



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 and attachments establish Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding political appointments 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 appointing individuals to certain positions that report directly to the Assistant Secretary for Transportation Security Administration and are designated as policy-determining and/or involve a close and confidential working relationship with the Assistant Secretary.
2. **SCOPE:** This directive applies to TSA employees who are appointed to positions reporting directly to the Assistant Secretary and are designated as having a confidential working and/or policy-determining relationship. This confidential relationship implies knowledge and support of the goals, viewpoints and philosophies of the Assistant Secretary and the President of the United States. Written approval must be received from the White House, Office of Presidential Personnel, prior to appointing an individual to a position designated for political appointment.
3. **AUTHORITIES:**
 - A. The Aviation Transportation Security Act, Pub. L. 107-71 (ATSA)
 - B. Governing policies and procedures for Transportation Security Executive Services (TSES)
4. **DEFINITIONS:**
 - A. Core Compensation System: TSA's compensation management program covering all non-TSES employees, 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.
 - B. Indefinite Tenure: The period of time an employee is expected to serve under his/her current appointment. Although indefinite tenure has no specific time limitation, the individual serves at the will and discretion of the agency and may be asked to resign, or with a 1-day advance written notice, may be involuntarily separated at any time. Tenure is annotated in block 24 on the SF-50, *Notification of Personnel Action*.
 - C. Job Analysis Tool (JAT): The personnel document for a position covered by the TSA Core Compensation System that describes the major duties and responsibilities of the position and the occupational series, pay band and title. The JAT documents the position's classification and position designation for political appointment.

- D. Political Appointee: A TSA employee who encumbers a position that is designated as having a confidential or policy-determining relationship with the Assistant Secretary. A political appointee may be appointed without competition to a permanent, temporary or time-limited position and serves at the will and discretion of the agency.
- E. Political Appointee - Core Compensation (PA-CC): A political appointment to a position covered by TSA's Core Compensation System. A PA-CC may be asked to resign at any time or may be involuntarily separated with a 1-day advance written notice.
- F. Political Appointee - Temporary Transitional (PA-TT): A political appointment to a temporary position established for a limited duration during the first year of a new Presidential administration or agency head. An initial PA-TT appointment cannot exceed 120 calendar days. An initial PA-TT appointment may be extended, however, the individual's total length of service (initial appointment plus all extensions) cannot exceed 240 calendar days. PA-TTs are temporary employees and may be terminated at any time with no prior notice.
- G. Political Appointee - Transportation Security Executive Service (PA-TSES): A TSA senior executive serving in a position that serves at the will of the Assistant Secretary. These appointments are made without competition or specific time limitation in accordance with TSA's governing policies and procedures for TSES appointments. A PA-TSES may be asked to resign at any time or may be involuntarily separated with a 1-day advance written notice.
- H. Political Appointment: The hiring of an individual in a position designated as having a confidential or policy-determining relationship with the Assistant Secretary.
- I. Position Description (PD): The TSES personnel document that describes the major duties and responsibilities of a TSES position and the occupational series, pay band and title. The PD documents the position's classification and position designation for political appointment.

5. RESPONSIBILITIES:

- A. Office of Chief Counsel (OCC) is responsible for providing advice and guidance on establishing positions for political appointees.
- B. Office of Human Capital (OHC) is responsible for:
 - (1) Identifying a program coordinator within OHC to track, monitor, and coordinate TSA's use of political appointments. The program coordinator's responsibilities will include, but are not limited to, coordinating with TSA headquarters, Department of Homeland Security and the White House; tracking the positions and incumbents for reporting requirements; and ensuring all documentation for political appointees is completed and coded properly in TSA's Human Capital Information System.

