

## TSA MANAGEMENT DIRECTIVE No. 1100.30-34 SECURITY-RELATED NOTIFICATION REQUIREMENTS FOR EXTENDED ABSENCE, RETURN-TO-DUTY, RESTORATION AND REINSTATEMENT

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

**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 1100.30-34, Security-Related Notification Requirements for Extended Absence, Return-to-Duty, Restoration and Reinstatement, dated June 28, 2019.

### **SUMMARY OF CHANGES:**

Section 4, updated Reinstatement and Restoration definitions; Section 5.A.(2) and 5.B.(2), added clarifying language; Section 5.B., replaced section with branch; Section 5.B.(1), added the word national; Section 5.D.(2), replaced occupying a sensitive position and access to classified information with employee's national security eligibility; Section 6, replaced occupy a sensitive position and eligibility for access with national security eligibility; Section 7.B., replaced Professional Responsibility Office of Appellate Board with Merit Systems Protection Board; Section 7.B. NOTE, replaced access with national security eligibility; Section 7.C.(3) added "will" notify the hiring airport/office. Minor administrative updates made throughout the directive to include signature block, distribution list and point of contact email address.

### 1. PURPOSE:

This directive provides TSA policy and procedures for security-related notification requirements applicable to extended absences, reinstatement, restoration and/or return-to-duty of TSA employees.

### 2. SCOPE:

This directive applies to all TSA employees and positions.

### 3. AUTHORITIES:

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

### 4. **DEFINITIONS**:

A. Extended Absence: A situation in which an employee remains on TSA's rolls in paid and/or unpaid status but will be in a non-duty status (away from their usual or alternate workplace) for 30 or more calendar days. This could occur for reasons such as furlough; leave without pay and/or paid leave for personal or medical reasons; absence to perform military duty; paid or unpaid leave under the Family and Medical Leave Act; suspension, including indefinite suspension; absence due to a work-related injury; or absence without leave. A detail to another office or agency does not

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constitute an extended absence.

**NOTE:** Furloughs due to a lapse in appropriations that are over 30 days will be reviewed and decided on a case-by-case basis.

- B. <u>Reinstatement</u>: A former TSA employee, who has been formally separated from TSA for one day or more and competitively or non-competitively selected for a TSA position and reemployed through the appropriate hiring procedures. In order for the former employee to be considered for reinstatement, they must have separated from TSA voluntarily or have been subject to involuntary workforce reduction procedures and not be subject to debarment. Please refer to <u>TSA MD 1100.30-4</u>, <u>Permanent Internal Assignments</u>, and associated <u>Handbook</u>, for reinstatement eligibility requirements.
- C. <u>Restoration</u>: A former TSA employee is being returned to TSA's rolls after a separation that is being cancelled/corrected. This could occur for reasons such as a decision based on appeal of a performance/conduct or personnel security fitness and/or eligibility for access to classified information or eligibility to hold a sensitive position (national security eligibility).
- D. <u>Return-to-Duty</u>: An employee returning to duty status from extended absence.

### 5. RESPONSIBILITIES:

- A. Human Capital (HC) is responsible for:
  - (1) Providing guidance and processing personnel actions for extended absences, reinstatements, restorations and return-to-duty actions; and
  - (2) Reviewing requests to reinstate employees to determine if any are subject to debarment in accordance with <u>TSA MD 1100.30-31</u>, <u>Debarment of Applicants</u>.
- B. Personnel Security Branch (PerSec) is responsible for:
  - (1) Following investigative requirements related to determining fitness and national security eligibility for the TSA workforce in support of TSA's mission; and
  - (2) Reviewing requests to reinstate employees to determine if any are subject to debarment in accordance with TSA MD 1100.30-31, *Debarment of Applicants*.
- C. Managers, Supervisors, and local Human Resources representatives are responsible for submitting necessary personnel actions and promptly notifying PerSec of extended absence, reinstatement, return-to-duty and restoration actions in accordance with this directive.

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- D. Current or former employees are responsible for:
  - (1) Notifying management as soon as possible regarding the date they plan to return to work from paid or unpaid leave status; and
  - (2) Completing and providing all documents and/or other information required for security purposes in a timely manner. Failure to cooperate and provide documents or information may negatively impact the employee's national security eligibility.

