



Transportation
Security
Administration

May 25, 2004

To: Assistant Administrators, Office Directors, Area Directors and
Federal Security Directors

A handwritten signature in black ink, appearing to read "Richard A. Whitford".

From: Richard A. Whitford
Assistant Administrator
For Human Resources

Subject: Annuity Offset Waivers

The Office of Personnel Management has determined that the Department of Homeland Security has the authority to grant annuity offset waivers for employees of the Transportation Security Administration subject to the conditions outlined below.

Waivers will be considered on a case-by-case basis to meet temporary emergency hiring needs for an individual appointed to a temporary appointment, when TSA has encountered exceptional difficulty in recruiting or retaining a qualified candidate for a particular position.

Requests for waiver will be submitted to TSA's Director of Program Guidance, Office of Human Resources, on the attached form. Each request must identify the individual for whom the exception is requested, the series, and pay band to which the individual will be appointed, the duty station, individual's annuity number, and the not-to-exceed date of the individual's temporary appointment. Additionally, each request must be accompanied by a written statement from the employee that he/she declines the offered position unless a waiver is granted.

Generally, requests for exception will be based on exceptional difficulty in recruiting a qualified candidate for a particular position. Requests must include a detailed description of the length, breadth, and results of recruiting efforts for the position and any other factors demonstrating that a legitimate recruiting need cannot be met without the requested waiver. These factors may include, but are not limited to, unusual qualification requirements or working conditions, possibility

of job reengineering or contracting, or a need to fill the position without further delay because of the critical nature of the position. Requests for reemployment without penalty will not be considered solely to meet normal seasonal workload fluctuations.

In rare cases, an exception may be appropriate when TSA needs to retain the services of a particular individual who is uniquely qualified for an ongoing project. Requests submitted on this basis shall be submitted in memorandum form and must meet the following criteria:

- (1) Critical nature of project. The request must describe the importance of the project to the agency's mission, the potential costs of project failure or delay, legislative or Presidential deadlines, if any, and any other factors demonstrating that the project is unusually critical. Exceptions will not be approved merely to avoid delay in scheduled completion of ongoing work.
- (2) Candidate's unique qualifications. The request must describe the knowledges, skills, and abilities possessed by the individual that are essential for successful completion of the project and that could not be acquired by another appointee within a reasonable time.
- (3) Need for retention. The request must show good cause to believe that the employee will retire (or, in the case of an individual currently reemployed without an exception, will resign from that position) and that the agency will lose his or her services if the exception is not granted.
- (4) Other staffing options. In this situation, TSA is not required to conduct outside recruiting. However, the request for exception must address why the work could not be assigned to other employees involved with the same project.

Any questions regarding this memorandum should be directed to Jan Karicher, at Jan.Karicher@dhs.gov or DeShawn Shepard at DeShawn.Shepard@dhs.gov.

Attachment

Waiver of Dual Compensation Reductions

The authority to waive dual compensation limits applies only to temporary positions, and *“only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life and property or other unusual circumstances.”*

Requests will be considered only on a case-by-case basis for temporary positions that execute security, rescue, investigative, and directly related functions as required to take urgent actions and further protect our country. These temporary appointments may not exceed 5 years.

Title of Position/Pay Plan/ Series/Pay Band:

Full Name of Annuitant:

Annuitant’s Retirement Number:

NTE Date of Temporary Appointment:

Duty Station Location:

Waiver: The annuitant has declined to accept the position without a waiver. Copy of written declination is attached.

Specifically describe the position’s duties and how they directly support TSA’s need to hire experienced professionals to achieve TSA’s emergency mission:

Describe the recruiting efforts for this position.

Explain why you are hiring an annuitant rather than a non-annuitant.

**Signature of Requesting Assistant
Administrator or Office Director**

**Typed Name/Title/Date/Phone
Number of Requesting AA**

TSA HR Official/Date/Phone Number

_____ **Approved**

_____ **Disapproved**

**Ron James
Chief Human Capital Officer**

Date