



*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 the employment of relatives issued under the FAA personnel management system. This directive is TSA policy and must be applied accordingly.*

**REVISION:** This revised directive supersedes TSA MD 1100.30-2, *TSA Employment of Relatives*, dated August 19, 2004.

**SUMMARY OF CHANGES:** This directive has been revised to reflect current formatting standards; and offices and job titles have been updated to reflect current TSA titles.

- 1. PURPOSE:** This directive provides TSA policy and procedures regarding the employment of relatives.
- 2. SCOPE:** This directive covers all TSA positions, including Transportation Security Officer (TSO) positions, non-TSO positions, and Transportation Security Executive Service (TSES) positions, regardless of appointment type (temporary or permanent) or work schedule.
- 3. AUTHORITY:** Sections 101 and 111(d) 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)
- 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 Assistant Secretary.
  - 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 and Predictable Effect:
  - (1) A particular decision or action will have a *direct effect* on a relative's employment if there is a close causal link between the decision/action and any expected effect on the relative's employment. An effect may be direct even though it does not occur immediately. A particular decision or action will not have a direct effect on the relative's employment if the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the action being taken.
  - (2) A particular decision or action will have a *predictable effect* if there is a real, as opposed to a speculative possibility, that the action will affect the employment of the relative.
- G. Direct Supervision: Supervision by a first- or second-level supervisor.
- H. Indirect Supervision: Supervision within the chain-of-command, other than direct supervision.

## **5. RESPONSIBILITIES:**

- A. Employees and TSA Officials in a situation where a relative is 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, the relatives are responsible for:
  - (1) Advising their superiors of the family and work relationship;
  - (2) Recusing themselves from any actions that would have a direct and predictable effect on each other; and
  - (3) Consulting as needed with the agency ethics counsel with respect to any actions that would raise an actual or apparent conflict of interest or lack of impartiality contrary to the restrictions regarding the employment of relatives.
- B. Supervisors are responsible for:
  - (1) Specifically reviewing the work relationships of those persons with relatives in TSA. If any question exists in a supervisor's mind regarding the propriety of the situation, he/she

should officially 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 two 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 respond to requests by TSA managers and supervisors for guidance 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 indirectly supervise a relative, as outlined in Section 5B.
  - 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 contrary to the restrictions on 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 a 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 7B.

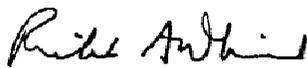
B. Limitations on Restrictions

- (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 responsible supervisory Assistant Administrator or Key Director, and with 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:** Requests for exemption to this policy must be forwarded with a recommendation from to the appropriate Assistant Administrator or Senior Manager. These documents will then be forwarded to OCC (General Law) for a recommendation and sent to the AA/OHC for decision

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

**APPROVAL**



10-9-07

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Richard A. Whitford  
Assistant Administrator for Human Capital

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Date

Filing Instructions: File 200.1.1  
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