, or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to: <ul style="list-style-type: none"> <li>(1) possession of a current foreign passport</li> <li>(2) military service or a willingness to bear arms for a foreign country</li> <li>(3) accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country</li> <li>(4) residence in a foreign country to meet citizenship requirements</li> <li>(5) using foreign citizenship to protect financial or business interests in another country</li> <li>(6) seeking or holding political office in a foreign country</li> <li>(7) voting in a foreign election</li> </ul> </li> <li>(b) action to acquire or obtain recognition of a foreign citizenship by an American citizen</li> <li>(c) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with the national security interest</li> <li>(d) any statement or action that shows allegiance to a country other than the United States: for example, declaration of intent to renounce United States citizenship; renunciation of United States citizenship</li> </ul>

**2. Issues related to Sexual Behavior<sup>3</sup>** (OPM investigation issue code 4, Sexual Misconduct)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>No applicable criteria</p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>Sexual behavior of a criminal nature that poses an unacceptable risk if access is granted to federally-controlled facilities and information systems. The following consideration may apply:</p> <p><b>There is a reasonable basis to believe, based on the individual’s criminal or dishonest conduct, that issuance of a PIV card poses an unacceptable risk</b></p> <p>In OPM's credentialing standards, an "unacceptable risk" refers to an unacceptable risk to the life, safety, or health of employees, contractors, vendors, or visitors; to the Government's physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, or medical records; or to the privacy of data subjects. Thus, for example, convictions for sexual assault may indicate that granting a PIV poses an unacceptable risk to the life and safety of persons on Government facilities, while a documented history of misusing workplace information systems to distribute pornography may indicate that granting a PIV poses an unacceptable risk to the Government's information systems.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>Persons who engage in sexual behavior of a criminal nature may not demonstrate the character and conduct required to promote the efficiency or protect the integrity of the service. The following suitability factor may apply:</p> <p><b>Criminal or dishonest conduct</b> <i>The following are examples of conduct that may be disqualifying (Note: This list is not meant to be all inclusive):</i></p> <ul style="list-style-type: none"> <li>(a) a recent, serious criminal offense</li> <li>(b) a pattern of sexual behavior of a criminal nature</li> </ul>

<sup>3</sup>It is important to note that under 5 U.S.C. 2302(b)(10), it is a prohibited personnel practice to “discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States.” Further, under E.O. 11478, as amended, “it is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, handicap, age, sexual orientation, or status as a parent.”



**3. Issues related to misconduct or negligence in employment** (OPM investigation issue code 7, Employment Misconduct or Negligence)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>No specific applicable criteria</p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>An individual's employment misconduct or negligence may put people, property, or information systems at risk. The following consideration may apply:</p> <p><b>There is a reasonable basis to believe, based on the individual's misconduct or negligence in employment, that issuance of a PIV card poses an unacceptable risk</b></p> <p>In OPM's credentialing standards, an "unacceptable risk" refers to an unacceptable risk to the life, safety, or health of employees, contractors, vendors, or visitors; to the Government's physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, or medical records; or to the privacy of data subjects. Thus, for example, documented misconduct in prior employment related to unauthorized access to customer medical or financial records may indicate that granting a PIV poses an unacceptable risk to the Government's records.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>The appointment of an individual to a competitive service position when his/her employment record shows he/she has engaged in misconduct or negligence may not promote the efficiency or protect the integrity of the service. The following suitability factor may apply:</p> <p><b>Misconduct or negligence in employment</b> <i>The following are examples of conduct that may be disqualifying (Note: This list is not meant to be all inclusive):</i></p> <ul style="list-style-type: none"> <li>(a) poor attendance without cause</li> <li>(b) insubordination</li> <li>(c) other suitability issues that occur in employment (such as theft, etc.)</li> <li>(d) a pattern of misconduct or negligence in employment as reflected in employment history</li> </ul>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p>See issues related to Clearance Determination listed under #6 below - Guideline E. Personal Conduct, from the Adjudicative Guidelines for Determining Eligibility for Access to Classified Information</p>

