

All About USG Suitability Jobs

- Public Trust Positions -

The U.S. government (USG) employs people and contractors in positions to manage finances, oversee processes, inspect compliance, and protect people and assets; all of which require reasonable discernment and judgment. Although many of those jobs do not require a security clearance, certain sensitive positions—often positions supporting national security efforts—require particularly knowledgeable and responsible employees for what are deemed “Public Trust Positions.”

USG agencies determine whether positions are sensitive or non-sensitive, and if non-sensitive, assign a low, moderate or high risk level to them. The greater the risk level, the more likelihood employee misbehavior could damage the USG. For example, an agency could designate a position involving the protection of government funds as a Public Trust Position, in that an employed or contracted accountant or comptroller would come with a degree of risk in managing that agency’s finances.

According to SF 85P (a questionnaire for Public Trust Positions), an appropriate background investigation is necessary to determine suitability or eligibility to work in public trust or sensitive positions. The applicable investigation is opened in correspondence with the risk level of the position.

Public Trust Positions that require an Office of Personnel Management (OPM) investigation or a Department of State Moderate Risk Public Trust (MRPT) investigation typically include the following:

- Immigrations, customs, borders and port protection agents
- Public safety and health workers
- Federal police officers
- Comptrollers
- Contracts managers
- IT systems-related staff
- Third Country Nationals

Contractors supporting such positions, likewise, would require the same level of investigation.

The suitability criteria is similar to the standards for a national security clearance, in that the adjudicative criteria are a measuring stick for suitability determinations. However, the suitability factors for the three risk levels are similar in scope but not as detailed. They include the following eight criteria:

- Misconduct or negligence in employment
- Criminal or dishonest conduct
- Material, intentional false statement, deception or fraud in examination or appointment
- Refusal to furnish testimony as required for the investigation
- Alcohol abuse of a nature and duration which suggests that 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 others
- Illegal use of narcotics, drugs, or other controlled substances, without evidence of substantial rehabilitation

- Knowing and willful engagement in acts or activities designed to overthrow the U.S. government by force
- Any statutory or regulatory bar that prevents the lawful employment of the person involved in the position in question

Adjudication for uncleared positions still consider the “whole person” concept, including:

- The degree/amount of responsibility that accompanies the job, including if supervised or unsupervised
- The nature and seriousness of the conduct
- The circumstances surrounding the conduct
- The time of the conduct
- Contributing societal conditions
- The absence or presence of rehabilitation or efforts toward rehabilitation

There are three basic types of background investigations for Public Trust Positions. These are:

NATIONAL AGENCY CHECK AND INQUIRIES (NACI): Requires the submittal of SF 85P and is primarily conducted for **Low Risk Public Trust (LRPT) Positions** for a minimum investigation for non-sensitive/low risk positions. This form includes:

- Employment/Self-employment/Unemployment Coverage (5 years – Inquiry)
- Education (5 years Highest Degree – Inquiry)
- Residence (3 years – Inquiry)
- Reference Contacts
- Law Enforcement Checks (5 years – Inquiry)
- National Agency Checks:
 - Access to previous Federal investigations through:
 - OPM’s Security/Suitability Investigations Index (SII)
 - Defense Clearance and Investigations Index (DCII)
 - FBI Name Check
 - FBI National Criminal History Fingerprint Check
 - Credit Search of National Credit Bureaus (Optional)
 - Military Personnel Record Search (If applicable)
 - Citizenship Verification

MODERATE BACKGROUND INVESTIGATION (MBI): Requires the submittal of SF 85P and is primarily conducted for **MRPT Positions**. This includes the above NACI requirements and:

- Reference Contacts
- Law Enforcement Checks (5 years – Inquiry and/or Record)
 - Credit Search of National Credit Bureaus (7 years)
 - Overseas Checks
 - Terrorist Screening (Third Country (Nationals))
 - Family BIO checks
 - IRS Checks

BACKGROUND INVESTIGATION (BI): Requires the submittal of SF 85P. The BI is primarily conducted for **High-Risk Public Trust (HRPT) Positions**. Coverage includes MBI requirements plus the following variables:

- Personal Subject Interview
- Education (2 years/verification of degree)
- Residence (3 years)
- Law Enforcement Checks (5 years)
- National Agency Checks
- Credit Search of National Credit Bureaus

The following chart provides context where Public Trust Positions fit in the investigative requirements for USG jobs:

| Position Designation | Investigation/Form |
|---|------------------------------|
| Low risk Non-Sensitive | NACI (SF-85) |
| Moderate Risk NON-Sensitive (Public Trust) | MBI (SF-85P) |
| High Risk Non-Sensitive (Public Trust) | BI (SF-85P) |
| Low Risk Non-Critical Sensitive | ANACI or NACLCL (SF-86) |
| Moderate Risk Non-Critical Sensitive | MBI (SF-86) |
| High Risk Non-Critical Sensitive | *SSBI (SF-86) |
| Critical Sensitive (automatic high risk) | SSBI (SF-86) |
| Special Sensitive (automatic high risk) | SSBI (SF-86) |
| High Risk Public Trust for DOS | Requires SSBI (No clearance) |
| Low Risk Public Trust for DOS (called No Objection) | Rarely used (SF-85P) |