

# ***Introduction to Suitability and Fitness for Security Practitioners***

## **Student Guide**

October 2025

*Center for Development of Security Excellence*

## Contents

Introduction to Suitability and Fitness for Security Practitioners .....	1
Lesson 1: Course Introduction .....	1-1
Course Introduction .....	1-1
Lesson 2: Suitability and Fitness in the Context of the Federal Personnel Vetting Program .....	2-1
Introduction .....	2-1
Suitability and Fitness Overview .....	2-1
Authority and Policy .....	2-4
Key Elements of the Federal Personnel Vetting Program .....	2-9
Review Activities .....	2-13
Conclusion .....	2-15
Lesson 3: Overview of Suitability and Fitness .....	3-1
Introduction .....	3-1
The Suitability and Fitness Process .....	3-1
OPM and D/A Responsibilities .....	3-3
Information Systems .....	3-5
Review Activities .....	3-8
Conclusion .....	3-9
Lesson 4: Pre-Investigation .....	4-1
Introduction .....	4-1
Position Designation .....	4-1
Determining Previous Vetting and Vetting Questionnaire .....	4-4
Screening .....	4-5
Preliminary Determinations .....	4-8
Review Activities .....	4-8
Conclusion .....	4-9
Lesson 5: Investigations and Evidence Standards .....	5-1
Introduction .....	5-1
Overview of Investigations .....	5-1

Evidence Standards.....	5-3
Review Activities .....	5-5
Conclusion .....	5-6
Lesson 6: Suitability and Fitness Adjudications.....	6-1
Introduction .....	6-1
Overview of Suitability/Fitness Adjudications .....	6-1
Suitability and Fitness Factor Details.....	6-5
Making and Recording the Trust Determination.....	6-9
Review Activities .....	6-10
Conclusion .....	6-13
Lesson 7: Post-Adjudication.....	7-1
Introduction .....	7-1
Suitability Actions and Security Review Proceedings .....	7-1
Fitness Actions and Outcome Appeals .....	7-4
Continuous Vetting.....	7-5
Review Activities .....	7-7
Conclusion .....	7-9
Lesson 8: Course Conclusion .....	8-1
Conclusion .....	8-1
Appendix A: Answer Key .....	A-1
Lesson 2 Review Activities .....	A-1
Lesson 3 Review Activities .....	A-2
Lesson 4 Review Activities .....	A-4
Lesson 5 Review Activities .....	A-5
Lesson 6 Review Activities .....	A-6
Lesson 7 Review Activities .....	A-8

# Lesson 1: Course Introduction

---

## Course Introduction

### **Welcome**

Public service requires high standards of integrity and trust to promote the interests of the public. Suitability and fitness refer to a determination by an agency that an individual does or does not have the required character or conduct necessary to perform work for or on behalf of the Federal Government. These determinations are based on whether a person's character or conduct may have an adverse impact on the integrity or efficiency of the service.

Criteria for suitability and fitness are established by the Office of Personnel Management (OPM) as the Suitability Executive Agent (SuitEA). These criteria ensure all individuals employed by the Federal Government: Demonstrate that they will maintain high standards of conduct, are of good character and reputation, are trustworthy, and are suitable or fit to perform the duties of the position.

Welcome to the *Introduction to Suitability and Fitness for Security Practitioners* course.

### **Course Overview**

As a security practitioner, you have important suitability and fitness responsibilities. Consider several individuals whose files you will be working with today. These scenarios all depict applicants, appointees, or employees with varying degrees of Federal workforce experience, at different phases of the suitability and fitness process. The decisions you make and the actions you take will significantly impact the lives of these individuals – and the integrity of the Federal workforce.

This course will explain the steps of the suitability and fitness process, including pre-investigation, investigation, adjudication, and post adjudication activities. Post adjudication activities include security review proceedings and continuous vetting.

Take a moment to review the course objectives.

- Describe the purpose of suitability and fitness in the context of the Federal Personnel Vetting Program.
- Explain structure, roles, and key systems used in suitability and fitness.
- Apply required pre-investigation steps of the suitability/fitness process.

- Describe key elements of suitability/fitness investigations, including investigative tiers and standards of evidence.
- Apply the suitability and fitness factors and additional considerations to determine the likely results of a suitability/fitness adjudication.
- Explain what happens after a suitability or fitness adjudication is complete, including continuous vetting, reporting requirements, suitability and fitness actions, and security review proceedings.

## ***Lesson 2: Suitability and Fitness in the Context of the Federal Personnel Vetting Program***

---

### **Introduction**

#### ***Lesson Overview***

Welcome to the lesson on *Suitability and Fitness in the Context of the Federal Personnel Vetting Program*. Before you begin to address these individuals' suitability and fitness requirements, you should know more about what suitability and fitness are, and where they fall in the context of the Federal Personnel Vetting Program including key elements of the program, basic definitions, and important governing authorities.

Take a moment to review the lesson objectives.

- Describe key elements of the personnel vetting program, including personnel vetting domains, common principles, and the personnel vetting framework.
- Given a scenario, determine which of the five personnel vetting scenarios applies.
- Given a scenario, determine which of the Federal personnel vetting investigative standards applies.
- Given a scenario, determine whether suitability or fitness applies, and explain why.
- Identify key authorities governing suitability and fitness.

### **Suitability and Fitness Overview**

#### ***What is Suitability? What is Fitness?***

What is suitability, what is fitness, and what are the differences between them?

Suitability determinations consider whether an individual is suitable for Federal employment. Could the individual's character or conduct have an adverse impact on the integrity or efficiency of the service?

Fitness determinations consider whether an individual is fit to work for or on behalf of the Federal Government. Does the individual have the character or conduct

necessary to perform work for or on behalf of an agency as an excepted service employee, as a contractor employee, or as a non-appropriated fund employee?

Both suitability and fitness determinations are distinct from the assessment of an individual's job qualifications and are performed independently. An individual may have the experience, education, knowledge, skills, and abilities to perform the duties of the job but unless they also demonstrate appropriate standards of conduct, they are not eligible for Federal employment.

### ***Who Undergoes Suitability and Fitness Determinations?***

Suitability and fitness apply to applicants, appointees, and employees. An applicant is an individual who is being considered or has been considered for employment, an appointee is an individual who has entered the service and is in the first calendar year of a subject-to-investigation appointment, and an employee is an individual who has completed the first year of a subject-to-investigation appointment.

Whether an individual is subject to a suitability or a fitness determination depends on the type of position they hold or seek to hold.

#### **Who Undergoes Suitability Determinations?**

Suitability applies to applicants, appointees, and employees in covered positions. Covered positions include positions in the Federal competitive service, excepted service positions that can noncompetitively convert to competitive service positions, and career appointments to positions in the Senior Executive Service (SES).

Note that Federal *competitive* service jobs are subject to the civil service laws passed by Congress to ensure that applicants and employees receive fair and equal treatment in the hiring process. Federal *excepted* service positions are subject to rules established by the respective agencies but they are not subject to Federal competitive qualification requirements, appointment, pay, and classification rules.

Depending on the position's level of sensitivity, some of these covered positions may also be considered national security positions, which are often subject to stricter adjudicative standards.

#### **Who Undergoes Fitness Determinations?**

Fitness determinations apply to Federal contractors, excepted service employees whose positions cannot be converted to the competitive service, and DOD Non-appropriated Fund (NAF) employees. NAF positions provide services and support to the DOD and are funded by profits generated by the employing

organization – for example, positions in exchanges, commissaries, and DOD morale, welfare, and recreation organizations.

### ***Suitability/Fitness Oversight***

While the responsibility for adjudicating the suitability of individuals is inherent to the Office of Personnel Management (OPM), with certain exceptions OPM has delegated this authority – and the ability to take suitability actions – to agency heads. Agency heads may in turn redelegate suitability-related authority to components within their agency. Agency records must show any redelegation and must be made available to OPM, upon request.

The responsibility for making fitness determinations lies with agencies and may be further delegated to components of the agency. For excepted service positions covered by Title 5 Code of Federal Regulations (C.F.R.), part 731, agencies must make fitness determinations for each appointment unless reciprocity may be applied to a prior favorable suitability or fitness determination. OPM also established minimum standards of fitness that apply to much of the excepted service and can be used for contractor and DOD nonappropriated funds positions as well. OPM's Suitability Executive Agent (SuitEA) Programs office routinely conducts oversight of agency performance of vetting related functions, including those which are delegated by OPM.

### ***Alignment with the Federal Personnel Vetting Program***

Of course, Federal Personnel Vetting covers more than just suitability and fitness. In the Federal Personnel Vetting Program, trusted Government personnel determine whether an individual can protect people, property, information, and mission through a process of investigation, evaluation, and adjudication. This process occurs across four Personnel Vetting domains: Suitability, Fitness, National Security, and Credentialing, or HSPD-12.

#### **Suitability**

Suitable to occupy a Federal position in the competitive service, a position in the excepted service that can non-competitively convert to the competitive service, or a career appointment to the Senior Executive Service.

#### **Fitness**

Fit to perform work for or on behalf of an agency as an excepted service employee, as a government contractor, or as a NAF employee.



**National Security**

Eligible to access classified information or eligible to hold a sensitive position.

**Credentialing**

Eligible to obtain a Homeland Security Presidential Directive 12 (HSPD-12) compliant personal identity verification (PIV) credential for physical access to Federal facilities and/or logical access to information systems. In the DOD, the PIV credential is commonly referred to as a Common Access Card (CAC).

**Authority and Policy*****Historical Foundations and Executive Orders***

The authority to adjudicate suitability and fitness arose from several key laws and regulations.

Congress granted authority for suitability to the President in Title 5 of the United States Code (U.S.C.), sections 3301 and 7301. In 1954, President Eisenhower delegated this authority to OPM with Executive Order (E.O.), 10577. Congress further defined OPM's authority over the suitability program in several laws, including 5 U.S.C. 1103, 1302, 1104, and 1303. These laws granted OPM jurisdiction over appointments to the competitive service.

In 2008, E.O. 13467 established the alignment and reciprocity of suitability investigations and adjudications across all Federal agencies. This E.O. established the Director of OPM as the Suitability and Credentialing Executive Agent (SuitCredEA) and the Director of National Intelligence as the Security Executive Agent (SecEA). This E.O. also established requirements for excepted service, career SES, contractor employee, and NAF positions, stating that standards for fitness must be as consistent with the standards for suitability as possible. In 2009 E.O. 13488 established standards and granted reciprocity on excepted service and Federal contractor employee fitness. Finally, in 2017, E.O. 13764 amended the previous orders, and modernized the executive-branch-wide governance structure and processes across security domains.

**Title 5 U.S.C. Sections 3301, 7301**

Grants the president the authority to:

- Regulate admission of individuals into the civil service
- Ascertain applicant fitness
- Regulate employee conduct in the Executive Branch

**Title 5 U.S.C. 1103, 1302, 1104, 1303**

Define OPM's authority over the suitability program. OPM:

- Has jurisdiction over appointments to the competitive service
- Enforces civil service rules
- Regulates examinations for Federal employment
- Evaluates the effectiveness of agency compliance with suitability program requirements

**E.O. 10577**

Establishes OPM's jurisdiction over appointments to the competitive service.

**E.O. 13467 (as amended by Executive Order 13764)**

- Establishes alignment and reciprocity of suitability investigations and adjudications across all Federal agencies.
- Establishes the Director of OPM as the Suitability and Credentialing Executive Agent and the Director of National Intelligence as the Security Executive Agent.
- Establishes a requirement for continuous vetting for persons who perform, or who seek to perform, work for the executive branch in competitive service, excepted service, career SES, contractor employee, and NAF positions.
- Establishes that the investigative and adjudicative standards for fitness shall, to the extent practicable, be consistent with the standards for suitability.

**E.O. 13488 (as amended by Executive Order 13764)**

- Authorizes reinvestigations for certain positions and established reciprocity for fitness determinations.
- Establishes that contractor employee fitness or NAF fitness is subject to the same position designation requirements and investigative standards, policies, and procedures as fitness determinations for civil service employees as prescribed by OPM under the Civil Service Rules.

**E.O. 13764**

- Expands OPM's responsibility to allow for establishing minimum standards of fitness based on character and conduct for appointment to positions in the excepted service of the executive branch.
- Requires OPM to establish mutually consistent standards and procedures to determine the reliability, trustworthiness, and good character and conduct of those working for the Government in the executive branch regardless of appointment type.
- Makes OPM responsible for establishing investigative standards, risk designation procedures, and reciprocity rules for this additional population.

***Title 5 C.F.R.***

Suitability and fitness program requirements and regulations are further defined in Title 5 of the Code of Federal Regulations (C.F.R.) Administrative Personnel.

Part 330: Recruitment, Selection, and Placement (General), established in 2016, regulates the timing of suitability inquiries conducted by hiring agencies in competitive hiring. Agencies may not make specific inquiries into an applicant's criminal or credit background – of the sort asked for on the forms used to conduct suitability investigations for Federal employment – unless the hiring agency has made a conditional offer of employment to the applicant. Exceptions must be requested from OPM.