**4. Issues related to refusal to furnish testimony** (as defined in 5 CFR, section 5.4) (OPM investigation issue code 9, Miscellaneous)

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>No applicable criteria – action may be warranted for competitive service applicants, appointees, and employees (see suitability determination section)</p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>No applicable criteria – action may be warranted for competitive service applicants, appointees, and employees (see suitability determination section)</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>Competitive service applicants or employees are required to give OPM, MSPB, or the Special Counsel all information, testimony, documents, and materials requested in matters inquired of under the civil service laws, rules and regulations, the disclosure of which is not otherwise prohibited by law. Therefore, failure to provide testimony when requested may be disqualifying. The following suitability factor may apply:</p> <p><b>Refusal to furnish testimony as required by sec. 5.4 of 5 CFR (OPM Use Only)</b></p>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p>No applicable criteria – action may be warranted for competitive service applicants, appointees, and employees (see suitability determination section)</p>

**5. Issues related to statutory or regulatory bars** (OPM investigation issue code 10, Statutory Debarment)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>No applicable criteria, however, see suitability determination and additional considerations for credentialing – action may be warranted</p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>Federal statutes and/or regulations may prevent lawful employment. The following consideration may apply:</p> <p><b>A statutory or regulatory bar prevents the individual’s contract employment; or would prevent Federal employment under circumstances that furnish a reasonable basis to believe that issuance of a PIV card poses an unacceptable risk</b></p> <p>In OPM's credentialing standards, an "unacceptable risk" refers to an unacceptable risk to the life, safety, or health of employees, contractors, vendors, or visitors; to the Government's physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, or medical records; or to the privacy of data subjects. Thus, for example, a person's 5-year bar on Federal employment based on a felony conviction related to inciting a riot or civil disorder, as specified under 5 U.S.C. 7313, may indicate that granting a PIV poses an unacceptable risk to persons, property, and assets in Government facilities.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>Federal statutes and/or regulations may prevent lawful employment. The following suitability factor may apply:</p> <p><b>Any statutory or regulatory bar which prevents the lawful employment of the person involved in the position in question</b></p> <p><i>The following are examples of conduct that may result in a statutory debarment (Note: This list is not meant to be all inclusive):</i></p> <ul style="list-style-type: none"> <li>(a) participation in a strike against the government</li> <li>(b) conviction of misdemeanor crime (under Federal or State law) of domestic violence (use or attempted use of physical force, or the threatened use of a deadly weapon, committed by current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting or who has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim)</li> <li>(c) employment is determined to be in violation of the anti-nepotism statute</li> </ul>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p>No applicable criteria, however, see suitability determination and additional considerations for credentialing – action may be warranted</p>

**6. Issues related to personal conduct including falsification, deception, fraud** (OPM investigation issue code 5, Honesty; code 13, Associates; code 14, Relatives)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>To be considered eligible for an Identity Credential, the individual’s claimed identity must be clearly authenticated. If the individual refuses to cooperate with the documentation and investigative requirements to validate his or her identity, or if the investigation fails to confirm the individual’s claimed identity or there is evidence the information provided by the individual to authenticate his or her identity is fraudulent, an identity credential must not be issued. A PIV card will not be issued to a person if:</p> <p><b>The employer is unable to verify the individual’s claimed identity, or</b></p> <p><b>There is reasonable basis to believe the individual has submitted fraudulent information concerning his or her identity</b></p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness, and put people, property or information systems at risk. The following consideration may apply:</p> <p><b>There is a reasonable basis to believe, based on the individual’s material, intentional false statement, deception, or fraud in connection with Federal or contract employment, that issuance of a PIV card poses an unacceptable risk</b></p> <p>In OPM's credentialing standards, an "unacceptable risk" refers to an unacceptable risk to the life, safety, or health of employees, contractors, vendors, or visitors; to the Government's physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, or medical records; or to the privacy of data subjects. Thus, for example, a person's documented history of forging academic transcripts or military service records to obtain employment may indicate that granting a PIV poses an unacceptable risk to the integrity of Government records to which the employee or contractor employee will have access.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>Providing intentional false statements or engaging in deception or fraud in the competitive hiring process circumvents the Federal hiring procedures created to ensure fair and open competition. The following suitability factor may apply:</p> <p><b>Material, intentional false statement or deception or fraud in examination or appointment (OPM Use Only)</b> <i>The following are examples of conduct that may be disqualifying (this list is not meant to be all inclusive):</i></p> <ul style="list-style-type: none"> <li>(a) intentional attempt to withhold information, or furnish false information that is capable of influencing decisions about the individual’s suitability, qualifications, or other matters related to the appointment process</li> <li>(b) material, intentional false answers to questions on application or appointment documents</li> </ul>

