



Transportation
Security
Administration

US 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 HCM policy establishes Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance and bulletins regarding involuntary workforce reductions issued under the FAA Personnel Management System as well as previous TSA guidance on reductions in the TSO workforce. This is TSA policy and must be applied accordingly.

HCM POLICY NO. 351-2

DATE: November 3, 2008

SUBJECT: Transportation Security Officer (TSO) Involuntary Workforce Reduction Procedures

- 1. PURPOSE:** This establishes the TSA policies and procedures regarding involuntary workforce/position reductions affecting permanent TSA employees assigned to a position of record in the 1802 occupational series which is non-managerial and contains “TSO” in the position title and/or is considered to be part of the TSO career progression (TSO, Master, Expert, Lead, or Supervisory TSO). These actions include, but are not limited to, reorganizations, mission realignments, airport closures, complete or partial de-Federalization (for example, under the Screening Partnership Program), funding and/or full-time equivalent (FTE) reductions, and/or elimination of one or more positions.
- 2. SCOPE:**
 - A. This policy applies to all permanent TSO employees/positions as defined in Section 4.B. These workforce reduction guidelines apply to the permanent workforce only; managers may continue the use of temporary employees/appointments to fill temporary needs.
 - B. The requirements and procedures of this policy apply in situations where one or more positions in the TSO workforce must be realigned or eliminated and one or more employees would be involuntarily separated due to a reason such as reorganization, lack of work, or lack of funds. This includes situations where a full time position is eliminated and replaced with a part time position.
 - C. The requirements and procedures of this policy do not apply to:

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- (1) Furloughs (involuntary, agency-mandated placement of employees in temporary nonpay, nonduty status). Refer to [TSA MD 1100.63-2, Furlough \(Agency Placement of Employees in Nonpay, Nonduty Status\)](#) for procedures and requirements;
- (2) Change in the official work schedule of a part time employee to a schedule with fewer biweekly hours;
- (3) Removal or termination solely for conduct or performance reasons, including failure to meet standards;
- (4) Involuntary pay band reduction (demotion) for cause (performance or conduct actions);
- (5) Placement of an employee serving on an intermittent or seasonal basis in non-duty, non-pay status in accordance with the conditions of the appointment;
- (6) Termination during a trial period;
- (7) Termination of a reemployed annuitant, because they serve at the will of the agency;
- (8) Termination of a time-limited (temporary) appointment at any time. Managers may exercise their delegated authority to request and approve personnel actions they deem necessary to address reorganization/restructuring needs. This may include the decision to terminate any or all temporary or time-limited appointments either before or on the not-to-exceed date of the appointment(s) without the use of involuntary workforce reduction procedures;
- (9) Voluntary pay band reduction or other action initiated by the employee except those which are offered as part of restructuring/reorganization plans addressed by this policy; or
- (10) Termination based on a negative suitability determination.

3. AUTHORITIES:

- A. The Aviation and Transportation Security Act, Public Law 107-71 (ATSA).
- B. Homeland Security Act of 2002, Sections 403(2) and 423.
- C. Applicable TSA and U.S. Department of Homeland Security delegations of authority.

4. DEFINITIONS:

- A. Day: Calendar day.
- B. Employee: For the purposes of this policy, an employee is a permanent TSA employee assigned to a position of record in the 1802 occupational series which is non-managerial and

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contains “TSO” in the position title and/or is considered to be part of the TSO career progression (TSO, Master, Expert, Lead, or Supervisory TSO).

- C. Federal Service Computation Date (SCD): The date appearing in block 31 of the employee’s Notification of Personnel Action (SF 50) which reflects total creditable service for leave.
- D. Involuntary Workforce Reduction: The elimination of positions resulting in the potential need for one or more involuntary separations (regardless of whether the employee is ultimately offered an alternative to involuntary separation, such as a vacant position at a lower pay band or one that is other than full time).
- E. Job Group: A grouping of similar positions based on specific characteristics (e.g., series, position title, pay band, gender requirement, work schedule type, etc.). Positions in the same job group would generally be indistinguishable from one another and therefore the employees would be considered interchangeable between the jobs within a group.
- F. Management Officials: The Office of Security Operations (OSO) Assistant Administrator (AA), Area Directors (ADs), Federal Security Directors (FSDs), or their designees.
- G. Official Work Schedule: The work schedule as documented on the employee’s most recent Standard Form (SF)-50, Notification of Personnel Action.
- H. Organizational Area: The organizational and geographic area within which an involuntary workforce reduction is carried out.
- I. Pay Band: A level in TSA’s compensation and position classification framework that sets a minimum and maximum rate of basic pay for an occupation based on position category (e.g., Professional, Technical, Specialized, etc.), duties, competencies, and level of responsibility. TSA uses 13 pay bands representing all of its occupations.
- J. Position of Record: The employee’s permanent position, as documented on the Notification of Personnel Action (SF-50 or equivalent), the current job/position description (TSA Job Analysis Tool) and any other pertinent job documentation for the employee’s current, permanent position. The position of record is defined by the employee’s permanent pay band, occupational category, job series, work schedule type, and any other condition(s) that determine coverage under human capital management systems (pay, performance management, etc.). (Note: A position to which an employee is temporarily assigned, i.e., detailed, acting, or temporarily promoted, is *not* considered the position of record for that employee.)
- K. Reorganization: The planned elimination, addition, or redistribution of functions, duties and/or positions in an organization.
- L. Veterans’ Preference Eligible: For the purposes of this policy, a veterans’ preference eligible is defined as an individual who meets the criteria set forth in 5 U.S.C. § 2108.

M. Work Schedule Type: Employment schedule to which the employee is assigned under their current position of record, to include full time, part time, full time split shift, part time split shift, and seasonal.

