



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 1100.30-22, *Political Appointments*, dated April 20, 2016.

SUMMARY OF CHANGES: Section 4 was updated to revise the definitions of Job Analysis Tool and Standardized Job Description; and Section 5 was revised to include reporting requirements for the Office of Human Capital (OHC) to the Office of Chief Counsel (OCC) when individuals are appointed to positions under the authority of this directive, which require the filing of financial disclosure reports. Administrative changes throughout the directive.

1. **PURPOSE:** This directive provides TSA policy and procedures for appointing individuals to positions that are designated as having a confidential working or policy-determining relationship with the Administrator.
2. **SCOPE:** This directive applies to TSA employees appointed to political appointments, i.e., positions designated as having a confidential working or policy-determining relationship. This confidential relationship implies knowledge and support of the goals, viewpoints, and philosophies of the Administrator and the President of the United States.
3. **AUTHORITIES:**
 - A. The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
4. **DEFINITIONS:**
 - A. Agency Head: For the purposes of this directive, the Secretary, Department of Homeland Security (DHS).
 - B. Core Compensation System: TSA's compensation management program covering all employees who are not members of the Transportation Security Executive Service (TSES), which outlines the policies, procedures, and guidelines that TSA will use to determine the compensation of employees in those positions. Positions in the Core Compensation System are in pay plan SV.
 - C. Indefinite Appointment: Nonpermanent appointments made with no definite time limit established. Indefinite appointments are not eligible for noncompetitive movement into TSA's permanent workforce.
 - D. Job Analysis Tool (JAT): The official document used to record core duties and responsibilities and competency requirements of a position as well as, title, series, category, and pay band. This document is not designed to capture all duties performed. This document is currently used to classify L band and field positions.

- E. Political Appointee: A TSA employee who encumbers a position designated as having a confidential or policy-determining relationship with the Administrator. Political appointees fall into one of the following three categories:
- (1) Political Appointee - Temporary Transitional (PA-TT) occupies a temporary position established for a limited duration during the first year of a new Presidential administration or agency head.
 - (2) Political Appointee - Core Compensation (PA-CC) occupies a position covered by TSA's Core Compensation System.
 - (3) Political Appointee - Transportation Security Executive Service (PA-TSES) occupies a TSA senior executive position.
- F. Political Appointment: The hiring of an individual in a position designated as having a confidential or policy-determining relationship with the Administrator. A political appointment position is normally designated in one or more of three categories:
- (1) Confidential: A position that requires a close and confidential working relationship with the Administrator. This confidential relationship implies a knowledge and support of the Administrator's goals, viewpoints, and philosophies, and the employee's willingness to represent those as his or her own.
 - (2) Policy-determining: A position in which the duties are to make or approve substantive program policy and require a close and confidential working relationship with the Administrator.
 - (3) Secretarial/Administrative: A position requiring administrative and staff assistant duties comparable to those commonly performed by a personal or confidential secretary or assistant, regardless of the job title. Political appointees in secretarial or administrative positions report directly to the Administrator.
- G. Position Description (PD): The TSES personnel document that describes the major duties, responsibilities, occupational series, TSES level, and title of a TSES position. The PD documents the classification and designation for political appointment.
- H. Standardized Job Descriptions (SJD): An official document used to identify and record core duties, responsibilities, and competency requirements of a position; and to document the assignment of title, series, job category, and pay band of positions located in TSA Headquarters, with the exception of L band and TSES positions. This document is not designed to capture all duties performed.
- I. Tenure: The period of time an employee may reasonably expect to serve under his/her current appointment. Indefinite tenure has no specific time limitation. The individual serves at the will and discretion of the agency and, at any time, may be asked to resign or be involuntarily separated with limited or no notice.

5. RESPONSIBILITIES:

- A. Office of Chief Counsel (OCC) is responsible for providing advice and guidance, on establishing positions for political appointments, including whether an appointee to a position must sign an ethics pledge.
- B. Office of Human Capital (OHC) is responsible for:
 - (1) Identifying a program coordinator within OHC to track, monitor, and coordinate the use of political appointments within TSA. The OHC Executive Resources Division (ERD) will coordinate these responsibilities, which include coordinating required activities between TSA Headquarters, DHS, and the White House; tracking the positions and incumbents for reporting requirements; and, ensuring all documentation for political appointees is properly completed and coded in TSA's Human Capital Information System.
 - (2) Developing a JAT, an SJD, or a PD, as appropriate, when the Administrator identifies the need for a confidential assistant or wants a person with whom he/she has a confidential relationship to oversee or assist with a program or project.
 - (3) Making employment offers and coordinating EOD dates for all political appointees.
 - (4) Informing individuals of the rights, benefits, and conditions of employment associated with their political appointment, including requirements to file the Office of Government Ethics (OGE) 278, *Public Financial Disclosure Report*, and to sign and abide by the ethics pledge. This is done in the formal job offer and the onboarding process.
 - (5) Ensuring "political appointee" status of an employee is coded into the automated personnel system and properly annotated on the resulting SF-50, *Notification of Personnel Action*, in accordance with this directive.
 - (6) Notifying OCC prior to appointment when practicable, but in no case more than 15 calendar days, after appointment.

