



*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 employment references 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 providing employment references on current or former TSA employees. It supersedes HRM Letter 300-7, *Interim Policy on Providing Employment References for Current or Former TSA Employees*, dated July 15, 2003.
2. **SCOPE:** This directive applies to all TSA employees.
3. **AUTHORITIES:**
  - A. Sections 101 and 114(n) 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)
  - B. Privacy Act of 1974, as amended, 5 U.S.C. 552a, Pub. L. 93-579
  - C. 5 CFR 293.311
4. **DEFINITIONS:**
  - A. Employee: A current or former TSA employee.
  - B. Employment Reference Information: Information provided to a prospective employer by a TSA supervisor or employee who receives a request for employment reference information concerning another TSA employee's performance and/or conduct. This information includes information that is releasable under regulation (5 C.F.R. §293.311), general observations, and Privacy Act-protected information (as outlined in Paragraph 7A-C below).
  - C. Written Authorization: Specific written authorization provided by a TSA employee authorizing TSA to release the Privacy Act-protected employment reference information to a designated prospective employer. Although no specific format is required, the written authorization must identify the Privacy Act protected employment reference information that can be released, identify the authorized recipient(s), and must be signed by the employee. Email authorizations are not sufficient; however, scanned or faxed copies of signed written authorizations are acceptable.
5. **RESPONSIBILITIES:**
  - A. When responding to requests for employment reference information from prospective employers of other TSA employees, TSA supervisors and employees are responsible for providing accurate and factual information and all Privacy Act information must be protected from improper disclosure.

- B. Before responding to requests for employment reference information, TSA supervisors and employees must verify the identity of the individual requesting the information to determine whether the requester is the appropriate individual to receive the employment reference information and that the current or former employee knows that his or her references are being checked. If in doubt about the identity of the individual requesting the employment reference information, ask for the request in writing.
- C. Check for any applicable settlement agreements before releasing any employment reference information (see Paragraph 7D below).
- D. Seek guidance from your servicing legal counsel regarding any questions or concerns.

**6. POLICY:** When responding to requests for employment reference information, TSA supervisors and employees must follow the procedures outlined in Section 7 below before releasing the employment reference information.

**7. PROCEDURES:**

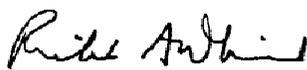
- A. Information Releasable under Regulation. TSA employees providing employment reference information to a prospective employer of another TSA employee may provide the following information without a specific written authorization from the employee:
  - (1) Present and past position titles and occupational series;
  - (2) Dates of employment;
  - (3) Job description (but not actual performance appraisals);
  - (4) Present and past pay band and salary; and
  - (5) Present and past duty station(s).
- B. General Observations. TSA employees providing employment reference information may provide their own general observations based entirely on personal experiences. General observations provided must adhere to the following guidelines:
  - (1) General observations should focus on appropriate observation topics, including achievements, general work habits, abilities, and on the job conduct. Providing an opinion about an employee's performance and competence is acceptable, so long as the opinions are limited to the employee's performance based on personal experience, personal notes, personal observation, and/or personal knowledge;
  - (2) Do not make malicious, speculative, or inaccurate comments;
  - (3) Avoid inappropriate topics, such as questions dealing with an employee's personal life, family situation, medical issues, religious practices, or other non-work related matters, even if introduced by the reference checker;

- (4) Be specific and provide details; and
- (5) Do not provide Privacy Act information retrieved from the employee's Official Personnel Folder (OPF), Employee Performance File (EPF) or other Privacy Act system of records, except as authorized in Paragraph 7C below.

- C. Privacy Act Information. TSA employees are not permitted to release information retrieved from or based upon a review of the OPF/EPF or other Privacy Act systems of records, such as any disciplinary action taken and the specifics of any unfavorable performance review (e.g., that the individual was given a "failed to meet the standard for satisfactory performance" in two annual reviews), without specific written authorization from the employee OR if release is made to another Federal agency. (Any releases to other Federal agencies must be documented).
- D. Settlement Agreements. Settlement agreements may stipulate what information can or cannot be provided to an internal or external source and who may provide such information (e.g., Supervisor, HR Specialist, Administrative Officer), even if that source is another Federal Agency. Therefore, any TSA supervisor or employee who receives a request for employment reference information who is aware of a settlement agreement that addresses the type of information that may be released and/or who must respond to the request for employment information, must ensure that any release of information comports with the terms of the settlement agreement.
- E. Resources. For further information and questions regarding the requirements of this policy, you may contact local human resources representatives, local field counsel or the Headquarters Office of Privacy Policy & Compliance at: [TSAPrivacy@dhs.gov](mailto:TSAPrivacy@dhs.gov).

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

**APPROVAL**



3-23-08

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Date

Filing Instructions: File 200.1.1  
Effective Date: March 23, 2008  
Review Date: March 23, 2010  
Distribution: All TSA Employees  
Point-of-Contact: Office of Human Capital, [TSA-OHC-POLICY@dhs.gov](mailto:TSA-OHC-POLICY@dhs.gov)