5. RESPONSIBILITIES:

- A. Management officials are responsible for identifying whether a reorganization may be necessary and if so, whether involuntary workforce reductions may be required. They are responsible for documenting the reason(s) that involuntary workforce reductions are necessary, recommending the appropriate organizational area to be used for a specific workforce reduction, and determining the number, type and location of the positions affected by a reorganization as well as those that will make up the organization after the reorganization is completed. Management officials are responsible for consulting and coordinating with the Office of Human Capital (OHC) as far in advance as possible in developing and making these decisions and recommendations and carrying out necessary preparatory planning and actions.
- B. The Assistant Administrator for Human Capital (AA/OHC), or designee, is the TSA official responsible for authorizing the use of involuntary workforce reduction procedures in the agency.
- C. In the event that involuntary workforce reduction procedures are authorized, the OHC, in consultation with the Office of Chief Counsel (OCC), will work with management officials to explore alternatives, obtain appropriate approvals, generate ranking rosters, and administer/review the implementation of involuntary workforce reduction procedures.

6. POLICY:

- A. Avoiding/Minimizing Involuntary Workforce Reductions. Management officials are encouraged to work as far in advance as possible with OHC to identify available options that may avoid or minimize the need to use involuntary actions to reduce the workforce. Managers should consider a phased approach consisting of escalating options such as:
 - (1) Phase 1: Freeze hiring, terminate temporary appointments (reemployed annuitants and/or other temporary employees) and encourage voluntary attrition (this may include offering voluntary early retirement, as long as the agency has authorization to do so, and/or reassignment request opportunities).
 - (2) Phase 2: Support/incentivize voluntary actions such as: voluntary changes from full time to part time or other schedules; voluntary resignations or retirements (no separation benefits such as severance pay are paid as these are voluntary actions), acceptance of other Federal jobs, voluntary pay band reductions (lower band job; pay retention may or may not apply depending on timing and circumstances), voluntary relocations to other TSA locations (relocation incentives might be offered if appropriate).

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- (3) Phase 3: Discretionary management actions such as: reassigning employees to other jobs within the commuting area, ensuring that part-time (PT) employees work only the number of hours in their official work schedule, and/or changing the PT employee's official work schedule to one with fewer hours.
 - (4) Phase 4: Other actions to consider—directing employees to other locations outside the commuting area (relocation expense reimbursement may be required under travel policy if accepted; or involuntary (i.e., adverse action) separation with eligibility for severance pay or discontinued service retirement if declined).
 - (5) Phase 5: Offer employees within the affected organization the opportunity to volunteer for involuntary workforce reduction separations (these volunteers receive separation benefits that are the same as those who are identified for involuntary separation through workforce reduction procedures).
 - (6) Phase 6: Identify employees within the organization that will be affected by involuntary workforce reduction separations.
- B. Other Preparatory Actions. Involuntary workforce reduction procedures are based on the assumption that the employees in the organization are satisfactory employees who are fully qualified and able to perform the work of their assigned position. It is management's responsibility to promptly take appropriate actions to address employee conduct, unsatisfactory performance, or medical/physical qualifications as issues arise before workforce reduction procedures are applied. Involuntary workforce reduction procedures are not an appropriate avenue for addressing performance and/or conduct issues. However, the fact that actions to address such issues (conduct, performance, etc.) may be in process at the time a workforce reduction is being carried out will not prevent an employee from being identified for separation through the involuntary workforce reduction process if the ongoing performance or conduct process is not finalized prior to the completion of the involuntary workforce reduction. The type of separation action carried out will determine eligibility for benefits such as severance pay and reemployment priority for future vacancies.
- C. Authority to Use Involuntary Workforce Reduction Procedures. The AA/OHC is the approving official for requests to use involuntary workforce reduction procedures. Authority to use these procedures must be requested in writing, and concurred with by a management official at the level of Area Director or above, as far in advance as possible before the anticipated date of the action. OHC can provide a template for such requests, as well as other restructuring guidance. Managers should anticipate that it will take time to conduct a workforce reduction, and should plan accordingly. No employee notices will be issued except as authorized by the AA/OHC.

7. PROCEDURES:

- A. Organizational Areas. Organizational areas will be determined and documented prior to the application of involuntary workforce reduction procedures. Organizational area recommendations should be based on the type(s) of positions, management/administrative structure, geographical area, and the degree of displacement that could occur with an expanded organizational area. Organizational areas will normally be no smaller than an individual airport. The organizational area for a specific situation may be broadened to include more than one airport considering factors such as size of the workforce, types of positions affected, hub/spoke configuration and/or distance from other airports. The proposed organizational area must be proposed in writing, concurred with by a management official at the level of Area Director or above, and approved by the AA/OHC before notices may be issued to affected employees.
- B. Job Groups. Within each organizational area, every employee (based on their position of record) will be placed in the appropriate job group as determined by OHC in consultation with management. Job groups will consist of interchangeable positions and will be distinguished from one another based on factors such as:
- (1) job series;
 - (2) position title (i.e., TSO, LTSO, STSO, Master TSO, Expert TSO) including any paranthetical designations;
 - (3) pay band;
 - (4) designation/membership in the National Deployment Force (NDF);
 - (5) work schedule type (part time, full time, PT split shift, FT split shift, seasonal);
 - (6) gender (male, female) as appropriate for certain job groups (such as those currently functioning as either passenger or dual function);
 - (7) functional type/assignments and/or any other documented job-related competencies/ subspecialties (i.e., passenger, baggage, dual function, Behavior Detection, Coordination Center, Security Training Instructor, Equipment Technician, etc.) as determined by the appropriate management official according to the work needs of the airport and/or the TSO functional designations established by TSA for the occupation.

See Appendix A for a sample list of job groups.

- C. Staffing Plans. Management officials will establish target staffing plans for each organizational area affected and for each job group before workforce reduction procedures begin. Target staffing plans must take into account required numbers and types of supervisory and nonsupervisory positions, competencies and skills, certification type, gender ratio for passenger

screening, work schedules, etc. to perform the mission going forward. Target plans will clearly indicate which existing positions will be eliminated, and will not be changed once the workforce reduction is underway unless changes are necessary to sustain operations or address other unforeseen circumstances. Target staffing plans and proposed changes will be reviewed with OHC and documented for business necessity.

