UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Suitability Executive Agent Programs

Guide for Referring to OPM

This guide provides agencies with clear, step-by-step instructions for preparing a suitability referral package. It walks submitting officials through determining appropriate jurisdiction (SuitEA vs. Personnel Security vs. Human Resources (HR), etc.), completing the Suitability Referral Package Cover Sheet, assembling required documentation and completing accompanying checklist, and understanding what constitutes a strong, well supported referral.

Using a structured package can improve clarity, consistency, and reduce follow-up requests.

When to Submit a Suitability Referral

When preparing a suitability referral, agencies should ensure that conduct concerns are evaluated against the suitability factors outlined in 5 CFR 731.202. Please note that the final rule has updated and expanded these factors—there are now ten suitability factors, and agencies should consult the current regulation and OPM guidance for the most up-to-date list and definitions. Agencies should submit a suitability referral to OPM when there is credible evidence of conduct that meets one or more suitability factors under 5 CFR 731.202 and may warrant an unfavorable suitability determination, or when the conduct falls within OPM's retained jurisdiction (See OPM Retains Jurisdiction).

Initial Vetting Referrals (in connection with application, examination, or appointment):
Agencies should identify credible concerns arising during the application, examination, or appointment process. These concerns may be further developed and investigated by OPM SuitEA after referral. Agencies are expected to provide all available documentation to support the implicated suitability factor, but OPM SuitEA will conduct additional review and development, as needed.

Post-Appointment Conduct Referrals:
Agencies must ensure that conduct concerns arising after the individual enters on duty are substantiated and verified before referral. Only refer cases where the evidence is credible, curated, documented, and meets suitability criteria. Agencies are responsible for confirming the facts and assembling a complete, supportable referral package.

Do not refer cases based solely on unverified, anonymous, or unsupported allegations. This information in limited instances may be included only as *context*, not justification.

Agencies may wait to submit a referral when:

- A formal investigation is still pending
- Allegations remain uncorroborated
- Progressive discipline is more appropriate
- Additional evidence is needed to establish seriousness and credibility of conduct

Determining the Correct Jurisdiction

(See supplemental Suitability Referral Decision Guide in the Suitability Fitness Processing Manual)

Positions covered by 5 CFR 731 are those in the competitive service, positions in the excepted service where the incumbent can be noncompetitively converted to the competitive service, or a career appointment to positions in the career Senior Executive Service (hereinafter referred to as competitive service and career Senior Executive Service), OPM is responsible for making suitability determinations and taking suitability actions, except to the extent the authority has been delegated to agencies.

Agencies should identify the employment category, as this determines whether OPM or the agency has authority for suitability determinations. Then agencies will need to determine whether the individual is an applicant, tentative selectee, or already appointed as a federal employee. Employment status affects the adjudicative path. Agencies are delegated authority for making suitability determinations and taking actions for applicants and appointees in the competitive service and career Senior Executive Service. However, OPM retains exclusive authority to make suitability determinations and take suitability actions in certain categories of cases, even when agencies otherwise exercise delegated authority under 5 C.F.R. part 731.

OPM retains jurisdiction in the following situations:

- Material, intentional false statement, or deception or fraud in examination or appointment for competitive service or career Senior Executive Service positions.

- Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force.

- Post-appointment conduct involving an individual who has obtained “employee” status as defined in 5 C.F.R. part 731.

- Conduct that may warrant a government-wide debarment (once sufficient information exists to support that such a determination may be appropriate).

- In addition, OPM may assume jurisdiction in any case where doing so is necessary to ensure consistency with law, regulation, Executive Agent issuances, or to safeguard the integrity and efficiency of the service.

Refer to the Suitability Fitness Processing Manual for a detailed breakdown of the delegation to agency heads for making suitability determinations OPM-retained authority.

Use the additional guidance below to determine whether issues should go to OPM - SuitEA, Office of the Inspector General (OIG), Department of Justice (DOJ), Security, or internal agency HR/Employee Relations (ER).

