



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 dual Federal employment 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 limiting an employee's pay received in a week when the employee is engaged in dual Federal employment.
2. **SCOPE:** This directive applies to all TSA employees.
3. **AUTHORITIES:**
 - A. The Aviation Transportation Security Act, Pub. L. 107-71 (ATSA)
 - B. 31 U.S.C. § 1342
4. **DEFINITIONS:**
 - A. Dual Federal Employment: When an employee simultaneously holds more than one position with the Federal Government, the employee is considered to be in dual Federal employment.
 - B. Employee: An individual who has been appointed to a Federal civilian position by TSA.
 - C. Management Official: An individual encumbering a TSA supervisory or managerial position, such as Associate and Assistant Administrators, Special Counselor, Chief Counsel, Area Directors, Senior Field Executives, Federal Security Directors (FSDs), Special Agents in Charge, and Office Directors.
 - D. Primary Employment: The employing agency that is considered the principal employer for such purposes as the assignment of work schedules, training requirements, scheduling temporary duty travel, etc.
 - E. Seasonal Employment: A permanent appointment to a position with a pay/duty status of limited duration. Seasonal employees are placed in a nonduty/nonpay status when the peak workload is over and recalled to duty during established peak workloads in accordance with the pre-established conditions of employment.
 - F. Week: The period of seven calendar days from Sunday through Saturday.
5. **RESPONSIBILITIES:**
 - A. Office of Chief Counsel (OCC) is responsible for providing advice and guidance on whether any dual employment will create a conflict of interest (personal and/or financial) with an employee's

TSA position. (See [TSA MD 1100.73-5, *Employee Responsibilities and Conduct*](#) for the requirements of determining any conflict of interest before engaging in dual employment.)

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

- (1) Providing new hires with [TSA Form 1186, *Dual Federal Employment Limitations and Restrictions Acknowledgement*](#), and providing information on the restrictions and provisions of dual Federal employment and pay.
- (2) Determining the need to exempt a position(s) from the dual Federal employment restrictions if justified under the provisions of Section 7J of this directive.
- (3) Annotating an employee's record in the automated personnel system to reflect dual Federal employment.
- (4) Ensuring TSA employees, who, in accordance with this directive, are holding more than one Federal position, have their benefits computed in accordance with the governing Human Capital policies and regulations.
- (5) Providing management officials with the appropriate advice and guidance when it is determined that one of their employees is holding more than one Federal position and is not in compliance with this directive.

C. TSA Management Officials are responsible for:

- (1) Reminding their employees periodically of the restrictions and provisions of this directive. This may be accomplished by reviewing the main provisions of this directive at staff meetings.
- (2) Seeking advice and guidance from OCC and OHC when an employee holds more than one Federal position and is not in compliance with the provisions of this directive.
- (3) Issuing proper and timely notification to an employee who does not comply with the provisions of this directive.
- (4) Coordinating with OCC and OHC to determine appropriate corrective action if an employee continues in non-compliance with this directive.

D. Employees are responsible for:

- (1) Ensuring that no restriction or conflict of interest exists before accepting additional employment.
- (2) Notifying their supervisor(s), OHC, and OCC, prior to accepting additional employment.
- (3) Adhering to the provisions of this directive when employed in more than one Federal position.

