

ABOUT CLEARANCES

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CLEARED OR CLEARABLE?

For anyone seeking employment with the federal government, the military, or a government contractor, this is the \$64,000 question. Even though there are more than 1.5 million workers in the government contracting world with clearances, there are thousands of jobs in the Washington area and across the country begging for cleared or clearable people to fill them.

Why are they so important?

Due to the sensitive nature of the information handled by many government workers and contractors, only those individuals who have proven throughout their personal and professional lives that they are trustworthy and unlikely to compromise secrets should be allowed to have access to information relating to matters of national security. The secret or sensitive information a person may be asked to handle could be as complex as a worldwide military communications network or as basic as knowing the identity of another government worker covertly assigned overseas. Either way, the disclosure of such information, whether intentional or accidental, could have a significant adverse effect upon the security of our nation and our citizens.

Many federal government agencies require some sort of security clearance. Most obvious among these are the Department of Defense, Department of Homeland Security, and the various agencies and organizations that make up the Intelligence Community. But there are other, less obvious government agencies that also require at least a background check or personal security investigation. Individuals who work for State, Energy, Customs or Border Protection, Treasury, or the IRS may also be subject to this same level of scrutiny.

Since the risks may differ from one agency to another, it is not uncommon for each agency to have its own set of security requirements that must be satisfied in order for an individual to be cleared to work in their environment. For example, a person working with international financial transactions will need to pass a credit check. A person working in the Intelligence Community will be carefully examined about close contacts or relatives living overseas.

Depending upon the nature of the information to which a person will have access, there are several levels of clearances:

- The **Confidential** security clearance deals with material, if improperly disclosed, that could be reasonably expected to cause some measurable damage to national security. Military personnel have the largest number of this type of clearance. Individuals possessing this clearance require reinvestigation every fifteen years.
- **Secret** clearances are required for individuals who have access to sensitive information for which unauthorized disclosure could pose exceptionally grave danger to our national security. Reinvestigations are required every ten years for this level of clearance.

- **Top Secret** information is deemed to be so sensitive that unauthorized disclosure could be expected to cause exceptionally grave damage to our national security. People with this level of clearance are reinvestigated every five years.

How do I get a clearance?

No one can apply for a clearance on their own. The first step is to apply to work for a federal agency or government contractor. If the employer wants you to apply your skills on a government contract that requires a security clearance, the employer's security representative will work with you to initiate the security process. This can be a very long process—sometimes a year or more—so you should not expect instant gratification. And, it is the government, not your employer, who will decide if, and when, to issue that clearance.

The process usually begins with the completion of a lengthy questionnaire commonly referred to as the SF-86. Fortunately, the paper version has been replaced with an electronic version that can be downloaded on your home computer. For Confidential and Secret clearances, this usually encompasses the last seven years of the applicant's life. For Top Secret clearances, the last ten years is closely examined.

The next phase of the process involves the actual investigation of your background by a federal investigator with the necessary credentials to gain access to former employers, references, neighbors, etc. This individual will conduct an extensive personal interview with you as well.

For positions requiring access to highly sensitive information, a polygraph (lie detector test) may be required.

The final phase of the process is referred to as the adjudication. All of the data collected throughout the investigation is evaluated to determine loyalty, character, trustworthiness, and reliability, among other factors noted below. Complete and total honesty is essential throughout this process. Any suspicion of deception or dishonesty will delay, if not derail, the process.

What factors are considered?

For starters, if you don't have a clean record, you shouldn't even think about applying for a job requiring a clearance. Depending on the type of security clearance involved, items to be considered may include: verification of U.S. citizenship, search of federal records, criminal record checks with local law enforcement agencies, fingerprinting, credit checks, employer references, interviews with neighbors, and a personal interview. At higher levels, a medical and psychological exam and polygraph test may be required.

People who have a criminal record, a history of substance abuse, a bad credit record or personal bankruptcy, or a checkered employment record are generally considered to be at risk of blackmail or subject to compromise by foreign agents or people who wish to undermine the United States government.

There are a few "show-stoppers" that will prevent an individual from ever being granted a clearance. They include:

- A conviction for a crime leading to a sentence of one or more years of imprisonment regardless of actual time served
- Evidence of current/recent use of or addiction to controlled substances (illegal or prescribed drugs)
- Mental incompetence as determined by a mental health professional
- A dishonorable discharge from U. S. military service

Individuals who have one or more of these significant factors or other derogatory information in their background are well advised not to seek positions requiring a clearance. When an individual is denied a clearance, he or she may attempt to appeal the

reason for denial in hopes of being reconsidered. However, even if this appeal process is successful, there may be a one- or two-year waiting period before reapplication will be permitted.

Why does it take so long?

Primarily, due to the buildups of Homeland Security, Intelligence, and Defense, there are well over a half million people in process for clearances. Despite the fact that the Office of Personnel Management (OPM), Defense Security Service (DSS), and a number of subcontractors have been called into action, the sheer volume guarantees that, for most people, the process will be many months in duration.

Obviously, the less extensive background checks for Confidential and Secret clearances may only take a few months. For the more sensitive positions, it will not be uncommon for the process to take a year or more.

Individuals who are submitted for clearance processing should understand that there are a number of factors that can prolong an investigation. Some of the more common circumstances are:

- Having lived or worked in several different geographic locations or overseas
- Travel outside of the United States
- Relatives who live overseas
- Background information that is difficult to obtain or verify

What's in it for me?