In Title 5 C.F.R. part 731: Suitability and Fitness, established in 2024, OPM delegates the duty of suitability and fitness adjudication to the DOD and other executive agencies. 5 C.F.R. 731 aligns position designation requirements, investigative standards, and reciprocity rules for civil service, contractor, and DOD NAF positions. It specifies the procedures for taking suitability actions and the general process for appealing a suitability action, establishes the requirements for continuous vetting of the low risk and non-sensitive public trust populations, eliminates periodic reinvestigations for occupants of non-sensitive public trust positions, and aligns suitability and fitness criteria for much of the civil service by creating the minimum standards of fitness for the excepted service.

Finally, title 5 C.F.R. part 1201: Practices and Procedures, amended in January 2025, provides procedures for appeals of suitability actions to the Merit Systems Protection Board (MSPB).

### ***Implementation Guidance***

Within the DOD, two documents provide key implementing guidance for suitability and fitness:

- DOD Instruction (DODI) 1400.25 Volume 731: DOD Civilian Personnel Management System: Suitability and Fitness Adjudication for Civilian Employees, was published in August 2012, and incorporated change 1 in February, 2024. This instruction establishes procedures, provides guidelines and model programs, delegates authority, and assigns responsibilities regarding suitability and fitness adjudications within the DOD.
- The Suitability and Fitness Processing Manual, published in January 2025, provides a basis for government-wide uniformity in suitability and fitness case processing and adjudication. It provides implementing guidance to title 5 C.F.R. part 731, Suitability and Fitness and the Trusted Workforce (TW 2.0) suite of policies.

### ***Legal Foundations of Suitability Adjudications***

The OPM suitability program has been shaped by more than just policy. Throughout the program's history, many people have appealed unfavorable suitability determinations, and the resulting decisions have influenced both the nature and the scope of the suitability program.

A suitability case may set a precedent when it is appealed beyond the initial decision to the full board of the Merit Systems Protection Board (MSPB) or to the Federal court system. These precedent setting cases include decisions that have helped to define the evidence standards, not only establishing the standards for how evidence is collected but also shaping the ways in which evidence is evaluated. Some of these cases have served to uphold the established evidence standards. Others have addressed the credibility of witness testimonies as a form of evidence. In addition to cases related primarily to evidence standards, some decisions have affirmed the authority of the MSPB. And finally, several decisions have addressed the issue of falsification as it relates to an individual's suitability for Federal employment.

#### **Evidence Standards (how evidence is collected and evaluated)**

- 1986: Patch v. OPM - An allegation made in a notice of proposed removal is not evidence that the allegation is true; claims of rehabilitation of

employment issues cannot be considered unless evidence is provided; and past conduct can be considered regardless of actions taken by previous employers.

- 2006: Doerr v. OPM - An agency or component must demonstrate by preponderant evidence that the appellant's conduct or character may have an impact on the integrity or efficiency of the service.

#### **Credibility of Witness Testimonies as a form of evidence**

- 2004: Jones v. Dept. of Interior - A sworn statement made under the penalty of perjury has greater evidentiary weight than an unsworn statement.

#### **The Authority of the MSPB (affirmed by the cases)**

- 1997: Harker v. Dept. of Treasury - Law enforcement positions require a higher standard of conduct/degree of public trust. In the absence of a plausible explanation, the MSPB may infer an intent to deceive.
- 2005: Folio v. Dept. of Homeland Security - Addressed the MSPB's review of the relationship between the specific suitability factors and additional considerations cited in a final decision.

#### **Falsification as it relates to an individual's suitability for Federal employment**

- 1985: McCreary v. OPM – Falsification raises serious doubts regarding honesty and fitness for employment; removal for falsification of government documents promotes the efficiency of the service; and successful performance has no relevance if employee was appointed as a result of falsification.
- 1986: Kissner v. OPM - A false statement in an application need not be contained in the application for the position from which the employee is being removed. Nexus may be presumed between intentional falsification of an employment application and the efficiency of the service. An employee later correcting false information on an employment document is not absolved from previous false statements.

## Key Elements of the Federal Personnel Vetting Program

### ***Personnel Vetting and Adjudication***

At the heart of the Federal Personnel Vetting Program lies adjudication – the process through which trusted government personnel evaluate pertinent information obtained from background investigations and other reliable sources to ensure that all individuals who work for or on behalf of the Government demonstrate a regard for rules, engage appropriately with others, demonstrate conduct consistent with the interest of the United States, and demonstrate a willingness and ability to protect people, property, information, and mission (PPIM).

### ***Common Principles***

As you learned earlier, the Director of OPM was designated as the Suitability and Credentialed Executive Agent (SuitCredEA). and the Director of National Intelligence was designated as the Security Executive Agent (SecEA). Together, these Joint Executive Agents (EAs) issued Common Principles in Applying Federal Personnel Vetting Adjudicative Standards.

These Common Principles apply across personnel vetting domains and outline the adjudicative process framework to promote consistency and fairness in the adjudication process. The principles also reiterate the requirement that adjudicative entities record personnel vetting trust determinations – otherwise known as adjudicative decisions – emphasizing that accurate recording promotes transparency, enhances mobility, and facilitates information sharing.

### ***Adjudicative Process Framework***

The Common Principles issued by the Joint EAs outline the Adjudicative Process Framework across vetting domains. This Framework includes the following five components:

- Investigation,
- Order of Operation,
- Risk Assessments,
- Preliminary Determinations, and
- Trust Determinations.

**Investigation**

During the investigation, Investigative Service Providers (ISPs) collect information and provide adjudicators with a Report of Investigation (ROI) containing information needed to support a trust determination.

**Order of Operation**

According to the Order of Operation rules laid out in the Adjudicative Process Framework, trust determinations must be carried out in a specific sequence.

- First, if applicable, individuals undergo a suitability or fitness trust determination.
- If applicable, national security trust determinations follow.
- Finally, if individuals require logical or physical access, the credentialing trust determinations occurs last.

**Risk Assessment**

As a part of the risk assessment, adjudicators analyze investigative and/or developed information to determine the likelihood an individual presents or will present an unacceptable risk to people, property, information, or mission.

**Preliminary Determination**

During a preliminary determination, security practitioners in departments or agencies may onboard individuals prior to completing the investigative coverage requirements and making the trust determination. To make a preliminary determination, security practitioners use the adjudicative criteria for the applicable personnel vetting domain or domains to assess the results of high-yield checks (HYCs).

**Trust Determination**

The adjudicative process framework culminates in a trust determination or adjudicative decision for each applicable personnel vetting domain. In this course, we will focus on the suitability and fitness domains.

To make a trust determination, adjudicators must determine whether there are any statutory or regulatory bars or restrictions that prevent the individual from holding the position. If so, the decision may translate to an unfavorable trust determination within the applicable personnel vetting domain or domains. Coordination with the appropriate complementary mission partners will be necessary.

If there are no statutory or regulatory bars or restrictions, then the adjudicator will assess whether there are issues concerning the individual's conduct or behavior, or whether there are perceived vulnerabilities. When issues concerning conduct or behaviors, or perceived vulnerabilities are present, the adjudicator will conduct further analysis to determine whether those issues can be mitigated in a manner consistent with the domain's requirements. If the investigation meets the requirements in the Federal Personnel Vetting Investigative Standards, and there are no issues or vulnerabilities – or if those issues may be mitigated or resolved – then a Favorable trust determination is made. If the issues are not sufficiently mitigated or exceptions are not applied, an unfavorable trust determination is made.

Note that adjudicative trust determinations and other discretionary adjudicative decisions are inherently governmental and must be performed by Federal employees.

### **Overview of TW 2.0**

As you learned in the Introduction to Federal Personnel Vetting Policy for Security Practitioners eLearning, Trusted Workforce 2.0 (TW 2.0) is a whole-of-government personnel vetting reform effort led by the Security, Suitability, and Credentialing, (SSC) Performance Accountability Council (PAC) that is overhauling the personnel vetting process.

As part of this overhaul, the TW 2.0 Framework, also known as the 1-3-5 Framework, was issued by the Joint EAs. According to this framework, one Personnel Vetting Model aligns vetting processes with a simplified framework of Executive issuances, guidelines, and standards. Three Investigative Tiers accelerate processing times, reduce duplication and complexity, and improve mobility. And five Vetting Scenarios follow the lifecycle of an individual working for or on behalf of the Federal Government.

#### **1 Personnel Vetting Model**

The joint EAs issued a suite of policies commonly referred to as the Federal Personnel Vetting Policy Framework. This framework is organized in a top-down hierarchical structure with four levels – strategic, guidelines, operational, and tactical – where each successive level is more agile.

#### **3 Investigative Tiers**

Prior to full implementation of TW 2.0, the 2012 Federal Investigative Standards (FIS) supports a five-tier investigative model. To accelerate processing times, reduce duplication and complexity, and improve workforce mobility, TW 2.0



introduced a three-tier model comprising Low Tier (LT), Moderate Tier (MT), and High Tier (HT) investigative standards.

The designated position sensitivity and risk will determine the investigative tier, which will in turn determine the investigative requirements. Take a moment to review the investigative standards. These standards are also available as a part of the Suitability and Fitness Reference job aid, which you can find in your [course resources](#).

## 5 Vetting Scenarios

The five Vetting Scenarios follow the lifecycle of an individual working for or on behalf of the Federal Government as they establish, maintain, and/or re-establish trust.

- **Initial vetting** conducts the vetting needed to establish trust with an individual who has not been previously vetted.
- **Continuous Vetting** assesses risk in near real-time to provide insight into trusted insider behavior.
- An **upgrade** quickly raises the level of vetting when an individual requires a higher level of trust within the same agency.
- A **transfer of trust** (T-o-T or ToT) streamlines movement of trusted individuals *between* agencies and organizations.
- Finally, **re-establishment of trust** (R-o-T or RoT) simplifies the re-entry of trusted insiders back into the workforce after a break in service.

The five vetting scenarios are also available as a part of the Suitability and Fitness Reference job aid, which you can find in your [course resources](#).

## Review Activities

### ***Knowledge Check 1***

Now, let's apply what you've learned to some of the cases you're working with today.

Before we get into the case details, think about where you might turn for policy guidance.

As a security practitioner, where would you locate suitability/fitness implementation guidance for the DOD?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Title 5 U.S.C. 1103
- ☐ E.O. 13488
- ☐ DODI 1400.25, Volume 731
- ☐ Suitability and Fitness Processing Manual

### ***Knowledge Check 2***

Next, consider what you know about the requirements of the Federal Personnel Vetting Program.

According to the order of operation rules laid out in the adjudicative process framework, which of the following describes the correct sequence for trust determinations, assuming all apply?

*Select the best response. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ National Security → Suitability/Fitness → Credentialing
- ☐ Suitability/Fitness → National Security → Credentialing
- ☐ Credentialing → National Security → Suitability/Fitness
- ☐ National Security → Credentialing → Suitability/Fitness

### ***Knowledge Check 3***

Now, let's turn to the case files.

Consider Andrew Johnson. He is an applicant for a covered position in Federal competitive service. The position has been designated as a Non-

Sensitive/Moderate-Risk Public Trust, with no National security sensitivity. Mr. Johnson is new to Federal Government service.

Which applies to Mr. Johnson, Suitability or Fitness?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Suitability
- ☐ Fitness

#### **Knowledge Check 4**

Next, think about which of the personnel vetting scenarios applies. Remember, Mr. Johnson is new to Federal Government service and has never been vetted.

Which of the personnel vetting scenarios applies?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Initial Vetting
- ☐ Continuous Vetting
- ☐ Upgrade
- ☐ Transfer of Trust
- ☐ Re-establishment of Trust

#### **Knowledge Check 5**

Finally, determine which of the investigative standards applies. Remember, the position has been designated as Non-Sensitive/ Moderate-Risk Public Trust, with no National security sensitivity.

If needed, you can review the Investigative Standards in the Suitability and Fitness Reference job aid.

Which of the Federal Personnel Vetting Investigative Standards applies?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Low Tier (LT)
- ☐ Medium Tier (MT)
- ☐ High Tier (HT)

## Conclusion

### ***Lesson Summary***

You have completed the *Suitability and Fitness in the Context of the Federal Personnel Vetting Program* lesson.

## ***Lesson 3: Overview of Suitability and Fitness***

---

### **Introduction**

#### ***Lesson Overview***

Welcome to the *Overview of Suitability and Fitness* lesson. This lesson will provide an overview of the suitability and fitness process, describe the roles and responsibilities of the Office of Personnel Management (OPM) and the department or agency, and review key information systems used during suitability and fitness processes.

Take a moment to review the lesson objectives.

- Given a scenario, determine the main process steps for suitability and fitness.
- Describe the roles and responsibilities of OPM and the Department/Agency (D/A) when carrying out a suitability or fitness determination to include Individual Engagement.
- Identify the purpose of key systems used during the suitability/fitness process.

