



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

March 25, 2020

MEMORANDUM FOR: HEADS OF DEPARTMENTS AND AGENCIES

FROM: MICHAEL J. RIGAS, ACTING DIRECTOR

A handwritten signature in black ink that reads "Michael Rigas".

SUBJECT: Temporary Procedures for Personnel Vetting and Appointment of New Employees during Maximum Telework Period due to Coronavirus COVID-19

Vetting and Appointment Procedures Involving Fingerprinting

While agencies continue to onboard personnel, particularly for mission-critical functions, many Federal, state, and local offices that take fingerprints are temporarily closed due to measures associated with COVID-19.

As a result, Federal agencies are experiencing challenges collecting fingerprints to meet existing requirements for a fingerprint check of the Federal Bureau of Investigation's (FBI) criminal history records ("FBI fingerprint check") as part of vetting new hires¹ (including for waivers of pre-appointment investigative requirements) and contractors, appointment to the civil service², and determining eligibility for issuance of Personal Identity Verification (PIV) credentials³.

To permit continued onboarding of Federal and contract personnel when fingerprinting is not immediately available, the following guidance is effective until agencies are otherwise notified in writing.

- Agencies that are able to collect and process fingerprints will continue to do so and to follow established guidance for vetting new hires and determining eligibility for issuance of PIV credentials.
- Agencies that are unable to collect and process fingerprints due to measures associated with COVID-19 (e.g. closure of offices that take fingerprints) and wish to proceed with onboarding at this time, consistent with the agency head's determination of risk⁴, must follow established guidelines to proceed with vetting, except that the collection and

¹ E.O. 13467, as amended; *Federal Investigative Standards* issued by the Director of National Intelligence and Director of Office of Personnel Management, in their capacity as the Security Executive Agent and the Suitability and Credentialing Executive Agent, respectively.

² E.O. 8781, as amended.

³ Office of Personnel Management (OPM), *Final Credentialing Standards for Issuing Personal Identity Verification Cards under HSPD-12*.

⁴ The agency head may make the determination on a case-by-case basis, for specific positions, or for the agency as a whole.

submission of fingerprints may be delayed until fingerprint processing is feasible, and no later than the date of termination of this temporary guidance.⁵

- Agencies will delay reporting the final adjudication of the background investigation until a fingerprint check has been completed and considered in the adjudication. Existing mechanisms for measuring the timeliness of adjudication compliance will continue; however, agencies will not be held accountable for adjudication reporting timeliness during the period this guidance is in effect.
- For agencies that utilize the Defense Counterintelligence and Security Agency (DCSA), the primary background investigative service provider for the Government, but are unable to collect and process fingerprints at this time, DCSA is instituting a procedure for the processing of background investigations that allows for deferral of the fingerprint submission requirement. Once an agency is able to collect fingerprints for an individual whose investigation was submitted without them, the agency must submit the fingerprints to DCSA as described in DCSA's procedure.
- DCSA will issue separate technical guidance directly to its customer agencies via each agency's DCSA liaison following the issuance of this policy.

Challenges collecting fingerprints also are inhibiting agencies' ability to issue PIV credentials. Although this guidance permits agencies to proceed with determining eligibility for issuance of a PIV credential, the issuance of the credential itself may not be possible due to the agency's inability to capture fingerprints and other challenges associated with COVID-19 measures.

Agencies should consult Office of Management and Budget ([OMB Memorandum M-20-19, Harnessing Technology to Support Mission Continuity \(March 22, 2020\)](#)) about issuing alternate credentials to PIV-eligible users.

Procedures Involving In-Person Proof of Identity for Employment Authorization and Determining Eligibility for Issuance of a Credential

Due to precautions being implemented by employers and employees related to physical proximity associated with COVID-19, the Department of Homeland Security (DHS) announced on March 20, 2020, that it will exercise its discretion to temporarily defer the physical presence

⁵ Although E.O. 8781, as amended, does not permit the waiver or deferral of the pre-appointment fingerprint requirement for non-temporary employees, in some circumstances it will be impracticable for agencies to comply with this requirement during the national emergency. In this regard, Office of Management and Budget ([OMB M-20-19, Harnessing Technology to Support Mission Continuity \(March 22, 2020\)](#)) states: "Security protocols, requirements regarding the appropriate use of federal resources, and legal requirements are always applicable. However, agencies are encouraged to make risk-based decisions as appropriate to meet mission needs as outlined in M-20-16, Federal Agency Operational Alignment to Slow the Spread of Coronavirus." Consistent with M-20-19, if an agency head makes a risk-based decision that it cannot comply with the requirement in E.O. 8781 for pre-appointment fingerprinting of non-temporary employees, and that the agency must defer fingerprinting these employees until a later date, the agency head or his or her designee must document the reasons for his or her risk-based decision.

requirements associated with Employment Eligibility Verification (Form I-9).⁶ Information regarding the I-9 process for onboarding using remote verification during this temporary period can be found at:

<https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance>.

Issuance of a credential also requires in-person identity-proofing. Effective immediately and until agencies are otherwise notified in writing, when agencies are unable to perform the identity proofing processes for determining eligibility and for issuance of a credential consistent with the agency head's determination of risk, they may elect instead to perform the identity proofing via remote inspection (e.g., over video link, fax or e-mail, etc.) Remote inspections will be an interim process, and any individuals that undergo the remote identity-proofing process are required to undergo in-person identity-proofing when agencies return to full, in-person capabilities. Agencies must be able to demonstrate, for audit purposes, that they have complied with identity-proofing requirements.

This Memorandum has received my authorization as the Suitability and Credentialing Executive Agent, in addition to that of the Director for National Intelligence as the Security Executive Agent, in coordination with the Department of Homeland Security, the Office of the Under Secretary of Defense for Intelligence and Security, and OMB.

This Memorandum is fully consistent with requirements of the Federal Acquisition Regulation and the National Industrial Security Program Operating Manual (NISPOM).

This Memorandum is consistent with [OMB Memorandum M-20-16, Federal Agency Operational Alignment to Slow the Spread of Coronavirus](#) and the President's declaration of a national emergency pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5191(b)) concerning the COVID-19 outbreak.

⁶ The virtual I-9 process is sufficient to initiate verification of employment eligibility using the e-Verify system, as required for Federal agencies by OMB Memorandum M-07-21 and as required for Federal contractors by E.O. 12989, as amended.