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Category: 13 - Conduct; Accountability and Discipline **OPR:** OS

Title: AR 13-4 (U) SPECIAL ACTIVITIES STAFF, OFFICE OF SECURITY

CL BY:, CL REASON:, DECL ON:, DRV FROM:

REVISION SUMMARY: 30 October 2008

This regulation supersedes AR 13-4, dated 12 April 2005.

AR 13-4 is revised to update organizational titles and to include SAS's responsibility for managing employee wage garnishments.

Boldfaced text in this regulation indicates revisions.

This revision was written by the Office of Security/Security Policy Staff,

(b)(3)

4. (U) SPECIAL ACTIVITIES STAFF, OFFICE OF SECURITY

(U) SYNOPSIS. This regulation describes the roles and responsibilities of the Special Activities Staff, Office of Security (SAS/OS), in managing and working to resolve cases of employees with suitability or security problems; formulating and implementing policies that seek to provide appropriate guidance and assistance to employees with such problems and to their managers; and functioning as the Agency focal point for tracking and maintaining centralized records of such cases. This regulation also describes the related roles of Agency managers and supervisors, component human resource officers, area security officers, specific offices, and various personnel panels and boards that play a part in rendering or processing adverse personnel actions.

a. (U) POLICY

(1) (U//AIUO) ADVICE AND GUIDANCE. It is Agency policy to help and support employees who are or may be subjects of adverse personnel actions, and to use available Agency resources to assist such employees in pursuing guidance, counseling, and/or other help appropriate to their situations. The Agency believes

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that concern for all employees is not only good personnel policy, it is also an important factor in maintaining the security of Agency activities.

- (2) (U//~~ATUQ~~) **ADVERSE PERSONNEL ACTIONS.** Adverse personnel actions refer to any disciplinary actions, excluding oral admonitions and letters of warning, taken against an employee for suitability issues such as poor performance or misconduct or for security reasons. Descriptions of these disciplinary actions, as well as procedures for imposing them, can be found in AR 13-3. All adverse personnel actions are processed through SAS.
- (3) (U//~~ATUQ~~) **REPOSITORY OF ADVERSE PERSONNEL INFORMATION.** It is Agency policy that SAS be advised of **and updated on** developing and/or potential cases of employees with suitability or security problems and be notified of all disciplinary actions, except for oral admonitions and letters of warning as noted above. Early identification of cases involving questions of security and/or suitability is of considerable utility in achieving satisfactory resolutions, both in terms of employees' welfare and Agency security and counterintelligence concerns. SAS serves as the official repository for records of all adverse personnel actions, which must be reported to SAS. This reporting requirement is designed to ensure records continuity and uniformity of disciplinary actions, and to provide the Personnel Evaluation Board (PEB) and the Overseas Candidate Review Board (OCRB), as applicable, with access to all relevant information.
- b. (U//~~ATUQ~~) **NO ADDITIONAL RIGHTS CONFERRED.** This regulation does not create for any Agency employee any property or other interest or privilege in Agency employment. Nor does this regulation entitle an employee to any due process rights or in any way limit or detract from the D/CIA's authority, pursuant to section 104(g) of the National Security Act of 1947, as amended, to terminate an individual's Agency employment, with or without the procedures set forth in this regulation, AR 13-5, AR 13-8, or elsewhere.
- c. (U//~~ATUQ~~) **ORGANIZATION.** Chief, SAS reports directly to Chief, Personnel Security Group (PSG), OS, and serves as the OS representative in handling cases of employees with performance, suitability, or security problems and adverse personnel actions on an Agency-wide basis.
- d. (U) **RESPONSIBILITIES**
- (1) (U//~~ATUQ~~) Chief, SAS shall:
- (a) (U//~~ATUQ~~) Provide advice, counseling, and guidance, as appropriate, to employees facing adverse action and/or whose performance, conduct, or eligibility for continued access to classified information has been called into question. The object of such counseling is to provide constructive support to such employees and to seek to make available to them a range of Agency personnel support resources.
- (b) (U//~~ATUQ~~) Provide advice, guidance, and training to Agency managers and supervisors, component human resource (HR) officers, and area security officers (ASOs) in identifying and handling cases of employees with

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performance, conduct, or security problems, and imposing discipline in accordance with the procedures described in AR 13-3.