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Suitability Determination</b> (Continued)</p>	<p>(c) materially, intentionally falsifying experience, education, etc. that could influence an official decision  (d) impeding or interfering with fair and open competition in the competitive examining system  (e) impeding or interfering with conditions or qualifications for appointment or restrictions on appointment in the competitive service</p> <p>Dishonesty not covered by the above factor raises questions about an individual’s character that may indicate his or her employment would not promote the efficiency of the service or protect its integrity. The following suitability factor may apply:</p> <p><b>Criminal or dishonest conduct</b>  <i>The following are examples of conduct that may be disqualifying (this list is not meant to be all inclusive):</i></p> <p>(a) intentional lies, fraud, or deceit other than in connection with examination or appointment  (b) illegal activities resulting from dishonest acts  (c) intentional falsification of non-federal documents</p>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p><b>Guideline E. Personal Conduct</b>  Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process. The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:</p> <p>(a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, and cooperation with medical or psychological evaluation  (b) refusal to provide full, frank and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <p>(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities  <i>(Note: For competitive service positions, the materiality of the falsification should first be assessed as it relates to integrity or efficiency of the service to determine if a suitability disqualification is warranted.)</i>  (b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative</p>

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Clearance Determination</b> (Continued)</p>	<p><i>(Note: For competitive service positions, the materiality of the falsification should first be assessed as it relates to integrity and efficiency of the service to determine if a suitability disqualification is warranted.)</i></p> <ul style="list-style-type: none"> <li>(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information</li> <li>(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information<sup>4</sup></li> <li>(e) personal conduct or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group</li> <li>(e) violation of a written or recorded commitment made by the individual to the employer as a condition of employment</li> <li>(f) association with persons involved in criminal activity</li> </ul>

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<sup>4</sup> This includes but is not limited to consideration of:

- (1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information
- (2) disruptive, violent, or other inappropriate behavior in the workplace
- (3) a pattern of dishonesty or rule violations
- (4) evidence of significant misuse of Government or other employer's time or resources

**7. Issues related to finances** (OPM investigation issue code 3, Financial Responsibility)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>No applicable criteria</p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>Failure to live within one's means, satisfy debts, and meet financial obligations may raise questions about the individual's honesty and put people, property or information systems at risk. The following consideration may apply:</p> <p><b>There is a reasonable basis to believe, based on the individual's criminal or dishonest conduct, that issuance of a PIV card poses an unacceptable risk</b></p> <p>In OPM's credentialing standards, an "unacceptable risk" refers to an unacceptable risk to the life, safety, or health of employees, contractors, vendors, or visitors; to the Government's physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, or medical records; or to the privacy of data subjects. Thus, for example, a person's consistent failure to satisfy significant debts may indicate that granting a PIV poses an unacceptable risk to Government financial assets and information systems to which the individual will have access.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>Failure to live within one's means, satisfy debts, and meet financial obligations may raise questions about the individual's honesty. The following suitability factor may apply:</p> <p><b>Criminal or dishonest conduct</b></p> <p><i>The following are examples of conduct that may be disqualifying (Note: This list is not meant to be all inclusive):</i></p> <ul style="list-style-type: none"> <li>(a) unwillingness to satisfy debts</li> <li>(b) indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt</li> <li>(c) a history of not meeting financial obligations</li> <li>(d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, other intentional financial breaches of trust</li> </ul>

