



REVISION: This revised Management Directive (MD) supersedes TSA MD 1100.61-2, dated May 12, 2004.

SUMMARY OF CHANGES: The following change has been incorporated: Part-time screening personnel are entitled to receive Sunday Premium Pay.

1. **PURPOSE:** This directive establishes policies and procedures for scheduling the hours of work and developing and approving work schedules for Transportation Security Screeners.
2. **SCOPE:** This directive applies to all Transportation Security Screeners.
3. **AUTHORITIES:** Aviation Transportation Security Act.
4. **DEFINITIONS:**
 - A. Administrative workweek: Any period of 7 consecutive 24-hour periods designated in advance.
 - B. Alternative work schedules (AWS): Both variable work schedules and compressed work schedules.
 - C. Basic workweek for full-time employees: A 40-hour workweek that does not extend over more than 6 of any 7 consecutive days.
 - D. Basic workweek for part-time employees: A set number of hours between 16 and 32 that do not extend beyond 6 consecutive days.
 - E. Basic work requirement: The number of hours an employee is required to work or to account for by charging leave, excused absence, holiday hours, compensatory time off, or time off as an award. The basic work requirement does not include overtime hours.
 - F. Biweekly pay period: The 2-week period for which an employee is scheduled to perform work.
 - G. Compressed work schedule (CWS): A CWS allows an employee to work less than 10 days in a pay period and more than 8 hours in a day to complete the bi-weekly work requirement which is 80 hours for a full-time employee and less than 80 hours for a part time employee.
 - H. Core hours (for non shift work employees): The time periods during which all employees covered by FSWS are required to be at work.
 - I. Conventional work schedule: Employees on conventional work schedules generally have a basic work requirement of 8 hours a day, 40 hours a week on 5 days of the week.

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- J. Employee: An individual occupying a position as a Transportation Security Screener, a Lead Transportation Security Screener, or a Supervisory Transportation Security Screener.
- K. Flexible Hours (also referred to as “flexible time bands”): The times during the workday, workweek or pay period during which an employee covered by a flexible screener work schedule may vary his or her times of arrival to and departure from the worksite consistent with the duties and requirements of the position and within the established tour of duty.
- L. Flexible Screener Work Schedules (FSWS): Flexible work schedules are alternate work schedules created for the screener workforce to better facilitate the balance between the critical security needs of TSA with the needs of screener personnel.
- M. Organization: An organization within TSA that is headed by an official with the authority to establish tours of duty (approving official).
- N. Regularly scheduled administrative workweek: For a full-time employee this is up to 6 days of any consecutive 7-day period for which an employee is regularly scheduled to work. For a part-time employee, it means the officially prescribed days and hours within a 7-day period during which the employee is regularly scheduled to work.
- O. Regularly scheduled work: Work that is scheduled in advance of the administrative workweek.
- P. Split Shift: Any two shifts, lasting at least 2 hours each, in one 24-hour period with a break of not less than 2 hours between shifts. If management cannot provide a period of at least two hours between shifts, the shifts may not be split.
- Q. Tour of duty: The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that identifies the boundaries in which an employee must complete his or her basic work requirement.
- R. Variable Work Schedule (VWS): An established work schedule that allows management to vary the number of hours in the work day and the number of days in the workweek based on the needs of the organization.
- S. Work unit: An organizational entity located in one place with a specific mission and identified procedures or technology, and headed by a supervisor or manager who is authorized to approve leave and time and attendance reports.

5. RESPONSIBILITIES:

- A. Federal Security Directors (FSD) or their designees have the authority to establish basic work requirements, establish work schedules, implement flexible screener work schedules, direct overtime and implement the policies and procedures created by this management directive.
- B. The Assistant Administrator for Human Resources retains the authority to modify, revise and/or cancel this directive in accordance with law/regulation, as appropriate to ensure the efficient and effective operations of the TSA workforce.

