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UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Suitability Executive
Agent Programs

Guidance for Reporting Agency Actions to SuitEA

Background

Agencies must notify OPM when they take certain actions under their own authority. This obligation appears in the revisions to 5 CFR 731.103, 731.105, and 731.206, which collectively require agencies to report:

- Final agency actions taken under *independent agency authority*
- Actions involving conduct that fit the suitability factors described in proposed 5 CFR 731.202
- Cases where conduct implicates suitability, but the agency chooses *not* to take suitability action or *not* to refer the case

Reporting supports OPM's government-wide oversight role. Required by 5 CFR 731.105 (oversight), agencies must provide OPM sufficient information to ensure:

- Consistent application of suitability standards
- Appropriate tracking of disqualifying conduct
- Monitoring of agency adjudicative quality

Agencies must report agency actions even when a suitability action is *not* taken. The rule clarifies that reporting is required when:

- Conduct implicates suitability factors, *regardless of the authority used*
- The agency opts for an independent-authority action (removal, debarment, clearance revocation, etc.) instead of a suitability action

Section-by-Section Instructions for Completing the Form

Below is each section of the form with instructions and the applicable 5 CFR citations.

Date of Notification - Enter the date the agency is formally submitting the notification to OPM. 5 CFR 731.206 requires timely reporting of agency actions.

Individual Information -

- Provide complete identifying information for the individual subject to the action

- Appointment type and entrance on duty (EOD) to help OPM determine whether the case falls under suitability jurisdiction, consistent with 5 CFR 731.101–731.102

Type of Agency Action Taken - Describe the agency's final action taken under its independent authority. Reportable actions under 5 CFR 731.103(a)(3) include *any* final agency action based on conduct that aligns with suitability factors—even when not taken under OPM's delegated authority.

Examples:

- Removal under agency authority
- Agency debarment
- Final security clearance revocation
- Non-suitability disciplinary action

Effective Date of Agency Action - Enter the date the agency action became effective. This supports OPM recordkeeping required under 5 CFR 731.105.

Authority Used (Regulatory/Statutory Citation) - Indicate the authority under which the agency acted (e.g., agency conduct regulations, Title 5 authorities, security authorities, ethics statutes). 5 CFR 731.103 requires reporting regardless of the authority used if the *conduct* aligns with suitability factors.

Basis for the Agency Action:

- Write a factual, non-conclusory summary
- Include evidence sources and relevant dates
- Ensure alignment with suitability factors listed in 5 CFR 731.202 (e.g., misconduct, criminal conduct, falsification, alcohol/drug use, refusal to undergo investigation)

Primary Sources of Evidence Relied Upon - Check the box for all applicable sources of information the agency relied upon to form the basis of their agency action.

Suitability Factor Determination

- If yes, describe which factors apply and note applicable additional considerations. Suitability factors are defined in proposed 5 CFR 731.202. Additional considerations appear in proposed 5 CFR 731.203.
- If suitability factors existed but no suitability action or referral was made, please explain the reason why no suitability action or referral was made.

Reporting obligations appear in 5 CFR 731.103 and 731.206. Even if the agency elects *not* to take a suitability action, 5 CFR 731.206 still requires submission of this form when suitability conduct is involved.

Pending Internal or External Actions - Provide brief descriptions of ongoing or pending actions (e.g., Security reviews, EEO matters, grievances, MSPB appeals, and criminal matters).

How the Conduct Was Initially Identified - This helps OPM assess systemic issues, as contemplated under 5 CFR 731.105.

Agency Information (POC Information) - Provide contact information for whoever can answer OPM's follow-up questions, if needed.

When Agencies Must Use This Form

Under part 731 of title 5 of the CFR, to improve efficiency, rigor and timeliness by which OPM and agencies vet individuals for risk to the integrity and efficiency of the service, agencies must submit this form when:

1. **The agency takes a final action under independent authority**, and
2. **The underlying conduct matches a suitability factor**, even if the agency did not:
 - Take a suitability action, or
 - Refer the case to OPM during adjudication

Common Scenarios that Require Reporting:

- Removal for conduct that aligns with suitability factors
- Agency debarment involving misconduct
- Clearance revocation where misconduct relates to suitability
- Misconduct found through OIG or internal investigations
- Cases originally reviewed as potential suitability matters but adjudicated under agency authority