D. Military Service.

- (1) Employees currently absent due to military service under the provisions of [TSA MD 1100.30-17, *Uniformed Services Employment and Reemployment*](#), will not be separated by involuntary workforce reduction procedures during their absence.
- (2) Employees entitled to reemployment after military service under the provisions of TSA MD 1100.30-17, *Uniformed Services Employment and Reemployment*, will not be separated by involuntary workforce reduction procedures for a period of:
 - (a) 6 months after reemployment, if the person's period of military service before the reemployment was between 31 days and 180 days; or
 - (b) One year after reemployment, if the person's period of military service before the reemployment was more than 180 days.
- (3) Employees absent due to military service or within the reemployment period described above will be listed at the top of the appropriate job group list for their position of record. Their position will not be abolished unless and until all other positions in the same job group are first eliminated. If the position of an employee on military service or recent returnee must be abolished, the employee will be reassigned to an equivalent position (same pay band and work schedule type) in the same organizational area if possible, or at another TSA location/office (consult OHC for assistance).

- E. “Volunteers” for Involuntary Separation. During the involuntary workforce reduction process, TSA may elect to allow employees from the affected organizational area (or in organizations linked to the affected area where creation of additional vacancies could reduce the impact of workforce reduction) to “volunteer” for separation. This would allow employees to identify themselves, ahead of others who might later be identified through the involuntary workforce reduction process, for involuntary separation with associated separation-related benefits¹ for which they would otherwise be eligible (including severance pay or discontinued service retirement, and reemployment priority, although volunteers may be in a lower rehiring priority category than others separated involuntarily). Any employee in an affected (or linked) organizational area may request involuntary separation through workforce reduction at any time before involuntary workforce reduction notices are issued. Management will have the final discretion in determining whether each request will or will not be approved. Employees

¹ Separation benefits which may be paid to employees involuntarily separated in a workforce reduction are summarized in Appendix B, Attachment 2.

who “volunteer” for involuntary separation should be aware that TSA will rely on their request in making decisions and as a result, any such request will be considered irrevocable once it is accepted by management in writing. Employees requesting to volunteer for involuntary separation will be provided a form to sign, acknowledging that the employee understands and agrees that the election is irrevocable and that requests for exceptions will be considered at management’s discretion only for reasons of hardship.

F. Assignment to and Ranking Within Job Groups.

- (1) In organizational areas affected by involuntary workforce reduction, management officials will assign every employee to one (and only one) job group. The occupational series, pay band level and other factors used for assignment to a job group must be the same as the employee’s current position of record and functional assignment. If the employee is assigned to other duties under a temporary promotion or detail, it is the employee’s permanent position, not the temporary duties, that determines the position of record.
- (2) Ranking within job groups:
 - (a) To carry out a workforce reduction involving the elimination of some but not all positions, employees in each of the affected job groups must be ranked to determine which employees will be identified for involuntary separation. Ranking means ordering of all employees occupying identical positions in the job group from highest to lowest. To ensure that the employees retained are those most capable of performing the work that will exist in the new or revised staffing plan for the organization, performance and competency-related factors will be emphasized for ranking employees within each job group in which one or more positions will be eliminated. The factors listed in Section 7 F (3) through (5), in the order indicated, will be used to rank employees. Ties are broken by the successive ranking factor. *Note:* Employees described in Section 7 D, those absent due to military service or entitled to reemployment following military service, will be listed at the top of their job group. Employees with the highest ranking will be assigned to the continuing positions in the job group, if any.
 - (b) When available, the rating of record issued based on the end-of-year (annual) review and appraisal from the most recent TSA performance appraisal period will be used. In some cases, the rating of record may have been derived in whole or in part from a presumed or calculated rating, under the provisions of the appropriate performance management program policy and guidance. Before a reduction is carried out, OHC will determine whether a rating from a prior performance rating cycle is sufficiently interchangeable with the most recently completed TSA performance rating cycle to be used for employees who lack a current TSA performance rating of record. Employees without a usable rating will be ranked as outlined in Sections 7 F (3) (e) and 7 F (4) (e).

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- (3) Employees in PASS covered positions/occupations: Employees assigned to positions of record of a type currently covered by the PASS (see [TSA MD 1100.43-1, Performance Accountability and Standards System](#)) will be ranked using the ranking factors below (applied in order), regardless of whether an individual employee has or will actually receive a final PASS rating:
- (a) Final performance rating level (highest to lowest) from most recently completed PASS rating cycle (see TSA MD 1100.43-1, *Performance Accountability and Standards System (PASS)*); then
 - (b) Technical proficiency score from most recent final PASS rating cycle (in some cases, the score may be one that is presumed or calculated, based on the provisions of the appropriate performance management program policy and guidance); then
 - (c) Veterans' preference eligibility (i.e., those whose employee records reflect eligibility for preference in hiring under 5 U.S.C. § 2108 (this will be reflected in a code of 2, 3, 4, 5 or 6 in block 23 of the Standard Form 50) will be listed ahead of those without); then
 - (d) Federal service computation date (SCD) from earliest to latest.
 - (e) Employees who do not have a final PASS performance rating of record from the most recently completed PASS performance rating cycle (and no presumed, calculated or usable rating from a current or previous cycle as determined by OHC) will be ranked based on:
 - (i) the PASS performance rating level most commonly achieved by employees in the same job type and function within the employee's organization (airport) during the most recently completed performance rating cycle; and
 - (ii) the Technical Proficiency score most commonly achieved by all TSA employees in the same job type and function within the employee's organization (airport) during the most recently completed performance rating cycle.
- (4) Non PASS rated employees: Employees in positions of a type currently covered by [TSA MD 1100.43-2, Performance Management System](#) will be ranked using the ranking factors below (applied in order) and employees with the highest ranking will be assigned to the continuing positions in the job group:
- (a) The level (highest to lowest) of the performance rating of record from the most recently completed final rating cycle under the provisions of TSA MD 1100.43-2, *Performance Management System* (in some cases, the rating of record may be derived from an interim, presumed or calculated rating, based on the provisions of the appropriate performance management program policy and guidance); then

