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Sexual Orientation
And The CIA.
Answers To
Common Questions.



This brochure was prepared by Agency Network of Gay, Lesbian, Bisexual and Transgendered Employees (ANGLE) of the Central Intelligence Agency in cooperation with CIA's Office of Equal Employment Opportunity. We are grateful for major contributions from CIA's Office of General Counsel, Office of Human Resources Management, Security Center, and Office of Medical Services; the content of this brochure was coordinated with these offices. Your questions and comments about this brochure are welcome and may be directed to the Office of Equal Employment Opportunity on (703) 482-8867.

GENERAL POLICY

Does the CIA hire gay, lesbian and bisexual persons?

Yes. CIA does not discriminate on the basis of sexual orientation in any of its employment decisions. CIA abides by Executive Order 11478 (as amended by Executive Order 13087), which prohibits discrimination based on sexual orientation in the federal civilian workforce.

What is CIA's policy on anti-gay harassment in the workplace?

CIA policy strictly prohibits harassment in the workplace, including harassment based on sexual orientation. Specifically, CIA prohibits verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or group and is based on sexual orientation and creates a hostile environment, unreasonably interferes with an individual's work performance, or otherwise adversely affects an individual's employment opportunities. Examples of harassment include epithets, slurs, negative stereotyping, threats, or intimidation, whether they are expressed toward an individual or group or are contained in materials that are circulated in the workplace or placed on walls or elsewhere on CIA premises.



In addition, both CIA policy and federal law prohibit sexual harassment in the workplace. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably



interferes with an individual's work performance, or creates a hostile or offensive work environment. Examples include unwelcome demands, propositions, advances, teasing, dirty jokes, remarks, or questions of a sexual nature; offensive gestures and touching; sexually demeaning words used to describe an individual; and the display in the work-

place of sexually offensive objects or pictures.

Will I be asked about my sexual orientation during the employment application process?

You will not be asked about your sexual orientation prior to receiving a conditional offer of employment from CIA. If you receive and accept a conditional offer of employment, you will then undergo security and medical/psychological evaluations. There is no routine question about sexual orientation in either the security or the medical/psychological evaluation, and sexual orientation per se is not a security, medical, or psychological issue for CIA. Nevertheless, during these evaluations there could be specific, individual circumstances in which you might be asked directly about your orientation or in which you would find disclosure of your orientation unavoidable.

- During the security evaluation process, for example, you could be asked about your close personal relationships, about persons who live with you, or about organizations you've been associated with. If such circumstances involved your orientation, you probably could not avoid disclosing your orientation.



- During the medical/psychological evaluation process, applicants are evaluated to ensure that their emotional adjustment will not pose predictable work or security risks. If significant adjustment problems are identified, the subjects associated with the problems are addressed. On rare occasions these involve an applicant's concern about sexual orientation.

In all cases, candor and integrity are essential, and it is incumbent on the applicant to be honest and forthcoming in providing relevant information.

SECURITY POLICY

Will being gay, lesbian or bisexual prevent me from getting and maintaining a security clearance?

No. Executive Order 12968 provides that the United States Government does not discriminate on the basis of sexual orientation when determining an individual's eligibility to receive access to classified information. CIA has adopted regulations which implement the provisions of the Executive Order.

If I'm not "out" to my family and friends, does this make me a security risk?

If you are not "out," it will not necessarily preclude you from holding a security clearance. Each case is reviewed using the "whole person" concept to arrive at a common sense determination about whether an individual would pose an unacceptable risk to the protection of classified information. This means the Agency weighs in the aggregate all information collected during the security screening process.

What if I don't want to tell my managers or coworkers at CIA that I'm gay, lesbian or bisexual — does this make me a security risk?





In general, whether you want to disclose your sexual orientation to your managers or coworkers at CIA is a personal choice rather than a security issue. There are some circumstances, however, in which your managers would become aware of your orientation. For example, you must report to your managers certain unofficial contacts with foreign nationals; any outside employment you wish to undertake; and any legal proceedings you become involved in. If such circumstances involved your sexual orientation, you may not be able to avoid disclosing your orientation to your managers.

