



Date: November 2, 2005

MEMORANDUM FOR: ITA OHRM Staff

FROM: Doris W. Brown /s/
Human Resources Officer

A handwritten signature in black ink that reads "Doris W. Brown".

SUBJECT: Homeland Security Presidential Directive (HSPD) 12
Regarding Entrance on Duty (EOD)
(File code 731)

Background:

On August 27, 2004, Homeland Security Presidential Directive HSPD-12, "Policy for a Common Identification Standard for Federal Employees and Contractors", was issued. HSPD-12 directed the creation of a new Federal requirement for a secure and reliable form of identification by all Federal Agencies for their employees and contractors.

On February 25, 2005, in response to this directive, the National Institute of Standards and Technology (NIST) published a Federal Information Processing Standard entitled FIPS 201 – "Personal Identity Verification (PIV) for Federal Employees and Contractors". The PIV is intended to provide security, authentication, trust and privacy for Federal employees and contractors. FIPS 201 and associated publications provide detailed specifications for Federal agencies and departments regarding the issuance of PIV cards to their personnel. The FIPS 201 standard and other related publications are located on the NIST website at <http://csrc.nist.gov/piv-program>.

This standard operating procedure will be used by appropriate ITA OHRM staff to ensure the HSPD 12 is properly administered regarding Entrance on Duty (EOD).

e-Attachments

e-Attachment A: [Personal Identity Verification \(PIV\) Request](#)

On-line Training:

- [Sponsor Information and on-line Training](#)
- [Enrollment Official Information and on-line Training](#)
- [Applicant Information and on-line Training](#)
- [HSPD-12 Frequently Asked Questions & Associated Forms](#)

SUITABILITY AND NATIONAL SECURITY INVESTIGATIONS

1. Introduction

The Department of Commerce issued a draft PIV-I Compliance Implementation Handbook on September 1, 2005, Version 3.0, which outlined DOC's implementing instructions for compliance with HSPD-12 and FIPS 201 Standard requirements. These instructions provide a consistent procedure for OHRM to follow regarding the identification and processing of the required background investigation or National Agency Check with Inquiries (NACI). Additionally, it provides a mechanism to authenticate the identity of the selectee prior to appointment and issuance of the PIV.

The International Trade Administration, Office of Human Resources Management (OHRM), will serve as the PIV Sponsor in the PIV process. The PIV Sponsor substantiates the need for a PIV credential to be issued to a Selectee and provides sponsorship to the Selectee. A Selectee is an individual to whom a PIV credential needs to be issued.

Security Office (OSY) has established a web site to assist us with our understanding of HSPD-12 requirements and to provide role orientation training. This site is located at <http://www.osec.doc.gov/osy/HSPD12/HSPD-12Information.htm>

1.1 Purpose and Scope

This standard operating procedure, from hereon referred to as instruction and/or procedure, provides OHRM implementing instructions for compliance with HSPD-12 and FIPS 201 Standard requirements. This instruction is not intended to duplicate the DOC draft and will be used by ITA OHRM to administer the provisions of this directive for ITA and its serviced bureaus.

2. Governance

ITA OHRM will adhere to OSY/OHRM memorandum titled "*Issuance of New Policy and Procedures for Processing of Suitability and National Security Investigations*".

ITA OHRM will initiate the National Agency Check with Inquiry (NACI) for all candidates for Federal employment unless other background investigations for suitability or clearance have been completed. The OHRM will consolidate the documents required for the NACI and forward to the appropriate Security Office for processing **prior** to the entry on duty (EOD) of an Applicant. The OHRM will provide the Security Office with a copy of the completed I-9 for issuance of the PIV badge to the Applicant.

ITA OHRM (PIV Sponsors) along with remote regional serviced bureau Admin Liaisons (for the purposes of HSPD 12, referred to as Enrollment Officials), will coordinate and transmit background

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investigation packages to the Washington, D.C. Security Office (OSY). Using the PIV request form, [Department of Commerce Personal Identity Verification \(PIV\) Request](#) (Attachment A), the PIV Sponsors or Enrollment Officials (as appropriate), will gather the information for the background investigations and the I-9 authentication for the PIV badge and forward then to the OSY. The Security Office will issue the PIV badge upon receipt of a copy of the completed I-9, and the report of a favorable background check¹.

ITA OHRM Sponsors and Enrollment Officials are required to go through the OSY on-line Orientation Training located at <http://www.osec.doc.gov/osy/HSPD12/HSPD-12Information.htm>. Once the training is completed, Sponsors and Enrollment Officials will receive a control number. This number will be used on the PIV Request form.

3. Procedures for all Positions

3.1 New Hire Procedures

The applicant selected (Selectee) for a Federal position is required to have completed the SF-85P (Questionnaire for Non-Sensitive Positions) and SF-87 (Fingerprint Chart) prior to their entry-on-duty (EOD) date. The Selectee must fulfill the I-9 (Employment Eligibility Verification) requirements on the EOD date so the PIV badge can be issued.