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- (b) A competency assessment score based on the procedures outlined in (i) through (iii) below.
 - (i) OHC will identify the competencies critical to the continuing position(s).
 - (ii) OHC will develop, and provide to the OSO Business Management Office (BMO), or other OSO-designated management official(s), the guidelines and instructions, questions, and ranking criteria that will be used to assess and measure proficiency in the identified competencies. Employees will be evaluated by:
 - a. Participating in a structured interview process to assess possession of the identified competencies; and/or
 - b. Providing documentation to support the existence of the competency benchmarks identified; and/or
 - c. Application of an alternative assessment process developed by OHC.
 - (iii) For consistency, the selected evaluation process must be determined prior to implementing the workforce reduction. The evaluation process cannot change once workforce reduction implementation begins.
 - (iv) Appropriate airport management staff (e.g. FSDs, AFSDs, Transportation Security Managers, Human Resources representatives) will rate and rank the responses to determine the most highly qualified candidate(s); then
 - (c) Veterans' preference eligibility (i.e., those whose employee records reflect eligibility for preference in hiring under 5 U.S.C. § 2108 (this will be reflected in a code of 2, 3, 4, 5 or 6 in block 23 of the Standard Form 50) will be listed ahead of those without); then
 - (d) Federal service computation date (SCD) from earliest to latest.
 - (e) Employees who do not have a performance rating of record from the most recently completed performance rating cycle (and no presumed, calculated or usable rating from a current or previous cycle as determined by OHC) will be ranked based on the performance rating level most commonly achieved by employees in the same job type and function within the employee's organization (airport) during the most recently completed performance rating cycle.
- (5) Any ranking ties that remain after application of the factors outlined above will be broken through the use of random ordering processes found in standard spreadsheet software such as Excel.

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Example 1A-- initial ranking based on PASS performance rating level only			
Job Group : 1802-D band TSO, FT work schedule, Baggage screening functional work assignment			
Initial Ranking *	Employee Name	Most Recent PASS Rating Level**	Notes
1-2	S...	Level 5	
	M...	Level 5	
3-7	D...	Level 4	
	P...	Level 4	
	T...	Level 4	
	J...	Level 4	
	A...	Level 4	
8-11	C...	Level 3	assumed--based on most commonly earned rating for job type, function and airport--no final PASS rating
	F...	Level 3	
	X...	Level 3	
	K...	Level 3	
12	G...	Level 2	
13-14	R...	Does Not Meet Standards	employee may be terminated due to PASS rating; would only be ranked for retention if workforce reduction occurred first
	H...	Does Not Meet Standards	employee may be terminated due to PASS rating; would only be ranked for retention if the workforce reduction occurred first

*** (tied rankings to be broken by the application of specified tie-breaking factors—see below for final results)**

**** number of levels and/or labels may change from year to year under PASS**

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Example 1B --final ranking based on all factors						
Job Group : 1802-D band TSO, FT work schedule, Baggage screening functional work assignment						
Final Ranking	Employee Name	Most Recent PASS Rating Level	Technical Proficiency Score	Notes	Veterans' Preference	Federal SCD
1	M....	Level 5	47		no	
2	S....	Level 5	45		yes	
3	T....	Level 4	46		yes	07/23/92
4	P....	Level 4	46		yes	06/19/01
5	D.....	Level 4	42		no	
6	A....	Level 4	40		no	
7	J....	Level 4	37		no	
8	K.....	Level 3	43		no	
9	F....	Level 3	38		yes	
10	X....	Level 3	38		no	05/15/98
11	C....	Level 3	38	no final PASS rating; rating level and technical proficiency score based on most common for job type/airport	no	10/16/04
12	G...	Level 2				
13	H....	Level 1 (Does Not Meet Standards)	9	employee may be terminated; would only be ranked for retention if the workforce reduction occurred first	yes	
14	R.....	Level 1 (Does Not Meet Standards)	9	employee may be terminated; would only be ranked for retention if the workforce reduction occurred first	no	

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Example 2 A -- Initial ranking based on performance and competency assessment			
Job group: 1802-F band BDO, FT work schedule (employees with current unsatisfactory/unacceptable ratings already separated)			
Initial Ranking*	Employee Name	Most Recent TSA Performance Rating of Record (Summary Level)	Total Competency Score**
1	M....	Level 4	12
2	S....	Level 4	11
3	T....	Level 4	10
4	P....	Level 3	9
5-6	A.....	Level 3	8
	D....	Level 3	8
7-9	J....	Level 3	6
	B....	Level 3	6
	W....	Level 2	6
10-11	K....	Level 2	5
	H....	Level 2	5

* (tied rankings to be broken by the application of specified tie-breaking factors—see below for final results)

** scale for competency scores will vary depending on the number of critical competencies identified, weighting of competencies, etc.

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Example 2 B -- Final ranking after applying <u>all</u> factors					
Job group: 1802-F band BDO, FT work schedule					
Final Ranking	Employee Name	Most Recent TSA Performance Rating (Summary Level)	Total Competency Score	Veterans' Preference	Federal SCD
1	M....	Level 4	12		
2	S....	Level 4	11		
3	T....	Level 4	10		
4	P.....	Level 3	9		
5	D.....	Level 3	8	Yes	
6	A....	Level 3	8	No	
7	J....	Level 3	6	Yes	6/3/04
8	B....	Level 3	6	Yes	9/15/06
9	W...	Level 2	6	No	
10	K.....	Level 2	5	Yes	4/16/98
11	H....	Level 2	5	Yes	8/24/02

G. Identification of Employees Affected.

- (1) Employees are identified for potential separation (release) within each job group. The number of employees currently in the job group will be compared to the number of employees identified in the target staffing plan for that job group; the difference between these is the number of employees who must be released from the job group. Employees are released in inverse order, working from the bottom of the ranked list upward toward the top.
- (2) In Example 1 above, the job group (1802-D band TSOs who are FT and assigned to baggage screening) currently includes 14 employees. The initial ranking based on their overall performance rating levels resulted in many ties. The application of tie-breaking factors provided further ranking information. In these examples, Technical Proficiency score determined the final ranking between M... and S..., Veterans' Preference determined the final ranking between H... and R... ; and Federal SCD determined the final ranking between T... and P... .
- (3) If the target staffing plan indicates that 9 positions will exist in this job group after the reduction, the 5 employees at the bottom of the ranked list (R..., H..., G..., C...and X...) will be released and the other 9 retained. If these 5 identified employees have not been separated through other processes (i.e. removal for performance failure), do not leave their positions voluntarily or are not otherwise placed in different, ongoing TSA positions, they will be involuntarily separated from TSA employment due to the workforce reduction.
- (4) The same procedure would also apply if the situation required the airport to eliminate 5 of the 14 positions in this job group and establish 5 new otherwise identical part-time positions. The 5 employees at the bottom of the ranked list (R..., H..., G..., C...and X...) would be involuntarily separated from their full-time positions due to the workforce reduction. However, these employees *may be* offered the opportunity to accept, in lieu of involuntary separation, one of the new vacant part-time positions if established, in accordance with Section 7 I.

