

# Reciprocity in the Personnel Security Program

## Introduction

Welcome to Reciprocity in the Personnel Security Program! This short learning topic addresses policies regarding Reciprocity requirement in Personnel Security Program or PSP, and the role it plays in managing a trusted workforce.

If you are an individual who has been granted eligibility for access to classified information or who holds a sensitive position, it is important to be familiar with reciprocal acceptance of background investigations and national security adjudications.

## Course Objective

Take a moment to review the course learning objective.

- Given the instructional material, the learner will be able to recognize the purpose and requirement for reciprocity in the Personnel Security Program.

## Overview

The Director of National Intelligence issued the Security Executive Agent Directive 7 or SEAD 7 establishing requirements for reciprocal acceptance of background investigations and national security adjudications for initial or continued eligibility for access to classified information or eligibility to hold a sensitive position.

This Directive applies to any executive branch agency, authorized investigative agency, and any authorized adjudicative agency.

Reciprocity of national security eligibility is based on three components;

- 1) The acknowledgement and acceptance of an existing background investigation conducted by an authorized investigative agency;
- 2) The acceptance of a national security eligibility adjudication determined by an authorized adjudicative agency; and
- 3) The acceptance of an active national security eligibility determination granted by an executive branch agency.

Now let us learn more about how reciprocity works. Let's look at 3 examples;

## Examples

Alice is a federal employee changing jobs within the Department of Defense.

Will her SECRET eligibility transfer with her?

Now consider Frank.

Frank is retiring from the Navy after a long career and is going to work for the State Department.

Will the State Department accept his TOP SECRET eligibility?

What about Jane?

Jane just left her position at a defense contractor and is about to start a new position as a federal civilian employee in the DOD.

Will she retain her TOP SECRET eligibility?

The answer to all of these questions is yes!

As long as Alice, Frank, and Jane have favorably adjudicated investigations that meet the scope and standards of their new positions, then reciprocity will apply.

In fact, all federal agencies that grant eligibility to classified information must recognize and accept background investigations and national security adjudications carried out by other branches of the federal government – provided those background investigations meet the scope and standards required for the new position.

Reciprocity applies to all civilian employees of the federal government, members of the military, and contractors.

Not only is reciprocity required by government policy, but it can save significant time and money.

Because of reciprocity, Alice, Frank, and Jane will be able to start their new jobs right away, and their new agencies won't waste taxpayer dollars carrying out costly and unnecessary investigations.

## Regulatory Requirements

Remember, reciprocity is not just a suggestion – it is a requirement outlined in numerous government policies including several Executive Orders, the Intelligence Reform and Terrorism Prevention Act of 2004, Executive Order 13467 and Security Executive Agent Directive 7: “Reciprocity of Background Investigations and National Security Adjudications,” and other policy guidance.

- E.O. 12968 “Access To Classified Information”
  - Defines conditions where reciprocity must be practiced and conditions that allow for the denial of reciprocity
- IRTPA Intelligence Reform and Terrorism Prevention Act of
  - Establishes guidelines for reciprocity and requires reciprocity between government agencies
- E.O. 13467
  - “Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security

Information” Ensures alignment of security and suitability investigative and adjudicative processes.

- Security Executive Agent Directive 7
  - “Reciprocity of Background Investigations and National Security Adjudications” Security Executive Agent (SecEA) Directive establishes requirements for reciprocal acceptance of background investigations and national security adjudications for initial or continued eligibility for access to classified information or eligibility to hold a sensitive position.
- E.O. 13488
  - “Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust” Aligns reciprocity between Security Clearance determinations and Public Trust determinations.

Additional guidance appears in:

- OMB Memoranda to Executive Departments and Agencies: “Reciprocal Recognition of Existing Personnel Security Clearances” (12 December 2005, 17 July 2006, and 14 November 2007)
- DNI Community Policy Guidance 704.4 “Reciprocity of Personnel Security Clearance and Access Determinations” (2 October 2008)

## Reciprocity in the DOD

Although reciprocity is generally required, there are some limitations. Let us explore a few of them. For reciprocity to apply, an individual’s new position cannot require a higher eligibility than he or she currently possesses.

In addition, the date of the individual’s last investigation must fall within the required timeline, and the existing eligibility must not have been granted on an interim or temporary basis, or by an exception, either a condition, deviation, or waiver.

