



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 cancels and supersedes TSA MD 1100.30-2, *TSA Employment of Relatives*, dated October 9, 2007.

SUMMARY OF CHANGES: Section 2, Scope, revised for clarity; Section 4, Definitions, removed direct and predictable effect; and Section 5, Responsibilities, Section 6, Policy and Section 7, Procedures, also revised for clarity.

- 1. PURPOSE:** This directive provides TSA policy and procedures for the employment of relatives.
- 2. SCOPE:** This directive applies to all TSA positions, including Transportation Security Executive Service (TSES) positions, regardless of appointment type (temporary or permanent) or work schedule.
- 3. AUTHORITY:** The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
- 4. DEFINITIONS:**
 - A. Advocacy: A TSA official who recommends a relative to, or refers a relative for consideration for appointment, employment, promotion, or advancement is deemed to have advocated the appointment, employment, promotion, or advancement of the relative. Providing a resume to a TSA employee who is not a subordinate is not by itself advocacy.
 - B. Chain of Command: The line of supervisory personnel that runs from a TSA employee to the TSA Administrator.
 - C. Relative: Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. Relative also includes any individual related by blood or affinity whose close association with the employee is the equivalent to the family relationships listed above. An example of an association that is the equivalent of a family relationship is a significant other residing in the employee's household.
 - D. TSA Official: A TSA employee with the authority to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.

- E. Public Official: An officer (including the President or Member of Congress), a member of the uniformed service, an employee, and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency.
- F. Direct Supervision: Supervision by a first- or second-level supervisor.
- G. Indirect Supervision: Supervision within the chain-of-command, other than direct supervision (as defined in Section 4F).

5. RESPONSIBILITIES:

- A. Employees and TSA officials are responsible for:
 - (1) Advising their superiors of the family and work relationship in the event a relative is being considered for, or assigned to, any position in which one relative may directly or indirectly supervise, control, or influence the work or the employment status of the other relative, or the affairs of the organizational unit in which the other relative is employed; and
 - (2) Consulting as needed with the TSA ethics counsel and, unless specifically authorized by the approval process described in Section 7 of this directive, recusing themselves from any actions (e.g., performance evaluations, leave requests, work assignments, etc.) that would raise an actual or apparent conflict of interest or lack of impartiality contrary to the restrictions regarding the employment of relatives.
- B. TSA officials are responsible for:
 - (1) Specifically reviewing the work relationships of those persons with relatives in TSA. If any question exists regarding the propriety of the situation, TSA officials should request guidance from the Office of Human Capital (OHC) at TSA Headquarters; and
 - (2) Taking prompt action to address situations where they have organizational jurisdiction over the employees whose assignments are in conflict with this policy, with the assistance of the OHC.
- C. OHC is responsible for issuing policy with respect to the employment of relatives and providing guidance to TSA managers and supervisors on applying the policy to specific situations.
- D. The Assistant Administrator for Human Capital (AA/OHC) is responsible for considering and approving or disapproving requests for exceptions to the general limitation that TSA officials may not directly or indirectly supervise a relative, as outlined in Section 6B.
- E. The Office of Chief Counsel (OCC), through its Headquarters ethics counsel and its field counsel, is responsible for responding to requests by TSA employees and officials for guidance on whether an action being contemplated would raise an actual or apparent conflict of interest or lack of impartiality arising from a situation involving the employment of relatives.

- F. The Deputy Chief Counsel (General Law) and/or the Assistant Chief Counsel for Ethics and General Legal Services, is responsible for advising the AA/OHC on requests for exceptions to the general limitation that TSA officials may not directly or indirectly supervise a relative.
 - G. Prospective employees are responsible for completing an Optional Form 306, *Declaration for Federal Employment*, or equivalent record, prior to his/her appointment that will be used to ensure that the employee is not assigned to a position that would be in violation of this policy.
6. **POLICY:** It is the policy of TSA that no TSA official shall knowingly appoint, employ, promote, or advance to a position in TSA one of his/her relatives.

A. Restrictions

- (1) A TSA official shall not advocate one of his/her relatives for appointment, employment, promotion, or advancement to a position in his agency or in an agency over which he exercises jurisdiction or control.
- (2) A TSA official shall not knowingly appoint, employ, promote, or advance to a position in TSA the relative of another TSA official, or of a public official who exercises jurisdiction or control over TSA, if the TSA official or public official has advocated the appointment, employment, promotion, or advancement of that relative.
- (3) A TSA official shall not directly or indirectly supervise a relative except in certain limited circumstances outlined in Section 6B.

B. Limitations on Restrictions

- (1) In general, employees may not be assigned to positions where one relative directly or indirectly supervises another. Exceptions may be approved by the AA/OHC in consultation with the employing office's Assistant Administrator (AA) or equivalent and OCC, for the following reasons:
 - (a) Filling vacancies at isolated locations;
 - (b) Appointing relatives as temporary employees for a period not-to-exceed 180 working days;
 - (c) Filling overseas positions when all recruitment efforts have been unsuccessful in producing other qualified candidates; or
 - (d) Filling any position where the AA/OHC determines, on a case-by-case basis, that there is little risk of either an actual or apparent conflict of interest or lack of impartiality. The determination will rest on such factors as the number of supervisory levels between the relatives, the nature of the relationship between the relatives, i.e., whether close or remote, and any other relevant case-specific information.
- (2) Approved exceptions are expected to be extremely rare in cases of direct supervision.

7. PROCEDURES:

- A. Requests for exception under Section 6B of this directive must be forwarded to the AA/OHC through and with the recommendation of the employing office's AA or equivalent. The AA or equivalent may not delegate the review and recommendation of the exception requests.
- B. Requests for exception should generally be requested prior to an assignment that may contradict this directive.
- C. AA/OHC will consult with OCC for OCC's recommendation, prior to rendering a decision.

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

APPROVAL

Signed

April 12, 2016

Karen Shelton Waters
Assistant Administrator for Human Capital

Date

EFFECTIVE

Date

Distribution: Administrator, Deputy Administrator, 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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