



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 Hardship Reassignments issued under the FAA Personnel Management System.

1. **PURPOSE:** This directive provides TSA policy and procedures for hardship reassignments. This directive supercedes Office of Mission Support (OMS) 1521, *Hardship Reassignment Policy*, and OMS 1522, *Marriage Reassignment Policy* issued under the Immigration and Customs Enforcement, Federal Air Marshal Service (FAMS) Directives System.
2. **SCOPE:** With the exception of Transportation Security Executive Service (TSES) employees, this directive applies to all TSA permanent employees in any organizational unit who are in good standing and who are not serving a trial period.
3. **AUTHORITIES:**
 - A. Sections 101 and 111(d) of the Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA), November 19, 2001 (49 U.S.C. §§ 114(n), 40122, 44935, and 44935 note)
 - B. [TSA MD 1100.30-4, *Permanent Internal Assignments*](#)
 - C. [TSA MD 1100.53-1, *Setting Pay Upon Demotion*](#)
 - D. [TSA MD 1100.73-4, *Reasonable Accommodation Program*](#)
 - E. [TSA MD 1100.77-2, *Grievance Procedure*](#)
 - F. [TSA MD 2100.2, *Privacy and Information Collection Policy*](#)
4. **DEFINITIONS:**
 - A. Child Custody: Any situation mandated by a court order or other formal custody or support agreement that requires an individual to provide housing and other support for a minor child.
 - B. Designated Management Official (DMO): A management official designated by the Assistant Administrator (AA) or Office Director (OD) in an organizational unit other than airport operations, who has the responsibility to receive and act on a hardship reassignment request forwarded to them by the requesting employee's first level supervisor or manager.
 - C. Employee in Good Standing: A TSA employee who has not had a suspension of 15 days or more, who is not the subject of an ongoing investigation, and who is not under a proposal for the disciplinary actions of –
 - (1) a removal;
 - (2) a change to lower grade due to unacceptable performance or conduct;

- (3) a suspension for 15 days or more.
- D. **Hardship: A child custody situation or serious medical condition of the employee or of an immediate family member that requires the employee to relocate to another geographical area.** Personal issues related to marital status, financial difficulties, or other personal circumstances do not meet the definition of hardship under this directive. For example, a spouse's job transfer does not meet the definition of hardship¹.
- E. **Hardship Reassignment:** A reassignment² to another geographic area due to a Hardship as defined in this directive. Please note that, although this directive refers to a hardship reassignment to another geographical area, there may be circumstances where the employee may request a change to a lower pay band for hardship reasons. Employees may request a change to a lower pay band for hardship reasons under the provisions of this directive. For either type of request (to the same or a lower pay band), the employee must be qualified for the new position and the new position may not have non-competitive promotion potential higher than that of the position the requesting employee currently occupies.³
- F. **Immediate Family Member:** An employee's spouse, child, mother, father, mother-in-law, father-in-law, other legally established guardianship relationship, or any other individual related by blood or affinity whose relation to the employee is the equivalent of a family relationship. If an employee requests a hardship reassignment due to the serious medical condition of an immediate family member, that immediate family member must be financially dependent on the employee to provide more than half of the immediate family member's total financial support for the year.
- G. **Losing (or Gaining) Official:** The losing official is the management official in the requesting employee's current organizational unit. The gaining official is the management official in the desired organizational unit.
- H. **Serious Medical Condition:** A serious 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/or non-chronic conditions that require multiple treatments. For purposes of consideration for a hardship reassignment, either the employee or an immediate family member of the employee must have a current Serious Medical Condition for which geographic reassignment is deemed medically necessary.
- I. **Week:** A calendar week.

¹It is important to note that reassignment requests for reasons outside the scope of this directive are not prohibited; they simply must be handled under a different authority. See Section 3 (Authorities), for other MDs covering reassignments.

² Reassignments are assignments to a position that has the same pay band as that of the position held immediately prior to the reassignment – that is, they are neither promotions, nor changes to lower pay bands. However, as noted in the definition, for purposes of hardship reassignment procedures, requests for a change to a lower pay band may be considered - promotions may not.

³ Concerning 'non-competitive promotion potential higher than that of the position the requesting employee currently occupies' see Section 6A of [TSA MD 1100.30-4, Permanent Internal Assignments](#).