6. POLICY:

- A. It is the policy of TSA to limit an employee's pay received for dual Federal employment to no more than 40 hours of aggregate work in one calendar week (Sunday to Saturday, excluding overtime), unless there is an authorized exemption as set forth under law or the provisions of this directive.¹
- B. TSA recognizes the following authorized exemptions to the dual Federal employment pay restrictions:
- (1) **Terminal Leave from Uniformed Services:** A member of a uniformed service, who has performed active duty military service and is on terminal leave pending separation or release from active duty under honorable conditions, may accept a civilian position, no matter the work schedule. The individual is entitled to receive the pay based on TSA position in addition to pay and allowances for the unexpired portion of the terminal leave.
 - (2) **United States Postal Service (USPS):** Under the authority of 31 U.S.C. § 1001 and the provisions of this directive a TSA employee may accept additional employment with the USPS.
 - (3) **District of Columbia (DC) Government:** Under the authority of the DC Home Rule Act, Pub. L. 93-198, § 22; the Merit Personnel Act of 1978, DC Law 2-139 as amended by DC Law 3-109; and the provisions of this directive, a TSA employee may accept additional employment with the DC government.
 - (4) **Reserves or National Guard:** Under the authority of 5 U.S.C. § 5534 and the provisions of this directive, a TSA employee may receive pay as a reservist or member of the National Guard in addition to the pay received as an employee of TSA. However, a reservist or member of the National Guard who is called to active duty may not perform the duties of his/her civilian Federal position at the same time. An employee called to active duty can choose to be placed on military leave without pay (LWOP-US); on an approved leave status; or be separated from civilian service.² For more information see [TSA MD 1100.63-1, *Absence and Leave*](#); TSA's [Absence and Leave Handbook](#); and [TSA MD 1100.30-17, *Uniformed Services Employment and Reemployment*](#).
 - (5) **Bureau of Census:** Under the authority of 13 U.S.C. § 23(b) and the provisions of this directive, a TSA employee may accept additional employment to engage in fieldwork with the Bureau of Census.
 - (6) **National Ocean Service:** Under the authority of 33 U.S.C. § 873 and the provisions of this directive, a TSA employee may accept additional employment to engage in duties as an instrument observer or recorder while observing tides or currents, or tending seismographs or magnetographs with the National Oceanic and Atmospheric Administration.

¹ TSA's policy for dual Federal employment is similar to that which is applicable under the provisions of 5 U.S.C. § 5533.

² The Comptroller General has ruled that an individual on active duty military service may not be employed in a civilian capacity with the Government. The Comptroller General has held that the rendition of services to the Government in a civilian capacity by a member of the armed services on active duty is incompatible with the member's actual or potential military duties and payment for such services is not authorized in the absence of specific statutory authority. (See 47 Comp. Gen 505 (1968); 64 Comp. Gen 395, 399-400 (1985); and B-222967, June 2, 1987.)

- (7) National Weather Service: Under the authority of 15 U.S.C. § 327 and the provisions of this directive, a TSA employee may accept additional employment to engage in duties for the conduct of meteorological investigations in the Arctic region.
- (8) Expert or Consultant: Under the authority of 5 U.S.C. § 5533 and the provisions of this directive, the 40-hour limitation on pay does not apply when the pay received is from more than one consultant or expert position as long as the pay is not for the same hours of the same day.
- (9) Teachers for Public Schools in the District of Columbia (DC): Under the authority of 5 U.S.C. § 5533 and the provisions of this directive, teachers of the DC public schools may receive pay for employment in a TSA position during the summer vacation.
- (10) Office of Personnel Management (OPM) Regulatory Exceptions under 5 U.S.C. § 5533: Under the provisions of this directive, a TSA employee may accept additional employment without regard to the dual Federal employment pay restrictions if the position has been exempted by the authority of OPM. Currently, such positions are:
 - (a) Part-time or intermittent employment for which OPM has established special minimum pay rates under 5 U.S.C. § 5303;
 - (b) Part-time or intermittent employment in any capacity which requires a knowledge and use of one or more foreign languages in the position;
 - (c) Part-time or intermittent employment as a test monitor for OPM; and
 - (d) Pay from a position for services performed under emergency conditions relating to health, safety, protection of life or property, or national emergency.
- (11) TSA Seasonal Employment: A TSA employee who is on leave without pay (LWOP) due to periodic release from seasonal employment may accept additional Federal employment while in a LWOP status.

C. TSA has the authority to recognize other statutory or regulatory exceptions to the dual Federal employment pay restrictions not stated under this section.

D. TSA has the authority to grant additional exceptions to the dual Federal employment pay limitation for specific TSA positions in accordance with the provisions of this directive.

