



United States Department of State  
and the Broadcasting Board of Governors

*Office of Inspector General*

## MEMORANDUM REPORT

SUBJECT: Limited-Scope Review of Policies and Procedures for Vetting Foreign Service Nationals at Embassy Kabul in Afghanistan, MERO-I-10-10

### Introduction

The Middle East Regional Office (MERO) of the Office of Inspector General (OIG) performed this limited-scope review under the authority of the Inspector General Act of 1978, as amended.<sup>1</sup> The Assistant Chief of Mission at Embassy Kabul requested this review due to concerns about perceived nepotism in the employment of locally employed (LE) staff at the embassy. The objectives of this limited-scope review were to: (1) review the policy and procedures used by the Foreign Service national investigators (FSNI) in pre-employment personnel security vetting of Afghan locally employed staff; (2) document investigative techniques used to vet prospective local staff prior to employment with the embassy; and (3) determine the degree of family and friendship relationships of current embassy LE staff and its impact on the vetting process.

OIG's limited-scope review took place from March 2010 to April 2010 in Kabul, Afghanistan and Washington, DC. During the review, OIG met with Embassy Kabul staff from the regional security office (RSO) and the human resources office (HRO), and with the assistant chief of mission at Embassy Kabul. OIG reviewed policies, procedures, regulations, official personnel files, investigation files, and curricula vitae (CV). OIG also interviewed FSNI. This memorandum report was prepared under the direction of Richard "Nick" Arntson, Assistant Inspector General for MERO. The following staff members conducted the review and/or contributed to the report: Kelly Herberger, James Pollard, and Miguel Sapp.

Embassy Kabul provided written technical comments on a draft of this report, which were incorporated by OIG.

### Background

The Department of State's Office of Overseas Employment in the Bureau of Human Resources is responsible for managing the policies and programs that govern the employment of LE staff overseas. LE staff is the general term used for Foreign Service nationals (FSN), as well as some

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<sup>1</sup> 5 USC App. 3

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U.S. citizens, who ordinarily reside in the host country and are thus subject to its labor laws. The U.S. Government, under the authority of the Chief of Mission, employs LE staff at U.S. missions abroad. LE staff members possess area expertise and language skills, and maintain important contacts with local officials, service providers, and contractors. They provide continuity at overseas posts where American employees often only serve for 2 or 3 years. As of March 10, 2010, Embassy Kabul employed approximately 355 U.S. Government direct-hire FSNs.

The Assistant Chief of Mission at Embassy Kabul requested this review due to concerns about perceived nepotism in the selection and/or the FSNI vetting of FSNs. Nepotism is showing favoritism toward relatives based upon that relationship, rather than objectively evaluating ability or suitability. An example of nepotism would be offering employment to a relative, despite having other candidates better qualified and willing to perform jobs. The Foreign Affairs Manual (FAM) includes guidelines to prevent nepotism at the Department.<sup>2</sup> The Department's policy, as stated in 3 FAM 8311 a.(1), is to "ensure compliance with U.S. law to avoid nepotism and the appearance of nepotism in all employment matters." The policy applies equally to all employees and their household members regardless of position or type of employment method. According to 3 FAM 8312 a., "An employee may not appoint, employ, promote, advance, or advocate for appointment in or to a Department of State position, any individual who is a household member of that employee. An individual shall not be appointed, employed, promoted, or advanced in or to a Department of State position if such appointment, employment, promotion, or advancement has been advocated by an employee who is a member of the individual's household."

**Results of Limited-Scope Review**

OIG determined the vetting and hiring processes at Embassy Kabul do not violate the Department's policy in 3 FAM 8300 regarding nepotism. OIG found the separation of duties and involvement by U.S. Government direct-hire employees in final decisions in both the selection of applicants and the granting of security certifications make it unlikely a systemic problem could develop. OIG reviewed the application packages of all current FSNs to determine if they had family members employed at Embassy Kabul. Early versions of the application package did not require the disclosure of this information; of the 243 files with the requisite information, 73 people had family members employed at the embassy. Of the files OIG reviewed, approximately 50 percent identified themselves as Afghan, 30 percent as Tajik, 12 percent as Pashtun, 3 percent as Hazara, and another 4 percent of mixed ethnicity. These percentages are consistent with the general population in the area and demonstrate Embassy Kabul has a diverse Afghan workforce. The data does not support the concern that ethnicity is a determining factor in the Embassy Kabul hiring process.

