



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 and all related Handbooks, Attachments, and Appendices establish Transportation Security Administration (TSA) policy and must be applied accordingly.

REVISION: This revised directive supersedes TSA MD 1100.30-11, *Dual Federal Employment*, dated February 10, 2014.

SUMMARY OF CHANGES: Section 2, Scope, was revised to exclude employees in the Transportation Security Executive Service; Section 4, Definitions, was revised to include a definition for Rate of Adjusted Pay, and the definition of Management Official was updated; and Section 5, Responsibilities, was revised. Section 6, Policy, was revised to include a note, which clarifies the U.S. Postal Service appointments allowed under this directive; and revised to clarify TSA policy with regard to exceptions to dual Federal employment. Administrative changes were made throughout the directive.

1. **PURPOSE:** This directive provides TSA policy and procedures for engaging in dual Federal employment.

2. **SCOPE:** This directive applies to all TSA employees, with the exception of Transportation Security Executive Service employees.

3. **AUTHORITIES:**

A. The Aviation Transportation Security Act, Pub. L. 107-71 (ATSA)

4. **DEFINITIONS:**

A. Dual Federal Employment: When an employee simultaneously holds more than one position with the Federal Government, the employee is considered to be engaged in dual Federal employment.

B. Employee: An individual occupying a Federal position in TSA.

C. Management Official: An individual encumbering a TSA supervisory or managerial position (e.g., Chief of Staff, Assistant Administrator, Deputy Assistant Administrator, Chief Counsel, Chief of Operations, Chief of Mission Support, Regional Director, Federal Security Director, Supervisory Air Marshal in Charge, or Office Director).

D. Primary Employment: The employing agency considered the primary employer for all purposes including scheduling work; assigning shifts; scheduling training; temporary duty travel; and approval of leave.

- E. Rate of Adjusted Pay: The rate of basic pay and locality pay before any deductions, for employees in the TSA Core Compensation System.
- F. Seasonal Employment: A permanent appointment to a position with a pay/duty status of limited duration. Seasonal employees are placed in a non-duty/non-pay status when the peak workload is over and recalled to duty during established peak workloads in accordance with the pre-established conditions of employment.
- G. Week: The period of seven calendar days from Sunday through Saturday.

5. RESPONSIBILITIES:

- A. Office of Chief Counsel (OCC) is responsible for:
 - (1) Providing advice and guidance on whether any dual employment will create a conflict with an employee's TSA position. (See [TSA MD 1100.73-5, *Employee Responsibilities and Code of Conduct*](#), regarding the requirement that prohibits TSA employees from engaging in outside employment or an outside activity that conflicts with their official duties); and
 - (2) Providing management officials with advice and guidance, along with OHC, when one of their employees holds more than one Federal position.
- B. The Assistant Administrator for the Office of Human Capital (AA/OHC) is responsible for determining the need to exempt a position(s) from dual Federal employment restrictions if justified under the provisions of Section 7.J. of this directive.
- C. Office of Human Capital (OHC) is responsible for:
 - (1) Providing new hires with [TSA Form 1186, *Dual Federal Employment Limitations and Restrictions Acknowledgement*](#), and necessary information on the restrictions and limitations of dual Federal employment and pay;
 - (2) Annotating an employee's record in the automated personnel system to reflect dual Federal employment (See Section 7.C.(2));
 - (3) Ensuring TSA employees holding more than one Federal position have their benefits computed in accordance with TSA policy; and
 - (4) Providing management officials with advice and guidance, along with OCC, when one of their employees is holding more than one Federal position.
- D. TSA Management Officials are responsible for:
 - (1) Reminding employees periodically of the restrictions and provisions of this directive. This may be accomplished by reviewing the main provisions of this directive at staff meetings;

- (2) Seeking advice and guidance from OCC and OHC when an employee holds more than one Federal position;
- (3) Issuing immediate notification to an employee upon learning he/she is not complying with the provisions of this directive; and
- (4) Coordinating with OCC and OHC to take appropriate corrective action if it is discovered that an employee is in non-compliance with this directive.