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p><b>Guideline F. Financial Considerations</b></p> <p>Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate, poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Compulsive gambling is a concern as it may lead to financial crimes including espionage. Affluence that cannot be explained by known sources of income is also a concern. It may indicate proceeds from financially profitable criminal acts.</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ul style="list-style-type: none"> <li>(a) inability or unwillingness to satisfy debts</li> <li>(b) indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt</li> <li>(c) a history of not meeting financial obligations</li> <li>(d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust</li> <li>(e) consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis</li> <li>(f) financial problems that are linked to drug abuse, alcoholism, gambling problems, or other issues of security concern</li> <li>(g) failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of the same</li> <li>(h) unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that cannot be explained by subject's known legal sources of income</li> <li>(i) compulsive or addictive gambling as indicated by an unsuccessful attempt to stop gambling, "chasing losses" (i.e. increasing the bets or returning another day in an effort to get even), concealment of gambling losses, borrowing money to fund gambling or pay gambling debts, family conflict or other problems caused by gambling</li> </ul>

**8. Issues related to use of alcohol** (OPM investigation issue code 1, Intoxicants)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>No applicable criteria</p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>An individual's abuse of alcohol may put people, property, or information systems at risk. The following consideration may apply:</p> <p><b>There is a reasonable basis to believe, based on the nature or duration of the individual's alcohol abuse without evidence of substantial rehabilitation, that issuance of a PIV card poses an unacceptable risk</b></p> <p>In OPM's credentialing standards, an "unacceptable risk" refers to an unacceptable risk to the life, safety, or health of employees, contractors, vendors, or visitors; to the Government's physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, or medical records; or to the privacy of data subjects. Thus, for example, a person's long-term alcohol abuse without evidence of substantial rehabilitation may indicate that granting a PIV poses an unacceptable safety risk in a Government facility.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>An individual's abuse of alcohol may impact on his or her ability to complete the duties of the job and/or raise questions about his or her reliability and trustworthiness, thus indicating that his or her employment would not promote the efficiency of the service or protect its integrity. The following suitability factor may apply:</p> <p><b>Alcohol abuse of a nature and duration which suggests that the applicant or appointee would be prevented from performing the duties of the position in question, or would constitute a direct threat to property or safety of others</b></p> <p><i>The following are examples of conduct that may be disqualifying (Note: This list is not meant to be all inclusive):</i></p> <ul style="list-style-type: none"> <li>(a) current continuing use of alcohol</li> <li>(b) a pattern of alcohol-related arrests and/or problems in employment</li> </ul> <p><i>(Note: Less serious alcohol-related conduct may still be a concern under the criminal conduct or misconduct or negligence in employment factors, and should first be considered in concert with any other suitability issues to determine if a suitability disqualification is warranted before being evaluated under the security criteria.)</i></p>

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p><b>Guideline G. Alcohol Consumption</b> Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ul style="list-style-type: none"> <li>(a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent</li> <li>(b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent</li> <li>(c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent</li> <li>(d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence</li> <li>(e) evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program</li> <li>(f) relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program</li> <li>(g) failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence</li> </ul>