### **The Suitability and Fitness Process**

#### ***Suitability and Fitness Process Steps***

You may recall, the Suitability and Credentialing Executive Agent (SuitCredEA) and the Security Executive Agent (SecEA) issued the Federal Personnel Vetting Guidelines policy, which applies across vetting domains. These guidelines outline 12 elements that are key to determining an individual's suitability or fitness for Federal employment. These elements can be distinguished within four main process phases of the Federal Personnel Vetting Program:

- Pre-investigation,
- Investigation,
- Adjudication, and
- Post-Adjudication.

The pre-investigation phase includes the elements:

- Position Designation,
- Determining Previous Vetting,

- Vetting Questionnaire,
- Screening, and
- Preliminary Determinations.

The investigation phase includes the element of Investigation, and the adjudication phase includes the element of Adjudication.

The Post-Adjudication phase includes Security Review Proceedings, previously referred to as Due Process and Appeals, and Continuous Vetting (CV).

There are also three elements that occur throughout the entire Personnel Vetting (PV) process:

- Personnel vetting engagement,
- Information sharing, and
- The Federal Personnel Vetting record.

You will learn more about each of these 12 elements throughout the remainder of this course.

The Federal Personnel Vetting Guidelines policy is available to review in your [course resources](#).

### ***Elements of Federal Personnel Vetting that Span the Process***

As you just saw, three of the Federal Personnel Vetting elements – Personnel Vetting Engagement, Information Sharing, and the Federal Personnel Vetting Record – span the entire Federal Personnel Vetting process. Each of these elements contributes to improved transparency, efficiency, and information sharing, and as a security practitioner, you play a key role.

Personnel Vetting Engagement ensures two-way communication between the individual and the Government at all appropriate points in the process. This results in improved accuracy, validity, transparency, and efficiency at each step of the process.

Information Sharing, to the extent permitted by law, relies on sharing of validated relevant information across and within agencies to eliminate unnecessary duplication and reduce waste. Information sharing will improve transparency of the process, ensure quality, and maximize efficiency, while ensuring proper safeguarding and handling of sources and methods, protecting privacy rights, and ensuring fair and consistent treatment to all individuals.

Finally, adjudicative entities are responsible for recording personnel vetting actions and trust determinations, as applicable, in an individual's Federal Personnel Vetting Record. The Federal Personnel Vetting Record ensures that personnel vetting actions and determinations are accurately recorded, which is critical to promote transparency, enhance mobility, and facilitate information sharing. Adjudicative entities may only withhold information from the Federal Personnel Vetting Record if they are authorized to do so pursuant to law, regulation, or policy.

### ***Suitability Timeline***

OPM and the Office of the Director of National Intelligence (ODNI) have established timeliness measures outlined in the Trusted Workforce 2.0 Performance Management Standards and subordinate documents. Five C.F.R. section 731.203 also establishes timeliness expectations for reporting suitability actions.

Typically, a tentative offer of employment precedes the suitability adjudication, but the employee may not begin working until the adjudication is complete. There are exceptions, however.

A preliminary determination based on High Yield Checks (HYCs), previously referred to as an "interim" determination, allows an appointee to begin work before a full investigation and adjudication have occurred. When this is the case, the appointee is still subject to fingerprinting and initial checks – FBI, law enforcement, etc. – before beginning work. Continued employment is contingent on a favorable suitability determination.

Although preliminary determinations for suitability are not usually granted for sensitive positions, the decision is left to the discretion of departments and agencies (D/As), which have their own lists of preliminary checks.

## **OPM and D/A Responsibilities**

### ***OPM Role and Responsibilities***

Throughout the suitability and fitness process, OPM and D/As have distinct roles and responsibilities.

As you have seen, OPM's primary role is as the SuitCredEA. This means OPM governs the suitability adjudication program, conducts oversight of agency performance of vetting-related functions including adjudications, and establishes mutually consistent standards and procedures to determine the reliability, trustworthiness, and good character and conduct of those working for the Government in the executive branch.

OPM is responsible for adjudicating cases involving material, intentional false statement, deception or fraud in examination or appointment, or evidence of a refusal to furnish testimony. OPM is also responsible for issuing government-wide debarments, establishing minimum standards of fitness for appointment to positions in the excepted service, and establishing investigative standards, risk designation procedures, and reciprocity rules. OPM may delegate suitability authority to agency heads, as it has done for the DOD.

### ***D/A Responsibilities***

D/As, such as the DOD, have responsibility over much of the suitability and fitness process. D/As are responsible for completing the pre-investigative steps, initiating timely, commensurate investigations per the position's risk designation, ensuring an effective adjudicative process within the agency, and informing OPM of cases requiring OPM suitability adjudication. D/As are also responsible for enrolling and unenrolling required individuals with compliant CV programs and carrying out and enforcing any OPM suitability actions involving the agency.

Throughout the process, D/As must comply with the suitability and fitness program administration requirements, and render and keep records of suitability and fitness determinations and actions.

### ***D/A Roles***

Within D/As, there are several roles that carry out many of these key responsibilities.

Hiring managers perform duties that are part of the pre-investigation phase of the suitability and fitness process.

Human resources and security officer personnel are responsible for assessing applicant background information to determine whether the individual's qualifications and background meet the position requirements.

And suitability and fitness adjudicators are responsible for evaluating an applicant's suitability or fitness for Federal employment. These adjudicators may be human resources personnel, security officers, or specially designated adjudicators at either the hiring DOD Component or at Defense Counterintelligence and Security Agency (DCSA) Adjudication and Vetting Services (AVS).

Remember, OPM adjudicates when there is evidence of material, intentional false statement, deception or fraud in examination or appointment, or evidence of a refusal to furnish testimony.



## Information Systems

### ***Pre-Investigation Information Systems***

You should be familiar with several of the information systems used throughout the suitability and fitness process, including some tools that are used predominantly during the pre-investigation phase.

The Position Designation Tool (PDT) was issued by the Executive Agents and is hosted by DCSA. D/As use the PDT to designate sensitivity and risk for all positions.

The Electronic Application (eApp) is the portion of the National Background Investigation Services (NBIS) system that contains the standard investigative forms (SFs) – the vetting questionnaires that Federal applicants and employees use to provide the necessary information to process their personnel background investigations.

#### **Position Designation Tool (PDT)**

- Determines the required investigation based on:
  - Position risk: the impact on the efficiency or integrity of the service
  - Position sensitivity: the potential material adverse impact to the national security
- Ensures a uniform, systematic, and consistent process

*Position designation determines the applicable vetting questionnaire, and the type of investigation required.*

#### **Electronic Application (eApp)**

- Replaced the Electronic Questionnaire for Investigations Processing (e-QIP)
- Automates the application process
  - Authorized security practitioners initiate investigations
  - Individuals enter personal information directly into the system

### ***Government-wide and DOD Low-Side Repositories***

Some information systems are used throughout the entire suitability and fitness process to communicate and store investigative records and adjudicative results. These systems include government-wide and DOD-specific low-side repositories that provide a suite of capabilities. These systems may be used to:

- verify suitability, credentialing, and national security eligibility, view investigations and CV status,
- perform adjudication and post-appointment subject management services, and
- document exceptions to personnel vetting standards.

The legacy equivalent Government-wide low-side repositories include the Central Verification System (CVS) and the Personnel Investigations Processing System (PIPS).

DOD centralized low-side repositories that are used throughout the suitability and fitness process include: the Defense Civilian Personnel Data System (DCPDS) and the Defense Information System for Security (DISS). TW 2.0 Capabilities include DISS-Joint Verification System (JVS). For Investigative Service Providers, or ISPs, this includes the capability to report the status of their investigations and the adjudication of those investigations through an automated interface.

#### **Central Verification System (CVS)**

- OPM-owned and managed
- Stores information on investigations and adjudications
- Key to ensuring reciprocity

*Note: CVS is also searched during the pre-investigation phase for prior investigations and debarments.*

#### **Personnel Investigations Processing System (PIPS)**

- OPM-owned and managed
- Maintains the Security/Suitability Investigations Index (SII):
  - A centralized database that records investigations conducted by OPM and other authorized investigative agencies
- Allows agencies direct access to OPM records
- Allows agencies to monitor the progress of their cases and report adjudicative decisions

**Defense Civilian Personnel Data System (DCPDS)**

- A human resources information support system for civilian personnel operations in the DOD
- Captures position information to include position risk and sensitivity

**Defense Information System for Security (DISS)**

- DOD system of record for national security, suitability, fitness, and credential management of all DOD employees, military personnel, civilians, and DOD contractors
- Provides secure communications between Agency Adjudicators, Security Practitioners, and DOD Component Adjudicators
- Covers all personnel—military, civilian, and contractor

***Government-wide High-Side Repository***

The government's *High-Side* Repository is a suite of capabilities used to provide a government-wide personnel vetting data repository to verify national security sensitive eligibility, access to sensitive compartmented information and other controlled access programs, and documented exceptions. The legacy equivalent product is Scattered Castles.

Under TW 2.0 capabilities, the High-Side Repository will include Scattered Castles and Transparency of Reciprocity Systems (ToRIS).

**Scattered Castles**

- ODNI owned and managed
- Utilized by the Intelligence Community (IC)
- Not required for suitability and fitness trust determinations, however, D/As can review to determine previous vetting and documented exceptions to personnel vetting standards

## Review Activities

### ***Knowledge Check 1***

Now, apply what you've learned to the cases you're working with.

Remember Andrew Johnson, the applicant new to Federal service?

What is the next step needed to complete Andrew Johnson's suitability determination? Note that the position has already been designated and Mr. Johnson has not been previously vetted.

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ The investigative service provider forwards results to AVS for adjudication
- ☐ You enroll Mr. Johnson in continuous vetting
- ☐ Your agency initiates security review proceedings
- ☐ Mr. Johnson completes the appropriate vetting questionnaire

### ***Knowledge Check 2***

Now consider what systems he will use to complete these forms.

Which of the following systems will Mr. Johnson use to provide information for his background investigation?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Position Designation Tool (PDT)
- ☐ Electronic Application (eApp)
- ☐ Central Verification System (CVS)
- ☐ Defense Information System for Security (DISS)

**Knowledge Check 3**

Now consider a different case.

Bethany Kirby is an applicant for a covered position in Federal competitive service. She has 10 years of Federal workforce experience.

Which of the following systems should you check to determine Ms. Kirby's previous vetting?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Position Designation Tool (PDT)
- ☐ Electronic Application (eApp)
- ☐ Central Verification System (CVS)
- ☐ Personnel Investigations Processing System (PIPS)

**Knowledge Check 4**

Finally, consider OPM's role in the suitability and fitness process and answer this question.

Which of the following are OPM responsibilities during the suitability and fitness process, and not the responsibility of the D/A?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Adjudicate cases involving material, intentional false statement, deception or fraud in examination or appointment, or evidence of a refusal to furnish testimony
- ☐ Enroll individuals in CV
- ☐ Issue government-wide debarments
- ☐ Establish minimum standards of fitness for excepted service positions
- ☐ Initiate the investigation

**Conclusion****Lesson Summary**

You have completed the *Overview of Suitability and Fitness* lesson.

## Lesson 4: Pre-Investigation

---

### Introduction

#### ***Lesson Overview***

Welcome to the *Pre-Investigation* lesson. As a security practitioner, you have a number of key responsibilities during this stage of the process. This lesson will provide an overview of your pre-investigative responsibilities, including position designation, determining previous vetting, the appropriate vetting questionnaire, screening, and preliminary determinations. The lesson will also discuss the steps necessary to initiate the investigation.

Take a moment to review the lesson objectives.

- Given a scenario, describe the steps necessary to determine a position designation and appropriate vetting questionnaire.
- Describe the steps necessary to initiate an investigation.
- Analyze sample application details to determine the likely results of screening and preliminary determination.

### Position Designation

#### ***What is Position Designation?***

The first step in the PV process is to assess what investigation level is required for the position. Position designation uses standard criteria and business rules to make uniform and consistent position sensitivity and risk determinations that ensure that whoever ends up holding the position undergoes an appropriate investigation, considering the position's identified risk.

The Office of Personnel Management (OPM) and the Office of the Director of National Intelligence (ODNI) jointly issued the Position Designation System (PDS), which is used by agencies for position designation. In accordance with 5 C.F.R., section 731.106, agencies must use the PDS, or the associated Position Designation Tool (PDT), which is available within National Background Investigation Services (NBIS) to designate position risk for civilians, military service members, contractors, and DOD nonappropriated funds positions.

For each position, security practitioners or hiring managers at the agency or component must evaluate the risk level and sensitivity of the position to determine

what type of investigation is required and how closely the individual should be screened. The responsibility for designating positions is left at the discretion of agency heads; however, final approval of a position's designation is an inherently governmental function and must be performed by a Federal employee.

### ***The PDS Process***

The PDS uses a four-step system to determine a position's designation.

- Step 1 assesses the nature of the position in terms of both its national security requirements and its suitability requirements – in other words, the position's sensitivity.
- Step 2 determines the position's risk – that is, the potential impact of the position on the mission of the agency or component and on public trust.
- Step 3 adjusts the total risk score based on the scope of the program and the position's level of supervision.
- And step 4 determines the final position designation, which in turn determines the required investigation type and the appropriate investigative form.