6. POLICY & PROCEDURES:

A. Procedures for Establishing Flexible Screener Work Schedules (FSWS)

- (1) Flexible Screener Work Schedules (FSWS) shall be tailored to the specific staffing needs of each airport and may be comprised of Variable Work Schedules (VWS) and Compressed Work Schedules (CWS). Management may direct employees to participate in an FSWS when the agency mission dictates. Federal Security Directors (FSDs) are responsible for implementing an appropriate FSWS for their respective airports.
- (2) The Conventional Work Schedule, the Compressed Work Schedule (CWS) and the Variable Work Schedule (FWS) outlined in this policy are available to the FSD to implement at each of the airports, as they deem appropriate.
- (3) The FSD, or designee, has the authority to direct personnel to work specific schedules. Additionally, FSDs, or designees, may establish procedures to be used by employees to request specific shifts or work hours.
- (4) In accordance with AVO 2400-2, *Screener Meals and Breaks*, employee work schedules must incorporate meal periods and rest breaks, as appropriate.

B. Flexible Screener Work Schedules (FSWS)

(1) Compressed Work Schedules (CWS)

- (a) A compressed work schedule is a fixed schedule. Employee schedules and/or scheduled days off may be changed for operational reasons. In these instances, the schedule change must be documented and should be communicated to employees in advance of the start of the administrative workweek.
- (b) The FSD, or designee, may change or stagger the arrival and departure times for employees on CWS. There are not, however, any provisions for employee flexibility in starting or quitting times under a CWS program.
- (c) A full-time employee is required to work 80 hours in a biweekly pay period. The work must be scheduled for fewer than 10 workdays.
- (d) A part-time employee on CWS is scheduled to work between 32 and 64 hours in a bi-weekly pay period and the work must be scheduled for fewer than 10 days. The employee may be required to work more than 8 hours in a day.
- (e) Employees working on a compressed schedule requiring more than 8 hours a day will not receive overtime until they exceed 80 hours worked in a pay period. Management should consider this fact before approving CWS for part-time employees.

(2) Variable Work Schedule (VWS)

- (a) Under a VWS, an employee's basic work requirement must be completed within a designated band of hours each day. The scheduled hours of each workday may vary based on the work needs of the airport. Overtime is not paid unless the employee works more than 80 hours in a pay period.
 - (b) Full-time employees working on VWS are required to work 80 hours in a biweekly pay period. The employees may work up to 6 days in an administrative workweek and the workday may be more than 8 hours.
 - (c) Part-time employees working on VWS have a work requirement of less than 80 hours in a pay period. The basic work requirement and administrative workweek may be more than 6 days, more than 8 hours in a day or less than 8 hours in a day.
- (3) Because screeners do not have the flexibility of varying their arrival and departure times under FSWS, they receive premium pay, excused absence and holiday pay in the same manner as CWS.

C. Establishing the Basic Workweek

- (1) The appropriate FSD, or designee, shall establish a basic workweek that identifies specific days, hours or bands of hours.
- (2) An employee's basic workweek may include regular overtime hours. In these instances, the days and hours outside the basic work requirement must be specifically identified.
- (3) In rare cases, the FSD, or designee, may establish the first 40 hours of duty as the basic workweek. This type of schedule would be used when it is impracticable to prescribe a regular schedule of definite hours of duty for each workday. A first 40-work schedule requires employees to work 40 hours within a 6-day period without the requirement for specific days and hours and these hours are all considered regularly scheduled work for premium pay and hours of duty purposes. Any additional hours of officially ordered or approved work within the administrative workweek are considered overtime work for premium pay purposes.

D. Establishing Work Schedules

- (1) The appropriate FSD, or designee, shall provide that—
 - (a) Assignments to tours of duty are scheduled in advance of the administrative workweek over periods of not less than 1 week, unless doing so would hinder the mission of the airport and/or TSA;
 - (b) The basic workweek is scheduled on no more than 6 of 7 consecutive days;

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- (c) The working hours in each day in the basic workweek are generally the same but may vary when combined with overtime; and
 - (d) The occurrence of holidays may not affect the designation of the basic workweek.
- (2) Breaks in working hours of more than 1 hour may not be scheduled in a basic workday, unless a split shift has been established at a transportation terminal, in which case a break between shifts may be no less than 2 hours.
- (3) The appropriate FSD, or designee, shall schedule the work of his or her employees to accomplish the mission of the organization. TSA does not have a standardized workweek or standardized work schedule for all employees.
- (4) When the appropriate FSD, or designee, knows in advance of an administrative workweek that the specific days and/or hours of a day actually required of an employee in that administrative workweek will differ from those required in the current administrative workweek, he or she shall reschedule the employee's regularly scheduled administrative workweek to correspond with those specific days and hours. The employee shall be advised of the change, and it shall be recorded as a change on the employee's time card.

