



*Note: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114(n)), this directive establishes Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding Employee Responsibilities and Conduct issued under the FAA Personnel Management System.*

1. **PURPOSE:** This directive provides TSA policy, procedures, and standards for employee responsibilities and conduct within the Transportation Security Administration (TSA) that conform to generally accepted standards of behavior and ethical conduct for Federal employees. This directive supersedes HRM Letter, 735-1, dated January 9, 2003, Interim Policy on Employee Responsibilities and Conduct.

**OVERVIEW:** Employees' conduct at work directly impacts the proper and effective accomplishment of their official duties and responsibilities. Employees must perform their duties in a professional and business-like manner throughout the workday. Employees are also expected to behave professionally and in accordance with this directive and/or other applicable guidance while in a temporary duty travel status (e.g. while attending training) or otherwise away from their regularly assigned post of duty (e.g. while attending meetings at a local off-site location). Employees in direct contact with the public bear a heavy responsibility as their conduct and appearance have a significant impact on the public's attitude toward the Federal Service and the TSA.

While on or off-duty, employees are expected to conduct themselves in a manner that does not adversely reflect on the TSA or negatively impact its ability to discharge its mission, cause embarrassment to the agency, or cause the public and/or TSA to question the employee's reliability, judgment or trustworthiness. Failure to fully comply with the provisions of this directive or related laws, rules, and regulations may result in corrective action, including discipline, up to and including an employee's removal.

Employees are also required to comply with the *Standards of Ethical Conduct for Employees of the Executive Branch* (5 C.F.R. Part 2635) (the "Standards") and related conflict-of-interest statutes (18 U.S.C. §§ 201-209) and regulations. Nor may they use their office or position for their own personal advantage or the advantage of others.

Employees are responsible for seeking advice and guidance through their supervisory chain concerning their responsibilities under this and other policies governing employee conduct. Guidance may also be sought through the Office of Human Capital (OHC).

2. **SCOPE:** This directive applies to all TSA organizational elements and all TSA employees.
3. **AUTHORITIES:**

- A. Sections 101 and 111(d) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597)

- B. Sections 403(2) and 423, of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2185)
  - C. [TSA MD 1100.73-2, Uniformed Employees Appearance and Responsibilities](#)
  - D. DHS MD 11041, *Protection of Classified National Security Information*
  - E. [TSA MD 2800.8, Information Security \(INFOSEC\) Program](#)
  - F. DHS MD 11042.1, *Safeguarding Sensitive But Unclassified (For Official Use Only) Information*
  - G. DHS MD 0460.1, *Freedom of Information Act Compliance*
  - H. DHS MD 0470.2, *Privacy Act Compliance*
  - I. DHS MD 0550.1, *Records Management*
  - J. [TSA MD 200.7, Records Management](#)
  - K. [DHS MD 4600.1, Personal Use of Government Office Equipment](#)
  - L. [TSA MD 1000.5, Government Travel Cards](#)
  - M. [TSA MD 1000.7, U.S. Debit Card Policy](#)
  - N. [TSA MD 1100.73-3, Prevention and Elimination of Sexual Harassment in the Workplace](#)
  - O. [TSA MD 1100.75-3, Addressing Performance and Conduct Problems](#)
  - P. [TSA MD 1100.75-4, Addressing Employee Driving Under the Influence \(DUI\) and Driving While Intoxicated \(DWI\) Offenses](#)
  - Q. [TSA MD 1100.30-2, TSA Employment of Relatives](#)
  - R. [TSA Drug and Alcohol-Free Workplace Program](#)
  - S. [Drug and Alcohol Program Employee Notification](#)
- 4. DEFINITIONS:** The terms of the provisions of this directive will be given the meanings provided in this and other relevant TSA policies, directives, and SOPs.
- 5. RESPONSIBILITIES:**
- A. TSA employees are responsible to behave in a way that does not bring discredit upon the Federal Government or TSA including the responsibility to observe the following basic on-the-job rules:

**TSA MANAGEMENT DIRECTIVE No. 1100.73-5  
EMPLOYEE RESPONSIBILITIES AND CONDUCT**

- (1) Report for work on time and fit for duty (i.e., free from any effects of alcohol and/or drugs that may impair job performance or conduct; physically fit as needed by job requirements; in appropriate clothing and/or outfitted with required tools or equipment and in a mentally alert condition to perform the duties of his/her position).
- (2) Respond promptly to and fully comply with directions and instructions received from their supervisor or other identified or appropriate management officials.
- (3) Exercise courtesy and tact in dealing with fellow workers, supervisors, contract personnel (whether on or off duty) and the public. Support and assist in creating a productive and hospitable model work environment.
- (4) Maintain a clean and neat personal appearance during working hours. Employees are expected to dress appropriately in order to reflect the level of professionalism commensurate with their duties and responsibilities. TSA uniformed employees will comply with all policies relating to uniformed employees' appearance and responsibilities.
- (5) Safeguard and handle appropriately all classified national security information, Sensitive Security-information (SSI), and Sensitive But Unclassified (For Official Use Only) information to prevent unauthorized disclosure to persons not having a need to know the information. Further, employees must report security violations, release of non-public information, or misuse of such information to the Office of Security, INFOSEC Program Manager.
- (6) Conserve, protect and ensure appropriate use of Federal resources, time, information and personnel (both Federal and contract).
- (7) Observe and abide by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten.
- (8) Report all personal arrests, excluding routine traffic citations not requiring court appearance (that do not involve suspicion of Driving Under the Influence (DUI) or illegal drug use) to the immediate supervisor or anyone in the chain of command within 24 hours of the arrest or as soon as possible.
- (9) Report any known or suspected violation of law, rule, regulation, or Standard Operating Procedure (SOP) by a person to someone in the chain of command and/or to the Office of Inspection (OI), whenever such violation may affect TSA operations or occur in the workplace.
- (10) Report waste of funds, fraud, abuse of authority or a substantial and specific danger to the public health and safety to the immediate supervisor or anyone in the chain of command, or to any other appropriate authority such as the affected program office, the OI, or Department of Homeland Security (DHS) Office of the Inspector General (OIG).

