

CHAPTER 3. INVESTIGATIONS, REINVESTIGATION AND
READJUDICATIONS

11. CRITICAL-SENSITIVE POSITIONS: PROCEDURES. Executive Order 10450 and the Civil Service Commission provide that a critical-sensitive position may be filled or occupied only by a person concerning whom a full field investigation as defined in paragraph 3.g., has been conducted PRIOR TO ASSUMING THE DUTIES OF THE POSITION. There are two provisos: First, a person occupying a position at the time it is designated as critical-sensitive may continue in the position pending completion of a full field investigation. Second, in case of an emergency, a position may be filled for a limited period by a person whose full field investigation has not been completed. This latter proviso may be effected only if the Secretary finds that such action is necessary in the national interest and the finding is made a part of the Department's security record of the person concerned by the Inspector General. Following are the procedures that have been developed by the Department and which shall be observed with respect to the clearance of persons selected to occupy critical-sensitive positions:
- a. Inspector General Approval Prior to EOD. The authority of any HUD personnel officer to make a firm commitment to any applicant, employee, or Federal official with respect to the person selected for, as well as the date of his entrance on duty in, and assumption of all the duties of, a critical-sensitive position, commences only upon appropriate notification from the Inspector General to the head of the primary personnel component concerned.
 - b. Timely Notice from Personnel to Office of Inspector General. The head of the primary personnel component concerned is responsible for ensuring that no more than 8 work hours elapse between the time the identity of the proposed incumbent of a critical-sensitive position is first ascertained by the primary personnel component, whether by the head or by some other appropriate staff member, and the time the following reaches the Inspector General:
 - (1) Identity of the critical-sensitive position;
 - (2) Name and date of birth of the candidate selected for the position; and

- (3) If the candidate is not a HUD employee, pertinent information concerning previous employment. This includes a copy of his employment application which should reach the Inspector General by the end of the next succeeding

8 work hours. In addition, in the event any significant relevant information is developed in the course of written and telephonic reference checks made by the Department, such information is to be communicated promptly to the Inspector General.

- c. Timely Report from Inspector General to Personnel. The Inspector General is responsible for ensuring that no more than 8 work hours elapse between the time appropriate reports concerning the applicant or employee are obtained by and evaluated by the Inspector General, and the time he notifies the head of the primary personnel component concerned of the type of action to be taken. The type of action to be taken depends on a variety of circumstances. Experience indicates that most types of action fall within the categories discussed in the following subparagraphs:

- (1) FFI Completed. If a full field investigation of the candidate has been completed, the Inspector General advises the head of the primary personnel component concerned whether the applicant or employee is cleared to occupy the critical-sensitive position and, as may be required by the position, to have access to classified information or material.
- (2) FFI Not Initiated. If a full field investigation of the candidate has not yet been initiated, the head of the primary personnel component concerned initiates a full field investigation by furnishing the applicant or employee and having him complete Standard Form 86, Security Investigation Data for Sensitive Position, and Standard Form 87, Fingerprint Chart, and promptly forwarding the completed forms in a sealed envelope to the Inspector General. The applicant or employee may not occupy the critical-sensitive position, nor have access to classified information or material, until notified by the Inspector General.
- (3) FFI Not Yet Completed. If a full field investigation of the candidate has been initiated but has not yet been completed, the applicant or employee may not occupy the critical-sensitive position, nor have access to classified information or material, until notified otherwise through the primary personnel component by the Inspector General.

- (4) Emergency Situation Procedures.
 - (a) If a full field investigation of the candidate has not been completed and the head of the primary

personnel component concerned has notified the Inspector General that the operating office involved has determined that:

- 1 For reasons and under circumstances specified, there exists an emergency situation; and
- 2 The applicant or employee is needed in the critical-sensitive position; and
- 3 It is deemed necessary that the applicant or employee assume the critical-sensitive duties of the position and, as may be required by the position, have access to classified information or material, Even though the full field investigation has not yet been completed, then:

- (b) The Secretary will decide whether or not to waive the requirement for completion of the full field investigation prior to assumption by the applicant or employee of the critical-sensitive position based on information furnished by the Inspector General.
- (c) After securing the decision of the Secretary with respect to the request for a waiver, the Inspector General will promptly notify the head of the primary personnel component concerned of the decision.

