

Homeland Security Presidential Directive-12 (HSPD-12) Personal Identity Verification (PIV) Applicant Rights & Responsibilities Guide

This document describes the rights and responsibilities of an IRS Applicant in the Federal Personal Identity Verification (PIV) process. It addresses responsibilities regarding identity proofing, registration/enrollment, and issuance of a PIV Identification Card, as well as appeal rights if denied a PIV card. The term **Applicant** refers to the individual to whom a new PIV card will be issued. Applicants may be prospective Internal Revenue Service (IRS) employees or contractors.

Introduction to HSPD-12

On August 27, 2004, President Bush signed **Homeland Security Presidential Directive-12 (HSPD-12), Policy for a Common Identification Standard for Federal Employees and Contractors**. Based upon this Directive, the National Institute for Standards and Technology (NIST) developed **Federal Information Processing Standards Publication (FIPS Pub) 201** including a description of the minimum requirements for a Federal Personal Identity Verification (PIV) system. The HSPD-12 Directive directs the implementation of a new standardized credentialing process, which is designed to enhance security, reduce identity fraud, and protect the personal privacy of those issued government identification. The IRS will begin implementation of an HSPD-12 PIV compliant process for all new employees and contractors on October 27, 2005.

Along with this new process are new requirements:

1. Everyone issued an ID card must have a favorable background investigation, including an FBI fingerprint check. For most people, this will include a National Agency Check with Inquiries (NACI).
2. All personnel must be "identity-proofed," that is, they must present two forms of identification, one of which must be a state or federally issued photo ID.
3. No one person can be the sole official that requests, authorizes, and issues an ID card for an Applicant. There must be a clear distinction of duties per Applicant.

Undergoing the PIV Process

On or before the first day of employment, Applicants will be asked for information that will be used to complete a PIV Request Form, which begins the PIV process. Applicants must bring two forms of ID which will be reviewed for authenticity. One form of ID must be a valid state or federally issued picture identification. The other form must be a document listed on the back of the Form I-9, "Employment Eligibility Verification". A current government issued employee identification badge may not be used as a picture ID. Fraudulent or altered identification documents are not accepted as being authentic. No photocopies are acceptable. Failure to provide the documents means the Applicant failed to comply with the PIV requirements.

Applicants will also be asked to complete the appropriate paperwork in order for the IRS to initiate a background investigation. Applicants will be afforded three (3) opportunities prior to the entry-on-duty to provide the documents required for identity verification and for initiation of the background investigation.

At one of the IRS facilities, Applicant provided forms of identity will be authenticated by individuals trained and certified to perform this authentication. Applicants will also be fingerprinted and have their photograph taken. It is vital that Applicants bring all forms and paperwork with them as requested. Failure to comply with the PIV process may result in the loss of consideration for employment.

Documents Utilized in Identity Proofing

Under the PIV process, Applicants must provide appropriate documentation to verify their identity. A list of approved identification is available on the back of the Form I-9, "Employment Eligibility Verification." All documents provided must be unexpired.

Responsibilities of a PIV Card Holder/Applicant

Individuals issued a PIV card have the following responsibilities:

1. Shall cooperate fully in the PIV process.
2. Shall not attempt to copy, modify or obtain data from any PIV card.
3. Shall not assist others in gaining unauthorized access to Federal facilities or information systems.
4. Shall wear the PIV card properly at all times during work hours.
5. Shall report the loss or theft of an issued PIV card to their supervisor or Contracting Officer's Technical Representative (COTR) within 24 hours of noting its disappearance.
6. Shall return the PIV card when placed in a non-work status or upon termination of employment.
7. Must protect the PIV card at all times.

Wearing of PIV Cards

All individuals must wear PIV cards when in IRS facilities. All PIV cards shall be worn with an approved clip fastened to either an item of clothing or to an approved chain worn around the neck or in an approved transparent plastic card holder.

All PIV cards must be worn above the waist (on the torso) in such a manner that the photo is clearly visible from the front at all times. No mementos or other items may be attached to the PIV card that would obscure the information on the card.