Most recruiting experts believe that a person with a security clearance can command a salary of \$5,000 to \$15,000 more than others in the same career field who do not possess a clearance. More importantly, due to the nearly recession-proof job market in the federal and government contracting arenas, an active security clearance almost guarantees an interview whenever a cleared individual decides to change employers.

Transferring a clearance from one employer to another usually requires only a few weeks. Employers, of course, know this and can benefit significantly if they can put a person to work on a government project immediately. That is why they always prefer to hire the cleared, rather than the clearable, candidate.

POLYGRAPH CLEARANCES

In the previous article (Cleared or Clearable?), we discussed the various types of clearances and the requirements for obtaining them. Due to the nature of the information handled by many government executives and contractors working on matters of national security, only those individuals deemed to be trustworthy and unlikely to compromise sensitive plans and information are allowed to have access to such information. Therefore, the higher level clearances required in the defense and intelligence communities often require the individual worker to complete a polygraph test as part of the clearance process.

Among the federal government agencies requiring applicants to undergo a polygraph examination as part of the clearance process are the Office of the Director of National Intelligence, the Central Intelligence Agency, Defense Intelligence Agency, Drug Enforcement Agency, Federal Bureau of Investigation, National Security Agency, National Geospatial Agency, and National Reconnaissance Office. However, it should be noted that these agencies may vary the scope, method, or procedures used in the conduct of these polygraph tests.

What is the government's policy regarding polygraphs?

With the National Security Act of 1947 as a cornerstone, various regulations and presidential executive orders have been issued to lead us to where we are today. Key among them are the Executive Order 12829, which created the National Industrial Security Program, and the Department of Defense Directive 5210.48 and DoD Regulation 5320.48R.

These regulations and orders make the polygraph a mandatory condition for employment by, or assignment to, most Defense or Intelligence components dealing with sensitive national security programs. While an individual is free to refuse to take the polygraph examination, doing so will prevent that individual from working on special access programs (SAP) or with special compartmentalized information (SCI). In all cases, the polygraph examination is a supplement to, not a substitute for, a thorough background investigation.

The objective of the DoD policy is to prevent the unauthorized disclosure of information that could reasonably be expected to jeopardize human life or safety, or result in the loss of unique or uniquely productive intelligence sources or methods vital to U.S. security, or compromise technologies, plans, or procedures vital to the strategic advantage of the United States.

What are my rights if asked to sit for a polygraph examination?

The DoD policy regarding the administration of polygraph examinations provides safeguards to protect the rights and privacy of individuals. Although individuals have the right to obtain and consult with legal counsel during the polygraph, most job seekers are either unaware of this right or choose not to do so for fear of being perceived as uncooperative or deceptive.

At the time of the polygraph examination, individuals are advised of their privilege against self-incrimination. As such, the person being questioned may terminate the polygraph at any time. For example, a person questioned about a matter that, if discussed, might reveal some previously undisclosed criminal or illegal activity, may choose not to answer and immediately terminate the examination. Such information, if disclosed, is required to be turned over to the Department of Justice for further investigation. However, no action can be taken against an individual for refusal to take or complete the polygraph examination when such incriminating information has not been disclosed.

The DoD policy also requires that all questions asked during the examination must be reviewed with the applicant before the examination and have special relevance to the subject of the inquiry. Specifically prohibited from use in this examination are those

questions which are not directly relevant to the investigation such as inquiries about one's political affiliation, religious beliefs, or opinions about racial matters. Similarly, polygraph examiners are advised to avoid asking embarrassing, degrading, or unnecessarily intrusive questions.

What to expect

While there may be variations in the process from one agency to another, candidates are provided advance notice of the time and place for the polygraph examination. The candidate will be informed of his/her rights and then must give written consent to proceed with the examination.

The examination room will usually have a desk or table for the examiner upon which a computer utilized during the examination will be located. The examiner and subject will each have a chair, and a chair will be available for legal counsel, if attending. For most employment candidates, this option is seldom utilized. Normally, there is an observation room adjacent to the examination room with a one-way mirror and recording equipment. This permits the observation of the examination by another investigator if warranted by the investigating body.

Initially, there may be certain questions asked to calibrate the equipment and to allow the examiner to establish a baseline from which the validity of a person's responses can be judged. Then, all relevant questions will be reviewed with the subject before they are asked as part of the examination. The examination often takes two or more hours to complete.

A second examination may be required if the information disclosed provides inconclusive results or the candidate was incapable of completing the first exam. Also, if the examiner suspects the candidate of intentional deception, a further examination may also be required.

The results of the polygraph are not provided to the candidate. The examiner's report is forwarded to the final adjudicator who reviews it in conjunction with all the other data compiled from the background investigation, interviews, tests, etc. At the conclusion of this review, the candidate will be advised whether or not the clearance has been granted. However, due to the volume of people under review, this process may take several months to complete.

Truth or Consequences

Despite the ever-present debate about the accuracy of the polygraph examination, it must be understood that examiners are extremely well-trained and, as such, are often capable of eliciting information the polygraph machine cannot. Therefore, candidates seeking employment where these higher level clearances are required should carefully consider their own private histories before consenting to the polygraph examination. If the truth could prove to be detrimental, pursuing a clearance with a polygraph requirement is strongly discouraged.