



**U.S. DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
OFFICE OF HUMAN CAPITAL POLICY**

HUMAN CAPITAL MANAGEMENT POLICY

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 document, and all related Handbooks, Attachments, and Appendices, establish Transportation Security Administration (TSA) policy and must be applied accordingly.

HCM POLICY No. 771-4

DATE: December 30, 2022

SUBJECT: National Resolution Center

REVISION: This revised Human Capital Management (HCM) policy supersedes HCM No. 771-4, *National Resolution Center*, effective February 5, 2018.

SUMMARY OF CHANGES: Revisions to reflect Section 11.B.1 of the 2022 *Determination on Transportation Security Officers and Collective Bargaining*, which includes updating this policy to: remove the exclusion of issues from the grievance process that were excluded from bargaining under the 2019 Determination; allow for third parties (arbitrators) to review dismissal determinations made by the National Resolution Center, as well as continue to review claims on the merits; and Incorporate the joint recommendations regarding grievance procedures made by the Working Group convened under Section 1907 of the *TSA Modernization Act*.

1. **PURPOSE:** This HCM, with accompanying handbook, addresses the National Resolution Center (NRC) and provides TSA policy and procedures for the Unitary Dispute Resolution System (UDRS) including alternative dispute resolution processes not covered by the Civil Rights, Diversity & Inclusion Division (CRDI).
2. **SCOPE:** This HCM applies to all TSA organizational elements, TSA employees, and representatives (personal and/or union) who provide representation in matters under the UDRS.
3. **AUTHORITIES:**
 - A. Aviation and Transportation Security Act (ATSA), Pub L.107-71
 - B. Administrator's Determination on Transportation Security Officers and Collective Bargaining, dated December 30, 2022 (2022 Determination).

NOTE: Consistent with the 2022 Determination, this updated policy is effective until a Memorandum of Agreement between TSA and the American Federation of Government

Employees (AFGE) regarding the grievance and arbitration processes is in effect. To the extent that the HCM and Handbook refers to an outdated Determination (to include a section(s) of an outdated Determination), the 2022 Determination applies.

C. Administrative Dispute Resolution Act of 1996, Pub. L. 104-320; 5 U.S.C. §§ 571-584

D. Memorandum of Agreement between TSA and AFGE on the Dispute Resolution Process for Adverse Actions, Disciplinary Actions, and Other Covered Disputes, dated July 24, 2012

4. **DEFINITIONS:** See [Handbook to HCM 771-4, National Resolution Center](#).

5. **RESPONSIBILITIES:**

A. The Assistant Administrator for the Office of Human Capital (AA/OHC) or his/her designee is responsible for:

- (1) Maintaining the NRC and providing resources to effectively manage UDRS and non-Equal Employment Opportunity (EEO) Alternative Dispute Resolution (ADR) mechanisms for employee issues and concerns consistent with TSA policy; and
- (2) Reviewing and resolving allegations of breaches of settlement agreements reached in internal TSA processes under this HCM.

B. The NRC is responsible for:

- (1) Implementing and operating the UDRS consistent with the Determination and TSA policy;
- (2) Completing the NRC's responsibilities as set forth in this HCM and accompanying handbook;
- (3) Providing guidance to senior leadership and management regarding the UDRS;
- (4) Providing guidance to employees regarding matters and programs covered by this HCM;
- (5) Assessing grievance eligibility to determine acceptance or dismissal according to the Determination and this HCM and accompanying handbook;

NOTE: For BUEs, the NRC's dismissal determinations are reviewable by a third party consistent with this HCM and accompanying handbook.

- (6) Providing, coordinating, and maintaining a roster of neutrals, arbitrators, and mediators consistent with this HCM and accompanying handbook;
- (7) Preparing periodic reports for the AA/OHC on the operation of the UDRS;

- (8) Facilitating enforcement of settlement agreements consistent with this HCM and accompanying handbook;
- (9) Facilitating enforcement of final decisions issued in the UDRS consistent with this HCM and accompanying handbook; and
- (10) Establishing and maintaining a centralized budget to fund all UDRS-related operations and services conducted by TSA.

C. The Office of Chief Counsel (OCC) is responsible for:

- (1) Coordinating, advising, and providing legal review of settlement agreements arising within the scope of the UDRS;
- (2) Advising the AA/OHC and the NRC regarding allegations of breaches of settlement agreements reached under the UDRS;
- (3) Providing legal sufficiency review as set forth in this HCM and accompanying handbook;
- (4) Providing legal advice regarding the Determination and the Collective Bargaining Agreement (CBA) between TSA and American Federation of Government Employees (AFGE); and
- (5) Providing legal advice to management during any stage of the dispute resolution processes, including (but not limited to) representing TSA in proceedings before external third parties.

