



Under the Aviation and Transportation Security Act, P.L. 107-71 (November 19, 2001), the Transportation Security Administration (TSA) has the authority to develop its own personnel management system. In doing so, the TSA can adopt and implement personnel management policies and guidance used by other Federal agencies. This directive incorporates policies and guidance in use by other Federal agencies, including various provisions that mirror 5 U.S.C. Chapter 63.

1. **PURPOSE:** This directive establishes TSA policy and procedures that govern absences and the use of leave for all employees. The TSA encourages employees to make full use of their leave benefits. This directive supersedes HRM 630 (Interim Guidance On Leave), dated November 23, 2003, and HRM 630-3 (Policy on Sick Leave and Family Medical Leave Act), dated March 4, 2004. This directive also supersedes and rescinds any Orders, policies, memoranda, and guidance related to Absence and Leave previously issued by TSA. This directive also supersedes and rescinds any Orders, policies, memoranda, and guidance related to Absence and Leave issued under the Federal Aviation Administration personnel management system (49 U.S.C. 40122).
2. **SCOPE:** This directive applies to all TSA employees and organizational elements. The accrual of leave is an employee benefit. The use of leave is subject to the specific requirements contained in applicable laws and this directive. Both the needs of the employee and the need to accomplish the work of the TSA will be considered in arriving at decisions to approve or disapprove employee leave requests.
3. **AUTHORITIES:**
  - A. Sections 101 and 111(d) of the Aviation and Transportation Security Act.
  - B. Section 423, of the Homeland Security Act of 2002.
  - C. Applicable TSA and U.S. Department of Homeland Security delegations of authority.
4. **ROLES AND RESPONSIBILITIES:**
  - A. Assistant Administrators and Office Directors have the authority to establish leave procedures for employees in their organizations within the guidelines of this directive.
  - B. Supervisors and other designated management officials are responsible for ensuring that employees are informed of leave policies and procedures; approving and disapproving leave requests; and ensuring that sufficient leave is available before approving leave requests.
  - C. Employees are responsible for following established leave procedures and policies; managing their leave; and minimizing requests for unscheduled leave.

**5. DEFINITIONS:**

- A. *Absence Without Leave (AWOL)* - Status of an employee absent from duty without authorization.
- B. *Administrative Leave* – See Excused Absence.
- C. *Administrative Workweek* – Any period of 7 consecutive 24-hour periods designated in advance.
- D. *Adoption* – A legal process in which an individual becomes the legal parent of another person’s child. For sick leave and FMLA purposes, the legal process includes all necessary and related travel.
- E. *Annual Leave* - Leave earned by an employee during service with the Federal Government as specified.
- F. *Approving Official (VLTP)*– The representative within the TSA Office of Human Resources who has final approval authority of an employee’s application to become a leave recipient in the voluntary leave transfer program (VLTP).
- G. *Bone Marrow Donor Leave* – Excused absence granted to an employee who serves as a bone marrow donor.
- H. *Compensatory Time* – Hours that may be earned by employee, in lieu of overtime pay, for regularly scheduled, irregular, or occasional overtime work.
- I. *Court Leave* – Authorized absence, without loss of pay or charge to leave, of an employee from work status for jury duty, or for attending judicial proceedings in a nonofficial capacity as a witness when one of the parties is the Federal, State, or local government.
- J. *Excused Absence* - Administratively authorized absence from duty without loss of pay or charge to leave. Also referred to as Administrative Leave.
- K. *Family and Medical Leave Act of 1993 (FMLA)* – Law that provides up to 12 administrative workweeks of leave without pay during a 12-month period. The law also provides job, benefits and pay protection to employees who invoke their right to use leave under it.
- L. *Family Member* – (a) For the purpose of sick leave, a family member is defined as spouses and their parents; children, including adopted children and their spouses; parents; siblings and their spouses; and any individual related by blood or affinity whose relation to the employee is the equivalent of a family relationship. (b) For the purpose of FMLA, family member is a spouse, child under 18 years of age or a child over of 18 years of age and incapable of self care; and parents.