E. Employees are responsible for:

- (1) Checking with OCC to ensure that no restriction or conflict exists before accepting additional Federal employment;
- (2) Notifying their supervisor(s), OHC, and OCC, prior to accepting additional Federal employment; and
- (3) Adhering to the provisions of this directive regarding employment in more than one Federal position.

6. POLICY:

A. It is the policy of TSA to limit an employee's pay received for dual Federal employment to no more than 40 hours of aggregate work in one calendar week (Sunday to Saturday, excluding overtime), unless there is an authorized exemption.

B. TSA recognizes the following exemptions to the dual Federal employment pay restrictions:

- (1) Terminal Leave from Uniformed Services: A member of a uniformed service, who has performed active duty military service and is on terminal leave pending separation or release from active duty under honorable conditions, may accept a civilian position, no matter the work schedule. The individual is entitled to receive the pay based on the TSA position in addition to pay and allowances for the unexpired portion of the terminal leave.
- (2) United States Postal Service (USPS): Under the authority of 39 U.S.C. § 1001 and the provisions of this directive a TSA employee may accept additional employment with the USPS.

NOTE: The additional employment with USPS must be to a career position that is also covered by either the Civil Service Retirement System (CSRS) or the Federal Employee Retirement System (FERS), i.e., the USPS appointment cannot be a temporary or non-career position, covered only by the Federal Insurance Contributions Act (FICA).

- (3) Reserves or National Guard: Consistent with 5 U.S.C. § 5534 and pursuant to the authority of this directive, a TSA employee may receive pay as a reservist or member of the National Guard in addition to the pay received as an employee of TSA. However, a reservist or member of the National Guard called to active duty may not perform the duties of his/her

civilian Federal position at the same time. An employee called to active duty can choose to be placed on military leave without pay (LWOP-US); on an approved leave status; or be separated from civilian service.¹ For more information see [TSA MD 1100.63-1, Absence and Leave](#); [TSA Handbook 1100.63-1, Absence and Leave](#); [TSA Handbook 1100.63-1, Absence and Leave for Non-Bargaining Unit Employees](#); and [TSA MD 1100.30-17, Uniformed Services Employment and Reemployment](#).

- (4) If a TSA employee has another Federal position that is subject to one of the exceptions to the Title 5 dual pay limitations contained in 5 U.S.C. § 5533, TSA will honor those exceptions as applicable to the 40-hour limitation identified in Section 7A.
 - (5) TSA Seasonal Employment: A TSA employee on leave without pay (LWOP) due to periodic release from seasonal employment may accept additional Federal employment while in a LWOP status.
- C. TSA has the authority to recognize other statutory or regulatory exceptions to the dual Federal employment pay restrictions not stated under this section.
- D. The AA/OHC has the authority to grant additional exceptions to the dual Federal employment pay limitation for specific TSA positions in accordance with the provisions of this directive.

7. PROCEDURES:

- A. Dual Federal employment is acceptable for a TSA employee only when all of the following conditions apply:
- (1) The total number of compensated hours (for all Federal appointments) does not exceed 40 hours of work in any one week, excluding any overtime hours (unless the dual Federal employment is covered by an authorized exemption as set forth under the provisions in Section 6 of this directive).
 - (2) The additional employment does not conflict with the employee's official TSA duties (as confirmed by OCC).
 - (3) The additional employment does not affect the employee's fitness for duty or ability to report to work on time.
- B. Scheduling Conflicts: TSA employment is considered the primary employment for all purposes, including scheduling work; assigning shifts; scheduling training and temporary duty travel; and approval of leave. It is incumbent upon the employee to work out any scheduling conflicts with the other Federal agency.

¹ The Comptroller General has ruled that an individual on active duty military service may not be employed in a civilian capacity with the Federal Government. The Comptroller General has held that the rendition of services to the Federal Government in a civilian capacity by a member of the armed services on active duty is incompatible with the member's actual or potential military duties and payment for such services is not authorized in the absence of specific statutory authority. (See 47 Comp. Gen 505 (1968); 64 Comp. Gen 395, 399-400 (1985); and B-222967, June 2, 1987.)