#### **Step 1: Position Sensitivity**

Every covered position must be designated as non-sensitive, non-critical sensitive, critical sensitive, or special sensitive based on the position's potential to adversely affect national security.

This course focuses on Non-Sensitive positions – that is, positions that do not require access to classified information and do not involve the performance of sensitive duties. These positions have no potential to bring about material adverse effect on the national security, but they do have the potential to produce harm to the public's trust.

In Step 1 of the PDT, positions that are designated as non-sensitive are further identified based on their public trust responsibilities. This includes positions involving policy or programs, public safety and health, hazardous materials, law enforcement and security, investigations and adjudications, financial or personal records, IT systems, and others.

#### **Step 2: Position Risk**

The second step of the PDS assesses position risk. Every covered position must be designated as low, moderate, or high risk based on the position's potential to

adversely affect the efficiency and integrity of the Federal Government and, by extension, the employing agency or component.

This course focuses on moderate and high-risk positions. Moderate Risk positions have the potential for a moderate to serious impact on an agency program or mission. They may do serious damage to the integrity or efficiency of the service. High Risk positions have the potential for a severe impact on an agency program or mission. They may do substantial damage to the integrity or efficiency of the service.

As a position's levels of authority and responsibility increase, the character and conduct of the individual become more significant in deciding whether that individual's employment will protect the integrity or promote the efficiency of the service. Positions at the moderate and high-risk levels are considered positions of public trust. These positions carry a significant risk of causing damage to people, programs, or the agency or component.

In the second step of the PDS, the public trust responsibilities identified in Step 1 are assessed for the degree of potential damage that could result from misconduct in the position. For each applicable category of public trust responsibility determined in Step 1, one of five degree ratings are assigned. These ratings are:

- Not applicable;
- Limited impact;
- Moderate impact;
- severe impact; and
- automatic high-risk condition.

These ratings will combine to provide a total risk rating that carries forward into Step 3.

### **Step 3: Supervision/Program Scope**

The third step of the PDS adjusts the total risk score based on the scope of the program and the position's level of supervision. To adjust risk points based on program scope, this step considers whether operations have the potential for worldwide or government-wide impact, multi-agency impact, or agency or component impact. To adjust risk points based on the level of supervision, this step determines whether the position has limited or no supervision, or close technical supervision.



## ***PDS and TW 2.0***

As you have seen, position designation directly impacts the position's investigative tier.

Until the 2022 Federal Personnel Vetting Investigative Standards are fully implemented, there will be a transitional period where both the 2022 Federal Personnel Vetting Investigative Standards and the 2012 Federal Investigative Standards will be in effect. During this time, the updated PDS will display the appropriate level of investigation under both Investigative Standards and provide Departments or Agencies (D/As) a Position Designation Record (PDR) to be stored in the individual's file.

## **Determining Previous Vetting and Vetting Questionnaire**

### ***Determining Previous Vetting***

Once there is an applicant, appointee, or employee for a designated position, the next step is to determine if the individual has been previously vetted. To do this, D/As must review Government-wide high- and low-side record repositories, consider whether any prior levels of personnel vetting meet or exceed the investigative requirements of the position, and determine what, if any, additional personnel vetting is required. 5 C.F.R., section 731.104, specifies requirements for reciprocally accepting prior investigations and adjudications.

### ***Vetting Questionnaire***

The next step in the pre-investigation phase of the suitability and fitness process is completion of the vetting questionnaire. Initially, the government collects relevant background information about the individual as well as an updated collection of relevant background information as necessary for the basis of the investigation.

Individuals provide information via the Personnel Vetting Questionnaire (PVQ) implemented in eApp. Like its predecessor Standard Forms (SFs), the PVQ is used to conduct personnel vetting investigations. SF-85P, the Questionnaire for Public Trust Positions, is used for suitability and fitness investigations. Individuals in certain law enforcement positions may also complete SF-85P-S, the Supplemental Questionnaire for Selected Positions. Under TW 2.0, the PVQ parts A and B will replace the SF-85P PVQ part D will replace the SF-85P-S.

Responses to the questionnaire are used throughout the Federal Personnel Vetting process to assess an individual's initial and ongoing suitability or fitness trust determination.

### ***Initiating the Investigation***

The agency or component's human resources or security office provides the appropriate investigation in eApp so the applicant can enter their personal information directly into the system. This process usually occurs after the applicant has accepted a tentative offer of employment.

Before initiating the investigation, security practitioners must check the appropriate repositories, such as CVS, for prior investigations that meet the position criteria. Authorized security practitioners should also query the Defense Information System for Security (DISS) to ensure there are no suspensions or holds due to pending or unresolved incident reports.

Once the application is complete, the authorized security practitioner should review it for completeness. This is a key step, as the investigation will not begin if the information is incomplete. Finally, security practitioners will need to screen the application for potential suitability or fitness issues.

Note that the investigation should be initiated before appointment or within 14 days of placement in the position.

## **Screening**

### ***Screening for Automatically Disqualifying Information***

As you just saw, before submitting the vetting questionnaire for investigation, it should be screened for any information that would automatically disqualify the individual from suitability.

During the screening, D/As review information available to the agency through the application and hiring process, to identify information of potential adjudicative concern. This screening process allows D/As to discover any presumptively disqualifying information before devoting valuable time and resources to a full investigation. If serious suitability issues exist, the employment offer may be withdrawn and/or applicable suitability referrals and debarment actions started.

Agencies may conduct screening prior to an investigation, and up to the point of receiving high yield checks (HYCs), through the start of the investigative process.

### ***Screening Responsibilities***

The responsibility for screening typically begins with the human resources office at the hiring agency or DOD component, and may require additional processes with the security office. Security practitioners performing this function must be properly

trained in accordance with the National Training Standards for Suitability Adjudicators.

Screening begins as soon as the application and related information is received. HR and the security office will review and verify:

- The applicant's resume,
- The employment application and other hiring materials such as interview details and employment references,
- Citizenship status, and
- The OF-306, the Declaration for Federal Employment.

During screening, HR and the security office will:

- Verify the applicant's education and employment history,
- Check references,
- Run local investigative checks,
- Perform checks for debarment, and
- Gather additional information as needed to help identify and resolve sustainability and fitness issues before initiating the investigation.

### **OF-306: Declaration for Federal Employment**

The OF-306 collects basic information from applicants and appointees to determine their acceptability for Federal or Federal contract employment. It collects:

- Name
- Birthdate
- Social security number
- Citizenship
- Selective service registration
- Military service
- Background information
- Criminal convictions
- Delinquency on Federal debt

- Employment of any relatives by the agency or organization to which the form is submitted

### ***Screening Determinations***

The screening determination consists of an evaluation of background information against the suitability and fitness factors. These are the same factors used during the adjudication of a completed background investigation. You will learn about them in detail later in this course.

When assessing suitability or fitness during screening, the adjudicator should compare the information provided on completed forms or in answers to interview questions with other available information to identify discrepancies. Falsification issues may surface when specific data is assessed in relation to other available information. If the screening yields potential suitability or fitness issues, an evaluation must be completed before the individual is appointed.

There are three possible outcomes from the screening process.

If no issues of suitability or fitness concern are identified, then the D/A will check for previous vetting and proceed with the initiation of the required level of investigation, and/or begin the process of granting an interim PIV credential. For D/As with an exception to collect the OF 306 prior to a conditional job offer, the individual will move to the next point in the hiring process. Remember, even if the screening is favorable, D/As must still make a suitability or fitness trust determination after the full background investigation is complete.

If one or more potentially actionable suitability or fitness issues are present, more information will likely be needed to determine if suitability action procedures should be initiated for covered employees. The D/A may contact the applicant for more information to either resolve the issue or to support an unfavorable suitability or fitness determination. If through screening the D/A identifies information that may lead to the individual being unsuitable or unfit, the D/A may act upon it in accordance with applicable laws, regulations and policies and withdraw or rescind the offer.

Finally, if there is evidence of material, intentional falsification, or deception or fraud in examination or appointment, or other conduct that warrants a government-wide debarment, then D/As must follow the process outlined in Volume 3 of the OPM Suitability and Fitness Processing Manual and refer the case to OPM. These steps prevent applicants applying elsewhere within an organization or within the Federal Government.

## Preliminary Determinations

### ***Making a Preliminary Determination***

Preliminary determinations are risk-based internal agency decisions that allow individuals to begin work before a full background investigation is complete. For suitability and fitness, preliminary determinations are made by D/As in the same fashion as final trust determinations – by applying the adjudicative criteria in 5 C.F.R. section 731.202. These determinations are based on the results of High Yield Checks (HYCs) that are conducted early in the investigative process. The specific automated record checks in an individual's HYC are determined by the investigative tier.

Department or agency heads may redelegate suitability-related authority to components within their agency. If so delegated, the agency's component adjudicator may make the preliminary determination for suitability. To make this determination, they will consider all of the available information, including security forms, the OF-306, local record checks, HYCs, and more, and will use the suitability and fitness criteria to make a preliminary determination.

Preliminary determinations must be recorded in the appropriate government-wide repository.

Note that Security Review Proceeding (SRP) is not a right for preliminary determinations.

## Review Activities

### ***Knowledge Check 1***

Now consider pre-investigative steps for the cases you're working on.

If you recall, Bethany Kirby is applying to a covered position in the Federal competitive service. Your organization used the PDS to determine the position designation for her role.

Which of the following factors go into the determination of position designation?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Position Sensitivity
- ☐ Position Risk
- ☐ Supervision/Program Scope
- ☐ Position Grade (GS)

**Knowledge Check 2**

Your organization determined that the position Bethany Kirby is applying for is designated as Non-Sensitive/High-Risk Public Trust, with no National Security sensitivity.

Which of the following steps do you need to take to submit Bethany's investigation application to the Investigative Service Provider (ISP)?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Check for prior investigations
- ☐ Ensure she has no suspensions/holds
- ☐ Review her eApp for completeness
- ☐ Screen her application for suitability/fitness issues

**Knowledge Check 3**

When you query CVS, you discover that Bethany's previous position was designated Non-Sensitive/Low-Risk. There are no holds or bars to her employment and her eApp appears to be complete. When you verify her education history, however, the university informs you that they have no record of her degree completion. What is your next step?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Proceed with the investigation
- ☐ Collect additional information
- ☐ Withdraw the offer of employment
- ☐ Refer the case to OPM

**Conclusion****Lesson Summary**

You have completed the *Pre-Investigation* lesson.

## ***Lesson 5: Investigations and Evidence Standards***

---

### **Introduction**

#### ***Lesson Overview***

Welcome to the *Investigations and Evidence Standards* lesson.

Following completion of the pre-investigation phase, investigation is the next step in the vetting process. As a security practitioner, you should be aware of the sources of evidence to be applied in a suitability and fitness investigation and the standards of evidence and their importance to suitability and fitness.

Take a moment to review the lesson objectives.

- Given a scenario, determine sources of evidence to be applied in a suitability/fitness investigation.
- Describe standards of evidence and explain why they are important to suitability/fitness.

### **Overview of Investigations**

#### ***Purpose of Investigations***

The investigation phase of the suitability and fitness process supplies the information that will eventually be used to determine an individual's suitability or fitness to work for or on behalf of the Federal Government.

The investigation is conducted by an Investigative Service Provider (ISP), who gathers various types of information based on the type of investigation required. ISPs provide the requesting agency with a Report of Investigation (ROI) containing both positive and negative information about the individual for an assessment against the characteristics of a trusted person to make a trust determination.

The Office of Personnel Management (OPM) and the Office of the Director of National Intelligence (ODNI) jointly issued the Federal Personnel Vetting Investigative Standards which established the scope and coverage of investigative products conducted by authorized ISPs.

#### ***Types of Investigations***

The risk and sensitivity levels of the position determine the type of investigation that must be conducted. The higher a position's risk and sensitivity levels, the more

stringent the investigation. To protect individuals from unnecessary exposure, the level of investigation conducted may never be higher than what is required for the position.

Certain positions do not require a full background investigation for suitability or fitness; however, in these cases the agency must conduct such checks as it deems appropriate to ensure the suitability or fitness of the individual. OPM may prescribe specific checks for these positions and any such requirements will be made available in a separate issuance. These positions include intermittent, seasonal, per diem, and short term.

### **Seasonal**

Annually recurring periods of work of less than 12 months each year, per 5 Code of Federal Regulations (CFR) 340.401(a)

### **Short Term**

Temporary employment of less than six continuous months

## ***Sources of Evidence***

Investigations leverage a number of different evidence sources, including agency checks, credit checks, law enforcement checks, written inquiries, record searches, and testimonies. Remember, the specific evidence sources used are determined by the position risk and sensitivity.

## ***Review of Investigative Tiers***

As you learned earlier in the course, Federal personnel vetting is divided into three aligned investigative tiers that support trust determinations for suitability, fitness, national security, and credentialing. Requirements for each investigative tier build upon the tier below, with a mix of information categories and data sources that vary in complexity, coverage, and methodology commensurate with the increased risk at each investigative tier level.