7. PROCEDURES:

A. Dual Federal employment is acceptable for a TSA employee only when all of the following conditions apply:

- (1) The total number of compensated hours (for both or multiple appointments) does not exceed 40 hours of work in any one week, excluding any overtime hours (unless the dual Federal employment is covered by an authorized exemption as set forth under the provisions in Section 6 of this directive).

- (2) The additional employment does not conflict with the employee's official TSA duties (as confirmed by OCC).
 - (3) The additional employment does not affect his/her fitness for duty or ability to report to work on time.
- B. Scheduling Conflicts: TSA employment is considered the primary employment for the purposes of scheduling work, assigning shifts, scheduling training, approval of leave, etc. This means that it is incumbent upon the employee to work out any scheduling conflicts with the other Federal agency.
- C. Holding concurrent Federal positions with two or more TSA organizations is acceptable only when the management officials for each of the employing organizations agree in writing.
- (1) The employee is limited to 40 hours of aggregate work in one calendar week (excluding overtime) unless an exception to the dual Federal employment pay limitation is granted in accordance with Section 7J of this policy.
 - (2) An employee who holds more than one appointment with TSA will have a separate Notification of Personnel Action, SF-50, for each appointment. On each action processed, use of the following remark is required: M36- "Concurrent employment (*identify position and agency unit where concurrently employed*)."
- D. New Hire Notification: OHC will provide information on the restrictions and limitations of dual Federal employment to all new hires. During new employee orientation, each new hire will be asked to complete TSA Form 1186. The completed TSA Form 1186 will be filed in the employee's Official Personnel Folder.
- E. Notification of Dual Federal Employment: An employee who accepts additional Federal employment must immediately notify his/her servicing human resources representative to ensure employee benefits are properly computed in accordance with Section 7I.
- F. Leave Without Pay (LWOP): An employee may not be granted LWOP for the sole purpose of engaging in other employment. (See TSA MD 1100.63-1, *Absence and Leave* and TSA's *Absence and Leave Handbook*.) However, a TSA employee who is on LWOP due to periodic release from seasonal employment may accept additional Federal employment while in a LWOP status, subject to any restrictions related to conflict of interest.
- G. Volunteer Service: TSA employees are generally prohibited from providing unpaid service to the Government (31 § U.S.C. 1342) unless the volunteer service is authorized under an exception by law.
- H. Violation of Dual Federal Employment Pay Limitation: A TSA employee who is found to be in violation of the 40-hour pay limitation for dual Federal employment may become indebted to the U.S. Government and may also be subject to an appropriate disciplinary action, up to removal from the TSA position.
- I. Employee Benefits: An employee who holds more than one Federal position may be eligible for leave, retirement, life insurance, and/or health benefits coverage under each appointment.

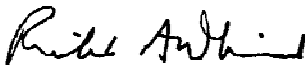
Eligibility depends on the nature of the appointment (i.e., permanent or temporary), and the assigned work schedule.

- (1) Leave: Leave is accrued separately in each agency and may be used only in the agency where it was earned.
- (2) Retirement: If an employee holds more than one position and any one of those positions is covered by either the Civil Service Retirement System or the Federal Employees Retirement System, the combined base pay from all positions would be subject to withholdings for retirement. Retirement deductions are made by the employing agency for each appointment. The combined base pay from all appointments will be considered in computing the employee's average salary for retirement purposes. The employee will receive service credit for all calendar time spent under one or more covered appointments but will not receive additional credit for simultaneous appointments.
- (3) Life Insurance: An employee who holds more than one position and is eligible for life insurance coverage under any one appointment must elect coverage under all or none of the appointments. If the employee elects coverage, his or her annual pay for insurance purposes will be the combined base pay from all appointments. The agency that pays the greatest amount must make all deductions and contributions after contacting the other agency(ies).
- (4) Health Benefits: Health benefits coverage is processed in the same way as life insurance coverage. Again, the employee must elect coverage under all or none of the covered appointments.

J. Based on mission requirements, the Assistant Administrator for Human Capital has the authority to exempt a specific position or positions from the dual Federal employment pay restrictions.

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

APPROVAL



8-7-08

Richard A. Whitford, Assistant Administrator
for Human Capital

Date

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

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