



Transportation
Security
Administration

MEMORANDUM TO FEDERAL SECURITY DIRECTORS (FSDs)

DATE: June 5, 2009

FROM: Richard A. Whitford, Assistant Administrator
Office of Human Capital

SUBJECT: 1100.2-1: Transportation Security Officer (TSO) E Band Promotions
Update

This communication reminds FSDs of the requirements for TSO E band promotions and the limitations leave without pay (LWOP) or limited duty assignments may place on approving such promotions. Previous guidance concerning the full implementation of TSO E band promotions (see memorandum from Richard A. Whitford, dated February 22, 2007) is superseded by this communication.

FSDs have full responsibility for identifying and submitting actions for promoting D band TSOs to the E band. To assist FSDs with this responsibility, the Office of Human Capital (OHC) is working with the Shared Service Center to develop a report that identifies employees who are potentially eligible for promotions to the E band. When this report is complete, you will be advised how to access the document. In the interim, please utilize the information in the Employee Roster that was previously provided to you through the Office of Security Operations when determining the eligibility of your employees for promotions. It is the responsibility of FSDs to ensure that employees meet all other E band minimum requirements listed below prior to submitting the promotion eSF-52s to TSA HR Access.

E band promotion salary increases will be either to the minimum of the E band (i.e., \$28,869, in 2009, without locality) or \$500 whichever is greater for the TSO.

Minimum Requirements for Promotion to E Band:

E Band promotions are processed on an on-going basis for TSOs who meet the following minimum requirements:

- Current D band TSOs who meet their 2-year anniversary date with TSA (i.e., at least 2 years as a TSA TSO, including time served as a Lead or Supervisory TSO, or Transportation Security Manager, if applicable); AND

Note: Years of experience for full-time and part-time TSOs will be based on calendar years of service and not pro-rated based on numbers of hours worked per week.

- Must have a current performance rating of level 2 (formerly Achieves Standards in the Performance Accountability and Standards System (PASS)) or equivalent.

When submitting E band promotion eSF-52s, the legal authority cited should be ZLM (P.L. 107-71). In addition, **the following statement must be included on all E Band promotions eSF-52s:**

I certify that the employee meets all the minimum requirements and does not fall under any of the exclusion criteria as specified in the memorandum from Richard A. Whitford, Assistant Administrator, Office of Human Capital, to all FSDs entitled "Transportation Security Officer E Band Promotions – Update," dated June 5, 2009.

Exclusion Criteria for Promotion to the E Band:

- On Leave Without Pay (LWOP) for a period of 12 months or more prior to the proposed effective date of promotion (except LWOP – US Military Leave);
- Was under a Performance Improvement Plan (PIP) at any time during the six months prior to the proposed effective date of promotion;
- Disciplinary action of record (e.g., Letter of Reprimand, suspension, Indefinite Suspension, reduction in pay band for reasons of conduct/performance) effective within 12 months of the promotion date.

Note: *An employee reduced in pay band for failure to complete a supervisory probationary period may be promoted to the E band, subject to meeting the "Minimum Requirements" listed above.*

- On Administrative leave or LWOP as the result of suitability or conduct/performance matter that may result in removal from the TSO position.
- Excessive unapproved absences/Absence Without Leave (AWOL) during the past 12 months prior to the proposed promotion effective date – management discretion allowed; and/or,
- Documented leave restriction effective within the past 12 months from the promotion effective date – management discretion allowed.

Clarification follows concerning the effect LWOP or limited duty assignments have on TSO E band promotions.

LWOP:

- TSOs on LWOP – US Military Leave will be promoted to the E band at such time as they meet minimum requirements for promotion, without regard to whether or not the TSOs are performing military duty at the time promotions are due, as long as none of the exclusion criteria are met.
- TSOs on LWOP will be promoted to the E band at such time as they meet minimum requirements for promotion as long as none of the exclusion criteria are met. However, in those cases where TSOs have periods of 12 months or more on leave without pay, FSDs, or their designees, are provided additional time to assess TSOs' performance level prior to making decisions to promote.

Note: Any time in a non-pay status is creditable service for purposes of meeting minimum requirements for E band promotions.

Limited Duty Assignments:

- TSOs performing limited duty assignments will be promoted to the E band at such time as they meet minimum requirements for promotion, as long as none of the exclusion criteria are met.

An employee who does not meet the eligibility requirements listed above at their 2-year anniversary date should be re-evaluated, when the TSO meets all criteria, based on the totality of a his/her experience (e.g., after six months or less - management discretion allowed of acceptable performance is achieved following a PIP or similar action).

If in the rare circumstance an FSD believes a promotion is warranted for an individual who falls under the exclusion criteria, the FSD may send a request for an exception, including justification for the exception, through the Area Director, to the Assistant Administrator, OHC (AA/HC), for consideration.

Conversely, if an FSD believes that a promotion is not warranted for an individual who otherwise meets all requirements for the E band TSO position, the FSD may send a request including justification for an exception, through the Area Director, to the AA/HC for consideration. Such a request should explain specific factual reasons why the promotion should be delayed. If OHC approves such a request, the FSD will notify the affected employee in writing explaining the reasons the promotion will not be made at that time.

Information discussed in this communication may only be applied from the date of this communication forward.

Questions:

- Assistance in submitting requests for personnel action (via e52) – OHC Management Services and Consultation HR Specialist
- OPMI@dhs.gov (PASS questions only)
- TSA-OHC-Policy@dhs.gov (OHC policy questions)

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