



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

1. **PURPOSE:** This directive provides TSA policy and procedures for the review and management of official time for bargaining unit employees. This directive cancels and supersedes the Interim Guidance on Official Time dated October 31, 2011.
2. **SCOPE:** This directive applies to designated management officials, bargaining unit employees, the Exclusive Representative, and union representatives.
3. **AUTHORITIES:**
  - A. The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
  - B. 29 C.F.R. 1614.605(b), Representation and Official Time
  - C. [Decision Memorandum, Determination on Transportation Security Officers and Collective Bargaining](#) signed and dated February 4, 2011 by TSA's Administrator

**4. DEFINITIONS:**

- A. Bargaining Unit Employees (BUEs): The following full- and part-time non-supervisory personnel carrying out screening functions under 49 U.S.C. § 44901, as that term is used in the Aviation and Transportation Security Act of 2001, § 111(d). BUEs, as defined in Section II of the Determination, include Transportation Security Officers (TSOs), Lead Transportation Security Officers, and Master and Expert Transportation Security Officers, including Behavior Detection Officers, Security Training Instructors, and Equipment Maintenance Technicians.

**NOTE:** Coordination Center Officers and Supervisory Transportation Security Officers are not BUEs.

- B. Collective Bargaining Agreement (CBA): The collective bargaining agreement between TSA and the American Federation of Government Employees (AFGE) covering BUEs.
- C. Designated Management Official: For purposes of this directive, a TSA employee who has authority to approve or disapprove official time requests.

**NOTE:** Selection of the designated management official is made by the Federal Security Director (FSD) or designee at each airport.

D. Determination: The Decision Memorandum, Determination on Transportation Security Officers and Collective Bargaining, signed and dated February 4, 2011 by TSA's Administrator.

E. Exclusive Representative: The union certified by the Federal Labor Relations Authority (FLRA) as the exclusive representative of BUEs under the Determination.

**NOTE:** On June 29, 2011, the FLRA certified the American Federation of Government Employees (AFGE) as the exclusive representative of BUEs under the Determination.

F. Official Time: Time authorized by a designated management official to allow a BUE, when otherwise in a duty status, to participate in certain authorized activities that are not related to the BUE's official duties.

**NOTE:** Use of time for authorized activities must have been requested and approved in accordance with this directive. Official time does not include time devoted to internal union business, e.g., matters related to the structure and institution of the Exclusive Representative including, but not limited to, solicitation of membership, election of union officials, the collection of dues, and other activities initiated by a union representative for which official time is not authorized by the Determination, the CBA, TSA policy, or any related guidance.

G. Union Activity: For purposes of this directive, an activity undertaken by a BUE on behalf of the Exclusive Representative that is permitted under the Determination, the CBA, TSA policies (including, but not limited to, MDs, Handbooks, and Human Capital Management (HCMs)), and any related guidance. Such activities include attending formal discussions, as set forth in the Determination, but do not include serving as an employee's personal representative.

H. Union Representative: An individual authorized by AFGE to represent the interests of the Exclusive Representative and who is acting in that capacity consistent with the Determination, the CBA, TSA policies (including, but not limited to, MDs, Handbooks, and HCMs), and any related guidance.

**NOTE:** The union representative may be a BUE if designated by the Exclusive Representative.

I. Unitary Dispute Resolution System (UDRS): The resolution process created by TSA under the Determination and administered by the TSA National Resolution Center.

## **5. RESPONSIBILITIES:**

A. Designated Management Officials are responsible for:

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- (1) Complying with the provisions of this directive;
- (2) Receiving requests for official time;
- (3) Promptly reviewing requests for official time;
- (4) Promptly acting on requests for official time; and
- (5) Ensuring official time is appropriately documented.

**B. BUEs are responsible for:**

- (1) Complying with the provisions of this directive;
- (2) Timely submitting, and providing supporting documentation for, requests for official time;
- (3) Properly documenting use of approved official time; and
- (4) Engaging, while on official time, only in the activities for which the official time was approved.

**C. The Exclusive Representative is responsible for:**

- (1) Complying with the provisions of this directive;
- (2) Providing necessary information and documentation, as determined by TSA management, to support requests for official time;
- (3) Ensuring that BUEs use official time only for activities that are permitted under the Determination, the CBA, TSA policies (including, but not limited to MDs, Handbooks, and HCMs), and any related guidance; and
- (4) Ensuring that BUEs engage, while on official time for union activity, only in the activities for which the official time was approved.