H. Displacement. There are no “bump” or “retreat” provisions; e.g., affected employees cannot displace those in a different job group through the involuntary workforce reduction process. This means, in the example above, that the employees identified for separation from their job group as noted above will not displace employees in other job groups.

I. Offers of Other Positions. An employee whose position is eliminated and who is identified for potential separation *may be* offered another vacant TSA position (such as a position at a lower pay band, or a position with a different work schedule type) either in the same or a different TSA organizational area/airport/office. TSA is *not required* to make such offers. If alternative offers are available, TSA may choose (but is not required) to extend offers based on ranked order. Before an alternative position is offered, the employee must be fully qualified for

placement in the alternative position. If accepted, these will be considered to be voluntary placements in lieu of involuntary separation. Pay retention may apply; eligibility will be determined under the provisions of [TSA MD 1100.53-2, *Pay Retention*](#).

- J. Use of Rankings. Ranked lists developed pursuant to the procedures of this policy will not be used for any purpose other than involuntary workforce reduction procedures.
- K. Exception to Regular Involuntary Workforce Reduction Procedures. In an airport closure situation, when all positions in an organizational area are being eliminated, TSA may establish different separation dates for affected employees based on the need to continue and/or close down specific functions of the operation. Employees may be separated in one or more groups or phases based on mission needs. This may be accomplished without regard to ranked order, if necessary, to implement the closure efficiently.
- L. Pre- and Post-Separation Benefits/Services
- (1) Career Transition Assistance:
- (a) TSA may provide pre-separation career transition assistance (e.g, career coaching/counseling/assistance, employee assistance programs, benefits information/counseling, and/or financial planning, etc.) and/or retraining and/or priority consideration to employees who have received an involuntary workforce reduction separation notice, to the extent practicable considering mission, resources, workload and budgetary constraints.
- (b) TSA supervisors are encouraged to consider granting a reasonable period or periods of excused absence for career transition-related activities of employees who have received an involuntary workforce reduction separation notice. Such excused absence will generally not exceed a total of 3 work days (24 work hours). The amount of excused absence will be determined on a case-by-case basis and take into account workload and need to accomplish the mission, as well as current policies. Employees may also request to use accrued leave, leave without pay and/or compensatory time, subject to TSA policy on use of leave (currently [TSA MD 1100.63-1, *Absence and Leave*](#), and the associated *TSA Absence and Leave Handbook*). Any leave request must be submitted in writing and approved in advance. Management may request medical documentation, consistent with policy, in support of any sick leave requested.
- (2) Rehiring and Remploiement Priority:
- (a) Employees separated due to involuntary workforce reduction may be eligible for priority for future Federal TSO vacancies under [TSA MD 1100.30-6, *TSO Priority Employment Program*](#). Employees must register for this program to receive referral and consideration. See TSA MD 1100.30-6 for specific requirements.

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- (b) Former employees may also indicate interest in being rehired at any time and at any location by submitting an employment application to the appropriate office/location.
- (3) Separation Related Benefits:
 - (a) An employee who is being involuntarily separated may request the option to use accrued annual leave to remain on TSA's rolls after the scheduled involuntary separation date in order to establish initial eligibility for immediate retirement under 5 U.S.C. §§ 8336, 8412, or 8414, and/or to establish initial eligibility under 5 U.S.C. § 8905 to continue health benefits coverage into retirement.
 - (b) Employees separated through workforce reduction procedures may be eligible for severance pay (see [TSA MD 1100.55-4, *Severance Pay*](#)) or discontinued service retirement, priority referral for future rehiring under the TSO Priority Employment Program, and/or other benefits. A brief summary of these options for employees is included as an attachment to the sample employee notice in Appendix B. More information is available from TSA HR Services and more specific notices are provided to employees with the final exit/separation package.

M. Notices:

- (1) Advance Notice. Management officials shall ensure that employees receive as much advance notice of a reduction as possible. A written notice of pending involuntary separation will be issued as far in advance as possible but no less than 30 days before the separation action is taken. In unusual or emergency circumstances, a shorter advance notice period may be approved by the AA/OHC.
- (2) Employee Notice Delivery and Retention.
 - (a) Employee separation notices will be prepared by the appropriate management official (normally the Federal Security Director) using the attached sample as a guide (see Appendix B). The employee notice must include statements regarding the obligation to protect Sensitive Security Information (SSI), and a direction to return all TSA property and uniforms. Before a notice is issued to any employee, OHC and OCC must review and approve the notice.
 - (b) Letters will normally be delivered in person, and the employee asked to sign the acknowledgment of receipt. If the employee refuses to sign, the file copy should be annotated with the delivery time and date, the signature of the individual who delivered the notice, and a statement that the employee received the notice, but refused to acknowledge receipt.
 - (c) If the employee is not on duty or is otherwise unavailable to receive it in person, the notice should be delivered immediately both by first class mail and by a delivery method where a signed receipt is requested (e.g., express mail delivery or certified

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REDUCTION PROCEDURES

mail with a return receipt requested). TSA will assume that the employee received a regular mailing 5 (five) days from the day on which the notice was sent, and may use that date as the official delivery date, or the date on which the employee signed for the express delivery or certified notice, whichever is earlier.

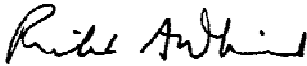
- (d) A copy will be retained in the employee's official personnel folder (OPF), and a copy may be retained by the supervisor.
- (3) Employee Status during Notice Period. In most cases the employee will remain in a duty status during the notice period. However, if the management official determines that keeping the employee in his or her current pay/duty status and/or work site may present a threat to life, property, safety or the efficient operation of the organization, or is not possible for other reasons such as lack of work or funds, one or a combination of the following alternatives may be used:
- (a) Employees may be placed in furlough (non-pay, non-duty) status, in accordance with the provisions of TSA MD 1100.63-2, *Furlough*;
 - (b) At employee request, and when otherwise appropriate, managers may approve use of annual or sick leave, compensatory time, and/or leave without pay;
 - (c) TSA may detail the employee to another location or work unit (see [TSA MD 1100.30-1, *Temporary Internal Assignments*](#)); and/or
 - (d) Use of excused absence may be approved under current approval guidelines (TSA MD 1100.63-1, *Absence and Leave*, and the associated *TSA Absence and Leave Handbook*).

