

## DSS Updates April 10, 2014 Posting on: Guidance on Managing Personnel Security Clearance Records in the Joint Personnel Adjudication System (JPAS) - Eligibility, Break in Access and Break in Employment.

**Eligibility** – If JPAS reflects a clearance eligibility (i.e., CONFIDENTIAL, SECRET or TOP SECRET), a contractor employee may have access to classified information up to that level of eligibility. Note: a contractor employee may not have access to classified information at a level that is higher than the level of the contractor’s facility clearance.

The following procedures are provided for contractors to annotate and maintain records for “break in access” and “break in employment” in JPAS:

**Break in access** is the point when a cleared employee no longer has a requirement to have access to classified information.

If an employee no longer has a requirement to access classified information, remains employed by the contractor, and there is a reasonable expectation that the employee will require access to classified information again sometime in the future, the contractor will complete the following actions in JPAS:

- “Debrief” the employee from access (Note: this is the verbiage in JPAS for removing access)
- Maintain an owning relationship of the employee’s eligibility record in the JPAS Personnel Security Management Network (PSM Net) until a separation action is necessary

If the employee again requires access to classified information while working for the same contractor, the contractor must verify that the most recent personnel security investigation closed no more than 5 years earlier (TOP SECRET), 10 years earlier (SECRET), or 15 years earlier (CONFIDENTIAL).

If the investigation is current, the contractor may update the employee’s JPAS record with the appropriate access level if the following conditions are met:

- The contractor is not aware of any adverse information regarding the employee
- The employee’s most recent personnel security investigation meets the investigation requirement necessary for the access level

If the most recent investigation exceeds 5 years (TOP SECRET), 10 years (SECRET), or 15 years (CONFIDENTIAL), the contractor will submit a request for periodic reinvestigation (PR).

The contractor should continue to submit adverse information reports in accordance with NISPOM 1-302a (and the clarifying guidance in Industrial Security Letter 2011-04) by using the “Report Incident” feature in JPAS for any employee eligible for access to classified information and in the contractor’s PSM Net, regardless of whether the employee currently has access to classified information.

The contractor should also ensure employees with eligibility, and that are in the contractor's PSM Net, continue to receive refresher training as required by NISPOM 3-107.

The contractor will not request a PR for employees who remain employed but no longer have a requirement to access classified information.

If the employee no longer has a requirement to access classified information, remains employed by the contractor, and there is no reasonable expectation that the employee will require access again while employed by the company, the contractor will complete the following actions in JPAS:

- “Debrief” the employee from access (Note: this is the verbiage in JPAS for removing access)
- Add a separation date to the record
- Out-process the employee's eligibility record from the PSM Net

The contractor should debrief the employee.

If the employee is no longer in the contractor's PSM-Net, then the contractor should not submit a request for a PR and is not required to provide refresher training to the employee.

The contractor should continue to submit adverse information reports in accordance with NISPOM 1-302a (and the clarifying guidance in Industrial Security Letter 2011-04) by using the “Report Incident” feature in JPAS for any employee eligible for access to classified information, regardless of whether the employee currently has access to classified information.

**Break in employment** is the point when a cleared contractor terminates the employment of an employee with eligibility for access to classified information regardless of the reason for the termination, and regardless of whether the termination was initiated by the company, the employee (e.g., by resignation), or by mutual agreement of the company and the employee.

When a contractor terminates the employment of an employee who is eligible for access to classified information at the time of termination, the contractor must complete the following actions in JPAS:

- “Debrief” the employee from access (Note: this is the verbiage in JPAS for removing access)
- Add a separation date to the record
- Out-process the employee's eligibility record from the PSM Net

The contractor should debrief the employee prior to departure from the company.

When an employee who previously was eligible for access to classified information has had a break in employment greater than 24 months, the employee cannot be granted access to classified information until the employee has undergone a new (initial) investigation, regardless of the recency of any prior personnel security investigation.

If a contractor becomes aware of adverse information pertaining to former employee, the contractor will not use the incident reporting feature in JPAS to submit the report. Depending on the nature of the adverse information, the contractor should notify DSS or the DoD CAF to report the information or may consider notifying local law enforcement.

When a contractor hires an employee with current eligibility, but the contractor has no intention of granting access to classified information, there is no reason for the contractor to establish or maintain an owning relationship of the employee's eligibility record in the JPAS PSM Net. There is no requirement to submit a request for a PR; nor does the contractor have to provide NISP security and awareness training. If the contractor becomes aware of adverse information pertaining to the employee, the contractor should report that information to DSS or the DoD CAF. If the adverse information is criminal in nature, the contractor should consider notifying local law enforcement.

### **Visits**

When contractors host classified visits and meetings, the contractor should not establish an owning relationship of the visiting contractor or government employee. Contractors may; however, establish a servicing relationship with the visiting employee for the duration of the visit to receive notification of eligibility changes, particularly for long-term visits.