**6. POLICY:**

**A. The Determination provides:**

- (1) In Section IV.A.6.a that “The parties will agree on a reasonable number of unit employees who may serve on the bargaining committee of the union for the national collective bargaining agreement ... and these employees will be afforded reasonable amounts of official time to perform this function consistent with mission

requirements.”

- (2) In Section IV.A.6.b that “An employee serving as a representative of a co-worker in the resolution process at § V of the Determination or under related directives, and employees serving as union representatives in formal meetings or fulfilling other union responsibilities as set forth in the Determination will be entitled to reasonable amounts of official time consistent with operational needs and the scale and duration of the matter at issue but in no instance will official time for a given matter or meeting exceed eight hours without written justification submitted to management and written approval from the FSD to whom the BUE ultimately reports or the FSD’s designee.”

**B. Expectations for designated management officials, BUEs, the Exclusive Representative, and union representatives, regarding the use of official time:**

- (1) Consistent with the Determination, all employees, including BUEs, are expected to work collaboratively to resolve issues through interest-based discussions and to resolve issues as close to the origin of the issue as possible, preferably by the affected individuals or groups themselves.
- (2) This collaborative approach to reach resolution and problem solving, including resolution options available through the UDRS, is expected to minimize the amount of official time needed to address individual matters. TSA will consider this resolution framework as a factor when determining official time usage.
- (3) TSA also must balance the use of official time with TSA’s mission. TSA will carefully monitor official time requests and usage within the context of TSA’s mission and operational needs.
- (4) Authorized use of official time for any individual matter generally will not exceed eight (8) hours, and it is expected that individual matters typically will require substantially less than the maximum eight (8) hours of official time. For matters that require more than eight (8) hours of official time, written justification must be submitted to the designated management official and written approval must be obtained from the BUE’s FSD or the FSD's designee pursuant to Section 7D of this directive.

**7. PROCEDURES:**

**A. Official time for BUEs serving in specific leadership positions for the Exclusive Representative.**

- (1) TSA will allow two (2) BUEs to be placed on official time on a full-time basis to serve as the President and Vice President, or in substantially similar responsible

positions, of the Exclusive Representative. These BUEs may remain on full-time official time for the duration of their time in office with the Exclusive Representative. TSA will designate a TSA manager to whom the two (2) full-time representatives will report for administrative purposes (e.g., leave, travel, etc.).

- (2) The Exclusive Representative must provide written notice to TSA identifying the two (2) BUEs to be placed on official time under Section 7A(1) along with a statement listing these BUEs' duties and responsibilities on behalf of the Exclusive Representative. The Exclusive Representative will provide TSA with a bi-weekly report for each pay period of union activities performed by the full-time official time BUEs. TSA will establish the format of the report, which will list the type of union activity (e.g., term collective bargaining, or attendance at formal discussions, dispute resolution, and general labor-management issues) and the number of hours used for each category listed.
- (3) The Exclusive Representative must inform TSA immediately in writing if an identified BUE ceases to hold a position identified in Section 7A(1) and/or to discharge the duties and responsibilities listed in the statement provided in Section 7A(2). The Exclusive Representative must inform TSA immediately in writing of the identity of any BUE who assumes these positions, duties, and responsibilities so that appropriate arrangements can be made for official time.
- (4) BUEs on full-time official time under Section 7A(1) will not perform any screening duties or any technical proficiency assessments and their TSO certification will lapse. Because they will be performing union activities on a full-time basis and not be performing any TSA duties, these BUEs will be presumed to have attained the same performance level they earned in the most recent rating of record which was not presumed. They will not be eligible for a performance award based on their performance of union duties. Once these BUEs have completed their full-time official time service, they will be required to complete a return-to-duty training program and pass certification testing, as provided in [TSA MD 1900.8, TSO Training and Initial Certification Programs](#). The amount of time and level of return-to-duty training required will be based on the amount of time the BUEs were away from performing screening duties. Failure to successfully complete the return-to-duty training and certification requirements will result in removal from TSA.

B. Official time for BUEs serving on the Exclusive Representative's bargaining committee, as provided in Section IV.A.6.a. of the Determination.

- (1) TSA and the Exclusive Representative will agree on a reasonable number of members for their respective bargaining committees for the national collective bargaining agreement.

