



**Transportation
Security
Administration**

**U.S. 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 document, and all related Handbooks, Attachments, and Appendices, establish Transportation Security Administration (TSA) policy and must be applied accordingly.

HCM LETTER NO. 771-4

DATE: January 6, 2013

SUBJECT: National Resolution Center

1. **PURPOSE:** This HCM establishes the National Resolution Center (NRC) and provides TSA policy and procedures for the Unitary Dispute Resolution System (UDRS), Integrated Conflict Management System (ICMS), and mediation and alternative dispute resolution processes not covered by the Civil Rights Division (CRD). This HCM is applicable to matters that occurred on or after November 1, 2012. For purposes of challenging workplace disputes, disciplinary and adverse actions, the date of the matter is the date on which the employee's conduct at issue occurred. This policy cancels and supersedes TSA Management Directive (MD) 1100.00-5, *Integrated Conflict Management System*, HCM 771-3, *Peer Review*, and TSA MD 1100.77-2, *Grievance Procedures* upon completion of all outstanding matters.
2. **SCOPE:** This HCM applies to all TSA organizational elements and to all TSA employees.
3. **AUTHORITIES:**
 - A. The Aviation and Transportation Security Act (ATSA), Pub L.107-71
 - B. Administrator's Determination on Transportation Security Officers and Collective Bargaining, dated February 4, 2011
 - C. Administrative Dispute Resolution Act of 1996, Pub. L. 104-320; 5 U.S.C. 571-584
4. **DEFINITIONS:** Refer to the [Handbook to HCM 771-4, National Resolution Center](#).
5. **RESPONSIBILITIES:**
 - A. The Assistant Administrator for the Office of Human Capital (AA/OHC) or his/her designee is responsible for:

**HCM LETTER 771-4
NATIONAL RESOLUTION CENTER**

- (1) Establishing the NRC and providing resources to effectively manage UDRS and non-Equal Employment Opportunity (EEO) Alternative Dispute Resolution (ADR) mechanisms for employee issues and concerns;
- (2) Fostering the national and local sustainment of ICMS to help foster communication, information sharing, cooperative problem solving as outlined in the accompanying Handbook; and
- (3) Reviewing and resolving breach allegations of settlement agreements reached in internal TSA processes under this HCM.

B. The NRC is responsible for:

- (1) Implementing and operating the UDRS;
- (2) Providing guidance to senior leadership and management regarding the UDRS;
- (3) Providing guidance to employees regarding matters and programs covered by this HCM;
- (4) Assessing resolution requests for acceptance or dismissal according to the provisions of this HCM and accompanying Handbook;
- (5) Providing, coordinating and maintaining a roster of neutrals, arbitrators and mediators;
- (6) Preparing periodic reports for the AA/OHC on the operation of the UDRS;
- (7) Overseeing an 18-month evaluation of the UDRS as required by the Administrator's Determination;
- (8) Managing the ICMS; and
- (9) Establishing and maintaining a centralized budget to fund all UDRS-related operations and services conducted by TSA.

C. The Office of Chief Counsel (OCC) is responsible for:

- (1) Coordinating, advising and providing legal review of settlement agreements arising within the scope of this HCM;
- (2) Advising the AA/OHC and the NRC regarding settlement agreement breach allegations regarding agreements with respect to internal TSA processes under this HCM; and

HCM LETTER 771-4
NATIONAL RESOLUTION CENTER

- (3) Providing legal advice to management during any stage of dispute resolution processes, and representing the agency in proceedings before external third parties.

D. The Partnership Office (PO) is responsible for:

- (1) Providing advice and guidance to management officials on matters related to alleged violations and other issues related to the interpretation and/or application of the Collective Bargaining Agreement (CBA) and the Determination;
- (2) Providing advice and guidance to management officials regarding representation and official time; and
- (3) Serving as liaison to AFGE at the national level.

E. Management Officials are responsible for:

- (1) Promoting an environment characterized by fair, open, and respectful communication in which employees at every level may raise issues or concerns free from retaliation;
- (2) Engaging in a positive labor management relationship with AFGE at the local level;
- (3) Adhering to and enforcing the CBA;
- (4) Conducting, in most cases, interest-based conversations and using cooperative problem solving approaches to resolve issues and concerns, including conduct and performance, at the earliest opportunity; and
- (5) Complying with the provisions of this HCM and accompanying Handbook.

F. Local Human Resources Specialists (HRS) and Employee Relations Specialists (ERS) are responsible for:

- (1) Collaborating with the NRC to ensure accurate information is properly entered into the appropriate data management system; and
- (2) Complying with the provisions of this HCM and accompanying Handbook.

G. Local Points of Contact (POCs)

- (1) Working with affected employees and the NRC to clarify employee concerns and related requests to schedule meetings in accordance with this HCM and accompanying Handbook;
- (2) Coordinating necessary administrative and logistical arrangements for dispute resolution and ADR sessions with the NRC; and

- (3) Complying with all responsibilities as outlined in this HCM and accompanying Handbook.

H. Employees are responsible for:

- (1) Complying with the policy and procedures established by this HCM and Handbook, including furnishing sufficient detail to clearly identify the matter of concern and/or matter being grieved, and specifying the remedy being sought;
- (2) Engaging in collaborative and respectful communication with supervisors and other employees regarding work issues and concerns; and
- (3) Engaging in good faith efforts to resolve the issue giving rise to the dispute.

I. Personal Representatives are responsible for:

- (1) Following the procedures and timelines established by this HCM and Handbook, as well as other applicable TSA policies; and
- (2) Requesting official time, if appropriate, in accordance with applicable TSA policies for activities connected with representing the employee in the matter or case for which representation is authorized.

6. POLICY:

A. The following matters fall under NRC's jurisdiction:

- (1) Administration of the Agency's non-EEO ADR programs, including but not limited to, non-EEO mediation, facilitation, conflict management coaching, and targeted support;

NOTE: CRD maintains full responsibility for EEO and discrimination allegations.

- (2) Administration of the UDRS, including but not limited to intake, national data tracking, program management and evaluation; and
- (3) Provision of conflict management services for matters within the jurisdiction of the NRC.

B. Representation: TSA employees are entitled to personal representation in accordance with [TSA MD 1100.63-3, *Employee Representation*](#), and the Administrator's Determination on Transportation Security Officers and Collective Bargaining dated February 4, 2011.

7. PROCEDURES: Refer to the [Handbook to HCM 771-4, *National Resolution Center*](#).

8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

Dec. 20, 2012

Sean J. Byrne
Assistant Administrator for Human Capital

Date

EFFECTIVE

January 6, 2013
Date

Distribution: Assistant Secretary, Deputy Assistant Secretary, Assistant Administrators, Regional Directors, Federal Security Directors, Supervisory Air Marshals in Charge, Business Management Offices, Administrative Officers, and HR Specialists

Point-of-Contact: National Resolution Center: ResolutionCenter@tsa.dhs.gov