D. The Labor Management Relations (LMR) Office is responsible for providing advice and guidance to management on matters related to the interpretation and/or application of the CBA and the Determination.

E. Management officials are responsible for:

- (1) Engaging in good faith efforts to resolve the issue giving rise to the dispute;
- (2) Promoting an environment characterized by fair, open, and respectful communication in which employees at every level may raise issues or concerns free from retaliation;
- (3) Engaging in respectful and constructive communication on work issues and concerns with TSA employees, management, personal representatives, and union representatives;
- (4) Conducting interest-based conversations and using cooperative problem solving approaches, as appropriate, to resolve issues and concerns at the earliest opportunity; and
- (5) Complying with this HCM and accompanying handbook.

F. Local Human Resources Specialists (HRS) and Employee Relations Specialists (ERS) are responsible for:

- (1) Engaging in respectful and constructive communication on work issues and concerns with TSA employees, management, personal representatives, and union representatives; and
- (2) Complying with this HCM and accompanying handbook.

G. NRC Points of Contact (NRC POCs) are responsible for:

- (1) Serving as a liaison between the NRC and the appropriate individuals at his/her airport or office including but not limited to the Grievant(s) and/or his/her representative(s), the Non-Filing Party(ies), management representative(s), Human Resources Specialist(s), participants in mediation and NRC-assigned mediators, as set forth in this HCM and accompanying handbook;
- (2) Coordinating administrative and logistical arrangements to help ensure timely processing of grievances, mediation requests, and/or other UDRS matters on behalf of the NRC, consistent with this HCM and accompanying handbook;
- (3) Coordinating, as applicable, the timely implementation of OCC-approved mediation settlement agreements and/or final grievance decisions issued under the UDRS;
- (4) Helping employees access appropriate resources for interest-based conversations and cooperative problem solving. Where local resources are not available, the NRC POC will coordinate with the NRC to access national resources; and
- (5) Complying with this HCM and accompanying handbook.

H. Employees are responsible for:

- (1) Complying with applicable TSA policy, including but not limited to, a description of the action or issue being grieved, the date that the employee became aware of the issue/action, and the specific TSA policy, Determination and/or CBA provision that was allegedly violated and the remedy being sought in accordance with this HCM and accompanying handbook;
- (2) Engaging in respectful and constructive communication with TSA employees and management regarding work issues and concerns;
- (3) Engaging in good faith efforts to resolve the issue giving rise to the dispute; and
- (4) Promptly notifying the NRC if the employee and/or his/her personal representative at any time has sought redress in another forum for the same matter filed in the UDRS.

I. Personal representatives are responsible for:

- (1) Complying with this HCM and accompanying handbook, as well as other applicable TSA policy;
- (2) Providing personal representation in matters under the UDRS in a manner consistent with TSA policy;
- (3) Engaging in good faith efforts to resolve the issue giving rise to the dispute;
- (4) Engaging in respectful and constructive communication on work issues and concerns with TSA employees and management; and
- (5) Requesting official time, if appropriate, to serve as personal representatives in issues under the UDRS consistent with the Determination, TSA policy, and/or the CBA as applicable.

J. Union representatives are responsible for:

- (1) Complying with this HCM and accompanying handbook, as well as other applicable TSA policy;
- (2) Engaging in respectful and constructive communication on work issues and concerns with TSA employees and management;
- (3) Engaging in good faith efforts to resolve the issue giving rise to the dispute; and
- (4) Requesting official time, if appropriate, to serve as personal representatives in issues under the UDRS consistent with the Determination, TSA policy, and/or the CBA as applicable.

K. Designated Grievance Officials are responsible for complying with this HCM and accompanying handbook.

L. Senior Reviewing Officials are responsible for complying with this HCM and accompanying handbook.

6. **POLICY:**

A. The following matters fall under the NRC's jurisdiction:

- (1) Administration of the UDRS, including but not limited to intake, case management, enforcement, national data tracking, program management, and program evaluation; and
- (2) Administration of TSA's non-EEO ADR programs, including but not limited to, non-EEO mediation, facilitation, conflict coaching, and neutral assistance.

NOTE: CRDI maintains full responsibility for EEO and discrimination allegations.

- B. Personal Representation: TSA employees are entitled to personal representation for issues under the UDRS in accordance with TSA policy, the Determination, and/or the CBA as applicable.
 - C. Union Representation: TSA bargaining unit employees may seek union representation in issues under the UDRS in accordance with TSA policy, the Determination, and/or the CBA as applicable.
7. **PROCEDURES:** See [Handbook to HCM 771-4, National Resolution Center](#).
8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

December 23, 2022

Patricia S. Bradshaw
Assistant Administrator for
Human Capital

Date

EFFECTIVE

December 30, 2022

Date

Distribution: All TSA Employees
Point-of-Contact: National Resolution Center: ResolutionCenter@tsa.dhs.gov