## 9. Issues related to use of drugs<sup>5</sup> and other controlled substances (OPM investigation issue code 2, Drug Use)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>No applicable criteria</p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>An individual's abuse of drugs may put people, property, or information systems at risk. The following consideration may apply:</p> <p><b>There is a reasonable basis to believe, based on the nature or duration of the individual's illegal use of narcotics, drugs, or other controlled substances without evidence of substantial rehabilitation, that issuance of a PIV card poses an unacceptable risk</b></p> <p>In OPM's credentialing standards, an "unacceptable risk" refers to an unacceptable risk to the life, safety, or health of employees, contractors, vendors, or visitors; to the Government's physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, or medical records; or to the privacy of data subjects. Thus, for example, a person's long-term illegal use of narcotics without evidence of substantial rehabilitation may indicate that granting a PIV poses an unacceptable safety risk in a Government facility.</p>
<p><b>Suitability Determination</b> (competitive service only)</p>	<p>Drug involvement can raise questions about an individual's reliability and trustworthiness and ability or willingness to comply with laws, rules, and regulations, thus indicating that his or her employment would not promote the efficiency of the service or protect its integrity. The following suitability factor may apply:</p> <p><b>Illegal use of narcotics, drugs or other controlled substances, without evidence of substantial rehabilitation</b></p> <p><i>The following are examples of conduct that may be disqualifying (Note: This list is not meant to be all inclusive):</i></p> <ul style="list-style-type: none"> <li>(a) a recent, serious offense</li> <li>(b) a pattern of drug-related arrests and/or problems in employment</li> </ul>

<sup>5</sup> Drugs are defined as mood and behavior altering substances, and include:

- (1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens)
- (2) inhalants and other similar substances

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<b>Suitability Determination</b> (Continued)	<p><i>(Note: Less serious drug-related conduct may still be a concern under the criminal conduct or misconduct or negligence in employment suitability factors, and should first be considered in concert with any other suitability issues to determine if a suitability disqualification is warranted before being evaluated under the security criteria.)</i></p>
<b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)	<p><b>Guideline H: Drug Involvement</b></p> <p>Use of an illegal drug or misuse of a prescription drug can raise questions about an individual’s reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person’s ability or willingness to comply with laws, rules and regulations</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ul style="list-style-type: none"> <li>(a) any drug abuse<sup>6</sup></li> <li>(b) testing positive for illegal drug use</li> <li>(c) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia</li> <li>(d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence</li> <li>(e) evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program</li> <li>(f) failure to successfully complete a drug treatment program prescribed by a duly qualified medical professional</li> <li>(g) any illegal drug use after being granted a security clearance</li> <li>(h) expressed intent to continue illegal drug use, or failure to clearly and convincingly commit to discontinue drug use</li> </ul>

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<sup>6</sup> Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

**10. Issues related to psychological conditions** (OPM investigation issue code 12, Qualifications)

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>No applicable criteria</p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>While there is no specific HSPD-12 consideration related to psychological conditions, actions involving violence should be evaluated under the criminal or dishonest conduct consideration. Incidents on the job should be evaluated under the misconduct or negligence in employment consideration.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>While there is no specific suitability factor related to psychological conditions, actions involving violence should be evaluated under the criminal or dishonest conduct factor. Incidents on the job should be evaluated under the misconduct or negligence in employment factor. Any other concerns about psychological conditions should be evaluated, as appropriate, to determine if the person is medically qualified and fit to hold the position in question</p>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p><b>Guideline I: Psychological Conditions</b></p> <p>Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline. No negative inference concerning the standards in this guideline may be raised solely on the basis of seeking mental health counseling.</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ul style="list-style-type: none"> <li>(a) behavior that casts doubt on an individual's judgment, reliability, or trustworthiness that is not covered under any other guideline, including but not limited to emotionally unstable, irresponsible, dysfunctional, violent, paranoid, or bizarre behavior</li> <li>(b) an opinion by a duly qualified mental health professional that the individual has a condition not covered under any other guideline that may impair judgment, reliability, or trustworthiness</li> <li>(c) the individual has failed to follow treatment advice related to a diagnosed emotional, mental, or personality condition, e.g. failure to take prescribed medication</li> </ul>

