



NATIONAL NUCLEAR SECURITY ADMINISTRATION

BOP-002.05

Date: 2/18/05

NNSA Policy on Employee Suspension or Revocation of Access Authorization (Security Clearance)

1. **OBJECTIVE:** To prescribe NNSA Policy on handling employee suspension or revocation of Access Authorization (Security Clearance).
2. **APPLICABILITY:** This policy applies to all NNSA employees.
3. **POLICY:** The Head of each Organization is responsible for identifying positions in the organization that require access authorization and the level required. Typically, the nature of the position will determine if an "L" level or "Q" level access authorization is required. When an employee is selected for a position, the employee should be notified in writing if the position requires access authorization and that continued employment is contingent on holding the required level of access authorization.

If an employee occupies a position that requires access authorization and the access authorization is suspended or revoked, the employee will immediately be placed on administrative leave pending decision regarding continued employment. If the employee cannot perform the duties of the position without a security clearance, and there is not a vacant position in the organization that the employee can perform without a security clearance that the employee may be detailed to during the security review process, the supervisor must issue a letter proposing indefinite suspension until a final decision is made regarding the access authorization. (That decision is made through the Administrative Review Process, as referenced in DOE Order 472.1-1B). If a letter proposing indefinite suspension is issued, the second level supervisor is responsible for issuing the Decision Letter regarding the indefinite suspension.

If a decision is made to revoke the employee's access authorization through the Administrative Review Process, and there are no vacant established positions for which the employee qualifies at his/her current grade level within the employee's organization not requiring an access authorization, the first level supervisor must issue a letter

INITIATED BY:
Office of Human
Resources

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proposing removal for the efficiency of the service. The Deciding Official is responsible for issuing the Decision Letter with the final decision regarding the removal.

If an organization has a vacant position that does not require access authorization, the Head of the Organization may reassign the employee to the vacant position provided the employee otherwise meets the qualifications for the position. To avoid the perception of favoritism in placing some but not all employees, positions may not be established to accommodate certain employees.

In compelling situations where the employee's skills are needed to complete a project or action and the supervisor can assign portions of the work to the employee on a temporary basis (not long term) without a security clearance, the Head of the Organization may detail the employee to an unclassified position describing the work to be done in support of the project or action. Because indefinite suspension and removal actions may be appealed to the Merit Systems Protection Board, it is important to document the compelling basis for continued employment of the employee without access authorization.

4. RESPONSIBILITIES:

a. Supervisors (first and second level)

- 1) The first-level supervisor typically serves as Proposing Official for indefinite suspension or removal, as appropriate.
- 2) When an employee's access authorization is suspended, the supervisor must determine if the position requires a security clearance.
- 3) The supervisor must place the employee on administrative leave pending decision to suspend the employee indefinitely from their position of record until the administrative review process is complete; detail to a position that does not require a security clearance if a position is available; or reassign the employee to a vacant position for which the employee is qualified and a security clearance is not required.
- 4) If the supervisor determines that the employee's position of record requires a security clearance and the supervisor does not have another vacant position available that does not require a security clearance in which to place the

employee, the supervisor must contact the Service Center Human Resources Department or Headquarters Office of Human Resources (SC/HQ HR), to initiate issuance of the letter proposing indefinite suspension.

- 5) The second-level supervisor typically serves as the Deciding Official. The Deciding Official is responsible for issuing a decision letter regarding the indefinite suspension. If the decision is made to suspend the employee from their position without pay, the employee will remain suspended until the Administrative Review Process is complete.
 - 6) If the employee's access authorization is reinstated, the supervisor will immediately notify SC/HQ HR and submit the SF-52 to HR requesting that the employee return to duty. The supervisor will then contact the employee to notify him/her of the return to duty date.
 - 7) If the employee's access authorization is revoked and the employee has exercised his/her appeal rights and was not successful in getting the access authorization reinstated or the time limit for appeal has passed and the employee has not requested an appeal, with the assistance of SC/HQ HR the supervisor must issue a letter proposing that the employee be removed from Federal Service.
 - 8) The Deciding Official must issue a decision letter regarding the removal. If the decision is made to remove the employee from their position, an SF-52 is submitted to SC/HQ HR requesting removal.
 - 9) Maintain confidentiality regarding information received prior to the suspension of the access authorization.
 - 10) When a position becomes vacant (including those currently occupied with employees whose access authorization has been revoked), determine whether or not the position requires a security clearance and document the Position Description as such.
- c. Service Center Human Resources Department/Headquarters Office of Human Resources
- 1) Document SF-50s with the level of access required for new positions. Employees will be notified of the requirements prior to placement in the new position.

- 2) Provide advice to supervisors when an access authorization is suspended or revoked regarding administrative leave, suspension or removal from their position.
- 3) Assist supervisors in drafting documents to suspend or remove employees from their positions
- 4) Provide advice to employees regarding the HR process and employee rights.
- 5) Process personnel actions resulting from the suspension or revocation of employee clearances.
- 6) Provide advice to supervisors on whether the conduct or behavior that served as the basis for suspension or revocation of the access authorization is also a basis for considering disciplinary action.

d. Personnel Security

- 1) Contact SC/HQ HR prior to suspension of an access authorization with sufficient time to allow HR staff an opportunity to coordinate with the supervisor.
- 2) Provide SC/HQ HR all necessary information so that HR Personnel can advise supervisor appropriately.

e. Office of Chief Counsel

- 1) Coordinate on indefinite suspension and removal actions resulting from suspension or revocation of access authorizations.
- 2) Represent the Agency on appeals resulting from indefinite suspensions or removal actions.

5. REFERENCES:

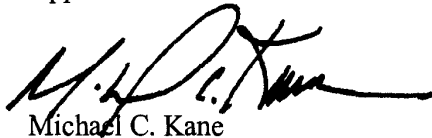
- a. DOE Order 3750.1, Work Force Discipline.
- b. 5 CFR 752-404, Adverse Action Procedures.

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- c. DOE Leave and Absence Handbook.
- 6. POINT OF CONTACT:
 - a. Human Resources Department in the Service Center.
 - b. Office of Human Resources at Headquarters.

Approved:



Michael C. Kane
Associate Administrator
for Management and Administration

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