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- (2) TSA will grant BUEs serving on the Exclusive Representative's bargaining committee a reasonable amount of official time for the duration of collective bargaining, if they are not in full-time official time status under Section 7A(1), to fulfill their responsibilities as bargaining committee members.
- C. BUEs who seek a grant of official time for union activities permitted under the Determination, the CBA, TSA policy, and/or related guidance, such as attending formal discussions, must submit a request for official time as set forth in Section 7D of this directive.
- D. Requirements for official time requests and usage under the Determination, the CBA, and/or TSA policy, such as serving as a designated personal representative for a co-worker for authorized activities, attending formal discussions as the union representative or fulfilling other authorized representational activities, include the following:
- (1) Requests for official time must be submitted by the employee to the designated management official.
  - (2) BUEs seeking official time should request only the amount of time believed necessary to address the matter. The minimum amount of official time that may be requested is a 15 minute increment.
  - (3) The maximum amount of official time that ordinarily may be requested is eight (8) hours per matter. A matter is any activity for which official time is authorized. BUEs requesting official time in excess of eight (8) hours for any matter must obtain written approval from his/her FSD or the FSD's designee.
  - (4) For formal discussions, a matter is the specific meeting as described in [TSA MD 1100.77-5, \*Formal Discussions\*](#). A BUE who attends the meeting as the union representative may receive official time for the formal discussion consistent with this directive. If a standing meeting on workplace issues is established and it is a formal discussion, a BUE who is designated as the union representative to attend the standing meeting may receive official time on a recurring basis consistent with this directive.
  - (5) Requests for official time by BUEs who are AFGE representatives must be submitted on [TSA Form 1160-6, \*Union Representative Official Time Request\*](#).
  - (6) BUEs who are not AFGE representatives should not complete TSA Form 1160-6. Requests for official time in a matter for which official time is authorized should be submitted on OPM Form 71, or as otherwise directed.
  - (7) Requests for official time must include the date, the specific hours (from/to), the number of hours requested, the general purpose for which official time is requested,

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and, if the request is to serve as the personal representative for a BUE, the name of the BUE must also be included.

- (8) Requests for official time must be submitted as far in advance as possible before the starting time of the official time requested. Absent compelling justification, requests must be submitted at least 24 hours before the starting time of the requested official time.
- (9) If single or multiple requests for official time for the same or similar matter exceed eight (8) hours, the request must be submitted at least 48 hours before the starting time of the requested official time.
- (10) Time and attendance records must be annotated appropriately to record a BUE's use of official time. For additional guidance, contact the local Labor Management Point-of-Contact or the Partnership Office at 571-227-1012.
- (11) Official time may be requested only for hours that the BUE is otherwise scheduled to be in a duty status unless provided for in TSA policy and/or related guidance. Changes in schedules will not be made to accommodate official time requests unless specifically provided for in TSA policy and/or related guidance, with the exception of changes made for operational reasons, as determined by management or changes in schedules made in accordance with relevant equal employment opportunity (EEO) regulations. This EEO exception provides that, with respect to EEO complaints in the administrative complaint process, the representative, if employed by TSA and otherwise on duty, shall have a reasonable amount of official time to prepare the complaint and respond to agency and Equal Employment Opportunity Commission (EEOC) requests for information. The complainant and representative if otherwise in a pay status shall be on official time, regardless of their tour of duty, when their presence is authorized or required by TSA or during the investigation, informal adjustment, or hearing on the complaint. However, TSA is not obligated to change work schedules, incur overtime wages, or pay travel expenses to facilitate the choice of a specific representative or to allow the complainant and representative to confer. *Ref. 29 CFR 1614.605.*
- (12) A BUE must not take official time until he or she is notified in writing by the designated management official that the request has been approved. A BUE must not assume that the request will be approved or has been approved. If the BUE does not receive notification that his/her request for official time has been approved before the start of the shift covered by the request for official time, the BUE must work his/her shift as scheduled.
- (13) If the matter consumes less official time than is authorized, the BUE must report immediately to the designated management official for instructions, which may include returning to duty.

(14) Designated management officials are required to promptly review requests for official time and respond to the requesting BUE as soon as possible. The designated management official reviewing the request will consider operational needs and the scale and duration of the matter or meeting at issue to determine the reasonableness of the request.

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

**APPROVAL**

*Signed*

December 30, 2013

\_\_\_\_\_  
Karen Shelton Waters  
Assistant Administrator for Human Capital

\_\_\_\_\_  
Date

**EFFECTIVE**

March 21, 2014

\_\_\_\_\_  
Date

Distribution: Administrator, Deputy Administrator, Assistant Administrators, Regional Directors, Federal Security Directors, Supervisory Air Marshals in Charge, Business Management Division Directors, Administrative Officers, and Human Resources Specialists

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