



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.

REVISION: This revised directive cancels and supersedes TSA MD 1100.55-11, Non-Discretionary Pay Appeals, dated November 10, 2010.

SUMMARY OF CHANGES: Section 5, Responsibilities updated, Section 6, Policy updated, Section 7, Procedures revised, Section 8, Approval and Effective Date updated; and various clarifying administrative changes throughout the directive.

1. **PURPOSE:** This directive provides TSA policy and procedures for appeals of non-discretionary pay disputes.
2. **SCOPE:** This directive applies to all current and former TSA employees with the exception of Transportation Security Executive Service (TSES) employees.
3. **AUTHORITIES:** The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
4. **DEFINITIONS:**
 - A. Discretionary Payment: A payment that TSA has the option to pay or not to pay to an employee; including, but not limited to: an award, recruitment incentive, relocation incentive, retention incentive, in-position increase, and promotion increase.
 - B. Non-discretionary Payment: A payment whose amount is fixed in advance pursuant to TSA policy by virtue of the geographic location and/or pay system of the position held by an employee or the nature of work assigned to an employee. Under TSA policy, the payment of this type of pay is not optional and includes, but is not limited to: basic pay, locality-based comparability payments, special pay adjustment for law enforcement officers, cost-of-living allowance, danger pay allowance, post differentials, night pay, hazardous duty pay, split-shift differential, and back pay awards.

5. RESPONSIBILITIES:

- A. The Office of Human Capital (OHC) is responsible for:
 - (1) Investigating claims of unpaid non-discretionary payments.
 - (2) Providing a written determination on the claim to the employee.

- B. The Assistant Administrator for Human Capital (AA/OHC) is responsible for:
 - (1) Reviewing appeals from initial determinations on claims for non-discretionary pay and making the final agency decision on non-discretionary pay appeals.
 - (2) Administering this policy and ensuring that it continues to support the mission of the agency.
- C. Employees are responsible for filing non-discretionary pay claims in a timely and complete manner as described in 7 A below.

6. POLICY:

- A. Non-discretionary payments may be authorized to be made under a service agreement or are preauthorized to be made to an employee at a regular fixed rate each pay period.
- B. Non-discretionary pay decisions that include an award of back pay shall be paid in accordance with the provisions of [TSA MD 1100.55-10, Back Pay](#).
- C. The AA/OHC is the final deciding official on all non-discretionary pay appeals and will be based only on the written record. The written record will include the documentation identified in Section 7 E (2) below.

7. PROCEDURES: When an employee believes that his/her non-discretionary pay has been incorrectly determined, the following procedures must be followed:

- A. The employee will first report the issue(s) involving a non-discretionary payment to his/her local Human Resources Specialist/Liaison. The employee will provide a written statement describing the nature of the issue(s), when the issue(s) occurred, and available supporting documentation. The claim must be received by the HR Specialist/Liaison within six (6) years from the date of the occurrence of the non-discretionary pay issue.
- B. Within 10 business days of receipt of the claim, the local HR Specialist/Liaison will document the issue and forward the documentation to the HR contractor. The documentation may include a recommendation for approval/disapproval of the claim, if a recommendation can be determined. The documentation will be forwarded to the HRAccess Help Desk at HelpDesk@mailserver-hraccess.tsa.dhs.gov, by Fax to 1-877-872-7993, or by mail to:

Lockheed Martin, Human Resources Service Center
2nd Floor, Metroplace 1
2650 Park Tower Drive
Vienna, Virginia 22180-7300

- C. The HR contractor will review the documentation, investigate the issue(s), and provide their findings to the designated OHC Point of Contact (POC) within 20 business days of

receipt. The OHC POC will provide the employee with a written determination concerning the claim that includes the facts surrounding the issue(s) and, if appropriate, a timeframe for processing any action resulting from the determination of the claim.

- D. The OHC POC determination will be provided to the employee within 20 business days. A determination that denies the employee's claim will include any appeal opportunity, if applicable.
- E. In the event of a situation which requires the HR contractor or the OHC POC additional time beyond 20 business days, the employee will be informed an extension is necessary with the expected determination date.
- F. If the claim is denied and is appealable, the employee may file an appeal to the AA/OHC within 30 calendar days of the date of the written determination denying the claim.

- (1) The appeal must be made in writing to:

Assistant Administrator for Human Capital
Transportation Security Administration
TSA Headquarters, West Tower, Attn: TSA-21
601 S. 12th Street
Arlington, VA 20598-6021

- (2) The written appeal submitted by the employee must include:

- (a) The employee's name, organization, title, and pay band of the position currently held;
- (b) The organization, title, and pay band of the position held when the non-discretionary pay issue(s) occurred, if different from the current position;
- (c) Date(s) the issue(s) occurred;
- (d) Documentation to support the employee's claim;
- (e) The written determination on the claim issued by the OHC POC; and
- (f) Any other information pertinent to the issue.

- G. The final written decision of the AA/OHC will be issued to the employee and will include the reason(s) for the determination and an estimate of any non-discretionary pay award, if applicable.

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

APPROVAL

Signed

October 29, 2014

Karen Shelton Waters
Assistant Administrator for Human Capital

Date

EFFECTIVE

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

Point-of-Contact: HRAccess Helpdesk: HelpDesk@mailserver-hraccess.tsa.dhs.gov