

FDA Staff Manual Guides, Volume III – General Administration

Personnel - Employment

Policy and Procedures for Preemployment Suitability Checks

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1. Purpose.

The purpose of this Guide is to state FDA policy and provide guidelines for determining the suitability of potential employees. This Guide is effective upon issuance.

2. Policy.

It is the policy of the Food and Drug Administration to maintain the high reputation of the Federal Government as an employer by recruiting and employing persons of high competence and character, and to preserve and nourish the traditional values of the Federal civil service, including integrity, continuity, nonpartisanship, and merit, which are essential to the mutual confidence that exists between the service and the public it serves. At the same time, FDA recognizes its responsibility to avoid artificial and exclusionary standards. As a progressive Federal Agency, it will fully meet its obligations to carry out employment programs designed to give the socially, economically, and educationally disadvantaged person a fair opportunity to enter and rise in Government service.

3. Responsibilities.

A. Hiring Managers are responsible for:

1. Providing active support to the objectives of preemployment inquiries and fully complying with the intent and procedural requirements of this Guide.

2. Evaluating potential applicants without regard to race, creed, color, national origin, sex, age, or other non-merit factors.

B. The Office of Talent Solutions is responsible for:

1. Assuring that the requirements of this Guide have been met before acting on an appointment.
2. Developing and employing the procedures necessary for the implementation of preemployment reference inquiries.
3. Obtaining reference inquiries on potential employees and personnel records of former Federal employees before offer of employment.
4. Determining if derogatory information has been obtained and evaluating contents.
5. Advising the official, who has made the tentative selection, when derogatory information has been developed that the applicant is not suitable for employment.
6. Making offer of employment, either verbal and/or written, to applicants who meet suitability and other legal and procedural requirements.
7. Approving exceptions to the reference inquiry process.

4. Procedures.

A. Obtaining Suitability Information

1. Reference inquiries may be obtained in person, via telephone or written inquiry before an offer of employment is made to any applicant. Normally, this will be done by the Investigative Service Provider (ISP). If, however, the employing office undertakes this responsibility, it must do so in full accordance with the requirements of this Guide and any instructions issued by the ISP. Inquiries are not required for a temporary appointment of 30 days or less.
2. If possible, inquiry should be made of supervisors, preferably not less than three, under whom the applicant has worked during their most recent 5 years. If it is not practical to make inquiry of three such persons, others should be substituted in the approximate order of their value as references. Questionable work histories, poor references, and other negative indicators necessitate expansion of the inquiry process so that the fullest possible information is developed regarding applicants.

3. Occasionally, a potential employee will indicate that he does not want his present supervisor contacted. It should be explained to the applicant that no offer of employment can be made until a reference, which meets the agency's suitability requirements, has been obtained from the current supervisor. To such instances, it may be desirable to postpone contact with the present supervisor until all other preemployment checks have been satisfactorily completed.

B. Documenting Suitability Information

1. A narrative reference evaluation can be obtained and may be desirable for executive level positions. However, it must contain the same type of information provided on the reference forms, in which case, the form(s) can be used as guidelines.
2. Reference inquiries should identify the name of the applicant, the position and grade level for which the applicant is being considered, the relationship between the applicant and the evaluator, the period on which the evaluation is being made; and the date of the inquiry and name of the person making the inquiry.

C. Evaluating Suitability Information

1. The Personnel Security Office will evaluate the suitability information obtained through the reference inquiry process, and other appropriate sources. The Personnel Security Office will provide a determination on applicant's fitness/suitability for a position.
2. The Personnel Security Office is responsible for determining, based on information obtained in accordance with this Guide and Department instructions, that an applicant meets tests of suitability for FDA employment except that:
 - a. The Health and Human Services Office of National Security (HHS ONS) evaluates all information including that on suitability) made available to them through the required preemployment investigations as they carry out the responsibility given to grant clearance to occupy a sensitive position.
 - b. Advice from the Director, Office of National Security (ONS) should be requested through the FDA Security Representative when questions on loyalty arise.
 - c. The prior approval of the Director, Office of National Security (ONS) shall be obtained before any applicant for employment is disqualified solely

based on "reasonable doubt as to the loyalty to the Government of the United States.

- d. Prior approval of the Director, Office of National Security (ONS), must be obtained before employment of any person whose employment has been terminated by any other Department or Agency under or pursuant to any security or loyalty program.
- 3. When derogatory information, other than of the nature requiring other approvals, cannot be resolved and there are indications that employment of the applicant would not meet with the standards of suitability established by the FDA, prior approval of the Chief Talent Officer, Office of Talent Solutions in consultation with the Director, Office of Human Capital Management.

5. Definitions.

A. The following definitions are provided for use in this Guide:

- 1. Suitability. Determinations based on a person’s character or conduct that may have an impact on the integrity or efficiency of the service.
- 2. Work History/Experience. Any employment including paid, voluntary, full, or part-time, irregular, temporary or permanent.
- 3. Personnel Security Office - The office responsible for providing day- to-day operating personnel security services.
- 4. Applicant. A person who is being considered or has been considered for employment.

6. Effective Date.

The effective date of this guide is May 20, 1971.

7. Document History - SMG 3112.2, “Policy and Procedures for Preemployment Suitability Checks”

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