- (c) (U//~~ATUO~~) Provide advice and technical guidance to the **Director of Security (D/OS)** on the formulation, implementation, and interpretation of policies concerning employees facing adverse action and/or whose performance, conduct, or eligibility for continued access to classified information has been called into question.
- (d) (U//~~ATUO~~) Serve as the executive secretary of the PEB and provide staff support to monitor the implementation of or carry out the PEB's recommendations, as detailed in AR 13-5.
- (e) (U//~~ATUO~~) Provide staff support to **ensure appropriate** implementation of termination decisions made in accordance with AR 13-8, including termination decisions made without convening the PEB, such as termination of reserve employees, summary termination by the D/CIA, or termination of employees for abandonment of position, legal incompetence, or declaration as excess to the needs of the service.
- (f) (U//~~ATUO~~) Serve, upon request of **Chief/PSG**, as the chairperson of the PEB for problem cases involving trial period employees.
- (g) (U//~~ATUO~~) Serve, upon request of **Chief/PSG**, as the chairperson of the OCRB that reviews overseas assignment cases involving security, suitability, and/or performance issues.
- (h) (U//~~ATUO~~) Receive referrals of individual Office of Inspector General cases and convene the PEB, in appropriate cases, to ensure that associated actions taken are consistent throughout the Agency.
- (i) (U//~~ATUO~~) Coordinate with **OS/PSG** regarding those employees with suitability/security issues who are seeking continued access to classified information.
- (j) (U//~~ATUO~~) Monitor and document compliance with the disciplinary actions made in accordance with AR 13-3 that management imposes.
- (k) (U//~~ATUO~~) Serve as the repository for records of all accountability and disciplinary actions – other than oral admonitions and letters of warning – and maintain a permanent record, including the original documentation, of all such actions.
- (l) (U) Not used.
- (m) (U//~~ATUO~~) Maintain follow-up contact with post-employment cases, as appropriate.
- (n) (U//~~ATUO~~) (b)(3)
- (o) (U//~~ATUO~~) Perform other duties and tasks, as assigned by **D/OS**, relative to employees facing adverse action and/or whose performance, suitability for continued employment, or eligibility for continued access to classified

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information have been called into question.

- (p) (U//~~ATUQ~~) **Administer and process garnishment orders for Agency employees.**
- (2) (U//~~ATUQ~~) Agency managers and supervisors, component HR officers, and ASOs shall:
- (a) (U//~~ATUQ~~) Advise SAS of developing and/or potential adverse actions and of any employees whose performance, conduct, and/or eligibility for continued access to classified information has been called into question.
 - (b) (U//~~ATUQ~~) Consult with SAS prior to the decision to recommend or impose any disciplinary action other than an oral admonition or letter of warning. Such consultation shall serve to promote reasonable consistency across the Agency, and may be necessary to determine whether particular conduct warrants review by the PEB.
 - (c) (U//~~ATUQ~~) Report and provide to SAS all relevant information regarding suitability or security issues which may warrant adverse action, including reporting completed adverse actions in writing to SAS within **ten (10)** business days of the decision.
 - (d) (U//~~ATUQ~~) Ensure that disciplinary information is requested from SAS prior to taking certain personnel actions, as detailed in AR 13-3.
- (3) (U//~~ATUQ~~) OS/PSG shall:
- (a) (U//~~ATUQ~~) Report to SAS sensitive personnel information developed or discovered within PSG and/or raising a security issue not resolved in favor of an employee.
 - (b) (U//~~ATUQ~~) Advise SAS if any personnel security information bearing on a particular case being handled by SAS is available in PSG.
- (4) (U//~~ATUQ~~) Office of Medical Services (OMS) shall:
- (a) (U//~~ATUQ~~) Report to SAS sensitive personnel information discovered or developed by OMS and deemed by OMS to be relevant to an employee's performance, conduct, and/or eligibility for continued access to classified information.
 - (b) (U//~~ATUQ~~) Advise SAS if any medical information bearing on a particular case being handled by SAS is available in OMS.
- (5) (U) The ASO Program Manager shall:
- (a) (U//~~ATUQ~~) Report to SAS information concerning formal disciplinary actions taken as a result of security incidents.
 - (b) (U//~~ATUQ~~) Advise SAS of any major security incidents involving potential or actual loss of national security information by employees.
 - (c) (U//~~ATUQ~~) Report to SAS all available security incident information

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maintained that is relevant to ongoing SAS cases.

- (6) (U//~~ATUO~~) The Office of General Counsel and the Office of Inspector General shall report to SAS cases of any employee referred to the Department of Justice or to local police authorities for possible prosecution of unlawful activities.
- (7) (U//~~ATUO~~) Other Agency panels and boards that meet to discuss issues involving employees whose performance, conduct, and/or eligibility for continued access to classified information has been called into question, shall consult with SAS prior to the decision to recommend or impose any disciplinary action other than an oral admonition or letter of warning and report to SAS any adverse actions taken against employees.

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