- M. *Full-Time Employees* – Employees who have a regularly scheduled tour of duty that is at least 80 hours in a bi-weekly pay period.
- N. *Funeral Leave* – Excused absence granted to an employee attending a funeral or memorial service of an immediate relative who died as a result of wounds, injury, or disease incurred while in military service in a combat zone.
- O. *Health Care Provider* – Generally, this is a licensed Doctor of Medicine or Doctor of Osteopathy; any health care provider recognized by the Federal Employee Health Benefits Program or who is licensed or certified under Federal or state law to provide the service in question; a Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts; or a Native American, including an Eskimo, Aleut and native Hawaiian, who is recognized as a traditional healing practitioner by native traditional religious leaders.
- P. *Home Leave* – Leave earned by employees during extended service with TSA overseas. The leave may be used in the United States, the Commonwealth of Puerto Rico, or possessions of the United States.
- Q. *HR Liaison* – This is the human resources specialist, administrative officer or other individual in an employee’s organization that facilitates the distribution and processing of information related to human resources.
- R. *In Loco Parentis* – Refers to an individual who had day-to-day responsibility for the care and financial support of an employee when the employee was a child; or a situation in which an employee has day-to-day responsibility for the care and financial support of a child. A biological or legal relationship is not necessary.
- S. *Leave Donor* – An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by TSA.
- T. *Leave Recipient* – A current employee for whom TSA has approved an application to receive annual leave donations.
- U. *Leave Without Pay (LWOP)* – An approved absence from duty in a non-pay status that is requested by the employee.
- V. *Meal Break* – A minimum of one-half hour of unpaid time set aside for eating. A meal period is **not** considered to be part of the basic workweek/work requirement, except in those situations when the supervisor requires the employee to perform his or her regular duties while eating.

- W. *Medical Documentation* – Administratively acceptable documentation is required to certify that an employee or a family member is experiencing a medical emergency. The documentation must at a minimum include the date the medical emergency began, the nature of the emergency, the expected duration of the emergency and the date the employee can be expected to return to duty.
- X. *Medical Emergency* – This is an emergency that a TSA employee or the family member of a TSA employee experiences that results in the employee being absent from work for at least 24 hours (or 30% of the workweek) resulting in a substantial loss of income because of the unavailability of paid leave. The medical emergency must be substantiated by medical documentation.
- Y. *Military Leave* - Time off at full pay for eligible employees who perform certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces.
- Z. *Organ Donor Leave* –Excused absence granted to an employee who serves as an organ donor.
- AA. *Overseas* – Outside the continental United States, but does not include Alaska, Guam, Hawaii, the Isthmus of Panama, Puerto Rico, or the Virgin Islands.
- BB. *Parent* – A biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. Does not include parents “in law.”
- CC. *Part-time employees* – Employees with a regularly scheduled tour of duty of less than 40 hours in a workweek or 80 hours in a bi-weekly pay period.
- DD. *Reduced Leave Schedule* – For FMLA purposes, this is a work schedule under which the usual number of hours of work per workday or workweek is reduced by the number of hours of family and medical leave taken.
- EE. *Serious Health Condition* – An illness, injury, impairment, or physical or mental condition that involves: inpatient hospital care; continuing treatment by a health care provider; pregnancy; ongoing treatment for a chronic condition; permanent/long-term conditions that require supervision; and non-chronic conditions that require multiple treatments.
- FF. *Set Aside Accounts* – Annual and sick leave balances that an employee may accumulate while using leave donated through the VLTP. An employee may not accumulate more than 40 hours each of sick or annual leave while in the VLTP.
- GG. *Sick Leave* - Sick leave is a paid absence from duty granted for (1) medical, dental, or optical examination or treatment; (2) incapacitation by physical or mental illness, injury, pregnancy, or childbirth; (3) communicable disease that would jeopardize the health of others by being present on the job; (4) absence from work for adoption-related activities; (5) family care; or (6) bereavement purposes.


- HH. *Son or Daughter* – A biological, adopted or foster child; a stepchild; a legal ward; or a child of a person who stood in loco parentis. For FMLA purposes, the child must be under 18 years of age or over 18 years of age and incapable of self care because of a mental or physical disability.
- II. *Spouse* – For FMLA purposes, this is an individual who is a husband or wife of the employee pursuant to a marriage that is a legal union between one man and one woman. This includes common law marriage between one man and one woman in States where common law marriages are recognized.
- JJ. *Substantial Loss of Income* – Twenty-four hours of leave without pay for a full time employee experiencing a medical emergency. For a part time employee, this equates to thirty percent (30%) or more of the average number of hours in the employee’s biweekly scheduled tour of duty.
- KK. *Summons* – A subpoena or an official written request or invitation issued by the court or authority responsible for the conduct of the judicial proceeding.
- LL. *Voluntary Leave Transfer Program (VLTP)* – Agency program that allows employees to donate annual leave to other employees who are in a leave without pay status as a result of a medical emergency or other approved emergencies.
- MM. *VLTP Coordinator* – Also referred to as the Approving Official. In addition to having final approval authority of an employee’s application to become a leave recipient, this individual manages the overall program for the agency.

## **6. POLICIES AND PROCEDURES:**

See TSA Handbook on Absence and Leave Policies and Procedures in Attachment 1.

**7. EFFECTIVE DATE AND IMPLEMENTATION:**

This policy is effective immediately upon signature.



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Richard A. Whitford  
Assistant Administrator for  
Human Resources

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Date

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Point of Contact:	TSA OHR/Cathy Perryman (571) 227-2469