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- C. Holding concurrent Federal positions with two Federal agencies is acceptable only when the management officials for each of the employing agencies agree in writing. The following applies:
- (1) The employee is limited to 40 hours of aggregate work in one calendar week (excluding overtime) unless an exception to the dual Federal employment pay limitation is granted in accordance with Section 7.J. of this policy.
 - (2) An employee who holds more than one position, with TSA and another Federal agency, will have a separate SF-50, *Notification of Personnel Action*, for each appointment. On each action processed, use of the following remark is required: M36 - "Concurrent employment (*identify position and agency unit where concurrently employed*)."
- D. New Hire Notification: OHC will provide information on the restrictions and limitations of dual Federal employment to all new hires. During new employee orientation, each new hire will be asked to complete TSA Form 1186. The completed TSA Form 1186 will be filed in the employee's electronic Official Personnel Folder (eOPF).
- E. Notification of Dual Federal Employment: An employee who accepts additional Federal employment in accordance with this directive must immediately notify his/her servicing human resources representative to ensure employee benefits are properly computed in accordance with Section 7.I.
- F. Leave Without Pay (LWOP): An employee may not be granted LWOP for the sole purpose of engaging in other employment. (See [TSA MD 1100.63-1, *Absence and Leave*](#); [TSA Handbook 1100.63-1, *Absence and Leave*](#); and [TSA Handbook 1100.63-1, *Absence and Leave for Non-Bargaining Unit Employees*](#).) However, a TSA employee who is on LWOP due to periodic release from seasonal employment may accept additional Federal employment while in a LWOP status, subject to any restrictions related to conflict of interest.
- G. Volunteer Service: TSA employees are generally prohibited from providing unpaid service to the Federal Government (31 U.S.C. § 1342) unless the volunteer service is authorized under an exception by law.
- H. Violation of Dual Federal Employment Pay Limitation: A TSA employee found to be in violation of the 40-hour pay limitation for dual Federal employment may become indebted to the U.S. Government and may also be subject to appropriate corrective, disciplinary, or adverse action, up to removal from TSA.
- I. Employee Benefits: An employee appointed to more than one Federal position may be eligible for leave, retirement, life insurance, and/or health benefits coverage under each appointment. Eligibility depends on the nature of the appointment (i.e., permanent or temporary), and the assigned work schedule.
- (1) Leave: Leave is accrued separately in each agency and may be used only in the agency where it was earned.

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- (2) **Retirement:** If an employee holds more than one position and any one of those positions is covered by either the Civil Service Retirement System or the Federal Employees Retirement System, the combined adjusted pay from all positions would be subject to withholdings for retirement. Retirement deductions are made by the employing agency for each appointment. The combined rate of adjusted pay from all appointments will be considered in computing the employee's average salary for retirement purposes. The employee will receive service credit for all calendar time spent under one or more covered appointments but will not receive additional credit for simultaneous appointments.
 - (3) **Life Insurance:** An employee who holds more than one position and is eligible for life insurance coverage under any one appointment must elect coverage under all or none of the appointments. If the employee elects coverage, his or her annual pay for insurance purposes will be the combined rate of adjusted pay from all appointments. The agency that pays the greatest amount must make all deductions and contributions after contacting the other agency(ies).
 - (4) **Health Benefits:** An employee who holds more than one position and is eligible for health benefits coverage under any one appointment must elect coverage under all or none of the appointments. If the employee elects coverage, his or her annual pay for health benefits coverage purposes will be the combined rate of adjusted pay from all appointments. The agency that pays the greatest amount must make all deductions and contributions after contacting the other agency(ies).
- J. The AA/OHC may, based on mission requirements, exempt a specific position or positions from the dual Federal employment pay restrictions.

8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

October 25, 2017

Karen Shelton Waters
Assistant Administrator for Human Capital

Date

EFFECTIVE

November 4, 2017

Date

Distribution: Administrator, Deputy Administrator, Chief of Staff, Chief of Operations, Chief of Mission Support, Chief Counsel, Assistant Administrators, Regional Directors, Federal Security Directors, Supervisory Air Marshals in Charge, Business Management Division Directors, Administrative Officers, and Human Resources Specialists

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