**11. Issues related to criminal conduct** (OPM investigation codes 1 through 9)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>A PIV card will not be issued to a person if:</p> <p><b>There is a reasonable basis to believe the individual will use an identity credential outside the workplace unlawfully or inappropriately</b></p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a clearance)</p>	<p>An individual's criminal or dishonest conduct may put people, property, or information systems at risk. The following consideration may apply:</p> <p><b>There is a reasonable basis to believe, based on the individual's criminal or dishonest conduct, that issuance of a PIV card poses an unacceptable risk</b></p> <p>In OPM's credentialing standards, an "unacceptable risk" refers to an unacceptable risk to the life, safety, or health of employees, contractors, vendors, or visitors; to the Government's physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, or medical records; or to the privacy of data subjects. Thus, for example, a person's convictions for burglary may indicate that granting a PIV poses an unacceptable risk to the Government's physical assets and to employees' personal property on a Government facility.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>Criminal activity creates doubt about an individual's judgment, reliability, and trustworthiness and calls into question an individual's ability or willingness to comply with laws, rules, and regulations. This type of conduct may not promote the efficiency of the service or protect its integrity. The following factor may apply:</p> <p><b>Criminal or dishonest conduct</b> <i>The following are examples of conduct that may be disqualifying (Note: This list is not meant to be all inclusive):</i></p> <ul style="list-style-type: none"> <li>(a) a recent, serious offense</li> <li>(b) a pattern of criminal conduct that may or may not have resulted in arrests/charges/convictions</li> </ul>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p><b>Guideline J: Criminal Conduct</b></p> <p>Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations.</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ul style="list-style-type: none"> <li>(a) a single serious crime or multiple lesser offenses</li> <li>(b) discharge or dismissal from the Armed Forces under dishonorable conditions</li> </ul>

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<b>Clearance Determination</b> (Continued)	<p>(c) allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted</p> <p>(d) individual was recently released from prison or is currently on parole or probation</p> <p>(e) violation of parole or probation, or failure to complete a court-mandated rehabilitation program</p> <p><i>(Note: For competitive service positions, the criminal conduct should first be evaluated under the suitability criteria to determine if a debarment is warranted. Criminal conduct that is no longer a concern under the suitability criteria may still be of concern for positions requiring a clearance.)</i></p>

**12. Issues related to handling protected information** (No specific OPM issue code; could fall under issue code 7, Employment Misconduct or Negligence or issue code 11, Loyalty and Security)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>Unauthorized access to government information or improper use of government information once access is granted may pose a significant risk to national security, may compromise the privacy of individuals, and may make public, information that is proprietary in nature, thus compromising the operations and missions of Federal entities. A PIV card will not be issued to a person if:</p> <p><b>There is a reasonable basis to believe the individual will attempt to gain unauthorized access to classified documents, information protected by the Privacy Act, information that is proprietary in nature, or other sensitive or protected information</b></p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a clearance)</p>	<p>Most disqualifying acts will be covered by the above criteria. See also criminal or dishonest conduct and misconduct or negligence in employment considerations.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>While there is no specific suitability factor, issues involving criminal acts should be evaluated under the criminal or dishonest conduct factor. Incidents on the job should be evaluated under the misconduct or negligence in employment factor.</p>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p><b>Guideline K: Handling Protected Information</b></p> <p>Deliberate or negligent failure to comply with rules and regulations for protecting classified or other sensitive information raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern.</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ul style="list-style-type: none"> <li>(a) deliberate or negligent disclosure of classified or other protected information to unauthorized persons, including but not limited to personal or business contacts, to the media, or to persons present at seminars, meetings, or conferences</li> <li>(b) collecting or storing classified or other protected information in any unauthorized location</li> <li>(c) loading, drafting, editing, modifying, storing, transmitting, or otherwise handling classified reports, data, or other information on any unapproved equipment including but not limited to any typewriter, word processor, or computer hardware, software, drive, system, gameboard, handheld, "palm" or pocket device or other adjunct equipment</li> </ul>