Also, if there is new information of national security adjudicative relevance has become available since the last investigation that indicates the individual may no longer satisfy adjudicative requirements then a new investigation must be initiated.

Agencies may accept a national security eligibility adjudications recorded with an exception based on their own risk assessment;

Finally, if the position has Special Access Program, or SAP, requirements, the eligibility may be accepted reciprocally, but the specific program may not be able to grant SAP access.

These examples are not all inclusive. Please consult Security Executive Agent Directive 7 for further guidance.

Several policies provide more specific guidance on reciprocity within the DOD. Reciprocity for DOD Employees is outlined in DODM 5200.02 and reciprocity for DOD Contractors is described in 32CFR Part 117, NISPOM Rule.

National Security Investigations for DOD employees must be accepted reciprocally as long as the investigation is within scope and the employee doesn't have a break in Military Service or Federal employment longer than 24 months.

National Security Eligibility Determinations for DOD employees should also be accepted, as long as there is no new derogatory information about the employee and eligibility was granted without condition, deviation, or waiver.

For contractor employees, preexisting National Security Eligibility Determinations must be accepted, provided the investigation for the national security eligibility meets or exceeds the scope requirements for the new position, there is no new derogatory information about the employee, and eligibility was granted without condition, deviation, or waiver.

## Reciprocity of Other Adjudications

In addition to eligibility to access classified information, reciprocity also applies to Common Access Card, or CAC, credentialing and to Suitability adjudications.

In order for CAC reciprocity to apply, individuals must have a valid Personal Identification Verification, or PIV, verified by the former department or agency, or a favorably adjudicated suitability or national security investigation.

In addition, the individual must not have a break in service greater than 24 months, and no actionable information since the last investigation.

**Note** that interim CAC determinations cannot be transferred or reciprocally accepted.

You should also be aware that Reciprocity also applies to Suitability adjudications. As established by E.O. 13467, previous suitability determinations must be accepted reciprocally, as long as they meet or exceed the suitability requirements of the new position.

## DOD CAF Reciprocity Process

Requests for reciprocal acceptance of eligibility are processed at the DOD Consolidated Adjudications Facility, or DOD CAF. There, a dedicated team of experienced adjudicators processes requests.

DOD CAF adjudicators are committed to quickly and efficiently processing reciprocal requests. In fact, reciprocity requests are usually processed within five business days.

**Note** that within the DOD a specific reciprocity request is not required.

## Knowledge Check 1

Now, check your knowledge.

Consider the following scenario and determine whether reciprocity will apply:

Bill worked briefly as an employee for the State Department where he held an Interim Security Eligibility. He left to start immediately at a new job as a DOD civilian employee, where he will require Confidential eligibility. Will reciprocity apply?

- Yes, reciprocity applies.
- No, reciprocity does not apply.

## Knowledge Check 2

Jennifer is retiring from military service after a long career. She holds a SECRET eligibility. She is planning to go directly to work for a defense contractor where she will require eligibility to access SECRET information. Will reciprocity apply?

- Yes, reciprocity applies.
- No, reciprocity does not apply.

## Knowledge Check 3

Paula currently works for a defense contractor and holds a SECRET eligibility. She has been offered a job at a competitor company where she will require eligibility to access TOP SECRET information. Will reciprocity apply?

- Yes, reciprocity applies.
- No, reciprocity does not apply.

## Answer Key

Bill worked briefly as an employee for the State Department where he held an Interim Security Eligibility. He left to start immediately at a new job as a DOD civilian employee, where he will require Confidential eligibility. Will reciprocity apply?

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Jennifer is retiring from military service after a long career. She holds a SECRET eligibility. She is planning to go directly to work for a defense contractor where she will require eligibility to access SECRET information. Will reciprocity apply?

- Yes, reciprocity applies.
- No, reciprocity does not apply.

Paula currently works for a defense contractor and holds a SECRET eligibility. She has been offered a job at a competitor company where she will require eligibility to access TOP SECRET information. Will reciprocity apply?

- Yes, reciprocity applies.
- No, reciprocity does not apply.

## Conclusion

Remember, although individual employees may not always be eligible, reciprocity is a key element of the DOD Personnel Security Program.

Not only is reciprocity required by numerous regulations, it can also save significant time and money.

Reciprocity is a requirement you can't afford to ignore.