N. Grievance Rights:

- (1) Separated employees may request review of an involuntary separation action carried out under this policy in accordance with the process and timelines outlined in [TSA MD 1100.77-2, *Grievance Procedures*](#). Employees may grieve the application of involuntary workforce reduction procedures in their specific case if they believe the procedures were incorrectly applied. TSA will not review any allegation contained in a grievance that is based solely on management's decision to use involuntary workforce reduction procedures, the reason for doing so, timing of actions, or failure to use other options to accomplish restructuring, reorganization or reduction.
- (2) Grievances related to separations resulting from an involuntary workforce reduction process must be filed directly with the Assistant Administrator for OHC for review. OHC will review the grievance, consult with management officials involved and the grievant, as necessary, and render a final decision.

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

APPROVAL



11-3-2008

Richard A. Whitford, Assistant Administrator
for Human Capital

Date

Appendices:

- A. Sample job group list
- B. Sample employee separation notice

Filing Instructions: File with HCM Bulletins, Letters and Guidance

Effective Date:

Review Date:

Distribution: Assistant Secretary, Deputy Assistant Secretary, Assistant Administrators, Office Directors, Area Directors, Senior Field Executives, Federal Security Directors, Special Agents in Charge, Administrative Officers, and TSA affiliated HR Offices

Point of Contact: Office of Human Capital Policy; TSA-OHC-Policy@dhs.gov

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Appendix A--Sample of Potential Job Group Categories

Airport Job Groups—Example	
1.	NDF designation/membership; further subdivided using additional job-related factors for positions as outlined below as appropriate
2.	TSO, D band; further subdivided by: <ul style="list-style-type: none"> ▪ Work schedule type (FT, PT, FT split shift, PT split shift, seasonal); ▪ Functional assignment (passenger only, baggage only, dual function); ▪ Gender (if applicable to functional assignment)
3.	TSO, E band; further subdivided by: <ul style="list-style-type: none"> ▪ Work schedule type (FT, PT, FT split shift, PT split shift, seasonal); ▪ Functional assignment (passenger only, baggage only, dual function); ▪ Gender (if applicable to functional assignment); ▪ Specialized requirements/certifications if any
4.	Master TSO, F band; further subdivided by: <ul style="list-style-type: none"> ▪ Work schedule type (FT, PT, FT split shift, PT split shift, seasonal); ▪ Functional assignment (passenger only, baggage only, dual function); ▪ Gender (if applicable to functional assignment); ▪ Specialized requirements/certifications such as Equipment Maintenance Technician Behavior Detection, Coordination Center, Security Training Instructor, etc.
5.	Expert TSO, G band; further subdivided by: <ul style="list-style-type: none"> ▪ Work schedule type (FT, PT, FT split shift, PT split shift, seasonal); ▪ Functional assignment (passenger only, baggage only, dual function); ▪ Gender (if applicable to functional assignment); ▪ Specialized requirements/certifications such as Equipment Maintenance Technician, Behavior Detection, Coordination Center, Security Training Instructor, etc.
6.	Lead TSO, F band; further subdivided by: <ul style="list-style-type: none"> ▪ Work schedule type (FT, PT, FT split shift, PT split shift, seasonal); ▪ Functional assignment (passenger only, baggage only, dual function); ▪ Gender (if applicable to functional assignment)
7.	Supervisory TSO, G band; further subdivided by: <ul style="list-style-type: none"> ▪ Work schedule type (FT, PT, FT split shift, PT split shift, seasonal); ▪ Functional assignment (passenger only, baggage only, dual function); ▪ Gender (if applicable to functional assignment)

Appendix B--Sample Separation Notice

MEMORANDUM

To: [Employee name]
[Name of Airport]

From: [FSD]
[Name of Airport]

Date: [date]

Subject: Notice of Separation

This is a formal notice that

[for closure: Federal screening operations at [airport] will terminate on [date] due to [reason]
[or for partial reduction:] some Federal TSO positions at [airport] must be eliminated due to [reason]
and you were identified for separation through TSA TSO involuntary workforce reduction procedures.
Regrettably, TSA must terminate your Federal employment as a consequence of this action.

Your separation from TSA employment will be effective [date; normally no less than 30 days from date of letter]. Unless otherwise instructed, you are expected to report to work as scheduled during this period and you will be paid for the hours you work. You may request accrued leave, leave without pay and/or compensatory time, subject to the TSA policy and requirements on requesting and approval of leave (TSA MD 1100.63-1, *Absence and Leave*, and the associated *TSA Absence and Leave Handbook*). Any leave request must be submitted to your supervisor in writing for approval in advance. Management has the discretion to require medical documentation in support of any sick leave requested.

You have been or will be notified of when and where to report for exit processing and checkout procedures. You must return all TSA-issued property including ID badges, equipment, manuals, and uniforms, etc., as soon as possible, but no later than [final separation date]. You are responsible for making arrangements with [name of airport POC] for the return of these items. As a reminder TSA employees and former employees are prohibited from divulging Sensitive Security Information (SSI). Please be advised that the unauthorized disclosure of SSI may result in a civil penalty or other administrative/corrective action being initiated against you.

Appendix B--Sample Separation Notice

In addition to the general information provided in the attached benefits summary, you are eligible for the following separation benefits: (check those that apply)

discontinued service retirement

OR

severance pay

a lump sum payment for any unused annual leave and/or compensatory time

eligibility for conversion and/or temporary continuation of health insurance benefits

eligibility for conversion of life insurance benefits

The attached Benefits Summary for Separating TSOs provides an overview of many important benefits provisions that you should be aware of. More specific information and estimates [has been/is being/will be] provided to you separately. You can get more information on these benefits from [provide general employee HR services inquiry contact information] or from [airport HR representative].