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<b>Clearance Determination</b> (Continued)	<ul style="list-style-type: none"> <li>(d) inappropriate efforts to obtain or view classified or other protected information outside one's need to know</li> <li>(e) copying classified or other protected information in a manner designed to conceal or remove classification or other document control markings</li> <li>(f) viewing or downloading information from a secure system when the information is beyond the individual's need to know</li> <li>(g) any failure to comply with rules for the protection of classified or other sensitive information</li> <li>(h) negligence or lax security habits that persist despite counseling by management</li> <li>(i) failure to comply with rules or regulations that results in damage to the national security, regardless of whether it was deliberate or negligent</li> </ul>

**13. Issues related to outside activities** (OPM investigation issue code 11, Loyalty and Security)

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>No applicable criteria</p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>No applicable criteria</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>No applicable criteria</p>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p><b>Guideline L: Outside Activities</b> Involvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information. Conditions that could raise a security concern and may be disqualifying include: (a) any employment or service, whether compensated or volunteer, with:  <ul style="list-style-type: none"> <li>(1) the government of a foreign country</li> <li>(2) any foreign national, organization, or other entity</li> <li>(3) a representative of any foreign interest</li> <li>(4) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology;</li> </ul>                     (b) failure to report or fully disclose an outside activity when this is required</p>

**14. Issues related to use of information technology systems** (No specific OPM issue code; could fall under issue code 7, Employment Misconduct or Negligence)

Decision Point	Nature of Concern and Applicable Criteria
<p><b>Credentialing Determination (HSPD-12)</b> (all Federal employees and contractor personnel requiring access to Government facilities and/or information systems)</p>	<p>A PIV card will not be issued to a person if:</p> <p><b>There is a reasonable basis to believe the individual will use Federally-controlled information systems unlawfully, make unauthorized modifications to such systems, corrupt or destroy such systems, or engage in inappropriate uses of such systems</b></p>
<p><b>Additional Considerations for Credentialing (HSPD-12)</b> (contractor personnel not requiring a security clearance)</p>	<p>Most disqualifying acts will be covered by the above criteria. See also criminal or dishonest conduct and misconduct or negligence in employment considerations.</p>
<p><b>Suitability Determination</b> (competitive service and career SES only)</p>	<p>While there is no specific suitability factor related to use of information technology, issues involving criminal acts should be evaluated under the criminal or dishonest conduct factor. Incidents on the job should be evaluated under the misconduct or negligence in employment factor.</p>
<p><b>Clearance Determination</b> (Federal employees and contractor personnel who need a clearance)</p>	<p><b>Guideline M: Use of Information Technology Systems</b></p> <p>Noncompliance with rules, procedures, guidelines or regulations pertaining to Information Technology Systems<sup>7</sup> may raise security concerns about an individual's reliability and trustworthiness, calling into question the willingness or ability to protect sensitive systems, networks, and information.</p> <p>Conditions that could raise a security concern and may be disqualifying include:</p> <ul style="list-style-type: none"> <li>(a) illegal or unauthorized entry into any information technology system or component thereof</li> <li>(b) illegal or unauthorized modification, destruction, manipulation or denial of access to information, software, firmware, or hardware in an information technology system</li> <li>(c) use of any information technology system to gain unauthorized access to another system or to a compartmented area within the same system</li> <li>(d) downloading, storing, or transmitting classified information on or to any unauthorized software, hardware, or information technology system</li> <li>(e) unauthorized use of a government or other information technology system</li> </ul>

<sup>7</sup> Information Technology Systems include all related computer hardware, software, firmware, and data used for the communication, transmission, processing, manipulation, storage, or protection of information.

<b>Decision Point</b>	<b>Nature of Concern and Applicable Criteria</b>
<b>Clearance Determination</b> (Continued)	<ul style="list-style-type: none"> <li>(f) introduction, removal, or duplication of hardware, firmware, software, or media to or from any information technology system without authorization, when prohibited by rules, procedures, guidelines or regulations</li> <li>(g) negligence or lax security habits in handling information technology that persist despite counseling by management</li> <li>(h) any misuse of information technology, whether deliberate or negligent, that results in damage to the national security</li> </ul>