5. RESPONSIBILITIES⁴:

- A. Supervisors/Managers are responsible for assisting employees experiencing a hardship in obtaining and understanding the contents of this directive. Also, they will process hardship reassignment requests in accordance with the provisions of this directive.
- B. Federal Security Directors (FSDs)/Special Agents in Charge (SACs) are responsible for reviewing and approving or denying requests, and for coordinating with the gaining FSD/SAC in accordance with the requirements of this directive. FSDs/SACs will forward denied requests to their Area Director (AD)/Assistant Director (AD) for final disposition.
- C. ADs (in either Security Operations (OSO) or FAMS) are responsible for reviewing and resolving requests within their area which have been denied by the FSD/SAC. ADs are also responsible for working with affected ADs, AAs, or ODs to resolve reassignment requests between different organizational units.
- D. Designated Management Officials (DMOs) are responsible for reviewing and approving or denying requests, and for coordinating with the gaining office in accordance with the requirements of this directive. DMOs will forward denied requests to their AA or OD for final disposition.
- E. AAs or ODs are responsible for assigning DMOs within their organizational units, and for reviewing and resolving requests within their area that have been denied by a DMO. AAs and ODs are also responsible for working with affected ADs, AAs, or ODs as needed to resolve reassignment requests between different organizational units.
- F. Employees are responsible for following the provisions of this directive and for providing complete, accurate, and up-to-date information in support of a hardship reassignment request.

6. POLICY:

- A. An employee may request a hardship reassignment for a child custody situation or serious medical condition that meets the definitions set forth in this directive. Such requests will receive careful consideration but there is no guarantee that the request will be approved. TSA mission needs remain the primary criteria for approving such requests. Relevant job-related factors may be considered in making a final determination on the request. Examples of job-related factors include, but are not limited to, available vacancies at the requested location, available full time equivalents (FTEs), and attrition rates.
- B. If the request is approved, the employee is financially responsible for all travel and moving expenses associated with the reassignment. Payment of relocation expenses or permanent change of station (PCS) benefits will not be authorized. The employee is not entitled to any excused absence for the reassignment and related move activities. Any leave needed in

⁴ Please note that FSDs and ADs are responsible for requests from airport employees; SACs and ADs are responsible for requests from FAMS employees; and DMOs and AAs or ODs are responsible for requests from employees in organizations other than airport operations or FAMS.

connection with the reassignment must be handled according to normal leave request procedures.

- C. If the request is approved, the employee's pay will be recomputed as of the reassignment effective date based on the pay rates currently authorized at the employee's new duty station. Because the reassignment is voluntary, a reassignment increase may not be paid as part of the hardship reassignment, nor does pay retention apply.
- D. Employees may voluntarily request a hardship reassignment to a lower pay band. If approved, pay will be set in accordance with the provisions of TSA MD 1100.53-1.
- E. A hardship reassignment request and any related documentation is covered by the Privacy Act and must be maintained in accordance with TSA MD 2100.2.
- F. An employee may re-submit a previously denied hardship reassignment request if the circumstances surrounding the hardship change, or if new or additional information is obtained. A re-submission will be prepared and submitted as a new case.
- G. Requests for reassignment based on a disability will be handled as a request for reasonable accommodation under the procedures found in TSA MD 1100.73-4, not as a hardship reassignment request. Reassignment requests for other than hardship or disability accommodation will be handled under the provisions of TSA MD 1100.30-4.
- H. Employees may decide to withdraw their request for a hardship reassignment at any time before the effective date of the reassignment by sending a written notification of their decision to their supervisor or manager who will forward the cancellation to the FSD/SAC and AD or DMO and AA.
- I. Denial of the employee's request for a hardship reassignment is not a covered action under the TSA grievance procedures.

7. PROCEDURES:

A. Serious Medical Condition Hardship

A medical hardship reassignment request will include:

- (1) A written request from the employee which explains the need for the reassignment and a summary of his/her attempts to alleviate the hardship locally.
- (2) Medical documentation from a health care professional which includes, at a minimum, a diagnosis, a prognosis, and an explanation of the serious medical hardship and the medical reasons why the requested reassignment is expected to resolve⁵ the hardship. If

⁵The words 'alleviate or mitigate' may be substituted for the word 'resolve' in those cases where a serious medical condition is of the nature that 'resolution' is not medically feasible, for example some types of cancer or other life threatening conditions.

additional medical information is required, management will advise the employee in writing what is needed and the employee is responsible to provide the additional information within two weeks. Failure to return the medical information as requested may result in a denial of the request.