E. Holidays

(1) Legal Public Holidays

- (a) For purposes of pay and leave, the day to be treated as a holiday is the day designated below, when the holiday falls during the employee's basic workweek or basic work requirement. The following are legal public holidays:
- New Year's Day, January 1;
 - Birthday of Martin Luther King, Jr., the third Monday in January;
 - Washington's Birthday, the third Monday in February;
 - Memorial Day, the last Monday in May;
 - Independence Day, July 4;
 - Labor Day, the first Monday in September;
 - Columbus Day, the second Monday in October;
 - Veterans Day, November 11;
 - Thanksgiving Day, the fourth Thursday in November; and
 - Christmas Day, December 25
- (b) Employees in screener positions may be required to work on a holiday or on the day designated as an "in lieu of holiday" because of operational needs. Employees will receive holiday pay if they are required to work on a holiday or "in lieu of holiday."

(2) Holiday Pay (When No Work Is Performed)

- (a) Under an FSWS program, a full-time employee who is relieved or prevented from working on a day designated as a holiday (or an "in lieu of" holiday) is entitled to his or her rate of basic pay on that day for the number hours designated in a compressed or variable work schedule.
- (b) If a holiday falls on a day during a part-time FSWS employee's tour of duty and the employee is relieved or prevented from working on that day, the employee is entitled to his or her rate of basic pay for the typical, average, or scheduled number of hours the employee would have worked for that day (not to exceed 8 hours). If a part-time FSWS employee has maintained a reasonably consistent schedule for several pay periods, the employee may be paid for the number of hours he or she would have worked had the holiday not relieved or prevented the employee from working. The holiday pay may not exceed the number of scheduled hours or the average number of hours worked in prior weeks on days corresponding to the holiday to determine an employee's pay entitlement for that holiday (not to exceed 8 hours).
- (c) A work schedule submitted in advance of the administrative workweek also may be used as the basis for determining the number of hours to pay a part-time employee on a holiday. However, management should ensure that there is no abuse of entitlement. For example, an employee should not schedule or be scheduled for more hours of work on a holiday than he or she has worked in prior weeks on days corresponding to the holiday.

(3) Determining "In Lieu of" Holidays when Holidays Fall on Non-workdays

- (a) For employees whose basic workweek is Monday through Friday, when a holiday falls on a Saturday, the Friday immediately before is a legal holiday for those employees. When the holiday falls on a Sunday, the Monday immediately following is a legal holiday.
- (b) For employees whose basic workweek is other than Monday through Friday, when a holiday falls on a regularly scheduled non-workday, the workday immediately before that regular non-workday is a holiday.

Example 1: John's regular days off are Tuesday and Wednesday. If the holiday falls on Tuesday, Monday will be John's in lieu of holiday.

Example 2: Jane's regular days off are Wednesday and Thursday. If the holiday falls on Thursday, the preceding Tuesday will serve as John's in lieu of holiday.

- (c) For an employee under a flexible screener work schedule, the Assistant Administrator, Federal Security Director, or designee, may select a workday for the holiday that is in the same biweekly pay period as the date of the actual designated holiday.

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- (d) Part-time employees. Part-time employees are not entitled to an "in lieu of" holiday when a holiday falls on a non-workday for the employee.

Example: Mary's basic work requirement includes 9 hours on Monday, Wednesday and Friday. If the holiday falls on Tuesday, Mary is not entitled to an "in lieu of holiday" because she does not work on Tuesdays.

(4) Pay for Holiday Work

- (a) A full-time employee under an FSWS program who performs non-overtime work on a holiday (or a day designated as the "in lieu of" holiday) is entitled to his or her rate of basic pay plus premium pay equal to his or her rate of basic pay for that holiday work.
- (b) Holiday premium pay for employees on flexible screener work schedules is paid for the total number of hours in the employee's regular workday.
- (c) An employee will receive holiday pay for the entire tour of duty even if only part of the daily tour of duty is performed on the holiday.
- (d) Employees will receive overtime payment for all approved overtime hours worked outside the basic work requirement on a holiday.