#### 6. POLICY:

It is TSA policy to ensure that employees maintain personnel security fitness requirements for employment. In addition, it is TSA policy that employees maintain national security eligibility appropriate for the work of the assigned position.

### 7. PROCEDURES:

- A. Extended Absences/Return-To-Duty:
  - (1) An airport/office must notify PerSec when they become aware that one of their employees is, or will be, on an extended absence. This allows PerSec the opportunity to address any ongoing security investigation activities appropriately, reduce the likelihood of the employee being required to repeat previously completed steps, as well as minimize costs for TSA.
  - (2) An airport/office must notify PerSec as soon as possible once a date has been established for one of their employees to return-to-duty after an extended absence. If advance notice is not possible, the airport/office must notify PerSec immediately upon the employee's return-to-duty.
  - (3) PerSec notification may be made by e-mail to: ReturntoTSA@tsa.dhs.gov.
  - (4) PerSec will notify the employee and the airport/office regarding any required security/investigative updates. The airport/office may be instructed to inform the employee that their initial assignment upon return to the workplace will be to complete and submit updated security forms/documents.
- B. Restoration: Upon notification of the upcoming restoration of a former employee, the airport/office shall immediately notify PerSec by sending an email to <a href="ReturntoTSA@tsa.dhs.gov">ReturntoTSA@tsa.dhs.gov</a>, with a password-protected attachment containing the employee's full name, Social Security Number (SSN), date of birth, type and effective date of separation, reason for the restoration and all supporting documentation (e.g., U.S. Merit Systems Protection Board's decision to overturn removal).

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**NOTE:** It is important to note that restorations are, generally, airport/employment actions. PerSec will adjudicate all available information from a national security standpoint. If national security issues are present and cannot be favorably mitigated, PerSec will take appropriate actions, to include suspending/revoking national security eligibility.

#### C. Reinstatement:

- (1) At least 15 calendar days before taking action to reinstate a former employee, an airport/office must contact PerSec by e-mail at <a href="ReturntoTSA@tsa.dhs.gov">ReturntoTSA@tsa.dhs.gov</a>. The airport/office must attach to the email a password-protected document with the employee's full name, SSN, date of birth, current email address, type and effective date of previous separation (obtain SF-50/52 if not already provided), and the airport/office where the former employee is requesting to be reinstated.
  - **NOTE:** Airports/offices cannot allow a former employee to begin work at TSA, even in the same type of position as the one formerly held, until being notified of their eligibility for reinstatement as described in section 7.C.(3) and (4) below. Also, airports/offices are cautioned that they must never establish entry on duty dates for the reinstatement of former employees until notified by PerSec that the former employee is eligible for reinstatement from a national security standpoint.
- (2) The former employee will be required to complete and submit a Questionnaire for National Security Positions, Standard Form 86 (SF-86), if they do not have an in scope investigation, as well as complete and submit other required paperwork as determined by PerSec (e.g., Fingerprints, Optional Form 306, other associated forms or documents). PerSec will assist the former employee with the completion and submission of all required paperwork.
- (3) Once PerSec is in receipt of the required forms/documents, PerSec will review the former employee's personnel security records to determine actions required and will notify the hiring airport/office whether or not the former employee is eligible for reinstatement from a national security standpoint.
- (4) In addition to national security requirements, there are other reinstatement requirements established by HC. Airports/offices must ensure that all other prehire requirements are met before reinstating a former employee.
  - **NOTE:** A former employee cannot begin work at TSA until their eligibility for reinstatement is verified. Airports/offices must never establish entry on duty dates for the reinstatement of former employees until notified by both PerSec and HC that the former employee is eligible for reinstatement.

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Date

## 8. APPROVAL AND EFFECTIVE DATE:

This directive is approved and effective the date of signature, unless otherwise specified.

## **APPROVAL**

Signed December 20, 2022

Patricia Bradshaw Assistant Administrator for Human Capital

## **EFFECTIVE**

December 30, 2022

Date

Distribution: All TSA Employees

Point-of-Contact: ServeU Helpdesk: HC-ServeU@tsa.dhs.gov