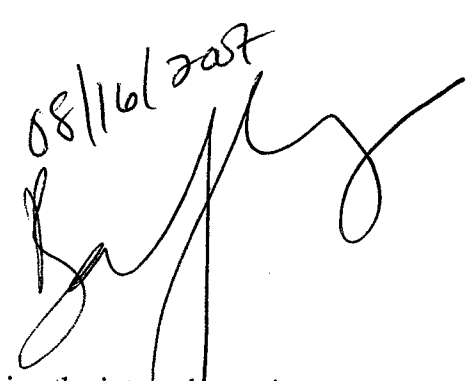


ARTICLE 57

SECURITY ISSUES

08/16/2007  


Section 1

- A. The parties recognize that the Employer has the right to determine the internal security practices of the Agency, which includes the right to review and determine whether current security measures are adequate and consistent with the requirements of existing laws, regulations, Executive Orders and internal security policies, including but not limited to, 5 CFR Part 731, E.O. 10577 (as amended), HSPD-12, and HHS security policies. This article is intended to address the issuance of identification badges, background investigations, security clearances, and security measures.
- B. As part of the exercise of this right and consistent with law, rule and regulation, the Employer will issue identification badges/cards and to have electronic or other state of the art tools embedded on or inside the cards for security purposes. The Employer recognizes its obligation to exercise this right consistent with the Privacy Act, the parties' contract, law, rule and regulation. To that end, badges will not contain social security numbers or other information of a personal nature – beyond that which is required by law, rule, and regulation.
- C. The Employer will post specific applicable background investigation and security clearance requirements on all vacancy announcements, including the need for a credit check, the minimum background investigation required for the position, and indicate that favorable adjudication of the background investigation, and granting the required security clearance if applicable, is a condition of employment.
- D. The Employer will notify impacted employees and local Chapter President of any changes in background investigation requirements (including new or updated forms) for their current positions and of any implication on their employment as far in advance of the effective date as practicable, but not less than thirty (30) days.
- E. The Employer will provide employees falling under section E above thirty (30) days to complete any required background investigation forms. Employee requests for extensions in time to complete the forms will be considered on a case-by-case basis.

Section 2

- A. If an employee's background investigation can be favorably adjudicated by the Personnel Security staff without supervisory input, the supervisor will not be provided any information on issues that are contained in the investigative report other than it contained non-disqualifying issues.

- B. If the employee's investigation has potentially disqualifying or disqualifying issues, the supervisor shall be included in the adjudication process and provided information consistent with the employee's release statement on the SF-85/85P/86 and the supervisor's need to know.
- C. Background investigations will be conducted in a manner that balances the employee's right to privacy with the government's need to know information in order to make a suitability determination. The investigation will be consistent with existing law, regulation, and policy.
- D. The parties recognize that if medical information is required for a background investigation for a public trust position, the investigator will contact the employee for a separate medical release that specifies the questions that will be asked.
- E. Employees who are potentially identified as unsuitable for the security/suitability requirement of their position will be provided written notice of the specific reasons and to whom a request for expedited review is to be directed.
- F. The employee may request an expedited review of his/her case prior to final decision on their suitability for their position. The employee must request such review within five (5) workdays after receiving the written notification. To the extent practicable, the employee's supervisor who was involved in the adjudication will not conduct the review or make the final decision on suitability. The employee will have the opportunity to present written and/or oral response, with supporting documentation, to all disqualifying information obtained during the background investigation. The employee will have the right to union representation during any expedited review.
- G. The review will normally occur within ten (10) workdays of the employee's receipt of the initial determination. Reasonable requests for extensions of these timeframes will be considered. The Employer's decision regarding suitability is final.
- H. If an employee does not meet the suitability or security requirements of his/her position, the Employer will make reasonable, good-faith efforts to place him/her in a vacant position available to be filled for which s/he is suitable and qualified, to reassign the employee temporarily, to detail the employee and/or adjust his or her workload.

### Section 3

An employee who is terminated due to security requirements may appeal that termination pursuant to 5 C.F.R. Part 731 or 752, as appropriate.

### Section 4

Nothing in this article may be construed as infringing upon the authority of the Office of Personnel Management pursuant to federal law and 5 C.F.R. Part 731.