



*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 and attachments establish Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding temporary (time-limited) external appointments issued under the FAA Personnel Management System. This directive is TSA policy and must be applied accordingly.*

1. **PURPOSE:** This directive provides the TSA policy and procedures for appointing individuals on a time-limited basis through either competitive or non-competitive temporary procedures.
2. **SCOPE:** This directive applies to all temporary employees with the exception of employees hired under a Political Appointment or to a Transportation Security Executive Service (TSES) position.
3. **AUTHORITY:** The Aviation Transportation Security Act (ATSA), Pub. L. 107-71
4. **DEFINITIONS:**
  - A. Competitive Temporary Appointment: A time-limited appointment for a specific period of no less than 2 years and no more than 5 years, made under the competitive procedures defined in Section 6B(1) of this directive.
  - B. Non-competitive Temporary Appointment: A time-limited appointment of an individual for a maximum of 2 years under the conditions defined in Section 6C of this directive.
  - C. Permanent Appointment: An appointment made to a position without time limitation.
  - D. Tenure: The employment status granted to an individual based solely on the employee's type of Federal appointment (i.e., competitive temporary, non-competitive temporary, or permanent).
5. **RESPONSIBILITIES:**
  - A. Office of Human Capital (OHC) is responsible for:
    - (1) Ensuring the employee's appointment SF-50, *Notification of Personnel Action*, is coded in accordance with Section 7E of this policy;
    - (2) Making the offer for employment and coordinating the start date for all individuals selected for a temporary appointment; and
    - (3) Ensuring selections are in compliance with the provisions of this directive.

B. TSA Management Officials are responsible for:

- (1) Identifying temporary positions within their organizations and requesting appropriate approval to fill a vacancy;
- (2) Coordinating with OHC to determine and apply the appropriate procedures for filling a vacant temporary position; and
- (3) Ensuring the conditions set forth in Section 6C(2) of this directive are met prior to filling the position with an employee on a non-competitive temporary appointment.

## 6. POLICY:

A. TSA shall fill temporary vacancies by either a competitive temporary appointment or a non-competitive temporary appointment.

B. Competitive Temporary Appointments:

- (1) A competitive temporary appointment is a time-limited appointment made through either:
  - (a) A vacancy announcement that was widely advertised; was opened to all U.S. citizens; applied a competitive process for evaluating applicants; and provided veterans' preference to eligible applicants at the time of referral; or
  - (b) The use of an appointing authority which provides for conversion to a permanent appointment as part of that authority. Examples of such appointing authorities include, but are not limited to, reinstatement, interchange agreement, appointment of the physically handicapped, and veterans' appointing authorities.
- (2) The initial not-to-exceed date of a competitive temporary appointment may be for a length of time not less than 2 years or up to the maximum of 5 years. An initial competitive temporary appointment that was for less than the 5 year maximum may be extended until the employee reaches a cumulative time of 5 years in the position.
- (3) A temporary employee, hired under the competitive procedures of Section 6B(1) of this policy, may be considered for vacancy announcements opened to current TSA employees under the procedures of [TSA MD 1100.30-4, \*Permanent Internal Assignments\*](#) and the corresponding [TSA Handbook on Permanent Internal Assignments](#). If a current, competitive temporary employee is selected for a permanent position, he/she will be made permanent on the effective date of the move to the new position.
- (4) A current, competitive temporary employee, who receives a subsequent temporary appointment under the competitive procedures stated in Section 6B(1) of this policy, will begin a new 5-year limitation of the not-to-exceed date for the new appointment.

- (5) A current, competitive temporary employee, may be reclassified, or non-competitively reassigned or promoted to another temporary position, for no longer than the duration of his/her 5-year limitation.

C. Non-Competitive Temporary Appointments:

- (1) A non-competitive temporary appointment is made without regard to 5 U.S.C. §§ 3309 through 3318 or the application of the competitive rating procedures as described in Section 6B(1) of this directive.
- (2) A position may be filled using a non-competitive temporary appointment when:
  - (a) The need for employee services is not permanent (e.g., a temporary increase in workload; planning for a future reorganization that may reduce the number of permanent employees; or to fill behind a permanent employee who is on extended leave, military duty, or a long-term temporary assignment); and
  - (b) The position has not been filled by a non-competitive temporary appointment(s) for an aggregate of 24 months within the preceding 3-year period. Note: Appointments to a successor position (a position that replaces and absorbs the position to which an individual was originally appointed) is considered to be an extension of the original appointment.
- (3) The selectee must meet all qualifications requirements, selective factors, and/or conditions of employment prior to being appointed non-competitively.
- (4) A non-competitive temporary appointment does not provide the employee with eligibility for conversion to a permanent appointment.
- (5) The initial not-to-exceed date of a non-competitive temporary appointment may be made up to the maximum of 2 years. An initial non-competitive appointment that was for less than 2 years may be extended until the employee reaches a cumulative time of 2 years in the position.
- (6) A non-competitive temporary employee can be converted to another non-competitive temporary appointment for no longer than the duration of his/her 2-year limitation.
- (7) A former, non-competitive temporary employee may be given another non-competitive temporary appointment for up to 2 years if:
  - (a) The individual completes a break in service from TSA of three or more days;
  - (b) His/her separation was not based on cause (i.e., poor performance or conduct); and
  - (c) The position meets the conditions set forth in Section 6C(2) of this directive.