You may request review of an involuntary separation action carried out under this policy in accordance with the deadline and process outlined in TSA MD 1100.77-2, *Grievance Procedures*. You may grieve the application of involuntary workforce reduction procedures if you believe the procedures were incorrectly applied. TSA will not review a grievance that is based solely on management's decision to use involuntary workforce reduction procedures, the reason for doing so, timing of actions, or failure to use other options to accomplish restructuring, reorganization or reduction.

You may request and receive priority consideration for future reemployment at certain TSA airports under the Priority Employment Program (PEP). Registering for the PEP will give you ongoing referral and selection priority for one year after your involuntary separation for future TSA Federal TSO vacancies at your current airport, other airports in the hub-spoke, and other airports within the local commuting area. Veterans' Preference may put you in a higher priority category for reemployment. In order to properly determine your preference eligibility, if you are a veteran you must attach proof of your Veterans' Preference status (copy of DD-214, Member 4 copy) to the form. If you are a veteran and you fail to provide this information, you will be considered a non-veteran for purposes of preference in the PEP. If you would like to receive priority consideration, you must complete the PEP Application Form (TSA Form 1111--Attachment 1) and either you or your airport HR representative must return it to: Transportation Security Administration, Office of Human Capital, TSA-21, TSA Headquarters - West Building, 601 South 12th Street Arlington, VA 22202-4220 Attn: Section 1 Program Manager, on or before [separation date]. We urge you to keep a copy of this form and submit an updated version with your new address and/or other contact information if there are any changes. Ensuring that we have current contact information will enable us to communicate with you about future job openings.

Appendix B--Sample Separation Notice

If you have any questions regarding your impending separation, you may call [airport HR contact] at [phone number, email]. We appreciate your dedication and service to the TSA mission and wish you much success in your future endeavors.

Please sign below, acknowledging that you have received this notice. Your signature does not denote agreement with this action; it only represents receipt of this notice on the date signed.

Employee Signature

Date

Attachments:

- (1) TSO PEP Application Form (TSA Form 1111)
- (2) Benefits Summary for Separating TSOs (obtain most current version from OHC)

Appendix B--Sample Separation Notice
Attachment 2

This summary was updated in August 2008; check with OHC for most recent information

BENEFITS SUMMARY FOR SEPARATING TSOs
(Involuntary Separation through Workforce Reduction)

CAREER COACHING:

Career coaching services are available for up to 60 days after your separation. Career coaches are available to provide career counseling, resume assistance, skills assessment, and a variety of other career transition services.

To contact a career coach, please call toll free 1-866-619-3697. Relay services are available by calling TTY at 1-800-877-8339 and requesting connection to 1-866-542-9096.

More info: <http://www.tsacareercoaching.com/>

EMPLOYEE ASSISTANCE PROGRAM (EAP):

The Employee Assistance Program (EAP), a cost-free confidential program, is available to help you and your family during this transition. The EAP Counselor can be contacted at (800) 222-0364 or 1 (888) 262-7848 for the hearing-impaired. Connect to EAP services information via the Internet through: [EAP4YOU and FOH4YOU](#)

LEAVE:

Annual Leave and Compensatory Time: After separation, you will receive a lump sum payment for unused hours of annual leave and/or compensatory time. Payment for annual leave is based on the hourly rate of pay you would have received if you remained with TSA until expiration of the period covered by the leave. Compensatory time is paid out at the overtime rate at which it was earned.

Sick Leave: No payment is made for unused sick leave. Instead, your sick leave hours are kept on record and may be recredited if you are reemployed in any Federal agency.

More information on leave: <http://www.opm.gov/oca/leave/HTML/factindx.asp>

HEALTH INSURANCE (FEHB):

After Employment Terminates: Health benefits are continued at no cost for 31 days in the same enrollment category held at the time of separation and you will have the opportunity to convert to a

Appendix B--Sample Separation Notice
Attachment 2

private policy after this 31 day no-cost coverage extension. The 31 day no-cost coverage extension period begins on the first day of the pay period which follows your separation date (for example, if you are separated on the first Friday in a pay period, the 31 day no-cost coverage extension period will begin on the second Sunday following your separation date).

Temporary Continuation of Coverage (TCC) Eligibility: Most separated employees are also eligible to request a longer extension of health benefits coverage through the Temporary Continuation of Coverage (TCC) option. You must request TCC within 60 days of your separation OR within 65 days of when you receive TCC eligibility notification from TSA, whichever is later. You must pay both the employee's and government's share of the health benefits premium, plus an administrative fee of approximately 2% of the total premium. If you elect TCC, the total length of extended health benefits coverage is 18 months from date of separation. After separation, you will receive more specific information about your eligibility for TCC.

More information on FEHB: <http://www.opm.gov/insure/health/index.asp>

LIFE INSURANCE (FEGLI):

Conversion: Life insurance coverage terminates 31 days after separation. However, you may apply for (convert to) an individual life insurance policy. TSA will provide the appropriate certification forms. Written application and payment of the first premium must be made within 31 days after your insurance stops or within 31 days after you receive notification of its termination, whichever is later. Premiums will likely be higher than those paid under the Federal group policy.

More information on FEGLI: <http://www.opm.gov/insure/life/index.asp>

SEVERANCE PAY:

Most permanent employees who are involuntarily separated by workforce reduction procedures and who are not eligible for some form of immediate retirement annuity will be eligible for severance pay. Severance pay is paid in regular installments with deductions similar to a paycheck. Employees generally qualify for one week of pay for each year of Federal civilian (not military) service they have. Severance pay is generally based on the pay rate and work schedule of your last job (full time, part time). Those over the age of 40 receive an additional age adjustment amount. If you have less than one year of service you will receive excused absence based on your months of Federal civilian service. TSA OHC will determine if you are eligible and calculate the exact amount of severance pay you can receive. Please be aware that being offered another position, or leaving the agency early and/or voluntarily, could make you ineligible for severance pay.

More information on severance pay:
http://tsaweb.tsa.dot.gov/intraweb/assetlibrary/TSA_MD_1100_55_4.pdf

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THRIFT SAVINGS PLAN (TSP):

You are eligible to withdraw your account when you separate from Federal service. You can also leave all or a portion of your account in the TSP and withdraw it later. However, there are limits on how long you can leave your money in the TSP.

When you leave Federal service, you will receive information about your TSP withdrawal options. It is important that you read these materials *before* you choose a withdrawal option.

