



National Security Clearances

Information for Federal Employees & Government Contractors

1. What is a security clearance?

A security clearance is a certain employment status resulting from a background check required for employees who must access classified information to do their job or who may run across such information in the course of their work. A clearance is granted following an investigation by the government into your personal and professional history. There are several levels of security clearances that correspond with the sensitivity of the information you may access. The purpose of the investigation is to determine whether you are reliable, trustworthy, of good conduct and character, and loyal to the United States.

2. Who needs a security clearance?

If your job requires access to classified information or might put you in contact with such information, the government will require you to obtain a security clearance. This applies to jobs with the military (uniformed or civilian), the federal government, and private companies working on federal government contracts.

Examples of jobs that require a security clearance include:

- Federal air marshals working for the Federal Aviation Administration (Top Secret clearance required prior to hiring)
- An administrative assistant working for the U.S. Army Corps of Engineers (a non-critical, sensitive position requiring a pre-hire personnel security investigation)
- A custodial worker working for the U.S. Army Medical Command (a non-sensitive position requiring a post-hire personnel security investigation)
- A motor vehicle operator for the U.S. Department of Treasury who transports employees and agency officials (a pre-hire security investigation is required)

3. How do I apply for a security clearance?

To apply for a security clearance, you must have a job that requires the clearance or be conditionally hired for such a job pending security clearance approval. Your employer must begin the clearance application process. You cannot apply on your own or before you are hired

for a particular position, and you may only apply for the level of clearance that matches the information that you need to know to do your job.

Your employer will have you complete Standard Form 86, a detailed questionnaire about your personal history. You must supply information about your citizenship, past and present places of residence, family, education, employment history, medical history, military service, criminal record, financial status, and drug and alcohol use. You will be fingerprinted and required to sign a form allowing investigators to access your personal records.

It is important to fill out the form accurately and completely so that the investigators have enough information to complete the next stage of the clearance process. It is illegal to knowingly falsify or conceal information on the form.

4. What's involved in the background investigation?

Investigators use the information you provide on the personal questionnaire to do an in-depth examination of your background and character. The investigators will contact people who know you, examine your credit records, perform a criminal background check, and verify that the information you provided on the form is truthful and complete.

The investigators will ask questions to determine whether you are honest, will follow security requirements, and whether you have any associations or activities that would make you vulnerable to coercion or cast doubt on your trustworthiness.

The investigators may contact more or different people than you list on your questionnaire, including your current employer or friends and family members who live abroad. They may also contact you for an interview, allowing you to clarify information and address any questions the investigators have.

5. Who decides if I will be granted a security clearance?

The information collected by the investigators is compiled into a Report of Investigation and sent to the federal agency that requested the investigation. The agency's security adjudication officer then reads and evaluates the report to determine your eligibility for the requested clearance.

The decision of whether to grant clearance is left to the discretion of the administrative officer, who is instructed to grant access to classified information only when it is "clearly consistent" with national security. Any doubt as to whether a clearance should be granted will be resolved in favor of national security interests, meaning the clearance will likely be denied.

6. Why might a security clearance be denied?

All agencies use a common set of factors, called adjudicative guidelines, to evaluate your application. They examine evidence in your record related to allegiance to the U.S., foreign influence, sexual behavior, personal conduct, financial considerations, use of alcohol and drugs,

mental health, criminal conduct, security violations, outside activities, and misuse of technology systems.

Certain types of behavior in each of these categories may raise red flags, such as signs that you might be unreliable, dishonest, subject to pressure or blackmail, have a history of disregarding rules and regulations, or lack commitment to national security.

7. What if the investigation finds something negative?

You may still be eligible for a security clearance even if the investigation reveals negative information in one of the categories above. The adjudicator is instructed to look at the “whole person,” evaluating unfavorable conduct in light of its nature, recentness, seriousness, surrounding circumstances, and likelihood of recurrence.