6. POLICY:

- A. It is the policy of TSA to make political appointments, under the authority of this directive, to positions that report directly to the Administrator and/or are designated as policy-determining or involve a close and confidential working relationship with the Administrator.
- B. TSA must receive written approval from the White House Office of Presidential Personnel (via DHS) before appointing an individual to a position designated for political appointment.
- C. With prior written approval from the White House Office of Presidential Personnel (via DHS), TSA may make a political appointment, without competition, to a permanent, temporary, or time-limited position designated for political appointments.

- D. All political appointees serve at the will and discretion of the agency, specifically the Administrator. TSA may ask political appointees to resign or involuntarily separate them at any time and with little or no notice.
- E. When the incumbent TSA Administrator vacates the position, TSA may ask political appointees to resign or involuntarily separate them with little or no notice.
- F. Political appointees have no grievance rights or appeal rights to the Merit Systems Protection Board.
- G. Political appointees are not eligible for severance pay, if involuntarily separated or upon resignation.
- H. TSA may appoint eligible individuals to positions designated to be filled as PA-TT, PA-CC, or PA-TSES.
- I. TSA may establish PA-TT positions at the L band or lower, with DHS approval.

7. PROCEDURES:

- A. Documenting the Duties of a Political Appointee Position: OHC will develop a JAT or an SJD (or a PD for a TSES position) that describes the major duties and responsibilities of the requested position by applying policies and procedures governing position classification. The occupational series and pay band will be determined based on the type and level of work required. Duties for political appointees may include supervisory responsibilities over non-political appointees. The Executive Resources Council (ERC) must review and approve positions classified as TSES or L band.
- B. White House Approval: TSA must receive written approval from the White House Office of Presidential Personnel (via DHS) prior to hiring any individual into a position designated for political appointment. Additionally, TSA must receive advanced written approval from the White House Office of Presidential Personnel (via DHS) before making any changes to positions encumbered by political appointees. Such changes include changes to position title, pay band, duties, salary, or appointment type (i.e., conversion from PA-TT to PA-CC).
- C. Job Offers and Setting the Entry-On-Duty (EOD) Date: After receiving White House approval (via DHS), TSA OHC will contact the selected individual to make a formal job offer and coordinate an EOD date. To minimize the potential for miscommunication, only TSA OHC officials will make job offers, set pay, and establish start dates.
- D. Duration of a Political Appointment:
 - (1) An initial appointment of a PA-TT can be for no more than 120 calendar days and may be subsequently extended. However, under no circumstance may the PA-TT appointment last more than 240 calendar days (i.e., the initial appointment plus extensions may not exceed 240 calendar days). The appointment must begin no later than the 1-year period immediately following a change in Presidential administration or agency head.

TSA may convert a PA-TT appointee to a PA-CC appointment with prior approval from the White House Office of Presidential Personnel (via DHS). TSA may terminate PA-TT appointments at any time with no prior notice.

- (2) Generally, TSA makes PA-CC appointments on a permanent, indefinite basis. However, with prior approval from the White House Office of Presidential Personnel (via DHS), TSA may temporarily appoint a PA-CC if it is determined, prior to appointment, that the need will be for one year or less and the appointment does not meet the criteria for a PA-TT appointment.

PA-CC appointees serve at the will of the Administrator. At any time, TSA may request PA-CC appointees to resign or may involuntarily separate them with a 1-day advance written notice indicating the effective date of the removal.

- (3) TSA makes appointments to PA-TSES positions using policies and procedures governing the TSES. Incumbents do not receive permanent tenure or career status. PA-TSES appointees serve at the will of the Administrator and without time limitations. At any time, TSA may request PA-TSES appointees to resign or may involuntarily separate them with a 1-day advance written notice indicating the effective date of the removal.

Despite the duration or nature of the appointment (i.e., temporary, time-limited, or permanent), when the incumbent Administrator vacates the position, TSA may request that incumbent political appointees resign or may involuntarily separate them either with no notice (i.e., PA-TT) or with a 1-day advance written notice indicating the effective date of the removal (i.e., PA-CC or PA-TSES).

- E. Reemployed Annuitants: TSA may give a political appointment to a federal civilian annuitant. However, TSA must reduce (offset) his/her salary by the amount of the annuity, unless a waiver is approved.
- F. Documenting Appointments: TSA must use a first and second legal authority and legal Authority Code (LAC) when documenting political appointments on the SF-5 2, *Request for Personnel Action*, and the resulting SF-50, *Notification of Personnel Action*. The first LAC (Block 5-C) must be "ZVC" and the legal authority (Block 5-D) will be "P.L. 107-71."

The second LAC will correspond to the type of political appointment as follows:

- (1) Political Appointee - Temporary Transitional (PA-TT):
The second LAC (Block 5-E) will be "7PT."
The legal authority (Block 5-F) will be "MD 1100.30-22 PA-TT."
- (2) Political Appointee - Core Compensation (PA-CC):
The second LAC (Block 5-E) will be "7PC."
The legal authority (Block 5-F) will be "MD 1100.30-22 PA-CC."

NOTE: The tenure code (Block 24) for a permanent PA-CC will be "3," *indefinite*.

- (3) Political Appointee -Transportation Security Executive Service (PA-TSES):
The second LAC (Block 5-E) will be “7PS.”
The legal authority (Block 5-F) will be “MD 1100.30-22 PA-TSES.”

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

APPROVAL

Signed

July 21, 2017

Karen Shelton Waters
Assistant Administrator for Human Capital

Date

EFFECTIVE

Date

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

Point-of-Contact: OHCAccess Helpdesk: helpdesk@mailserver-hraccess.tsa.dhs.gov