3.2 Tentative Job Offer

Once the selecting official has made a selection, the HR Assistant or Specialist reviews the position data to determine the position sensitivity. The HR Assistant will contact the Selectee and notify them of the Tentative Job Offer. The Selectee will also be advised that prior to establishing an entry on duty (EOD) date, they must submit the appropriate security form (identified by the HR Assistant/Specialist) and SF-87, Fingerprint Chart, to the HR Assistant. The HR Assistant will inform the Selectee to expect a Tentative Offer letter via email.

3.3 Completion of SF-85, SF-85P, SF-86, and SF-87

The Selectee is advised that the appropriate security form (identified by the HR Assistant/Specialist) will be transmitted by e-mail as a link found in the forms checklist with Tentative Job Offer Letter. The HR Assistant or Specialist will advise the Selectee of various locations available to obtain the required SF-87, Fingerprint Chart, e.g, police stations. Applicants in the local commuting area are encouraged to have their fingerprint checks completed in the Office of Security in the HCHB, by contacting the HR Specialist. It is the Selectee's responsibility to obtain the required fingerprints if they are not in the local commuting area. The HR Assistant or Specialist will provide the Selectee with a fax number and instructions that these forms must be returned as soon as possible. The expeditious return of these forms will be critical to establishing the effective start date or EOD date.

The Tentative Job Offer e-mail will include the following required information:

¹ Note. The I-9 does not require retention of the ID proofing documents. FIPS 201 requires these documents be retained. Sponsors and enrollment officials should forward copies of the documents to OSY.

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“Upon receipt and review of the completed forms, you will be provided with a Firm Confirmation Job Offer Letter via e-mail. If your position requires a more extensive security background check, you should expect the Firm Confirmation Job Offer Letter approximately two more weeks after receipt of your forms, pending the outcome of your investigation. Please be advised that if you are unable or do not provide the required documentation on your EOD date, you will not be in-processed as it is a condition (requirement) of employment.”

It is explained to the Selectee that a background investigation is a condition of employment and the completed forms must be received **prior** to any appointment to initiate the process. Note: No entry on duty (EOD) date will be established until the forms have been properly completed and returned to the HR Assistant or Specialist.

When the completed SF-85P and SF-87 are received, the HR Assistant or Specialist reviews them. If incomplete, the HR Assistant or Specialist notifies the Selectee that it must be completed and transmitted ASAP. The form or forms may be returned back to the Selectee or new forms submitted by the Selectee. The Selectee is again reminded that a failure or refusal to properly complete and return the form(s) will result in non-selection.

The HR Assistant or Specialist will keep the Selecting Official and/or other management officials in the serviced organization apprised of the status of the process.

3.4 Review and Consolidation of Background Investigation Forms

Once the properly completed SF-85P and SF-87 are received by the HR Assistant, they will complete the appropriate Request for Pre-Appointment Checks for High Risk & NCS, CS, SS Sensitive Positions or Low Risk/Mod Risk Suitability Employment Notification.

If any completed form raises a concern regarding suitability, the HR Assistant or Specialist will immediately notify their team leader first and then notify the Selecting Official of the specific concern(s), and request a determination if the tentative job offer should be proffered. If the determination is not to proceed with the selection, the HR Specialist notifies the Selectee and the certificate is returned to the Selecting Official (if requested) to make another selection.

3.5 Review and Consolidation of Background Investigation Package

The required forms are received and the HR Assistant or Specialist reviews for completeness. If omissions are detected, the Selectee is contacted and is advised that the forms are not complete. The HR Assistant/Specialist returns them by mail to the selectee, or requests the new forms be completed and submitted ASAP.

If complete, the HR Assistant or Specialist assembles the background investigation package to be provided to the Security Office POC. The package includes a Security Notification cover sheet (on top of package), SF-85P and SF-87. The HR Assistant or Specialist retains a log (Name, SSN,

Organization, Date Transmitted) of each package to be sent to the Security Office. The package is hand carried to the Security Office.

3.6 Background Investigation Package to Security Office

The Security Office POC for NACIs (National Agency Checks with Inquiries) will review the package for completeness. If complete, the Security Office will log and transmit the package to OPM for adjudication.

3.7 Firm Confirmation Job Offer

The HR Assistant or Specialist contacts the Selectee by telephone and tenders a Firm Job Offer. If the offer is accepted, an EOD date is established. It is explained that a Firm Confirmation Job Offer Letter (with instructions, deadlines, links to web sites for forms and orientation information) will be transmitted to them by e-mail, utilizing the ITA OHRM e-EOD Lotus Letter Generating System.

The Selectee is also advised that on the Entry on Duty (EOD) date and prior to the administering of the Oath of Office, they will be required to provide identification as per I-9 requirements. The HR Assistant or Specialist will describe the forms of identification required of the I-9. A list of acceptable forms of identification are listed on the back of the I-9 form. The Selectee is also advised of the location for inprocessing and the POC if remote site is different than the HR Assistant, e.g., which regional office or location to report, and the Admin Liaison point of contact at that location. All new selectees are instructed to complete the [Personal Identity Verification \(PIV\) on-line training for new Applicants](#), prior to EOD, and are provided with instructions on how to do so in the firm confirmation offer letter/email.