NOTE: Exceptions to these instructions for reasons of health, safety, or religion must be approved by the employee's supervisor or COTR and the IRS Security office.

Rights of Prospective Employee Applicants Denied a PIV Card

In the event that a prospective employee Applicant is denied a PIV card based on PIV requirements or a PIV card is revoked after issuance, Applicants have the option of appealing the decision. If the Applicant elects to appeal the decision, the following process will be initiated:

1. The Applicant will receive a letter stating the reason for the unfavorable decision.
2. The Applicant will have 30 calendar days from the date of the proposed action letter to review and provide additional information.
3. After the information provided is reviewed, the Applicant will be informed by letter of the final decision. The decision shall become final 30 calendar days after issuance of the letter.

NOTE: The IRS shall follow appeal rights found in Policy Number 67 and Title 5, Code of Federal Regulations (CFR), Part 1201.22 (b) as applicable, as a result of an unfavorable adjudication of the FBI criminal history record check and any disqualifying factors found in 5 CFR 731. To view the entire appeal process, an applicant may refer to Title 5 CFR 731 and 1201.22(b).

Rights of Prospective Contractor Applicants Denied a PIV Card

Prospective contractors denied a credential based on PIV requirements have the right to appeal the decision. If the Applicant elects to appeal the decision, the following process will be initiated:

1. The Applicant will receive a letter stating the reason for the unfavorable decision.
2. The Applicant will have 10 calendar days from the date of the proposed action letter to review and provide additional information.
3. After the information provided is reviewed, the Applicant will be informed by letter of a decision. The decision shall become final 15 calendar days after issuance of the letter.

PIV Card Applicant Representative

The IRS will assign a PIV Card Applicant Representative (PCAR) to represent the interests of prospective Federal employees and contractors who are the Applicants for PIV Cards. The PCAR will represent the privacy concerns of Applicants, assist an Applicant who is denied a PIV Card because of missing or incorrect information in an identity source document, or act as a surrogate for an Applicant that is not available for performing required actions.

NOTE: Applicants have the right to reapply for the current position or for other Federal or contractor positions if not accepted unless disqualified from eligibility under Title 5 CFR 731.

Privacy Notice

During the hiring process, Applicants will be asked to provide certain personal information to designated government personnel trained and certified in the PIV process. The information provided will be recorded on a PIV Request Form.

Title 5 U.S.C. § 301 and 31 U.S.C. § 321 provides authority for collecting the requested information. Executive Order 9397 (November 22, 1943) provides the authority for requesting your social security number. The purpose for collecting the requested information is to enable the IRS to produce and distribute identification cards to allow entry into their facilities.

The information collected may only be disclosed in accordance with the Department of the Treasury's published routine uses and as otherwise permitted under the Privacy Act of 1974 (5 U.S.C. § 552a), including disclosure to:

1. The United States Office of Personnel Management, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the Federal Labor Relations Board upon an authorized request;
2. Agencies, contractors, and others to administer personnel and payroll systems, for debt collection and for employment or security investigations;
3. A law enforcement agency if the IRS becomes aware of a possible violation of a law or regulation;
4. A Congressional office in response to requests made on your behalf;
5. The Department of Justice, courts, and counsel during litigation;
6. Unions if needed to perform their authorized duties;
7. Other agencies under approved computer matches; and
8. Organizations otherwise authorized by law or regulations.

The PIV Request Form complies with the Privacy Act of 1974 and is needed to meet the policy requirements of the Department of the Treasury. The information on this form will be used to satisfy the requirements of HSPD 12, FIPS 201-PIV (Personal Identity Verification of Federal Employees and Contractors.)

While the Applicant has the option to refuse to provide any of the information, failure to do so may result in non-issuance of an identification card, thereby preventing them from accessing IRS facilities.

Questions

We thank all prospective employees and contractors for reading this guide and helping to do their part in making us all more secure. If a prospective employee has any questions, they should contact the HR office or PCAR identified in the vacancy announcement.

If a prospective contractor has any questions, they should contact the Contracting Officer Technical Representative (COTR) associated with their contract.