Refer to SuitEA when:

- There is substantiated conduct implicating suitability factor(s)
- Evidence is credible, documented, and tied to behavior affecting federal employment
- Conduct occurred during initial vetting or after appointment, depending on referral type

Refer to OIG or DOJ when:

- Criminal activity is involved
- Fraud, waste, abuse, or misuse of government systems or property is alleged
- There are potential violations requiring independent investigation

Refer to Security when:

- There are issues involving classified access, mishandling of sensitive information, or clearance/trust concerns
- A Continuous Vetting (CV) alert identifies new information requiring review

Refer to HR/ER when:

- Misconduct is more appropriate for progressive discipline
- Performance issues or routine administrative matters are involved
- The conduct does not rise to the level of potential removal

Types of Suitability Referrals

When preparing a suitability referral, agencies should carefully consider the timing of the conduct in question. Specifically, determine whether the conduct took place during the application, examination, or appointment process (initial vetting), or after the individual entered on duty (post-appointment conduct). This assessment is essential, as it guides whether the referral should be categorized as “Initial Vetting” or “Post-Appointment Conduct,” ensuring the referral is processed under the correct standards and procedures.

Initial Vetting Referral (in connection with application, examination, or appointment)
An Initial Vetting Referral is used when suitability issues arise in connection with an individual’s application, tentative selection, or appointment to a position. This category includes:

- Applicants and tentative selectees, whose issues surface during the hiring or pre-appointment process; and
- Current Federal appointees and employees, when the vetting pertains to their movement into a new position, such as a competitive service appointment, a noncompetitive conversion, a career SES appointment, or another action requiring suitability review.

Issues appropriate for an Initial Vetting Referral typically emerge prior to or at the time of appointment and involve conduct or disclosures that bear on the individual’s eligibility for the position being filled. Conduct must be credible, documented, and tied to the suitability factors outlined in 5 CFR 731.

Post-Appointment Conduct Referral
A Post-Appointment Conduct Referral is used when conduct or issues arise that fall within the suitability factors and occur after an individual has entered on duty in a covered competitive service or career SES position, and that conduct may warrant an unfavorable suitability determination under 5 CFR 731.

This referral type applies only when the individual has already been appointed, meaning the conduct is not tied to their application, examination, or appointment process but instead arises during their period of Federal employment. Post-appointment cases involve behavior that is credible, documented, and relevant to the efficiency or integrity of the service and can be developed from numerous sources, including Continuous Vetting (CV) alerts.

Overview of the Referral Package

A complete referral package includes:

1. Suitability Referral Package Cover Sheet (with summary of issues and evidence)
2. Applicable Checklist confirming completeness of records

3. Evidence documents (organized logically)
4. Required forms
5. Points of Contact
6. Signed ‘Permission to Use and Release Records’ letter
7. Submission through approved secure channels (e.g., NP2* Secure Portal, fax, etc.)

*Note: You must be a member of the secure portal to use this submission method. If you are not a member and would like information on how to become one, please contact your agency point of contact or your Agency Liaison at the Defense Counterintelligence and Security Agency (DCSA).

How to Complete the Referral Package Cover Sheet

(Step-by-Step Instructions)

Step 1: Identify the Submitting Official and Agency Information

Include name, title, email, and phone. Do not include mailing addresses.

Step 2: Select the Referral Type

Choose “Initial Vetting” or “Post-Appointment Conduct.”

Step 3: Provide a Clear Summary of the Issue
Write a concise narrative describing:

- Key facts and details
- Dates involved (consider conduct timeline and when the conduct first was identified)
- Supporting evidence relied upon
- Why the issue meets suitability criteria outlined in 5 CFR 731
- Avoid including unsupported allegations

Step 4: Complete the Documentation Checklist

On the checklist, indicate which required and optional materials are attached. Agencies are advised to include supporting documentation that may assist in providing a complete and well-supported referral package, as applicable. Below, we break out specific types of Required and Optional Supporting Document and materials based upon the type of referral you may submit. This list is not all inclusive and not all items in this checklist will apply to every referral. Omit irrelevant or duplicative materials. Agencies should provide only the items that are relevant to the issue that the agency relied upon to support and substantiate the conduct and its seriousness, and that helps establish and explain the conduct. Do not submit an individual's entire personnel file or other records that are not directly tied to the issue(s) being referred. Items labeled ‘Required’ must be included.

Step 5: Provide Agency Points of Contact

List POCs for:

- Personnel Security
- Human Resources
- Supervisor/Manager
- Agency Counsel (recommended for post-appointment referrals)

Step 6: Attach ‘Permission to Use and Release Records’ letter
Agencies retain ownership of their records, and many of these materials carry disclosure restrictions (e.g., documents marked “For Official Use Only”). OPM cannot automatically use, rely on, or release those records during a suitability case unless the agency explicitly authorizes it. A permission to use and release records letter documents how OPM may use, maintain, rely on, confront with, and release those records during a suitability action.