The three-tier investigative model includes Low Tier, Moderate Tier, and High Tier.

Investigations conducted to the Low Tier standard are for positions designated as Non-Sensitive/Low Risk. This is the minimum investigation level for the purpose of granting physical and/or logical access or credentialing determinations.

Investigations conducted to the Moderate Tier standard are for positions designated as Non-Sensitive/Moderate-Risk Public Trust and/or Noncritical-Sensitive/Moderate Risk-Public Trust. For Noncritical-Sensitive positions, this level of investigation can



be used to grant eligibility and access to classified information at the Confidential or Secret level, or L access.

Investigations conducted to the High Tier standard are for positions designated as Non-Sensitive/High-Risk Public Trust and Critical-Sensitive or Special-Sensitive/High-Risk Public Trust. For critical or special sensitive positions, this level of investigation can be used to grant eligibility and access to classified information at the Top Secret level, or access to Sensitive Compartmented Information (SCI), or Q access.

The security practitioner must carefully review the position description during the position designation phase to ensure the required investigation type for the position.

### **Previous Five-Tier Model**

Tiers one through five of the 2012 Federal Investigative Standards (FIS) align with the 2022 Investigative Standards. Tier 1 aligns with Low Tier, Tiers 2 and 3 align with Moderate Tier, and Tiers 4 and 5 align with High Tier.

For future reference, refer to the Crosswalk Job Aid in the [course resources](#).

## **Evidence Standards**

### ***Evidence Standards***

Evidence plays an important role in the suitability and fitness process, both during and after the adjudication. Initially gathered as part of an individual's background investigation, evidence is evaluated by the adjudicator, who uses it to determine whether an individual is suitable or fit for Federal employment. Later, in the event that a suitability determination is appealed, additional evidence may be required to shed more light on any disputed facts.

Throughout the suitability process, three basic principles apply to the evidence that is collected.

The first is that evidence must exist to establish the individual's conduct. As an adjudicator, you cannot simply assume that something is true. You must have concrete evidence to prove that the conduct occurred in order to use it in your decision.

Second, the government carries the burden of proving that something is true. It is not the individual's responsibility to prove whether something did or did not occur. Rather, the government's investigation files need to contain sufficient information to prove that the conduct occurred. How much evidence does the government need to meet this burden?

Lastly, the standard of proof in suitability cases is that claims must be supported by a preponderance of evidence. That is, the evidence presented must be enough that a reasonable person would find it more likely to be true than untrue.

### ***Types and Complexity of Evidence***

So, what kind of evidence is expected in the investigative files received? Let's take a look at some of the most common types of evidence that support investigations of increasingly elevated position sensitivity and position risk.

The first piece of evidence collected for any investigation is the investigative form, which contains information provided directly by the individual subject to investigation. The most basic investigations will go on to collect Federal agency search records, employment records, local law enforcement records, and credit reports. Some basic investigations may also collect written inquiries and correspondence.

As the complexity of the investigation increases to meet the requirements of higher levels of position risk and sensitivity, the types of evidence collected expand to reflect a deeper investigation of the individual. For example, instead of written inquiries, the investigation may include telephone inquiries or face-to-face interviews. Higher levels of investigation also contain additional elements that expand the scope of the investigation, such as financial records and records of previous court actions.

### ***How Evidence May be Enhanced***

Later in this course, you will see how individuals who disagree with an unfavorable suitability determination can appeal that decision. This is where the evidence is really put to the test, because an individual may call into question some of the facts that were used to support the initial determination.

In these situations, the evidence may be subject to greater scrutiny, and additional information may be required to enhance its value. The value of the evidence may be enhanced by obtaining affidavits and unsworn declarations, certifying previous testimony, and obtaining supporting documentation.

Also consider that in the context of an appeal, some types of evidence carry more weight than others. The relative weight, or value, that the Merit Systems Protection Board and the court system place on various kinds of evidence is known as the probative weight of evidence. For example, the live, sworn testimony of a witness carries greater weight than a certified copy of a record. Other types of evidence with probative weight include signed, sworn affidavits; unsworn declarations; certified records; and investigative reports.

You should understand the critical role that evidence plays after the adjudication, because suitability and fitness determinations should be based on facts; strong, substantiated evidence that will be hard to dispute.

## Review Activities

### ***Knowledge Check 1***

Let's turn back to the cases you're working on.

Remember Andrew Johnson?

Which of the following are evidence sources that may be leveraged during Mr. Johnson's investigation?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Agency checks
- ☐ Credit checks
- ☐ Law enforcement checks
- ☐ Written inquiries
- ☐ Record searches
- ☐ Testimonies

### ***Knowledge Check 2***

Now, think back to Bethany Kirby's case. If you recall, as part of screening you found that the university has no record of her degree completion.

One phone call to Ms. Kirby's university indicates there is no record of her degree completion. In the absence of additional information, does this evidence meet the required standards to prove that Ms. Kirby intentionally falsified her degree?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Yes, the source is reliable
- ☐ Yes, there is a preponderance of evidence
- ☐ No, the university might be lying
- ☐ No, the evidence does not establish conduct, and the government bears the burden of proof

**Knowledge Check 3**

Why are standards of evidence important for suitability/fitness?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ They ensure investigations are completed quickly, regardless of the quality of the information.
- ☐ They guarantee that every claim will be accepted if it sounds reasonable.
- ☐ They ensure evidence will hold up under scrutiny in the case of an appeal.
- ☐ They remove the burdensome need for documentation.

**Conclusion****Lesson Summary**

You have completed the *Investigations and Evidence Standards* lesson.

## ***Lesson 6: Suitability and Fitness Adjudications***

---

### **Introduction**

#### ***Lesson Overview***

Welcome to the *Suitability and Fitness Adjudications* lesson.

Following completion of the investigation, adjudication is the next element in the vetting process.

As a security practitioner, you should be aware of the roles and responsibilities for suitability and fitness adjudications, the factors and considerations adjudicators use to make their determinations, and requirements for recording trust determinations in the Federal Personnel Vetting record.

Take a moment to review the lesson objectives.

- Given a scenario, describe who carries out which parts of a suitability/fitness adjudication.
- Determine the likely results of a suitability/fitness adjudication using the suitability factors and additional considerations.
- Describe potential trust determinations and recording requirements in the Federal Personnel Vetting record.

### **Overview of Suitability/Fitness Adjudications**

#### ***Whole Person Concept***

As we discussed earlier in the course, adjudication is a risk-based decision in which adjudicators determine whether an individual demonstrates that they can be trusted to protect people, property, information, and mission in the position they occupy or seek to occupy.

To do this, adjudicators employ the whole-person concept – the identification and evaluation of an individual's behaviors and past conduct including favorable and unfavorable information from the individual's past and present. The adjudication process culminates in a favorable or unfavorable trust determination or adjudicative decision, based on the criteria for suitability and fitness determinations for the civil service that were established in 5 C.F.R., part 731, section 202.

Suitability adjudications have two main steps. Basic suitability evaluations assess issues with no reference to position requirements. These evaluations look for obvious disqualifying issues. If issues are present, government-wide debarment is possible. The second step, job-specific suitability adjudication, assesses information in relation to position requirements. This evaluation revisits the issues identified in the basic evaluation.

### ***Adjudication Authority***

Office of Personnel Management (OPM) delegated agency heads the authority to adjudicate the suitability of applicants for, and appointees to, competitive service and career Senior Executive Service (SES) positions within the agency unless there is:

- Evidence of material, intentional false statement, or deception or fraud in examination or appointment;
- Evidence of knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force; or
- Cases in which the conduct may warrant a government-wide debarment by OPM.

In accordance with E.O. 13488, as amended, agency heads retain discretion for establishing fitness standards for the contractor and DOD non-appropriated funds workforces, but with due regard to 5 C.F.R. 731 and other OPM issuances. For agencies to make fitness determinations on contractors and DOD non-appropriated fund employees in an equivalent manner to suitability determinations on civil service positions, they should follow the guidance outlined in the OPM Suitability and Fitness Processing Manual.

### ***Adjudication Process and Roles***

In the DOD, once all required information has been collected by the investigative service provider (ISP) and compiled into a report of investigation (ROI) the DCSA Adjudication and Vetting Services (AVS) suitability adjudicator reviews and assesses the information to make a suitability trust determination. Regardless of the vetting scenario, the process for assessing suitability or fitness is the same. The DCSA AVS adjudicator may determine that a favorable trust determination can be made for the case.

However, if the case cannot be determined favorable by DCSA AVS, the case will be transferred to the Component Adjudicator at the employing component or agency. This is known as a transfer of jurisdiction (TOJ). The Component Adjudicator

analyzes the case and, if they can mitigate the issues of concern, they render a favorable trust determination. If unable to mitigate the issues, however, then the department or agency (D/A) has the option to pursue a suitability action. Suitability actions include cancellation of eligibility, removal from the position or employment, cancellation of reinstatement eligibility, or debarment.

Applicants have an opportunity to appeal suitability or fitness actions using established security review proceedings (SRP) previously referred to as due process and appeals. Alternately, the D/A may make a risk-based decision to grant an exception for a favorable suitability trust determination. Cases involving certain types of conduct must be referred to OPM for consideration of a government-wide debarment.

### ***Suitability/Fitness Adjudicator Responsibilities***

Suitability and fitness adjudication is an important responsibility. When making trust determinations, adjudicators must adhere to the adjudicative process framework, comply with quality oversight measures established by the Executive Agents, and, where applicable, make trust determinations using the whole-person concept.

Adjudicators need to ensure the information on which they base their determination is relevant, timely, and as complete as reasonably necessary to assure fairness to the individual. If needed, adjudicators should request and collect relevant information in accordance with applicable guidance to resolve any outstanding matters necessary for adjudication.

Adjudicators must act ethically. They must treat all individuals undergoing personnel vetting with fairness, dignity, and respect by adhering to legal and ethical requirements, ensure compliance with whistleblower protection statutes that prohibit retaliation against individuals who make protected disclosures, and offer to recuse themselves from adjudicating cases where there may be an actual or perceived conflict of interest.

Finally, adjudicators must properly protect, use, share, transmit, and retain information in accordance with law, regulation, and policy. They should refer adjudicatively relevant information to law enforcement, counterintelligence, insider threat, and other mission partners, in accordance with applicable law, regulation, and policy.

### ***Suitability/Fitness Factors and Considerations***

To make suitability or fitness trust determinations, adjudicators must evaluate investigative results against a specific, defined set of criteria. There are nine

suitability and fitness factors defined in 5 C.F.R. 731, each of which addresses a specific area of concern. These factors include:

1. Misconduct or negligence in employment
2. Criminal conduct
3. Material, intentional false statement, or deception or fraud, in examination or appointment
4. Dishonest conduct
5. Excessive alcohol use, without evidence of rehabilitation, of a nature and duration that suggests the applicant or appointee would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of the applicant, appointee, or others
6. Illegal use of narcotics, drugs, or other controlled substances, without evidence of rehabilitation
7. Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force
8. Any statutory or regulatory bar that prevents the lawful employment of the individual in the position in question
9. Violent conduct

If the investigative results show issues related to any of these factors, then adjudicators analyze issues according to seven additional considerations. Remember, adjudicators must take the whole person into account and weigh all information, both favorable and unfavorable, compiled from a subject's past and present. The seven additional considerations include:

1. The nature of the position for which the person is applying, or in which the person is employed. Does the position relate to the conduct?
2. The nature and seriousness of the conduct. How serious was the conduct? Did it result in injury to people or property?
3. The circumstances surrounding the conduct. What happened and why?
4. The recency of the conduct. How long ago did the incident occur? Did it only happen once or is there a pattern?
5. The age of the person at the time of the conduct. What was the individual's age or life stage when the conduct occurred?



6. Contributing societal conditions. Were peers exhibiting similar behavior (for example, incidents during college years)?
7. And the absence or presence of rehabilitation or efforts toward rehabilitation. Did the individual seek rehabilitation? Was it successful?

Note that these considerations do *not* apply to the suitability and fitness factors that address statutory or regulatory bars to employment.

## Suitability and Fitness Factor Details

### ***Introduction to Suitability/Fitness Factor Details***

As you have learned, the criteria for suitability and fitness determinations were established in 5 C.F.R., part 731, section 202. The OPM Suitability and Fitness Processing Manual – available in your [course resources](#) – provides additional detail for each factor, including the general concern, a discussion of the application of the factor, potential suitability or fitness concerns that may lead to an unfavorable determination, and mitigating conditions.

Let's examine each of the factors in more detail.

### ***Factor 1: Misconduct or Negligence in Employment***

For factor one, misconduct or negligence in employment, the concern is that conduct involving questionable judgment, unreliability, dishonesty, or unwillingness to follow rules or regulations raises questions about whether an individual's employment or continued employment would adversely impact the integrity or efficiency of the service.

This includes misconduct – intentionally doing something wrong in the employer's estimation. Repeated unexcused absences or using a company vehicle to run personal errands while on the clock are examples of misconduct.

This also includes negligence – an act or omission that a reasonable person in the employee's circumstances should know is contrary to the employer's expectations. Being the last to leave and accidentally failing to turn on the security system is an example of negligence.