- (2) Developing a JAT or a PD when the Assistant Secretary 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. A political appointment position is normally designated in one or more of three categories:
 - (a) Confidential – A position that requires a close and confidential working relationship with the head of the agency. This confidential relationship implies a knowledge and support of the Assistant Secretary’s goals, viewpoints and philosophies, and the employee’s willingness to represent those as his or her own.
 - (b) 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 Assistant Secretary.
 - (c) Secretarial/Administrative – A position that requires 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 Assistant Secretary.
- (3) Making the offer for employment and coordinating the start date for all political appointees.
- (4) Ensuring that the individual is properly informed of his/her conditions of employment and the rights and benefits under a political appointment, to include any requirements involving the filing of financial disclosure reports (i.e., SF-278 and OGE 450).
- (5) Annotating the status of “political appointee” on an employee’s record in the automated personnel system and ensuring that the employee’s appointment SF-50, *Notification of Personnel Action*, is coded in accordance with Section 7F of this directive.

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 Assistant Secretary and are designated as policy-determining and/or involve a close and confidential working relationship with the Assistant Secretary. The White House, Office of Presidential Personnel, must provide TSA with a written approval before an individual can be hired under a political appointment.
- B. Political appointees work at the will of the agency head and may be asked to resign or may be involuntarily separated at any time with a 1-day advance written notice. In addition,

when the current Assistant Secretary of TSA vacates the position, political appointees may be asked to resign or may be involuntarily separated.

- C. Political appointees have no grievance rights or appeal rights to the Merit Systems Protection Board.
- D. Political appointees are not eligible for severance pay if involuntarily separated.
- E. TSA may make political appointments to the following types of positions:
 - (1) Political Appointee - Temporary Transitional (PA-TT): TSA may establish temporary transitional positions necessary to assist the Assistant Secretary during the 1-year period following a change in Presidential or agency administration.
 - (a) An initial PA-TT appointment can be for no more than 120 calendar days.
 - (b) A PA-TT appointment may be extended, but in no circumstances may last more than a total of 240 calendar days (i.e., the initial appointment and any extensions to the initial appointment when added together cannot exceed 240 calendar days). As long as the initial appointment began during the 1-year period following a change in administration, an extension of the initial appointment may go beyond that first year of the administration change; however, the total length of the appointment cannot exceed 240 calendar days.
 - (c) Temporary transitional positions may be established at the L pay band or lower.
 - (d) PA-TTs are temporary employees and may be terminated at any time with no prior notice.
 - (2) Political Appointee - Core Compensation (PA-CC): Political appointments to positions covered by TSA's Core Compensation System.
 - (a) PA-CCs are appointed without competition to permanent, time-limited, or temporary positions.
 - (b) Generally, a political appointment to a position covered by TSA's Core Compensation System (PA-CC) should be made to a permanent, indefinite appointment. However, with prior approval from the White House, Office of Presidential Personnel, a PA-CC political appointment may be made to a temporary position if it is determined prior to appointment that the need for the individual's service will be for 1 year or less and the appointment does not meet the criteria for a PA-TT appointment.
 - (c) The tenure for a permanent PA-CC is "indefinite" and Block 24 of the employee's Notification of Personnel Action, SF-50, will reflect a "3-indefinite."

- (d) PA-CCs may be asked to resign or be involuntarily separated at any time with a 1-day advance written notice indicating the effective date of the removal.
- (3) Political Appointee - Transportation Security Executive Service (PA-TSES):
Political appointees to senior executive positions are appointed under the governing policies and procedures for the TSES.
 - (a) These appointments are made without time limitations and serve at the will of the Assistant Secretary.
 - (b) PA-TSES appointments may be involuntarily separated at any time with a 1-day advance written notice indicating the effective date of the removal.