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<sup>2</sup> 3FAM 8300

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However, OIG found the RSO did not always follow Department policy<sup>3</sup> for training FSNI, conducting local records checks, and maintaining records of granted interim security certifications. The RSO does not comply with 12 FAM 423.7c. which states, “RSOs must ensure for all posts under their regional responsibility that all prospective FSNI received the Diplomatic Security Training Center’s (DSTC) Basic Foreign Service National Investigator’s course and successfully completed it before they *are* employed as FSNI.” Furthermore, the RSO is not complying with directives in a cable (Message 26 Mar 09 STATE 110150) stating in part, that newly appointed FSNI should take the FSNI Basic Training Course (OT 501) within one year of entering duty. The regional security officer indicated it is difficult to obtain adequate training allocations at the Diplomatic Security Training Center. He further noted that, while not optimal, FSNI benefit by working alongside their U.S. counterparts prior to training. However, the regional security officer admitted he does not have a waiver of the training requirements. Untrained FSNI may be unfamiliar with current Department investigative protocols and techniques, which could affect embassy operations.

### **Human Resources Office Actions**

OIG found the embassy human resources office (HRO) complied with Department’s policy in 3 FAM 8300. Recruitment standard operating procedures (SOP) outline the selection process for filling a vacancy announcement and contain management controls that should minimize the risk of nepotism or favoritism because of ethnicity.

FSNI in HRO have no direct contact with applicants during the initial screening process used to identify qualified candidates. Initially, the FSNI, who is the human resources assistant, only views the applicant’s CV. The CV is a statement of qualifications and does not contain information pertaining to family members who may be working at Embassy Kabul. Additionally, OIG noted that the CVs seen by the FSNI generally only state that the applicants are Afghan, and do not include ethnicity. From these CVs, under the supervision and review of the human resources FSNI staff supervisor, the FSNI compile a list of qualified candidates. Once a short list is developed, a U.S. Government direct-hire reviews it to ensure the individuals are qualified and then sends the list to the hiring office.

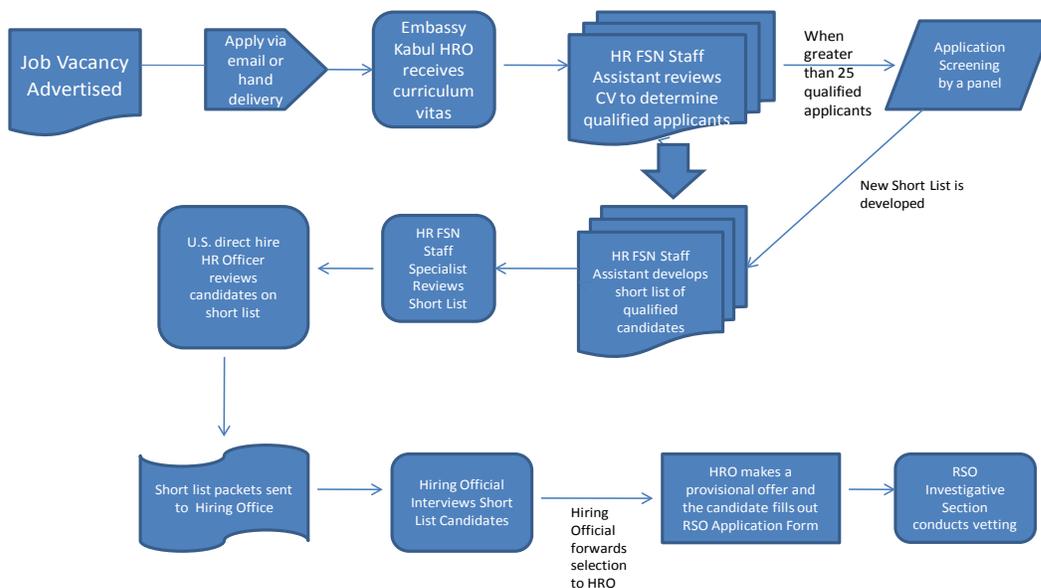
A panel, which includes at least two human resources staff members, one of whom must be a U.S. Government direct-hire, screens all lists of more than 25 qualified applicants. The panel uses an applicant analysis worksheet to rate applicants on a point system. The human resources officer can change or add to the criteria in the worksheet. Panel members must recuse themselves from evaluation of any application(s) about which they cannot remain objective. Whenever ratings vary by more than one point, panel members must discuss the differences in the ratings. The rating sheets are averaged to determine ranking of candidates. Figure 1 describes the FSNI selection process for Embassy Kabul.