- (8) The Assistant Administrator of OHC, or his/her designee, may approve a request for exception to the time limits of this section if:
- (a) There is a critical need or unusual circumstance that requires an extension (e.g., the need for an individual's specific knowledge to complete a project or the extended need to fill behind a permanent employee who is on leave, military duty, or a long-term temporary assignment); and
  - (b) The request is for a short duration (generally no more than 6 months).

- D. Benefits: A temporary employee (either competitive or non-competitive) whose initial appointment is greater than 1 year is eligible to participate in the Federal employee benefits under the same conditions as a permanent employee (e.g., Federal Employee Health Benefits, Federal Employee Group Life Insurance, Thrift Savings Plan, and retirement contributions).
- E. A temporary employee may be non-competitively converted to a permanent position only if he/she meets the conditions for a non-competitive conversion under the procedures of TSA MD 1100.30-4 and the corresponding TSA Handbook.
- F. Temporary employees are not eligible to take advantage of the provisions of the TSA [Interchange Agreement](#).
- G. Temporary employees work at the will of the agency and may be involuntarily separated at any time with a 1-day advance written notice.
- H. Generally a temporary employee is not eligible for severance pay if involuntarily separated, unless he/she meets the provisions for severance pay as described in [TSA MD 1100.55-4, Severance Pay](#) and the corresponding [TSA Handbook to MD 1100.55-4, Severance Pay](#).

## 7. PROCEDURES:

- A. Job Offers and Setting the Starting (Entry-on-Duty) Date: OHC will contact the selected individual and provide him/her with a formal job offer and coordinate a start date. To minimize the potential for miscommunication of information, non-OHC TSA officials should not make job offers, set pay, or establish starting dates.
- B. Reemployed Annuitants: A Federal civilian annuitant may be given a temporary appointment. However, his/her salary must be reduced (offset) by the amount of the annuity unless a waiver is approved.

**NOTE:** Waivers of salary offset are rare and must be requested through the Department of Homeland Security and approved by the Office of Personnel Management.

- C. Duration of a Competitive Temporary Appointment:

**TSA MANAGEMENT DIRECTIVE No. 1100.30-27**  
**TEMPORARY (TIME-LIMITED)**  
**EXTERNAL APPOINTMENTS**

- (1) Competitive temporary appointments are made initially for no less than 2 years and up to a maximum of 5 years.
- (2) An initial appointment that was for less than 5 years may be extended until the employee reaches a cumulative time of 5 years in the position.
- (3) A supervisor may request an extension of an appointment for a competitive temporary employee beyond the 5-year limit by submitting a written justification to the Assistant Administrator of OHC (AA/OHC). Only the AA/OHC, or his/her designee, may approve a request for extension beyond the 5-year limitation.

**D. Duration of a Non-Competitive Temporary Appointment:**

- (1) Non-competitive temporary appointments can be made initially for up to 2 years.
- (2) An initial appointment that was for less than 2 years may be extended until the employee reaches a cumulative time of 2 years in the position.
- (3) Except as provided under Section 6C(8), extensions beyond 2 years are not permitted even if the appointment is to a different position.

**E. Documenting Appointments:** TSA will use a second Legal Authority Code (LAC) in addition to applying the established TSA procedures and the Office of Personnel Management's *Guide to Processing Personnel Actions* when completing the SF-50 for a temporary appointment. The use of the first LAC is not affected by this policy and should remain as "ZVC – P.L. 107-71." The second LAC will correspond to the type of temporary appointment as follows:

(1) Competitive Temporary Appointment:

- (a) The second LAC (Block 5-E of the SF-50) will state "7CO." The legal authority (Block 5-F of the SF-50) will state "MD 1100.30-27 Comp."
- (b) The tenure for a competitive temporary appointment is "indefinite" and Block 24 of the employee's SF-50, will reflect a "3-indefinite."

(2) Non-Competitive Temporary Appointment:

- (a) The second LAC (Block 5-E of the SF-50) will state "7NC." The legal authority (Block 5-F of the SF-50) will state "MD 1100.30-27 NonComp."
- (b) The tenure for a non-competitive temporary appointment is "None" and Block 24 of the employee's SF-50, will reflect a "0-none."

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

**APPROVAL**

*Signed*

*2/4/10*

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Richard A. Whitford  
Assistant Administrator for Human Capital

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Date

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