Will my partner or significant other be investigated by the CIA?

Yes. CIA's policy of security evaluation of spouse-like domestic partners, significant others, cohabitants, or other persons to whom an applicant or employee may be bound by affection, influence, or obligation, applies equally to heterosexual, homosexual, and bisexual applicants and employees.

- For a US citizen to whom the applicant or employee may be bound by affection, influence, or obligation, the CIA conducts a check of investigative and criminal history files of the Federal Bureau of Investigation and other national agencies as appropriate to the individual's background.
- A non-US citizen to whom an applicant or employee may be bound by affection, influence, or obligation is a matter of serious security concern and requires a more extensive security evaluation of the foreign citizen.

BENEFITS POLICY

Does the CIA offer benefits for my partner or significant other?

Federal statutes control who is eligible to receive federal employment benefits such as health insurance,





life insurance, and retirement annuity. Unmarried domestic partners of employees are not eligible. The CIA is bound by federal law in this regard and does not have independent discretion to offer these benefits.

Nevertheless, certain provisions of current federal employee benefits and compensation are already available to unmarried domestic partners of federal employees.

- You can designate your partner or significant other as your beneficiary under the Federal Employee Group Life Insurance Program. You can change your beneficiary at any time without the knowledge or consent of the previous beneficiary.
- You can designate your partner or significant other as your beneficiary for any unpaid compensation due to you, such as accrued vacation. This designation remains valid until you change or revoke it, or until you transfer to another department or agency of the federal government.
- You can designate your partner or significant other as your beneficiary under the Thrift Savings Plan. A change of beneficiary may be made at any time. However, designation of a beneficiary under the Thrift Savings Plan does not affect your retirement annuity under either the Federal Employees Retirement System (FERS) or the Civil Service Retirement System (CSRS).
- Under either CSRS (applicable to federal employees hired before 1984) or FERS, you may designate your partner or significant other as your beneficiary for a lump sum refund of your retirement contributions to the retirement system. However, if anyone qualifies to receive survivor annuity benefits by law, retirement contributions cannot be refunded.





HUMAN IMMUNODEFICIENCY VIRUS (HIV) POLICY

Will I be tested for HIV during the employment application process?

Yes. All applicants are tested for HIV.

Will the CIA hire me if I'm HIV positive?

As with any potentially serious medical condition, the employment implications of a positive HIV status will depend on the nature of the job for which the individual is applying. For many career fields, CIA managers expect employees to be able to accept worldwide assignments, and not all foreign posts are capable of affording the US standard of care to those who are HIV positive. If the hiring manager waives the overseas assignability requirement, HIV positive individuals are medically approvable for hire.

If I'm HIV positive, who at the CIA will know my status?

CIA's medical staff regards its evaluations and the existence of any medical condition to be medically privileged information that cannot be divulged without the consent of the individual, except when the individual is at risk for harming him- or herself, someone else, or national security.

In addition, CIA medical records are protected by the provisions of the Privacy Act and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Under this federal law, information from CIA medical records may be disclosed within CIA only to those individuals who have a specific need for this information in the performance of their official duties. As a result, it is extremely rare for applicant or employee medical information to be disclosed beyond CIA's medical staff.





If I test positive for HIV on a CIA-administered test, will the CIA report my status to any other federal, state, or local authorities?

No. CIA does not report the HIV status of applicants or employees to any health authority. Affected individuals are referred to their private physicians for further evaluation, monitoring, and treatment. Private physicians may have a reporting obligation.

If I am HIV positive, will it affect my employment?

In a general sense, HIV infection does not affect employment unless the individual is unable to perform the essential functions of his or her job with or without reasonable accommodation. With regard to overseas assignments, as in all cases involving the presence of a potentially serious condition, requests for foreign travel are evaluated on a case-by-case basis, weighing the medical requirements of the individual against the resources that will be available locally. Where appropriate resources exist, individuals who are HIV positive can be approved for foreign travel.



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