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<sup>3</sup> Message 26 Mar 09 STATE 110150

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**Figure 1: FSN Selection Process used by the HRO at Embassy Kabul**



**HRO Job Vacancy Selection Process**

Source: OIG

### Regional Security Office Actions

The RSO is responsible for vetting FSNs and granting their security certifications. At Embassy Kabul, the RSO's SOPs<sup>4</sup> outline the policy and procedures for vetting FSNs. OIG's review of these SOPs revealed two inconsistencies with actual applicant investigation practices at the embassy.

SOPs include conducting checks of FSN neighborhoods and state, "the FSNI will verify that the subject has lived or still lives in all listed locations. Additionally, assigned FSNI should seek a short characterization of the subject by their neighbor(s)." However, the regional security officer stated that FSNI do not conduct neighborhood checks when performing background investigations. Department policy also requires the FSNI to check all appropriate host

<sup>4</sup> Regional Security Office's Standard Operating Procedures Investigative Section, Appendix 1: Initial Security Certification Procedures, September 8, 2009

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government and police records. According to the regional security officer, the RSO does not check local police records because of concern that knowledge of an applicant's interest in U.S. Government employment may put personal security at risk. This lack of examination of neighborhoods and Ministry of Interior police records means the RSO is not complying with 3 FAM 7222.1-2(3) which states, "Heads of overseas establishments may appoint (FSN) employees only after...(3) All appropriate host government and post records have been checked..."

Once the investigation is completed, the FSNI reviews the contents of the Report of Investigation (ROI) and determines whether to recommend a security certification. The FSNI's recommendation is then forwarded to the FSNI supervisor for review. If the recommendation is to deny a certification, the U.S. Government direct-hire assistant regional security officer for investigations reviews the entire ROI and conducts an independent evaluation. The assistant regional security officer makes the final determination whether to grant or deny the security certification. This management control ensures that FSNs are not capriciously denied certifications.

If the ROI is pending receipt of final documents, but all other factors such as a successful interview and education verification are satisfactory, a temporary 120-day security certification may be granted to an FSN. The regional security officer or a designee may extend the temporary security certification for additional periods. Currently, the RSO does not know how many temporary security certifications have been granted. Per 3 FAM 7222.1-2 (Employment with a Temporary Security Clearance), "Employment beyond 120 days of persons hired with only a temporary security certification is contingent upon completion of a detailed local security and suitability investigation, review of each case by the appropriate regional security office, and issuance of a final security certification by the regional security officer." Since the RSO does not know who has a temporary security certification it cannot grant extensions in a timely fashion, and this may violate FAM guidance. Furthermore, the lack of a detailed local security investigation violates this same policy.

OIG reviewed all the investigative files and except for the aforementioned local checks, they contained appropriate information to determine granting or denial of a security certification. The files contained the application used in the ROI. The ROI contained notes from the personal interview, references, and several verifications.

Shortly before OIG's review, the RSO began implementing polygraph examinations as an additional control measure to vet FSNs. According to the regional security officer, a polygraph examination will become part of the vetting process for all newly hired personnel. However, since the embassy just recently began using polygraphs, it was too soon for OIG to draw any conclusions from the data.

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**Recommendations**

**Recommendation 1:** Embassy Kabul should request that the Diplomatic Security Training Center send a mobile training team to Embassy Kabul to conduct the Foreign Service national investigator basic training course (OT 501). (Action: Embassy Kabul)

**Recommendation 2:** Embassy Kabul should comply with 3 FAM 7222.1-2(3) which requires all appropriate host government and post records be checked before appointing a Foreign Service national or seek a waiver to this policy. (Action: Embassy Kabul)

**Recommendation 3:** Embassy Kabul should establish procedures for, and begin tracking, 120-day temporary security certifications granted to newly hired Foreign Service nationals. (Action: Embassy Kabul)

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