Detrimental information can be outweighed by favorable actions such as being truthful and complete in filling out the questionnaire, seeking assistance such as mental health counseling or drug addiction treatment, or positively changing your behavior in recent years. The primary question that the government will ask is whether your past or present behavior presents a future security risk.

Factors that will contribute to denial of a security clearance include lying to security personnel, attempting to conceal information, or failing to provide the information required by the investigators.

8. What if I have a criminal record?

A criminal record can potentially disqualify you from obtaining a security clearance. However, like other negative information, criminal acts will be considered in light of their recentness, seriousness, and surrounding circumstances. Certain factors may lessen concerns about a criminal record, such as if you were found innocent, were successfully rehabilitated, or if the incident occurred a long time ago, happened only once, or involved pressure or coercion from people no longer in your life.

Because background investigations include interviews with you and people you know, as well as checks of educational and employment records, evidence of criminal activity can surface through sources other than court and police files. This means that allegations of criminal conduct, including crimes for which you were never arrested or formally charged, may become part of the investigator’s file.

9. What happens if my clearance application is denied?

If you are denied a security clearance after the initial investigation, you will receive a notice with an explanation of the denial and information on your right to appeal. The notice will contain instructions on how to request a hearing or submit additional information for a decision on the written record. It is very important to comply with the deadlines in the letter. Failure to submit documents on time may terminate your application.

The appeals procedures differ by agency, but all agencies must adhere to minimum procedural requirements. You have a right to respond in writing to the letter of denial and to request a review of the determination. You will receive a second written notice with the results of that review, and then you may appeal the reviewer's decision to a three-person panel. The panel's decision must be issued in writing, and it can only be overturned by the agency head. At some point in the process, you must be provided with the opportunity to appear personally at a hearing to present information, documents, or other evidence in support of your position.

You have a right to be represented by an attorney or other representative at your own expense and to request copies of your investigative file including the documents, records, or reports upon which the denial is based. The government must supply these documents, although they may withhold any information deemed to be a threat to national security.

Neither federal nor private sector employees have the right to judicial review of security clearance denials except if the applicant can allege that the denial of the security clearance violated his or her Constitutional rights.

10. Can I keep or still get hired for my job if the security clearance is denied?

When a security clearance is a pre-condition of employment, you will not be hired for the position if you are denied clearance. If your security clearance is revoked while you are already working in a job that requires clearance, you cannot keep your job but may be transferred to a non-sensitive position. The agency, however, is not required to transfer you to a non-sensitive position.

11. How long does it take to get a security clearance?

The clearance process can take anywhere from a few months to over a year, depending on the level of clearance needed and the complexity of your individual case.

12. How long does a security clearance remain valid?

Once you have been granted a security clearance, you must undergo a reinvestigation every 5, 10, or 15 years, depending on the level of the clearance. You can be reinvestigated at any point while you have clearance to determine whether you still meet the requirements for access. If your job ceases to require access to sensitive information, your security clearance will be revoked.

13. Can I apply for a security clearance if I'm not a U.S. citizen?

Non-citizens are granted security clearances only when they have special expertise and there are compelling reasons to grant clearance to further an agency's mission. Non-citizens must undergo a more thorough background check and are granted only limited access to classified information.

For more information about security clearances, come to one of the Workers' Rights Clinics run by the D.C. Employment Justice Center from 6:00 p.m. – 7:30 p.m. on Wednesdays at Bread for the City, NW (1525 7th Street, NW, between P and Q Streets, NW, near the Howard Univ/Shaw Metro stop on the Green Line) or from 3:00 p.m. – 4:30 p.m. on Mondays at Bread for the City, SE (1640 Good Hope Road, SE). No appointment is necessary, and you may call (202) 828-9675 for additional information about the clinic. You can also visit the D.C. Employment Justice Center website at www.dcejc.org.

This fact sheet is intended to provide accurate, general information. Because laws and procedures frequently change, do not rely on this information without consulting an attorney or the appropriate agency about your legal rights.

DC Employment Justice Center

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