Note that this factor does not include performance, the inability to perform, failure to complete training, or other qualification issues.

### ***Factor 2: Criminal Conduct***

Factor two, criminal conduct, creates doubt about an individual's judgment, reliability, and trustworthiness and calls into question an individual's willingness to comply with

laws, rules, and regulations. This type of conduct may not promote the efficiency of the service or protect its integrity.

Criminal conduct could include, but is not limited to:

- Offenses involving danger to a person;
- Sexual behavior of a criminal nature;
- Arson, criminal mischief, and other property destruction;
- Offenses involving weapons;
- Theft and related offenses;
- Offenses against public order and decency; and
- Drug and alcohol offenses.

This factor emphasizes the *nature* of the criminal conduct, which may or may not have resulted in arrests, charges, or convictions.

### ***Factor 3: False Statement, Deception, or Fraud***

For factor three – material, intentional, false statement, or deception or fraud in examination or appointment – the concern is providing intentional false statements or engaging in deception or fraud in the competitive hiring process.

Concerning conduct for this factor includes intentionally withholding information or furnishing false information that is capable of influencing decisions about the individual's suitability, qualifications, or other matters related to the appointment process.

Concerning conduct for factor three also includes material, intentional omission of information clearly related to the position sought – for example, a performance discharge from the same type of job, or a conviction for drug use when applying for a job in the medical field.

Finally, materially, intentionally falsifying experience, education, and similar factors that could influence an official employment or appointment decision is a concern under factor 3.

The falsified experience or education does not have to be required for the position to qualify; it only needs to have a natural tendency to influence the decision. Note that in cases like these, OPM retains jurisdiction in competitive service and career Senior Executive Service (SES) positions.

Agencies must refer these cases to OPM for adjudication – or notify OPM, if the agency wants to take or has taken action under another authority, such as 5 C.F.R. part 315, 5 C.F.R. part 359, or 5 C.F.R. part 752.

#### ***Factor 4: Dishonest Conduct***

Factor four, dishonest conduct, creates doubt about an individual's reliability, and trustworthiness and calls into question an individual's willingness to comply with laws, rules, norms, and standards.

This conduct includes deliberate financial irresponsibility with continuing, valid debts of a significant nature. Note that applicants cannot be found unsuitable or unfit solely because they are facing financial difficulties, provided the applicant is making a good-faith effort to meet their financial obligations.

Factor four also covers illegal dishonest activities such as theft, acceptance of a bribe, falsification of claims and business records, perjury, forgery, and so on.

Finally, dishonest conduct includes deliberate lies, fraud, or deceit – on documents other than those related to a position subject to a suitability or fitness determination. Those would be covered by factor three.

#### ***Factor 5: Alcohol Use***

Factor five covers excessive alcohol use without evidence of rehabilitation.

The concern is that an individual's excessive use of alcohol may impact their ability to complete the duties of the job and/or cause them to behave or act in a manner that puts their own safety or the safety of others at risk, thus indicating employment would not promote the efficiency or protect the integrity of the service. Examples of conduct supporting the consideration of this factor include:

- Regular binge or heavy drinking that causes trouble in the individual's personal or professional life;
- A pattern of alcohol-related arrests' and
- Write-ups, counseling, or other disciplinary actions that clearly stem from problems in employment related to alcohol use.

#### ***Factor 6: Narcotics, Drugs, or Other Controlled Substances***

Factor six covers the illegal use of narcotics, drugs, or other controlled substances, without evidence of rehabilitation. Illegally using drugs or other controlled substances raises questions about an individual's reliability and trustworthiness and/or their willingness to comply with laws, rules, and regulations, thus indicating

their employment would not promote the efficiency or protect the integrity of the service. Conduct that may warrant a determination of unsuitable or unfit under this factor includes:

- Testing positive for drugs without a medically acceptable reason for doing so;
- Failure to successfully complete a drug treatment program;
- Expressed intent to continue illegally using drugs;
- A pattern of drug-related arrests; and
- Write-ups, counseling, or other disciplinary actions that clearly stem from problems in employment related to drug use.

### ***Factor 7: Activity Designed to Overthrow the U.S. Government by Force***

Factor seven is the knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force. All Federal employees must be loyal to the United States.

To qualify as knowing and willful engagement, disqualifying acts under this factor must be overt, defined illegal acts, disqualifying advocacy must be the incitement or indoctrination to commit defined illegal acts, and disqualifying association requires the individual to know of the organization's unlawful goals. Disqualifying association requires the individual be an active member of the organization, or to have the specific intent to further its unlawful goals. Note that membership in organizations, alone, is not disqualifying.

If a case involves evidence of conduct falling within this factor, OPM retains jurisdiction to make suitability determinations and take suitability actions for competitive service positions, positions in the excepted service that may noncompetitively convert to the competitive service, and career appointments to the SES. Agencies must refer these cases to OPM for adjudication, or provide required notification to OPM, if the agency wants to take, or has taken, action under another authority.

### ***Factor 8: Statutory/Regulatory Bar***

Factor eight covers any statutory or regulatory bar that prevents the lawful employment of the individual in the position in question.

Federal statutes and/or regulations may prevent lawful employment. Depending on the specific regulation, statutory and regulatory debarments can apply to general employment with the Government, specific positions within the Government, or performance of particular duties within the Government.

Examples of general Government employment bars include a previous Federal employee who participated in a strike against the government, or an individual barred for failing to register for the Selective Service. Some bars may be position or duty specific. For example, an individual who has been convicted of certain crimes or domestic violence may be barred from positions that require employees carry a gun or possess ammunition.

### ***Factor 9: Violent Conduct***

The final factor, factor nine, covers violent conduct – in other words, using or involving physical force intended to hurt, damage, or kill someone or something.

Generally, this factor accounts for violent behavior that does not fall squarely under another factor. It includes violent conduct that occurs outside of the workplace or that may not be considered criminal or dishonest in nature.

For this factor, the primary emphasis is on the nature of the violent conduct. Even if the behavior is not actually criminal, disqualifying violent conduct is not socially acceptable or otherwise legal. This includes spousal abuse that led to a protection from abuse order, even if there were no criminal charges, and physical fights or use of excessive force or brutality against others.

## **Making and Recording the Trust Determination**

### ***Adjudicative Outcomes***

Adjudications result in a few potential outcomes. Favorable suitability or fitness trust determinations may be clean, with no disqualifying adverse information, or there may be derogatory information that was identified but can be mitigated. When this is the case, adjudicators may issue a Letter of Advisement, noting that any future problems in an area of concern may negatively affect future suitability or fitness determinations. Adjudicators will make *unfavorable* suitability or fitness trust determinations and declare the individual unsuitable or unfit when significant disqualifying adverse information is identified and cannot be mitigated. This results in a suitability or fitness action.

All adjudicative outcomes are reported to OPM and documented within the appropriate Federal personnel vetting record.

### ***Federal Personnel Vetting Record***

All personnel vetting-related information maintained on an individual, including investigations, adjudicative information, and vetting actions, must be recorded and maintained in government-wide repositories and agency internal records. Accurate,

timely, centralized reporting is critical to the efficiency of the civil service. It is key to transfer of trust and ensures that information is available to other agencies.

According to 5 C.F.R. 731.206, D/As must report the following to the Central Verification System (CVS) or its successor:

- The level or nature, result, and completion date of each background investigation, reinvestigation, or enrollment in continuous vetting;
- Each agency decision based on such investigation, reinvestigation, or continuous vetting; and
- And any personnel action taken based on such investigation or reinvestigation, as required in supplemental guidance.

### ***Timeliness Requirements***

Information must be reported to centralized systems in a *timely* manner. 5 C.F.R. section 731.203 establishes timeliness expectations for reporting suitability actions and OPM and ODNI have also established timeliness measures via the Trusted Workforce 2.0 Performance Management Standards, and subordinate documents.

D/As must report unfavorable suitability actions to CVS, or its successor, within 30 days after taking the action – and no later than 90 days after receipt of the final report of investigation if the suitability determination was based on an investigation.

## **Review Activities**

### ***Knowledge Check 1***

Now, consider another case that you've been working on.

Chris Long is a Federal civilian assigned to a new department in your agency. This is a Non-Sensitive/Moderate-Risk Public Trust position with no national security sensitivity. All required information was collected by the ISP and compiled into an ROI.

What happens after the ROI is complete?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ The DCSA AVS adjudicator determines if a favorable trust determination may be made

- ☐ The case is transferred to the Component Adjudicator at the employing component/agency (TOJ)
- ☐ The case is referred to OPM
- ☐ The case is determined favorable

**Knowledge Check 2**

The DCSA AVS adjudicator was NOT able to make a favorable determination on Mr. Long's case. The investigation revealed that Mr. Long was terminated 18 months ago from his previous position as a software engineer. The cause was cited as frequent lateness, absenteeism, and a physical fight against his supervisor. Which suitability/fitness factors apply in this case?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Factor 1: Misconduct or negligence in employment
- ☐ Factor 2: Criminal conduct
- ☐ Factor 3: False statement, deception, or fraud
- ☐ Factor 4: Dishonest conduct
- ☐ Factor 5: Alcohol use
- ☐ Factor 6: Narcotics, drugs, or other controlled substances
- ☐ Factor 7: Activity designed to overthrow the U.S. Government by force
- ☐ Factor 8: Statutory/regulatory bar
- ☐ Factor 9: Violent conduct

**Knowledge Check 3**

Because the DCSA AVS adjudicator was not able to make a favorable suitability trust determination, Mr. Long's case was transferred to the component adjudicator. Which of the following are the component adjudicator's responsibilities in Mr. Long's case?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Adhere to the adjudicative process framework
- ☐ Apply the whole person concept
- ☐ Request/collect additional information
- ☐ Adhere to legal/ethical requirements

**Knowledge Check 4**

Your agency collects additional information regarding Mr. Long's lateness and absenteeism, and finds that 18 months ago his infant twins were hospitalized following a severe respiratory infection. They have since made a full recovery and he has had no issues with lateness and absenteeism in his new position. The physical fight was actually a verbal altercation between Mr. Long and his supervisor where things got heated. No excessive force or brutality was used. This was an isolated incident. Which of the additional considerations applies to the potentially mitigating information in Mr. Long's case?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ The nature of the position for which the person is applying, or in which the person is employed
- ☐ The nature and seriousness of the conduct
- ☐ The circumstances surrounding the conduct
- ☐ The recency of the conduct
- ☐ The age of the person at the time of conduct
- ☐ Contributing societal conditions

**Knowledge Check 5**

Mr. Long was fired due to lateness, absenteeism, and a verbal altercation with his supervisor. However, the issue occurred while his children were hospitalized and has not recurred. Should Mr. Long be determined suitable to perform work on behalf of the Government?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Yes
- ☐ No

**Knowledge Check 6**

A favorable determination may be made in Mr. Long's case. What must happen next?

*Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Report the outcome to CVS



- ☐ Update your internal agency records
- ☐ Initiate a suitability action
- ☐ Refer to OPM for government-wide debarment

## Conclusion

### ***Lesson Summary***

You have completed the *Suitability and Fitness Adjudications* lesson.

## ***Lesson 7: Post-Adjudication***

---

### **Introduction**

#### ***Lesson Overview***

Welcome to the *Post-Adjudication* lesson.

Even after a suitability or fitness trust determination has been made, there are still several elements of the personnel vetting process to carry out. Recall that Personnel Vetting Engagement, Information Sharing, and updating the Federal Personnel Vetting Record occur throughout all four main process steps. As a security practitioner, you should be aware of potential suitability and fitness actions and steps, security review proceedings, or SRP, and your role and responsibility during that process. You should also be aware of the purpose and benefits of continuous vetting, or CV, including the importance of reporting requirements.

Take a moment to review the lesson objectives.

- Given a scenario, describe potential suitability and fitness actions and explain the steps in the process.
- Identify the role of the Merit Systems Protection Board (MSPB) in suitability/fitness security review proceedings (SRP).
- Describe the purpose and benefits of continuous vetting as a key part of personnel vetting for suitability and fitness.
- Given a scenario, describe suitability/fitness reporting requirements and steps.

### **Suitability Actions and Security Review Proceedings**

#### ***Potential Suitability Actions***

Under 5 C.F.R. 731, a suitability action is an outcome taken against an individual when there is an unfavorable suitability determination. Potential suitability actions include:

- Cancellation of eligibility, which applies to applicants and means the individual is ineligible to hold the position to which they applied;

- Removal from employment, which applies to appointees and employees and requires that the individual be removed from Federal service; and
- Cancellation of reinstatement eligibility, which applies to applicants for reemployment whose reinstatement eligibility was earned through a fraudulent appointment.
- Finally, debarment applies to anyone adjudicated for suitability – applicant, appointee, or employee. Debarment may be imposed by the Office of Personnel Management (OPM) by the DOD, or by the agency or component.

Remember – suitability is independent of job qualification. An individual may be found suitable for employment but still not be selected for the job. Further investigation of an individual's qualifications may result in the withdrawal of a job offer, but non-selection or withdrawal of a job offer is *not* a suitability action.

