



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114(n)), this directive establishes Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding employee representation issued under the FAA Personnel Management System. This directive is TSA policy and must be applied accordingly.

- 1. PURPOSE:** This directive provides TSA policy and procedures for employee designation of a representative to assist in the preparation and presentation of grievances and/or to respond to certain administrative actions.
- 2. SCOPE:** This directive applies to all TSA organizational elements and to all TSA employees (including Transportation Security Officers).
- 3. AUTHORITIES:** Sections 101 and 111(d) of the Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA), November 19, 2001 (49 U.S.C. §§ 114(n), 40122, 44935, and 44935 note)
- 4. DEFINITIONS:**
 - A. Official Time:** Time authorized by a TSA supervisor or manager to allow an employee when in a duty status, to participate in certain authorized activities that are not related to the employee's official duties.
 - B. Representative:** An individual designated by the employee to present or to assist the employee in presenting a grievance, responding to an administrative action, or participating in a representational meeting when authorized to do so.
- 5. RESPONSIBILITIES:** Employees, supervisors and/or designated management officials are responsible for complying with the procedures of this directive.
- 6. POLICY:**
 - A.** It is the policy of TSA to allow an employee to have representation in connection with or to assist an employee with respect to certain activities, as follows:
 - (1) Presenting a grievance to management;
 - (2) Responding to an adverse action;
 - (3) Participating in the Equal Employment Opportunity (EEO) process;
 - (4) Participating in EEO mediation or facilitation or other agency approved mediation or facilitation activity;
 - (5) Presenting a peer panel appeal;

- (6) Participating in appeals to the Merit Systems Protection Board or the Disciplinary Review Board (DRB), as appropriate;
 - (7) Other activities and meetings when authorized by appropriate TSA management officials in the employee's chain of command or in accordance with other TSA policies.
- B. Employees have no right to representation with respect to meetings with management, during investigations, or any other workplace matter not referenced in Section 6A or as provided in other TSA policies.**
- C. An employee may choose anyone to be his/her representative as long as that individual is willing and available to serve in that capacity. If the employee's choice of representative is a TSA employee, management may disallow the representative for the following reasons:**
- (1) **Operational Needs of TSA:** Management will consider whether the individual's proposed absence may be approved based on operational workload for the time the representation is needed and/or for the amount of time required for appropriate representation. This determination will be made using criteria similar to those used to determine if discretionary leave could be approved.
 - (2) **Conflict of Interest or Position:** This refers to an incompatibility between the chosen representative's official duties or position and the employee's position or duties. If management must disallow a representative because of conflict of interest or position, management will notify the employee, in writing, of the reason as soon as possible after receiving the notification of representation. The employee should provide the name of a new representative as soon as possible, usually within 48 hours. Examples of conflict of interest or position include, but are not limited to:
 - (a) An employee's supervisor could not serve as the employee's representative because that would undermine the employer/employee relationship.
 - (b) A situation where a chosen representative has a schedule conflict and cannot represent the employee within the time period provided or a reasonable time thereafter.
- D. An employee's representative, if a TSA employee, may request official time for activities connected with representing the employee in the matter or case for which representation is authorized. Official time for such representation may be granted, if necessary, up to eight (8) hours. Any time in excess of the eight (8) hours, will be charged as annual leave, compensatory time off, or LWOP. In limited circumstances, additional official time may be granted upon sufficient written justification to management that includes an explanation as to why the activity cannot be conducted during non-duty time. Travel time in excess of the eight hours associated with representation activities is not considered to be official time (unless approved by management) and must be accounted for by the representative's personal time and/or the appropriate leave category (e.g., annual leave, compensatory time off, or LWOP). All official time must be annotated on the affected employee's Time and Attendance records.**

- E. Management has an unrestricted right to communicate directly with employees except in matters where there is a statutory or regulatory requirement to inform the employees' representative regarding a pending matter (e.g., certain adverse actions or EEO complaints).

7. PROCEDURES:

- A. An employee must provide his/her supervisor or other appropriate management official with the name of his/her representative in writing. The employee must indicate the matter or activity for which the representative is authorized to serve. The employee must also provide the representative's title and contact information (address and telephone number), and if employed by TSA, the representative's work location.
- B. The employee must designate his/her representative before the expiration of any reply period, if applicable, or as designated by management.
- C. If an employee changes representatives, he/she must notify management in writing of the change.
- D. Employees are responsible for the payment of any expenses related to their representatives' activities, which include, but are not limited to travel expenses.
- E. An employee seeking to act as a representative must, as far in advance as possible, request permission from his/her supervisor to perform the representational function. The request should include the date, time of day, and expected duration of the representational activity. The employee must also comply with any additional TSA requirements regarding the approval and documentation of the absence. Management should approve the request unless the employee cannot be spared for the specific time or the duration of time necessary for the representation because of the operational needs of TSA. In such case, management should inform the employee of an approximate time or date when the employee may be allowed to leave the worksite. (See Section 6C above.)

8. **EFFECTIVE DATE AND IMPLEMENTATION:** This policy is effective immediately upon signature.

APPROVAL



8/29/2007

Richard A. Whitford
Assistant Administrator for Human Capital

Date

- Filing Instructions: File 200.1.1
- Effective Date: Date of Signature
- Review Date: Two years from Effective Date
- Distribution: Assistant Secretary, Deputy Administrator, Associate Administrator, Assistant Administrators, Area Directors, Federal Security Directors, and all TSA employees.
- Point-of-Contact: Office of Human Capital