12. NONCRITICAL-SENSITIVE POSITIONS: PROCEDURES.

- a. An NACI as defined in paragraph 3.f., is the minimum investigation for employment in a noncritical-sensitive position. Where appropriate, additional investigation may be required. An individual should not be assigned to a noncritical-sensitive position until after the completion of at least the NAC portion of the NACI. If employment in a noncritical-sensitive position is contemplated prior to the completion of National Agency Checks, approval must be secured from the Inspector General. In the latter case, the primary personnel component concerned shall request the Civil Service Commission to furnish the Inspector General the NAC report in advance of the Civil Service Commission's completion of the written inquiry portion of the investigation.

- b. In any event, if the individual selected for a noncritical-sensitive position has not been the subject of an NACI, the primary personnel component concerned shall submit to the appropriate office of the Civil Service Commission (see FPM Supplement 296-31, Appendix A, Subchapter S3) no later than

THREE DAYS after the appointee enters on duty in a noncritical-sensitive position, investigative data for a noncritical-sensitive position. The data consists of Standard Form 85, Data for Nonsensitive or Noncritical-Sensitive Position; Standard Form 87, Fingerprint Chart; and Standard Form 171, Personal Qualifications Statement. The data shall be prepared in accordance with instructions in the FPM Supplement. Simultaneously, the primary personnel component sends a copy of the SF-85 to the Inspector General. After completion of the NACI the results are returned by the Commission to the Inspector General.

13. NONSENSITIVE POSITIONS: PROCEDURES.

- a. An NACI as defined in paragraph 3.f. is the minimum investigation required for employment in a nonsensitive position. If the individual selected for a nonsensitive position has not been the subject of an NACI, the primary personnel component concerned shall submit to the appropriate office of the Civil Service Commission (see FPM Supplement 296-31, Appendix A, Subchapter S3) no later than THREE DAYS after the appointee enters on duty in a nonsensitive position, investigative data for a nonsensitive position. The data consists of Standard Form 85, Data for Nonsensitive or Noncritical-Sensitive Position; Standard Form 87, Fingerprint Chart; and Standard Form 171, Personal Qualifications Statement. The data shall be prepared in accordance with instructions in the FPM Supplement. Simultaneously, the primary personnel component sends a copy of the SF-85 to the Inspector General. After completion of the NACI the results are returned by the Commission to the Inspector General.
- b. A case usually will not be submitted to the Civil Service Commission for NACI investigation when:
 - (1) The appointment is of an alien employed outside of the United States; or
 - (2) The appointment is specifically limited to three months or less, in the case of a per diem, temporary or seasonal employee; or

- (3) The specific authority not to submit to the Commission has been approved. The Department conducts such inquiries or investigations in these cases as it determines necessary. If a limited appointment is extended beyond the three-month period, or a reappointment is made so as to extend the period of employment beyond three months, an investigation must be conducted in accordance with subparagraph a.

14. REINVESTIGATIONS.

a. Critical-Sensitive Positions.

- (1) An employee is notified by the Inspector General, upon completion of five years in a critical-sensitive position and at least once each succeeding five years, that he is required to submit to the Inspector General an updated Standard Form 86, Security Investigation Data for Sensitive Position. Updating of a previously completed full field investigation also is required if an employee's assignment to a critical-sensitive position in HUD follows employment in another Federal agency, or follows a break in Federal service in excess of one year, or if there are other factors which the Inspector General determines require updating.
- (2) The Inspector General reviews updated forms submitted to him and he also reviews the Official Personnel Folder, previous reports of investigation and any other appropriate documents. He then determines what further action, if any, is appropriate. The minimum reinvestigation is a national agency check. However, when the Inspector General considers such action appropriate and necessary, he may direct that an updated full field investigation be conducted.

- b. Noncritical-Sensitive Positions. The Inspector General may require an incumbent of a noncritical-sensitive position to submit an updated personnel security questionnaire at appropriate intervals and shall then determine what, if any, further action is necessary. Updating of a previously completed national agency check may be required if an employee's assignment to a noncritical-sensitive position in HUD follows employment in another Federal agency and no new NAC has been conducted in the preceding five years. Updating of a previously completed NACI is required if the assignment to a noncritical-sensitive position follows a break in Federal service in excess of one year.