### ***OPM and Agency Responsibilities***

Both OPM and the agency or component are authorized to take suitability actions on positions subject to investigation under 5 CFR Part 731.

OPM is authorized to take suitability actions against applicants and employees based on *any* of the suitability factors. OPM is authorized to take suitability action against *employees* who are found unsuitable due to: factor 3, material intentional false statements, deception, or fraud in examination or appointment; factor 7, knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force; and factor 8, any statutory or regulatory bar that prevents the lawful employment of the individual in the position in question. OPM may take action to cancel eligibilities, including reinstatement eligibilities, direct the removal of the individual, and impose a government-wide debarment.

Agencies or components are authorized to take suitability actions against applicants and appointees only, not employees. They have no authority to take suitability action under factors 3, 7, and 8, as those factors must be referred to OPM. Agencies or components also cannot impose a government-wide debarment by OPM. However, agencies may take action to cancel eligibilities, remove the individual, and impose an agency-specific debarment.

### ***Proposed Action Process***

If adjudicative authority was redelegated to the component from the agency, then the component adjudicator may process the proposed suitability actions.

Every suitability action begins with the Notice of Proposed Action. This notice must be in writing, must detail the charges, and must advise the individual of their rights. The individual is afforded a defined period of time to answer the notice, then the agency or OPM, as appropriate, issues a final suitability decision.

### **Notice of Proposed Action**

The Notice of Proposed Action must be in writing, must detail the charges, and must advise the individual of their rights, including their right to review materials, their 30-day response window, and their right to representation. The notice of proposed action must give 30 days notice. If the notice of proposed action is issued by OPM, a copy must be sent to the employing agency or component.

Note that employees and appointees may remain on payroll during the notice period.

### **Answer to Notice**

The individual is afforded time to answer the notice of proposed action. Their answer must be in writing, may include supporting documentation, and must be submitted within 30 days. When responding to OPM, the answer may be submitted by either the individual or employing agency or component.

### **Final Decision**

Either the agency or OPM, as appropriate, issues the final suitability decision. This final decision must be in writing, must be dated, must provide the reasons for the decision, and must advise the individual of their rights to appeal the decision. If the final decision involves removal, then removal must occur within five days.

## ***Security Review Proceedings***

As you just learned, even after the final decision, individuals have the right to appeal the suitability action. They may do this through a process of Security Review Proceedings (SRP), previously referred to as Due Process and Appeals. SRP apply across the Federal Personnel Vetting Program, and reflect existing rights for applicants and employees. For suitability, 5 CFR 731 grants individuals the right to appeal final suitability decisions to the Merit Systems Protection Board (MSPB).

The MSPB does *not* adjudicate the case and issue a new decision. Instead, it reviews the case file and determines whether the original charges are sustainable. If the MSPB finds that charges are sustainable, it will affirm the original determination. If, however, the MSPB finds that charges are *not* sustainable, then it will remand the case back to the agency or component that issued the original suitability

determination for review. The MSPB decision is final, and the individual has no further right to appeal to the MSPB. Any further appeals must go through the court system.

### **MSPB**

The MSPB is an independent, quasi-judicial agency incorporated within the Executive Branch. It ensures that Federal civil servants are hired and retained based on merit, conducts special studies of the merit systems, hears and decides charges of wrongdoing and employment appeals of adverse agency actions, and orders corrective disciplinary actions against an executive agency or employee when appropriate.

## **Fitness Actions and Outcome Appeals**

### ***Potential Fitness Actions***

As with suitability for covered positions, fitness determinations may find individuals unfit for employment in the excepted service, as a contractor or in Non-appropriated Fund (NAF) positions.

Components may take fitness actions following an unfavorable determination. These actions include: rescinding a tentative offer of employment; non-selection; assignment to another position, when the employee does not meet fitness requirements specific to a particular position but does meet basic fitness requirements; and debarment.

Note that in some cases fitness determinations for excepted service positions follow the suitability process, and others follow component-specific procedures.

### ***Fitness Outcome Procedural Requirements***

While the hiring process continues in cases with favorable fitness determinations, additional steps often are necessary to process cases with unfavorable trust determinations.

In the DOD, components retain responsibility for fitness. Although 5 CFR 731 does not officially apply to fitness actions, notifying a non-covered individual of an unfavorable fitness determination is encouraged. Components are also encouraged to consider the procedural requirements in 5 CFR 731 when developing component-specific guidance on fitness and appeals.

Fitness determinations and actions must be reported to OPM.

### ***Fitness Outcome Appeals***

Fitness actions do not fall under a specific Federal or DOD appeal process. However, DOD components are encouraged to establish procedures that provide security review proceedings or due process to personnel who receive an unfavorable fitness trust determination. The appeal process for suitability actions can provide useful ideas for the elements of a fitness appeals process.

The body to which an appeal is made will not be the MSPB, however, as fitness positions do not fall under its jurisdiction. Contractors may be able to appeal fitness decisions to the Defense Office of Hearings and Appeals (DOHA). Appeals for NAF employees are handled in accordance with their component's administrative grievance policies and procedures, or with a negotiated grievance process. Please check with your component suitability representative for guidance on appeals not handled by MSPB.

## **Continuous Vetting**

### ***Continuous Vetting Overview***

Continuous Vetting (CV) for the Non-Sensitive Public Trust (NSPT) population is part of the Trusted Workforce 2.0 whole-of-government personnel vetting reform effort led by the Security, Suitability, and Credentialing (SSC) Performance Accountability Council (PAC) that is overhauling the personnel vetting process.

CV is an ongoing, and often automated, determination of an individual's potential risk to people, property, information, and mission. CV replaces five- and ten-year periodic re-investigations with regular reviews of vetted individuals' backgrounds to ensure they continue to meet suitability, fitness, and other eligibility requirements. It assesses risk in near real-time to provide insight into trusted insider behavior by conducting regular automated checks. CV sources include:

- Automated records checks, such as eligibility, terrorism, criminal activity, foreign travel, financial activity, credit bureau, and public records checks;
- Agency-specific records such as insider threat programs, security violation and infraction incidents, and self-reported information; and
- Event- or time-driven investigative work – for example, local law enforcement or interviews with the individual.

When CV triggers an alert, agencies will use the suitability and fitness criteria in 5 C.F.R. part 731 and the accompanying implementing guidance, to adjudicate the alert.

## ***Benefits of CV***

There are several advantages of continuous vetting. CV promotes the timely detection of behaviors of concern, allowing agencies to implement remediation activities to address potential issues. CV also provides an opportunity to offer individuals support – for example, through an Employee Assistance Program (EAP) – *before* a potential problem escalates and results in an adverse event or adjudicative action. Finally, CV supports workforce mobility by keeping an individual's vetting current and reducing the investigative work needed for upgrades, transfer of trust, or reestablishment of trust.

## ***CV Requirement and Guidance***

Agencies must enroll each individual in the appropriate continuous vetting capability for the corresponding investigative tier based on the position designation. 5 C.F.R. section 731.106(d) establishes the requirement for continuous vetting for individuals occupying Non-Sensitive/ Moderate and High-Risk Public Trust positions. Other vetting policies, including the Federal Personnel Vetting Investigative Standards, and the Performance Management Standards and implementing guidance, specify conditions and requirements for continuous vetting enrollment.

For DOD, DCSA initiated a phased implementation of CV services for the NSPT in 2024. Individuals in non-sensitive public trust positions must have completed an investigative form like the SF-85P, version 2017 or later, and/or the SF-86, version 2016 or later, within the last five years. These versions of the investigative forms contain the necessary consents for enrollment into CV.

This phased implementation aims to provide full enrollment capability for customer agencies to support TW 2.0 full implementation. Once fully implemented, all customer agencies will be able to enroll their NSPT populations into CV for alert management, real time threat analysis, and reporting. Agencies will enroll their employees based on internal adoption plans.

## ***CV Reporting Requirements***

Federal Personnel Vetting Management Standards - Appendix C: Reporting Requirements for the Continuous Vetting of the Trusted Workforce specifies reporting requirements as a key part of CV.

Trusted insiders may encounter life events that would change a response previously provided on the Personnel Vetting Questionnaire (PVQ) –also known as, their investigative form. When such a life event occurs, individuals must report the change in the appropriate system or systems, designated by the executive agents for self-reporting. The specific sections and questions of the PVQ that an individual is

required to update when a change occurs is determined by the risk and sensitivity level of their position.

Note that prompt updates are required. To be considered prompt, individuals must report the information within three business days of the life event unless prevented from doing so by exceptional circumstances. Individuals may be required to report certain information in advance of the event – for example, foreign travel. In such instances, individuals must adhere to department or agency, or D/A-specific guidance and procedures for reporting. When advance reporting is required, individuals must still report the relevant information in the PVQ using the EA's designated self-reporting system(s) after the event.

D/As must notify all individuals subject to vetting who have received a trust determination of their reporting obligations, commensurate with their position's risk and sensitivity level. The tables in Federal Personnel Vetting Management Standards - Appendix C list the *minimum reporting requirements* for each population based on risk level and sensitivity.

### **Appendix C: Reporting Requirements**

The tables in Federal Personnel Vetting Management Standards - Appendix C list the minimum reporting requirements for each population based on risk level and sensitivity. These tables detail the parts of the PVQ that require prompt updates. The table for Moderate and High Risk positions for individuals in non-sensitive positions begin on page 8. A copy of the Federal Personnel Vetting Management Standards - Appendix C is available in your [course resources](#).

## **Review Activities**

### ***Knowledge Check 1***

Now, consider another case that you've been working on.

Denise Jones is an applicant for a covered position in Federal competitive service. The position has been designated as Non-Sensitive/Moderate Risk Public Trust, with no national security sensitivity. Ms. Jones is new to Federal Government service. Unfortunately, Ms. Jones' ROI indicated well-substantiated ongoing excessive alcohol use concerns, including several DUIs and a refusal to seek treatment. This will result in an unfavorable suitability trust determination.

Which of the following suitability actions can your agency take in response to Ms. Jones' unfavorable adjudication due to Factor 5: Excessive Alcohol Use?



*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Cancellation of eligibility
- ☐ Removal from employment
- ☐ Cancellation of reinstatement of eligibility
- ☐ Government-wide debarment

### **Knowledge Check 2**

To cancel Ms. Jones' eligibility, you need to send a Notice of Proposed Action.

Which of the following are requirements for a Notice of Proposed Action?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Be in writing
- ☐ Include personal contact information
- ☐ Detail the charges
- ☐ Advise the individual of rights
- ☐ Give 30 days notice
- ☐ Give 60 days notice

### **Knowledge Check 3**

What will happen if, after the Final Decision, Ms. Jones decides to appeal her case to the MSPB?

Which of the following describes MSPB responsibilities during SRP?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ Re-adjudicate the case and provide a new determination
- ☐ Determine if the original charges are sustainable
- ☐ Notify the individual of her right to ongoing security reviews
- ☐ Open a new investigation

**Knowledge Check 4**

Finally, consider one last employee.

Ellis Navaro is a current employee in a Non- Sensitive/High-Risk Public Trust position with no national security sensitivity. There are no changes to his employment.

Which of the following are benefits of enrolling Mr. Navarro in continuous vetting?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Provides ongoing risk assessment in near real-time
- ☐ Offers employees support before situations escalate
- ☐ Promotes workforce mobility
- ☐ Promotes timely detection of concerning behaviors

**Knowledge Check 5**

Which of the following describe reporting requirements for individuals enrolled in CV?

*Select all that apply. Check your answers in the Answer Key at the end of this Student Guide.*

- ☐ Use the EA designated system(s) to report information
- ☐ Report all information, regardless of position risk/sensitivity
- ☐ Update information promptly (within 3 days)
- ☐ When required, report life events in advance

**Conclusion****Lesson Summary**

You have completed the *Post-Adjudication* lesson.

## Lesson 8: Course Conclusion

---

### Conclusion

#### **Course Review**

This course provided an overview of the elements of Federal Personnel Vetting that support the suitability and fitness process, including pre-investigation requirements, such as position designation, determining previous vetting, vetting questionnaire, screening, and preliminary determinations; investigations; adjudications; and post-adjudication activities, including security review proceedings and continuous vetting. You also learned the importance of information sharing, personnel vetting engagement, and the Federal personnel vetting record.

Understanding this process will help support you as you carry out your security practitioner responsibilities for suitability and fitness. A course job aid is available in the [course resources](#).

#### **Course Summary**

Congratulations! You have completed the *Introduction to Suitability and Fitness for Security Practitioners* course.

You should now be able to perform all of the listed activities.

- Describe the purpose of suitability and fitness in the context of the Federal Personnel Vetting Program.
- Explain structure, roles, and key systems used in suitability and fitness.
- Apply required pre-investigation steps of the suitability/fitness process.
- Describe key elements of suitability/fitness investigations, including investigative tiers and standards of evidence.
- Apply the suitability and fitness factors and additional considerations to determine the likely results of a suitability/fitness adjudication.
- Explain what happens after a suitability or fitness adjudication is complete, including continuous vetting, reporting requirements, suitability and fitness actions, and security review proceedings.