Most FERS employees become vested in their Agency Automatic (1%) contributions after completing 3 years of Federal civilian service. Vesting means that you have met the service requirements that entitle you to keep the Agency Automatic (1%) contributions and their earnings when you leave Federal service. Vesting does not apply to any other types of contributions. Therefore, FERS and CSRS participants are *always* vested in their own contributions and the earnings on their contributions. FERS participants are *always* vested in the matching contributions their agencies make, as well as the earnings on the matching contributions.

All Federal civilian service counts toward vesting in your TSP account — not just your service while you are a TSP participant. Service covered by USERRA also counts toward vesting.

More information on TSP: www.tsp.gov

REINSTATEMENT and REHIRING PRIORITY WITH TSA:

TSOs who separate while still in good standing (that is, those who are separated for reasons other than cause) may apply for rehiring/reinstatement with TSA. Information on TSA employment opportunities is available at: <http://www.tsa.gov/public/display?theme=2>

TSOs separated by workforce reduction procedures may also be eligible for ongoing referral and priority consideration for reemployment in Federal TSO positions at certain TSA airports under the TSA TSO Priority Employment Program (PEP). The PEP provides priority consideration for one year for future Federal TSO vacancies at other airports in the hub-spoke, and other airports in the local commuting area. PEP registration is NOT automatic -- involuntarily separated employees must complete and submit a PEP Contact Information form to register. You can find more information on PEP at:

http://tsaweb.tsa.dot.gov/intraweb/assetlibrary/TSA_MD_1100_30_6_FINAL_060818.pdf

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UNEMPLOYMENT COMPENSATION:

Through state governments the Department of Labor administers the unemployment insurance program for Federal employees. The program provides a weekly income for a limited time period to eligible separated employees. Each state has different requirements for administering the program and varying caps on the weekly income received.

For information on unemployment compensation eligibility, benefits, related programs, or to file a claim, contact the applicable state/local office for your area.

More information: www.careeronestop.org

RETIREMENT:

Refunds:

If you are not eligible for an immediate annuity you may apply to OPM and receive a refund of your retirement contributions, provided you have not returned to a Federal position with retirement coverage within 30 days. You are not required to withdraw retirement contributions at the time of separation. It is important that you fully understand your options, and the consequences, if you elect to withdraw your contributions.

Civil Service Retirement System (CSRS) and CSRS Offset Employees: You can receive your retirement contributions, with interest, if you have less than 5 years of creditable civilian service (not eligible for a deferred retirement). If you have more than 5 years of creditable civilian service (eligible for a deferred retirement), no interest is added in the refund. When a refund is received, you do not maintain any right to an annuity. If you return to Federal service, you may apply to OPM to make the redeposit with interest added from the date the refund was received. If you do not request a refund, and have over 5 years of civilian service, you can apply for a deferred annuity at age 62. More information is available in the Office of Personnel Management publication CSRS Retirement Facts 11, available at: <http://www.opm.gov/forms/pdfimage/RI83-13.pdf>

Federal Employees Retirement System (FERS) Employees: You may apply for a refund of your retirement contributions. If you have more than 1 year of service, interest is added to the refund. **FERS employees should be cautious about refunds. The FERS service covered by the refund cannot be credited for retirement purposes and cannot be repaid if you return to government service.** If you leave your FERS contributions in the retirement fund and have at least 5 years of civilian service, you will be eligible for a deferred annuity at age 62. If you have 10 years of service, you may apply for a deferred annuity at minimum retirement age (MRA). More information is available in the Office of Personnel Management publication FERS Facts 1, available at: http://www.opm.gov/fers_election/facts/ri90-11.htm

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Retirement Coverage Upon Rehire:

If you return to federal employment, your retirement coverage will depend on a number of factors, and you may have a choice to make about coverage within six (6) months after your return. The factors affecting your retirement coverage and whether you may have a choice of coverage upon reemployment include: the length and type of your previous federal service and when it occurred; how much time elapsed between your federal appointments; and the type of appointment under which you are returning to federal employment.

When you return to federal employment, it is important that you learn what retirement system you are under and what, if any, choices you may make about that coverage. We highly recommend that you locate and discuss this question with your new agency's servicing HR or Benefits Specialist as soon as possible after you are hired.

Survivor Benefits:

CSRS and CSRS Offset Employees: If you separated and did not retire, there are no survivor benefits available other than the lump sum of the retirement contributions, without interest.

FERS Employees: A survivor annuity is generally payable to the spouse of the deceased former employee if the former employee had 10 or more years of service (military and civilian, with a minimum of 5 years of civilian service), even if he/she did not apply for retirement. If the former employee had less than 10 years, the spouse would be entitled to a lump sum payment of the retirement contributions, with interest.

More information on retirement: <http://www.opm.gov/retire/index.asp>

APPLYING FOR OTHER FEDERAL JOBS:

You will find information on Federal job opportunities at <http://www.usajobs.opm.gov/> Besides applying for Federal jobs open to the general public, most TSA employees with at least one year in TSA under a permanent appointment are also eligible to apply and be considered for positions in other Federal agencies that are open to Federal employees only. This eligibility lasts for one year after *involuntary* separation. You should indicate on your application that the provisions of the Interchange Agreement ¹ between TSA and OPM, dated 2/1/05, makes you eligible to apply as a status candidate (under the agency's Merit Promotion/Internal Selection procedures) as long as the agency is accepting applications from nonagency employees. Attach a copy of your most recent SF-50

¹ Information on the interchange agreement may be found at:

(1) on the TSA intranet at <http://topweb.tsa.dhs.gov/intraweb/assetlibrary/TSAInterchangeAgreementSignedJan312008.pdf>

and (2) on OPM's web site at

<http://www.opm.gov/employ/html/sroa2.asp#InterchangeAgreementsWithOtherMeritSystems>

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if the vacancy announcement requests it. You should also include any other documents requested in the vacancy announcement.

Another valuable resource for general employment information and opportunities is the Department of Labor's Employment and Training Administration website at www.doleta.gov. This website provides information on every step of the job search process - researching new opportunities, finding training to acquire different skills, starting a new job and making long-term career plans.

For more information on these or other benefits: provide employee HR services inquiry contact information