The HR Assistant or Specialist advises selecting officials/supervisor and other appropriate management officials that the Firm Confirmation Job Offer was accepted and the EOD date established. The HR Assistant or Specialist will include the hiring manager or supervisor in the email as a “copy”.

4. Entrance on Duty (EOD) of New Hires

4.1 On-site Procedures

On the Entry on Duty (EOD) date, the HR Assistant authenticates the I-9 forms of identification and completes/signs/dates the form. The Selectee is provided with the other required EOD forms, SF-256 (Self Identification of Handicap) SF-181 (Race and National Origin Identification) etc., and instructions to complete the forms.

Selectee is sworn in and Appointment Affidavit is completed by the HR Assistant who authenticated the I-9 forms of identification.

During the EOD orientation, all new employees are escorted to the Security Office by the HR Assistant. The Security Office is provided with a copy of the completed I-9 forms and the PIV information for each new hire. The Security Office issues the identification badge also known as

Personal Identity Verification (PIV) badge. It may take up to 5 days for a PIV badge to be issued to an employee. In the meantime, new employees will be issued a temporary badge, which will require the new employee to be escorted throughout the day, each day, by someone in their organization until the new employee receives their permanent PIV badge.

4.2 Remote-site Procedures

The selecting official or hiring manager and designated Admin Liaison (Enrollment Official) for remote site serviced organizations, are kept apprised by telephone contact and/or e-mail at **all phases of the process**. The remote Admin Liaison is notified of the required forms and procedures for inprocessing on the EOD date. On the EOD date, the remote Admin Liaison authenticates the I-9 forms of identification and completes/signs/dates the form. The Selectee is provided with the other required EOD forms, SF-256 (Self Identification of Handicap) SF-181 (Race and National Origin Identification), etc., by the Admin Liaison and instructions to complete them. The Enrollment Official at the remote site is required to take a photo of the new employee for the purpose of the PIV badge. The photo will be mailed to the HR Assistant along with all other documents for EOD of the new employee.

Selectee is sworn in and Appointment Affidavit is completed by the remote Admin Liaison who authenticated the I-9. The Admin Liaison transmits the documents by overnight mail to the HR Assistant. Upon receipt of the documents, the HR Assistant retrieves the I-9 and hand carries a copy to the Security Office.

The Security Office prepares the PIV badge and transmits to the remote location by secured mail to the Admin Liaison at the serviced organization.

The New Employee is personally issued PIV badge by the Admin Liaison at the serviced organization.

5. Records Retention and Distribution

The documents used in the aforementioned process will be maintained consistent with established law, OPM, DOC, and ITA instructions and procedures. The documents used to authenticate the identity of the Applicant on the I-9 will not be maintained by ITA OHRM once they have been authenticated. Copies of these documents will be forwarded to OSY.

5.1 Completed NACI Documentation

Results of NACI investigations received in OHRM from the Security Office, will be distributed and filed as appropriate. The appropriate documentation shall be filed on the right side of the Official Personnel Folder.

5.2 Notification to the Employee’s Supervisor

The final outcome of the security investigation will be communicated to the employee’s supervisor by OHRM. ITA OHRM will distribute the appropriate copy of the security documentation to the employee’s Supervisor.

6. Disclosure

Disclosure of any records and maintenance of records will be consistent with the Privacy Act of 1974.

7. Suitability Adjudication Process

Upon the completion of a NACI, derogatory information discovered about an employee is analyzed by OHRM to determine if it negatively impacts their suitability for continued employment in their position in the government. OHRM is responsible for suitability adjudication.

No action to remove a person from employment is taken unless an adverse nexus is established between the particular conduct and:

- 1) the person’s performance in any position, or
- 2) the agency’s ability to perform its mission.

The conduct is characterized or ranked according to seriousness to determine if action is warranted. The rankings are as follows:

RANKING	DESCRIPTION	POTENTIAL FOR DISQUALIFICATION
A	MINOR	Conduct or issue which, standing alone, <i>would not</i> be disqualifying, under suitability, for any position.
B	MODERATE	Conduct or issue which, standing alone, <i>would probably not</i> be disqualifying, under suitability, for any position.
C	SUBSTANTIAL	Conduct or issue, which, standing alone, <i>may probably</i> be disqualifying, under suitability, for any position.
D	MAJOR	Conduct or issue, which, standing alone, <i>would</i> be disqualifying, under suitability, for any position.

5 CFR 731.202 outlines the factors and additional considerations to be used in making suitability determinations.

Guidance regarding the investigation and adjudication of suitability issues can be found in the DOC Suitability Handbook.

Any adverse actions resulting from suitability investigations will be taken pursuant to 5 CFR 731 or 5 CFR 752, as appropriate.