Transportation Security Administration

OFFICE OF HUMAN CAPITAL

TSA MANAGEMENT DIRECTIVE No. 1100.55-4
SEVERANCE PAY

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 the accompanying handbook establish Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, and guidance regarding Severance Pay issued under the FAA Personnel Management System. This directive is TSA policy and must be applied accordingly.

REVISION: This revised directive supersedes TSA MD 1100.55-4, *Severance Pay*, dated July 22, 2004.

SUMMARY OF CHANGES: This directive adds new information concerning payment of severance pay when an employee is involuntarily separated due to reasons of medical inability to perform the duties of their position. Section 4, Definitions, adds and revises definitions. The contents of Section 4 have been moved to a separate document, TSA Handbook on Severance Pay. Section 6, Policies and Procedures, separates policy and procedures into two sections (i.e., Section 6. Policy and Section 7. Procedures). Section 6A(2)(b), Policy, modifies the amount of excused absence that an employee may receive if they do not qualify for severance pay based on length of Federal civilian service. Section 6D, Policy, describes application of severance pay to situations involving medical inability to perform duties. The provisions of the new Section 7 are contained in a separate document, TSA Handbook on Severance Pay. The former Section 7, Effective Date and Implementation, has been changed to Section 8.

1. **PURPOSE:** This directive provides TSA policy and procedures for the payment of severance pay to a TSA employee involuntarily separated for reasons other than inefficiency, as defined in this directive and the accompanying handbook.

2. **SCOPE:** This directive applies to a TSA employee who is eligible to receive severance pay.

3. **AUTHORITIES:** The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA).

4. **DEFINITIONS:** See TSA Handbook on Severance Pay

5. **RESPONSIBILITIES:**

   A. The Office of Human Capital (OHC) is responsible for:

      (1) Establishing policy and procedures governing severance pay and administering the provisions of this directive and the accompanying handbook.

      (2) Providing guidance and assistance to management officials and employees regarding severance pay.

      (3) Determining when severance pay is appropriate.

(4) Preparing an estimate of an employee's severance pay entitlement and providing this to an affected employee in writing prior to separation, and recomputing the severance pay, in accordance with this directive and the accompanying handbook.

B. A manager is responsible for applying the contents of this directive and the accompanying handbook when an employee is involuntarily separated for reasons other than inefficiency.

C. An employee is responsible for furnishing information required to determine the appropriateness and/or amount of severance pay.

6. POLICY:

A. Eligibility for severance pay:

(1) To be eligible for severance pay, an employee must:

(a) Be serving under a qualifying appointment;

(b) Have completed at least 12 months of continuous Federal civilian service. Not all 12 consecutive months must be within TSA; and,

(c) Be involuntarily separated from TSA, including medical inability to perform the duties of a TSA position.

(2) An employee is not eligible for severance pay if he or she:

(a) Is serving under a non-qualifying appointment;

(b) Has not completed at least 12 months of continuous Federal civilian service;

NOTE: An employee who otherwise meets the criteria for involuntary separation but lacks 12 months of continuous Federal civilian service will receive 16 hours of excused absence with less than three consecutive months of Federal civilian service, 24 hours of excused absence with three but less than six consecutive months of Federal civilian service, 32 hours of excused absence with six but less than nine consecutive months of Federal civilian service, or 40 hours of excused absence with nine but less than 12 consecutive months of Federal civilian service.

(c) Declines a reasonable offer;

(d) Is receiving injury compensation under subchapter I of Chapter 81 of Title 5, United States Code, unless the compensation is being received concurrently with pay or is the result of someone else's death; or,

(e) Is eligible upon separation for an immediate annuity from a Federal civilian retirement system or from the uniformed services. Such an employee is ineligible even if all or

part of the annuity is offset by payments from a non-Federal retirement system the employee elected instead of Federal civilian retirement benefits or disability benefits received from the Department of Veterans Affairs.

B. Criteria for meeting the requirement for 12 months of continuous Federal civilian service:

(1) The requirement for 12 months of continuous Federal civilian service is met if, on the date of separation, an employee has held one or more Federal civilian positions over a period of 12 months without a single break in service of more than three calendar days. The positions held must have been under:

(a) One or more qualifying appointments; or

(b) One or more non-qualifying temporary appointments that preceded the current qualifying appointment.

(2) When a break in service during which an employee receives severance pay interrupts otherwise continuous Federal civilian service, the entire period is considered continuous service.

(3) The period during which an employee receives continuation of pay or compensation for an injury on the job is considered continuous Federal civilian service.

C. Criteria for meeting the requirement for involuntary separation:

(1) An employee who resigns because he or she expects to be involuntarily separated is considered to have been involuntarily separated if the employee resigns after receiving:

(a) Specific written notice that he or she will be involuntarily separated by a particular action effective on a particular date, for reasons other than inefficiency, that would otherwise entitle the employee to severance pay; or

(b) A written notice which:

(i) Is issued by an Assistant Administrator, higher level TSA executive, or designee; and,

(ii) Announces plans to abolish, or transfer to another commuting area, all positions in the organizational area by a particular date (no more than one year after the date of the notice); and,

(iii) States that, for all employees in that organizational area, a resignation following receipt of the notice constitutes an involuntary separation for severance pay purposes.

(2) Except for resignations under the conditions described above, all resignations are voluntary separations and do not carry entitlement to severance pay.

(3) A resignation is not considered an involuntary separation if the written notice is canceled before the separation resulting from that resignation takes effect.

D. Separation for Medical Inability to Perform Duties:

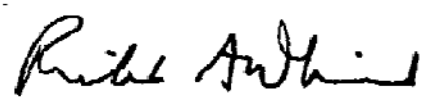
(1) An employee who is separated for inability to perform the duties of his or her position may receive severance pay if the inability is caused by a medical condition that is beyond the employee's control.

(2) Determination of a medical condition that is beyond the employee's control will be made by the OHC (which may include consultations with TSA affiliated medical professionals) based on acceptable medical documentation provided by the employee.

7. PROCEDURES: See TSA Handbook on Severance Pay

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

APPROVAL



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Date

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