Provide a signed letter on agency letterhead authorizing OPM to use and release records as needed. The letter must be signed by an official with authority to disclose personnel and investigative records on behalf of the agency — typically the agency's Suitability/Security Officer, Chief Human Capital Officer, or equivalent senior HR/Personnel Security official. The Submitting Official identified in Step 1 may sign only if separately delegated this authority.

Step 7: Verify Package Completeness
Use the checklist to ensure all sections and documents are included before submission.

Required and Optional Supporting Documentation

Not all items will apply to every referral. Provide only the specific documents the agency relied upon to support and substantiate the conduct and to establish its seriousness. Do not submit an individual's entire personnel, security, or investigative file, or other records that are not directly tied to the issue(s) being referred. Targeted, curated submissions—rather than complete files—allow OPM to conduct a more efficient and focused sufficiency review.

Initial Vetting Referrals (in connection with application, examination, or appointment)

Common Materials Include:

- **Application and hiring materials** (e.g., resume, application package, agency-specific forms)
- **SF 50(s)** (initial appointment confirming jurisdiction, most recent to establish status)
- **OF-306 forms** (applicant and appointee versions, with instructions)
- **Position Description** (PD) for the position appointed
- **Vacancy announcement** used during recruitment
- **Agency-specific pre-employment forms** containing relevant disclosures or acknowledgements (e.g., Bureau of Prisons Pre-Employment Inquiry)
- **Evidence supporting referral issues** (e.g., background investigation materials, police or court records, other documentation directly tied to the conduct)
- **Letters of Inquiry (LOIs) or interrogatory interviews** and responses

Post-Appointment Conduct Referrals

Common Materials Include:

- **Position Description** (PD) for the position appointed
- **SF 50(s) and other relevant appointment documents** (initial appointment confirming jurisdiction, most recent to establish status)
- **Disciplinary or performance records** (e.g., written reprimands, counselings, suspensions, PIPs)
- **Investigative reports** (OIG, internal investigations, fact-finding summaries, etc.)
- **Evidence supporting referral issues**
- Witness statements, supervisory statements, emails, memos relied upon
- Access-related records (e.g., Time and Attendance records, telework validation evidence detailing no network activity on claimed telework days)
- Agency policy violation documentation (e.g., evidence of improper access to personnel systems)
- Financial integrity documentation (records of suspended or revoked privileges, bank or credit statements, government travel card delinquency reports, etc.)
- System audit or access logs (e.g., system access records/network login logs showing misuse, unauthorized access, or discrepancies)
- **Letters of Inquiry (LOIs) or interrogatory interviews** and responses
- **Continuous Vetting-related materials** when applicable (e.g., Reimbursable Suitability Investigation (RSI) or follow-on investigative items)

Structuring the Submission Package

Organize materials in the following order:

1. Suitability Referral Package Cover Sheet
2. Referral Checklist
3. Required Forms
4. Evidence Packet (grouped logically)
5. Agency Points of Contact
6. ‘Permission to Use and Release Records’ letter

This order helps OPM conduct a sufficiency review and reduces follow-up requests. OPM will acknowledge receipt, conduct a sufficiency review, request additional information from listed POCs if needed, coordinate a decision to maintain or not maintain the case for potential suitability determination, and provide the final determination when complete.

Interim Actions

OPM does not direct interim measures during review. Agencies must determine appropriate actions (duty status, details, leave, risk mitigation) through internal HR/ER, security, or legal processes. OPM liaisons may be consulted for suitability-specific questions.

Questions, Assistance, and Support

For questions about preparing a referral, documentation requirements, or case status, contact OPM liaisons or your assigned Personnel Security representative at 202-599-0090.

One-Page Quick Start Guide

Step 1: Determining the correct jurisdiction.

Step 2: Select Initial Vetting or Post-Appointment referral type.

Step 3: Determine if the conduct meets suitability criteria.

Step 4: Complete the Suitability Referral Package Cover Sheet.

Step 5: Gather required and relevant supporting documentation and complete Checklist.

Step 6: Attach the ‘Permission to Use and Release Records’ letter and POC information. **Step 7:** Verify completeness using the checklist.

Step 8: Submission to OPM-SuitEA via the NP2 Secure Portal, fax, or mail.

Step 9: Manage interim actions internally.