Example: An employee who works 10 hours on a holiday (including 1 hour of overtime work ordered by a supervisor) and who has a 9-hour basic work requirement on that day would earn holiday premium pay for 9 hours and 1 hour of overtime pay.

- (e) A part-time employee under a FSWS program is entitled to holiday premium pay only for work performed during his or her basic work requirement on a holiday. This does not include overtime hours.
- (f) A part-time employee, scheduled to work on a day designated as an "in lieu of" holiday for full-time employees, is not entitled to holiday premium pay for work performed on that day.
- (g) Employees do not receive holiday premium pay for hours spent in training on a holiday or in lieu of holiday.

F. Excused Absence

- (1) TSA management may grant excused absence to employees covered by a FSWS under the same circumstances, as excused absence would be granted to employees covered by conventional work schedules.

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- (2) For employees on a flexible screener work schedule, the number of hours of excused absence to be granted shall be based on the employee's established basic work requirement in effect for the period covered by the excused absence.

Example: Mary works a FSWS that requires her to work 10 hours a day. If the airport is closed before the start of the workday, Mary will receive 10 hours of excused absence.

- (3) When employees who would otherwise be required to report to work are excused from work because of a facility closure due to a weather emergency or furlough, other employees who do not have a scheduled workday or who have a regular day off under the FSWS may not be granted another non-workday.

Example: Jane works a compressed schedule that allows her to have every other Tuesday as a regular day off. On Jane's regular day off this pay period, the airport is shut down because a foot of snow fell in the area. All screeners on duty or scheduled to work that Tuesday were excused from duty. Because Jane was not scheduled to work that day she does not receive excused absence or another day off.

- (4) FSDs have the authority to grant a limited amount of excused absence for dismissals warranted by organizational needs and effectiveness. The authority to grant excused absence may be used by FSDs to the extent warranted by good administration for short periods of time generally not to exceed 3 consecutive workdays.
- (5) Excused absence is not authorized for use as an award, superior performance, or perfect attendance.
- (6) Excused absence is not authorized for periods of interrupted or suspended operations that would be covered by the scheduling of leave, furlough, or the assignment of other work.
- (7) It may be appropriate to excuse employees from duty without charge to leave or loss of pay when:
- (a) Normal operations of an organization are interrupted by events beyond the control of management or employees;
 - (b) For managerial reasons, the closing of an establishment or portions thereof is required for short periods; or
 - (c) It is in the public interest to relieve employees from work to participate in civil activities that TSA is interested in encouraging.
 - (d) Management directive 1100.61.1 authorizes the FSD, or designee, to grant excused absence to screeners even though they are designated as *emergency employees*.

G. Overtime Work Determinations

- (1) For employees under FSWS, overtime hours are all hours of work in excess of 80 hours in a biweekly pay period, which are officially ordered in advance by management. Employees on flexible screener work schedules also earn overtime pay "suffered or permitted" hours (under the FLSA) of work.
- (2) Overtime and compensatory time are earned in accordance with the TSA's premium pay policies provided in HRM Letter NO. 551-1. The premium pay policies in this HRM discuss overtime and compensatory time for employees on Alternate Work Schedules. FSWS is one type of AWS program available within TSA.
- (3) Management may order an employee who is covered by a FSWS program to work hours that are in excess of the basic work requirement.
- (4) Hours of work in excess of 8 in a day or 40 hours in a week are not eligible for overtime compensation under FSWS programs.

H. Scheduling of Overtime

- (1) There is no right to work overtime. All overtime must be ordered and approved in advance of the shift in which the overtime is to be worked. FSDs may limit the categories of employees eligible to work overtime hours under a conventional schedule, CWS, or FWS.
- (2) Generally, an employee who takes sick leave may not work overtime during the same 24-hour period that the employee is claiming sick leave, unless, the sick leave was approved in advance of the start of the shift.
- (3) An employee who is charged as absent without leave (AWOL) during a biweekly pay period may not be scheduled to work overtime during the same biweekly pay period.