7. PROCEDURES:

- A. Documenting the Duties of a Political Appointee Position: OHC will develop a JAT (or a PD for a TSES position) that describes the major duties and responsibilities of the requested position by applying the governing position classification policies and procedures. 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 establishment of the L pay band and TSES positions will be reviewed and approved by the Executive Resources Council (ERC).
- B. White House Approval: The White House, Office of Presidential Personnel, must provide TSA with written approval to hire an individual before he/she can be given a political appointment. In addition, the White House Office of Presidential Personnel must provide advance approval before any change can be made to the position of current political appointee. This includes, but is not limited to, position title and pay band, duties, and salary of a current political appointee.
- C. Job Offers and Setting the Starting (Entry-on-Duty) Date: After receiving White House approval, OHC will contact the selected individual and will provide him/her with the formal job offer and coordinate a start date. To minimize the potential for miscommunication of information, non-OHC TSA officials should not make job offers, set pay, or establish starting dates.
- D. Duration of a Political Appointment:
 - (1) Political appointments to PA-TSES positions are made under the authority of the governing policies and procedures for TSES. Incumbents do not receive permanent tenure or career status. The PA-TSES appointments are made without time limitations; however, the appointees serve at the will of the Assistant Secretary. PA-TSES appointees may be asked to resign at any time or be involuntarily separated with a 1-day advance written notice indicating the effective date of the removal.

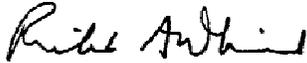
- (2) An initial appointment of a PA-TT can be for no more than 120 calendar days. The appointment must begin during the 1-year period following a change in Presidential or agency administration. An initial appointment may be extended, but in no circumstances may last more than a total of 240 calendar days (the initial appointment plus extensions may not exceed 240 calendar days). Only with prior approval from the White House, Office of Presidential Personnel, can a PA-TT appointment be converted to a PA-CC. The temporary appointment of a PA-TT may be terminated at any time with no prior notice.
 - (3) Generally, a PA-CC should be made to a permanent, indefinite appointment. However, with prior approval from the White House, Office of Presidential Personnel, a PA-CC political appointment may be made to a temporary position if it is determined prior to appointment that the need for the individual's service will be for 1 year or less and the appointment does not meet the criteria for a PA-TT appointment. No matter if the appointment is temporary or permanent, political appointees work at the will of the Assistant Secretary and may be asked to resign or be involuntarily separated with a 1-day advance written notice. In addition, when the current Assistant Secretary of TSA vacates the position, political appointees may be asked to resign or may be involuntarily separated with a 1-day advance written notice indicating the effective date of the removal.
- E. Reemployed Annuitants: A Federal civilian annuitant may be given a political appointment. However, his/her salary must be reduced (offset) by the amount of the annuity unless a waiver is approved.
- F. Documenting Appointments: TSA will use a second Legal Authority Code (LAC) in addition to applying the established TSA procedures and the Office of Personnel Management's *Guide to Processing Personnel Actions* when completing the SF-50, *Notification of Personnel Action*, for a political appointment. The use of the first LAC is not affected by this policy and should remain as "ZVC – 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 of the SF-50) will state "7PT." The legal authority (Block 5-F of the SF-50) will state "MD 1100.30-22 PA-TT."
 - (2) Political Appointee - Core Compensation (PA-CC): The second LAC (Block 5-E of the SF-50) will state "7PC." The legal authority (Block 5-F of the SF-50) will state "MD 1100.30-22 PA-CC."

Note: The tenure for a permanent PA-CC is "indefinite" and Block 24 of the employee's *Notification of Personnel Action*, SF-50, will reflect a "3-indefinite."

- (3) Political Appointee -Transportation Security Executive Service (PA-TSES): The second LAC (Block 5-E of the SF-50) will state “7PS.” The legal authority (Block 5-F of the SF-50) will state “MD 1100.30-22 PA-TSES.”

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

APPROVAL



07-02-08

Richard A. Whitford, Assistant Administrator
for Human Capital

Date

Filing Instructions: File 200.1.1

Effective Date: Date of Signature

Review Date: Two years from Effective Date

Distribution: Assistant Secretary, Deputy Assistant Secretary, Assistant Administrators, Deputy Assistant Administrators, Area Directors, Senior Field Executives, Federal Security Directors, Special Agents in Charge, local TSA HR representatives, Administrative Officers

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