- (3) When the request is due to the serious medical condition of an immediate family member, documentation that demonstrates the dependency relationship.

Examples of documentation include, but are not limited to: a copy of those portions of the employee's most recent income tax return that demonstrates the dependency relationship; a court order or other formal custody or support agreement demonstrating the dependency relationship; and/or cancelled checks that demonstrate support or dependency; or other similar significant proof.

B. Child Custody Hardship

- (1) A child custody hardship reassignment request will be granted only in cases where there are no other viable alternatives to comply with applicable child custody orders.
- (2) A child custody hardship reassignment request will include:
 - (a) A written request from the employee which explains the need for the reassignment and a summary of his/her attempts to alleviate the hardship locally;
 - (b) Legal documents that establish the relationship of the employee to the child/children;
 - (c) Documents, records, or reports that describe and substantiate the nature of the child custody hardship⁶; and,
 - (d) Evidence that the reassignment will alleviate the hardship, including but not limited to, an explanation of how the requested reassignment location will resolve the hardship.

C. Hardship Reassignment Agreement

Each hardship reassignment request must include a [TSA Form 1136, Hardship Reassignment Agreement](#). This agreement acknowledges the voluntary nature of the move to the new duty station at no cost to the government.

D. Processing Requests

- (1) First Line Supervisor/Manager

Within one week of the date of receipt of the employee's complete⁷ hardship reassignment request package, the employee's first line supervisor/manager must forward

⁶ The child custody order itself may provide the evidence needed in response to Sections 7B(2)(b) & (c).

it directly⁸ to the FSD/SAC/DMO responsible for the organizational unit in which the requesting employee currently works. The supervisor or manager will prepare a cover memorandum including:

- (a) A statement that he/she has reviewed the material and believes or has verified it to be factual, internally consistent, and reflecting the employee's true situation;
- (b) Any documented misconduct or unacceptable performance issues on the part of the employee; and,
- (c) His/her recommendation to approve or deny the request with a brief narrative explaining the basis for the recommendation.

(2) FSD/SAC/DMO

- (a) The FSD/SAC/DMO will review each hardship reassignment request within one week of receipt to determine if it meets the requirements set forth in this directive. If necessary, the FSD/SAC/DMO may request that the employee provide additional medical or other documentation. Such a request will be in writing and identify the information needed and the reasons therefore. Once the requested information has been provided, the losing FSD/SAC/DMO will contact the prospective FSD/SAC/DMO to jointly determine whether to approve or deny the request.

(b) Approved Requests

- (i) The FSD/SAC/DMO will inform the employee in writing of the approval.
- (ii) The losing HR official will coordinate the effective date of the reassignment with the employee and the gaining organizational unit.
- (iii) The gaining HR official will initiate the appropriate personnel action to effect the employee's hardship reassignment.

- (c) Denied Requests: If the losing and gaining FSD/SAC/DMOs cannot agree on the reassignment or if the request is denied for other reasons, the losing FSD/SAC/DMO will forward the employee's request with a status report to the employee's current AD/AA/OD for final disposition.

(3) AD/AA/OD

⁷ Incomplete packages will be denied as incomplete and returned to the employee since no further action can be taken on the request.

⁸ The requirement for direct forwarding to the FSD/SAC/DMO is intended to expedite processing the request. Although intervening management officials should be informed of the request and the supervisor's recommendation, the process should not be delayed by having each intervening manager formally concur in the first line supervisor's recommendation. If the intervening management officials have information they wish to include in the FSD/SAC/DMO's decision, they will forward that information to the FSD/SAC/DMO concurrently with the hardship reassignment request.

- (a) The AD/AA/OD will review denied requests for hardship reassignment and make a final determination on the request within two weeks of receipt⁹. If the request involves organizational units under the same AD/AA/OD, that official can make the final determination. If the request is for a reassignment to a different organizational unit, the officials from the units involved will make the final determination.
- (b) If the request is approved, the procedures at Section 7D(2)(b) will be used to effect the reassignment.
- (c) If the request is denied, the AD/AA/OD of the employee's current organizational unit will notify the employee in writing of the decision and the reasons therefore.

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

APPROVAL



7/18/2006

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Date

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⁹ As with the FSD/SAC/DMO – see Section 7D(2) – if necessary, the AD/AA/OD may request that the employee provide additional medical or other documentation. Such a request will be in writing and identify the information needed and the reasons therefore. Once the requested information is provided, the AD/AA/DO will finish processing the request.