I. Compensatory Time Off

- (1) Compensatory time off is time off on an hour-for-hour basis in lieu of overtime pay. For employees under FSWS, the overtime hours of work may be regularly scheduled, irregular or occasional.
- (2) Management may grant compensatory time off in lieu of overtime pay at the request of the employee under a flexible screener work schedule.
- (3) Compensatory time off, in lieu of overtime pay, may not be directed by management unless it is for a period of training per HRM Letter NO. 551-1. Compensatory time that is earned must be used promptly in accordance with section 5.g., of HRM Letter NO. 551-1.

J. Night Pay Differential

- (1) An employee who works a FSWS is entitled to night pay for all regularly scheduled and irregular hours worked between 6pm and 6am.
- (2) If an employee voluntarily elects to work during hours for which night pay is normally required, and the employee's tour of duty includes 8 or more hours available for work during daytime hours (i.e., between 6 a.m. and 6 p.m.), the employee is not entitled to night pay for hours worked between 6 p.m. and 6 a.m.).

K. Pay for Sunday Work

- (1) A full-time non-screener employee, and full-time and part-time screeners, who perform regularly scheduled non-overtime work on Sunday, is entitled to Sunday premium pay only for those hours worked on Sunday.
- (2) Part-time non-screener employees are not entitled to Sunday premium pay.

L. Paid Time Off

- (1) Paid time off during an employee's basic work requirement must be charged to the appropriate leave category, compensatory time off, or excused absence if warranted.
- (2) An employee may apply no more sick leave, annual leave or compensatory time to a given day than he or she is scheduled to work on that day.
- (3) Part-time employees may not be approved time off for the sole purpose of having them accumulate 80 hours in a pay period.

M. Temporary Duty, Travel and Training


- (1) When an employee covered by an FSWS is assigned to a temporary duty station (i.e. airport or other components of the airport) that utilizes a different work schedule, a decision must be made as to whether the employee will continue his/her normal schedule or conform to the schedule of the temporary work site.
- (2) Employees on a VWS or CWS may be required to convert to a conventional work schedule (8 hours a day and 40 hours a week) during any pay periods that involve travel or training if deemed appropriate by management.

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7. EFFECTIVE DATE & IMPLEMENTATION:

This directive is effective on the first day of the first pay period following signature.

APPROVAL



Richard A. Whitford
Assistant Administrator for Human Resources

August 9, 2004
Date

Filing Instructions:	File with Office of Human Resources Directives
Effective Date:	First day of first pay period following date the directive is signed
Review Date:	August 8, 2005
Distribution:	TSA Employees
Point of Contact:	DeShawn Shepard or Jan Karicher, 571-227-2469



Sample Work Schedules

4/10 Compressed Schedule	5/4-9 Compressed Schedule	Variable Day Schedule
<p>Basic Work Requirement</p> <p>A full-time employee must work 10 hours a day, 40 hours a week, and 80 hours a biweekly pay period. The FSD determines the number of hours a part-time employee must work in a 4-day workweek and the number of hours in a biweekly pay period.</p>	<p>Basic Work Requirement</p> <p>A full-time employee must work eight 9-hour days and one 8-hour day for a total of 80 hours in a biweekly pay period. The FSD determines the number of hours a part-time employee must work in a 9-day biweekly pay period.</p>	<p>Basic Work Requirement</p> <p>A full time employee must work 80 hours in a pay period. The FSD determines the number of hours to be worked in a day and the number of days to be worked each week based on the staffing needs of the airport. The FSD will also determine the number of hours a part-time employee will work in a pay period.</p>
<p>Tour of Duty</p> <p>The "tour of duty" is established is limited to four 10-hour days.</p>	<p>Tour of Duty</p> <p>The "tour of duty" is established by the agency and is less than 10 workdays in a biweekly pay period.</p>	<p>Tour of Duty</p> <p>The "tour of duty" is established by the FSD based on staffing requirements. There may be no more than 6 days worked each week.</p>
<p>Overtime Work</p> <p>Overtime work is work ordered or approved in advance by management and is in excess of the compressed work schedule's basic work requirement.</p>	<p>Overtime Work</p> <p>Overtime work is work ordered or approved in advance by management and is in excess of the compressed work schedule's basic work requirement.</p>	<p>Overtime Work</p> <p>Overtime and/or compensatory time will only be paid for work ordered and approved. Overtime is only paid if more than 80 hours of work is performed in a pay period.</p>