To receive course credit, you must take the *Introduction to Suitability and Fitness for Security Practitioners* examination. If you accessed the course through the Security

Training, Education, and Professionalization Portal (STEPP), please use that system to access the online exam.

## Appendix A: Answer Key

---

### Lesson 2 Review Activities

#### **Knowledge Check 1**

As a security practitioner, where would you locate suitability/fitness implementation guidance for the DOD?

- ☐ Title 5 U.S.C. 1103
- ☐ E.O. 13488
- ☒ DODI 1400.25, Volume 731 (correct response)
- ☒ Suitability and Fitness Processing Manual (correct response)

**Feedback:** *DODI 1400.25, Volume 731, and the Suitability and Fitness Processing Manual are both sources of implementation guidance for DOD Suitability and Fitness.*

#### **Knowledge Check 2**

Which of the following describes the correct order of operations for trust determinations, assuming all apply?

- ☐ National Security → Suitability/Fitness → Credentialing
- ☒ Suitability/Fitness → National Security → Credentialing (correct response)
- ☐ Credentialing → National Security → Suitability/Fitness
- ☐ National Security → Credentialing → Suitability/Fitness

**Feedback:** *According to the adjudicative process framework order of operations, suitability/fitness trust determinations occur first if applicable, followed by national security determinations, if applicable, and finally credentialing determinations, if needed.*

#### **Knowledge Check 3**

Consider Andrew Johnson. He is an applicant for a covered position in Federal competitive service. The position has been designated as a Non-Sensitive/Moderate-Risk Public Trust, with no National security sensitivity. Mr. Johnson is new to Federal Government service.

Which applies to Mr. Johnson, Suitability or Fitness?

- ☒ Suitability (correct response)

- ☐ Fitness

**Feedback:** Suitability applies to applicants, appointees, and employees in covered positions.

#### **Knowledge Check 4**

Mr. Johnson is new to Federal Government service and not previously been vetted. Which of the personnel vetting scenarios applies?

- ☒ Initial Vetting (correct response)
- ☐ Continuous Vetting
- ☐ Upgrade
- ☐ Transfer of Trust
- ☐ Re-establishment of Trust

**Feedback:** Initial vetting establishes trust with a new individual.

#### **Knowledge Check 5**

The position has been designated as Non-Sensitive/ Moderate-Risk Public Trust, with no National security sensitivity. Which of the Federal Personnel Vetting Investigative Standards applies?

- ☐ Low Tier (LT)
- ☒ Medium Tier (MT) (correct response)
- ☐ High Tier (HT)

**Feedback:** A Non-Sensitive/ Moderate-Risk Public Trust position with no National security sensitivity will require an MT investigation.

### **Lesson 3 Review Activities**

#### **Knowledge Check 1**

What is the next step needed to complete Andrew Johnson's suitability determination? Note that the position has already been designated and Mr. Johnson has not been previously vetted.

- ☐ The investigative service provider forwards results to AVS for adjudication
- ☐ You enroll Mr. Johnson in continuous vetting
- ☐ Your agency initiates security review proceedings
- ☒ Mr. Johnson completes the appropriate vetting questionnaire (correct response)

**Feedback:** Once the position has been designated and the security practitioner determines the individual's previous vetting status, the individual must complete the appropriate vetting questionnaire.

### **Knowledge Check 2**

Which of the following systems will Mr. Johnson use to provide information for his background investigation?

- ☐ Position Designation Tool (PDT)
- ☒ Electronic Application (eApp) (correct response)
- ☐ Central Verification System (CVS)
- ☐ Defense Information System for Security (DISS)

**Feedback:** Individuals enter personal information directly into eApp to complete the necessary vetting questionnaire.

### **Knowledge Check 3**

Which of the following systems should you check to determine Ms. Kirby's previous vetting?

- ☐ Position Designation Tool (PDT)
- ☐ Electronic Application (eApp)
- ☒ Central Verification System (CVS) (correct response)
- ☐ Personnel Investigations Processing System (PIPS)

**Feedback:** CVS stores information on investigations and adjudications and is key to ensuring reciprocity.

### **Knowledge Check 4**

Which of the following are OPM responsibilities during the suitability and fitness process, and not the responsibility of the D/A?

- ☒ Adjudicate cases involving material, intentional false statement, deception or fraud in examination or appointment, or evidence of a refusal to furnish testimony (correct response)
- ☐ Enroll individuals in CV
- ☒ Issue government-wide debarments (correct response)
- ☒ Establish minimum standards of fitness for excepted service positions (correct response)
- ☐ Initiate the investigation

**Feedback:** OPM adjudicates cases involving material, intentional false statement, deception or fraud in examination or appointment, or evidence of a refusal to furnish testimony. OPM also issues government-wide debarments, and establishes minimum standards of fitness for excepted service positions. D/As enroll individuals in CV and initiate the investigation.

## Lesson 4 Review Activities

### Knowledge Check 1

Which of the following factors go into the determination of position designation?

- ☒ Position Sensitivity (correct response)
- ☒ Position Risk (correct response)
- ☒ Supervision/Program Scope (correct response)
- ☐ Position Grade (GS)

**Feedback:** To determine the position designation, the PDS considers Position Sensitivity, Position Risk, and Supervision/Program Scope.

### Knowledge Check 2

Your organization determined that the position Bethany Kirby is applying for is designated as Non-Sensitive/High-Risk Public Trust, with no National Security sensitivity.

Which of the following steps do you need to take to submit Bethany's investigation application to the Investigative Service Provider (ISP)?

- ☒ Check for prior investigations (correct response)
- ☒ Ensure she has no suspensions/holds (correct response)
- ☒ Review her eApp for completeness (correct response)
- ☒ Screen her application for suitability/fitness issues (correct response)

**Feedback:** All of these steps are required to initiate Bethany's investigation.

### Knowledge Check 3

While verifying Ms. Kirby's education history as part of screening for suitability you find that the university has no record of her degree completion. What is your next step?

- ☐ Proceed with the investigation
- ☒ Collect additional information (correct response)



- ☐ Withdraw the offer of employment
- ☐ Refer the case to OPM

**Feedback:** Before making a determination, you will need to collect additional information.

## Lesson 5 Review Activities

### Knowledge Check 1

Which of the following are evidence sources that may be leveraged during Mr. Johnson's investigation?

- ☒ Agency checks (correct response)
- ☒ Credit checks (correct response)
- ☒ Law enforcement checks (correct response)
- ☒ Written inquiries (correct response)
- ☒ Record searches (correct response)
- ☒ Testimonies (correct response)

**Feedback:** All of these are potential sources of evidence in an investigation.

### Knowledge Check 2

One phone call to Ms. Kirby's university indicates there is no record of her degree completion. In the absence of additional information, does this evidence meet the required standards to prove that Ms. Kirby intentionally falsified her degree?

- ☐ Yes, the source is reliable
- ☐ Yes, there is a preponderance of evidence
- ☐ No, the university might be lying
- ☒ No, the evidence does not establish conduct, and the government bears the burden of proof (correct response)

**Feedback:** The evidence does not establish the conduct – that Ms. Kirby falsified her educational history. The government bears the burden of proof.

**Knowledge Check 3**

Why are standards of evidence important for suitability/fitness?

*Select the best response. Check your answer in the Answer Key at the end of this Student Guide.*

- ☐ They ensure investigations are completed quickly, regardless of the quality of the information.
- ☐ They guarantee that every claim will be accepted if it sounds reasonable.
- ☒ They ensure evidence will hold up under scrutiny in the case of an appeal. (correct response)
- ☐ They remove the burdensome need for documentation.

**Feedback:** *Evidence standards ensure evidence will hold up under scrutiny in the case of an appeal.*

**Lesson 6 Review Activities****Knowledge Check 1**

What happens after the ROI is complete?

- ☐ The DCSA AVS adjudicator determines if a favorable trust determination may be made
- ☒ The case is transferred to the Component Adjudicator at the employing component/agency (TOJ) (correct response)
- ☐ The case is referred to OPM
- ☐ The case is determined favorable

**Feedback:** *Once all required information has been collected into an ROI, DCSA AVS adjudicator reviews and assesses the information to make a suitability trust determination.*

**Knowledge Check 2**

Mr. Long's investigation revealed that he was terminated 18 months prior. The cause was cited as frequent lateness and absenteeism. Mr. Long was also involved in a physical fight against his supervisor. Which suitability/fitness factors apply in this case?

- ☒ Factor 1: Misconduct or negligence in employment (correct response)
- ☐ Factor 2: Criminal conduct
- ☐ Factor 3: False statement, deception, or fraud

- ☐ Factor 4: Dishonest conduct
- ☐ Factor 5: Alcohol use
- ☐ Factor 6: Narcotics, drugs, or other controlled substances
- ☐ Factor 7: Activity designed to overthrow the U.S. Government by force
- ☐ Factor 8: Statutory/regulatory bar
- ☒ Factor 9: Violent conduct (correct response)

**Feedback:** *Lateness and absenteeism fall under Factor 1: Misconduct or negligence in employment, and the physical fight falls under Factor 9: Violent behavior.*

### **Knowledge Check 3**

Which of the following are the component adjudicator's responsibilities in Mr. Long's case?

- ☒ Adhere to the adjudicative process framework (correct response)
- ☒ Apply the whole person concept (correct response)
- ☒ Request/collect additional information (correct response)
- ☒ Adhere to legal/ethical requirements (correct response))

**Feedback:** *All of these are important component adjudicator responsibilities.*

### **Knowledge Check 4**

The investigation reveals that Mr. Long's lateness and absenteeism occurred while his children were hospitalized. Do any of the following additional considerations apply?

- ☐ The nature of the position for which the person is applying, or in which the person is employed
- ☒ The nature and seriousness of the conduct (correct response)
- ☒ The circumstances surrounding the conduct (correct response)
- ☐ The recency of the conduct
- ☐ The age of the person at the time of conduct
- ☐ Contributing societal conditions

**Feedback:** *The circumstances surrounding the conduct and the nature/seriousness of the conduct may mitigate the concern.*

**Knowledge Check 5**

Mr. Long was fired due to lateness, absenteeism, and a verbal altercation with his supervisor. However, the issue occurred while his children were hospitalized and has not recurred. Should Mr. Long be determined suitable to perform work on behalf of the Government?

- ☒ Yes (correct response)
- ☐ No

**Feedback:** *The concern can be mitigated so Mr. Long can be determined suitable for Federal employment.*

**Knowledge Check 6**

A favorable determination may be made in Mr. Long's case. What must happen next?

- ☒ Report the outcome to CVS (correct response)
- ☒ Update your internal agency records (correct response)
- ☐ Initiate a suitability action
- ☐ Refer to OPM for government-wide debarment

**Feedback:** *Next steps following a favorable suitability trust determination include reporting the outcome in CVS and updating internal agency records.*

**Lesson 7 Review Activities****Knowledge Check 1**

Which of the following suitability actions can your agency take in response to Ms. Jones' unfavorable adjudication due to Factor 5: Excessive Alcohol Use?

- ☒ Cancellation of eligibility (correct response)
- ☐ Removal from employment
- ☐ Cancellation of reinstatement of eligibility
- ☐ Government-wide debarment

**Feedback:** *Agencies are authorized to cancel eligibility for appointees for Factor 5.*

**Knowledge Check 2**

Which of the following are requirements for a Notice of Proposed Action?

- ☒ Be in writing (correct response)

- ☐ Include personal contact information
- ☒ Detail the charges (correct response)
- ☒ Advise the individual of rights (correct response)
- ☒ Give 30 days notice (correct response)
- ☐ Give 60 days notice

**Feedback:** A Notice of Proposed Action must be in writing, detail the charges, advise the individual of their rights, and give 30 days notice.

### Knowledge Check 3

Which of the following describes MSPB responsibilities during SRP?

- ☐ Re-adjudicate the case and provide a new determination
- ☒ Determine if the original charges are sustainable (correct response)
- ☐ Notify the individual of her right to ongoing security reviews
- ☐ Open a new investigation

**Feedback:** The MSPB determines if the original charges are sustainable or if they must be remanded to the agency for review.

### Knowledge Check 4

Which of the following are benefits of continuous vetting?

- ☒ Provides ongoing risk assessment in near real-time (correct response)
- ☒ Offers employees support before situations escalate (correct response)
- ☒ Promotes workforce mobility (correct response)
- ☒ Promotes timely detection of concerning behaviors (correct response)

**Feedback:** All of these are benefits of CV.

### Knowledge Check 5

Which of the following describe reporting requirements for individuals enrolled in CV?

- ☒ Use the EA designated system(s) to report information (correct response)
- ☐ Report all information, regardless of position risk/sensitivity
- ☒ Update information promptly (within 3 days) (correct response)
- ☒ When required, report life events in advance (correct response)

***Feedback:*** Individuals enrolled in CV should use the EAs designated system(s) to report information. They must update information promptly (within 3 days), and, when required, report life events in advance. Specific update requirements depend on the position risk/sensitivity.