- (11) Uphold, with integrity, the public trust involved in the position to which assigned, and avoid the appearance of using public office for private gain.
- (12) Timely file a financial disclosure (public or confidential) and participate in and complete ethics training when required.

B. Supervisors and Managers are responsible to:

- (1) Ensure all new employees undergo an initial orientation in which they receive and acknowledge receipt of a personal copy of this policy. This directive will be part of the initial orientation package. The receipt and reading of this directive will be done along with other required orientation documents. As outlined in applicable provisions, employees will be provided one hour of official duty time annually to review this directive and the *Standards of Ethical Conduct for Employees of the Executive Branch* (5 C.F.R. § 2635, et sec.) or a comprehensive summary of the *Standards*. A written record of receipt should be signed by each new employee.
- (2) Ensure that, **when this directive is revised**, employees receive a personal copy of the revised directive. This also requires each employee to acknowledge receipt of the revised directive. This acknowledgement can be accomplished on an individual basis by having the employee sign a document that may be developed locally.

**Note:** The acknowledgement of receipt form described in paragraphs B(1) and B(2) above will be filed in the employee's Employee Performance File (EPF).

- (3) Provide positive leadership and serve as a role model for subordinates by complying with all employee responsibilities and demonstrating a commitment and sense of responsibility to their job and high ethical standards.
- (4) Treat employees with dignity, respect, and in a fair and equitable manner. Supervisors and managers will communicate to their staff that discrimination, harassment, a hostile work environment, retaliation, or the appearance thereof, will not be condoned or tolerated.
- (5) Promptly take action to ensure that OI and the Personnel Security Division of the Office of Security are notified of known or suspected arrests or criminal activity on the part of employees. Also, in accordance with TSA's Personnel Security Program, supervisors must report any information that raises doubts about an employee's continued eligibility for access to sensitive information as described above in Section 5A(5).
- (6) Fully support and comply with all TSA directives, policies and programs and, where applicable, DHS directives, policies and programs. Investigate and, when necessary, take corrective action when an employee commits an offense in violation of those regulations, policies or programs.

- 6. POLICY:** As described in this directive, every TSA employee is responsible for complying with all standards established by this directive and for reporting any violation(s) of this directive to appropriate officials. Failure to comply with this directive and/or failure to report violations of this directive may result in appropriate corrective action, including discipline up to and including removal.

## **7. PROCEDURES**

### **A. Safeguarding and Use of Information, Documents, and Records**

- (1) Employees shall ensure the proper handling of government records and shall not disclose or discuss the content of any classified documents, SSI, or "For Official Use Only" information unless specifically authorized to do so.
- (2) Classified information shall not be disclosed to anyone without the appropriate security clearance and an official need to know the information.
- (3) No procurement official or other employee shall disclose proprietary or source-selection information directly or indirectly to any person other than a person authorized by the Assistant Secretary or the contracting officer to receive such information. An employee who does not know whether information is proprietary or source-selection information, or who does not know whether he or she may disclose or receive such information, has an affirmative obligation to inquire of the contracting officer or the OCC whether the information is proprietary or source-selection-sensitive.
- (4) In addition, employees shall not:
  - (a) Release any official information in advance of the time prescribed for its authorized issuance.
  - (b) Use for private purposes, or permit others to use or have access to, any official information not available to the general public.
  - (c) Remove official documents or records from files for personal or inappropriate reasons. Falsification, concealment, mutilation, destruction, or unauthorized removal of official documents or records, either electronic or hard copy, is prohibited by law and is subject to disciplinary action, arrest, and/or prosecution.
  - (d) Disclose information, the release of which would be covered under the provisions of the Privacy Act (5 U.S.C. § 552a), or Freedom of Information Act, (5 U.S.C. § 552, as amended) except as authorized.

**B. Safeguarding Public Funds**

- (1) All employees whose duties involve the expenditure of public funds must have knowledge of and observe all applicable legal requirements and restrictions. In addition, employees are expected to exercise sound judgment in the expenditure of such funds.
- (2) Unauthorized Commitments: Only contracting officers and other designated employees, acting within the scope of their authority, may enter into contracts or other agreements and expend funds on behalf of the Government. An agreement entered into by a TSA employee without authority to enter into agreements on behalf of TSA is an unauthorized commitment. Unauthorized commitments are a serious violation of fiscal law and statutes. Persons who enter into unauthorized commitments will be held accountable. Supervisors and managers shall make every effort to prevent unauthorized commitments.
- (3) If a legal determination is required on these matters, contact the OCC.

**C. Use of Federal Equipment, Property, and Personnel**

Employees may not use or permit others to use Federal equipment, property, time or personnel, including but not limited to typing assistance, computer hardware, software, telecommunication capabilities, duplicating services, mail services (internal and external), TSA letterhead or chauffeur services, for other than official business or officially approved or sponsored activities or purposes.

- (1) Telephones: Government telephones are for conducting official business. Employees are permitted to make occasional and reasonable personal calls that are of limited duration and that do not interfere with an employee's official duties or result in unreasonable cost to the Government such as brief calls within the local commuting area to locations that can only be reached during working hours (e.g., car repair shop, doctor) or to their residence within the local commuting area (e.g., to arrange transportation, check on a sick family member). Employees may not make personal long distance calls except in an emergency.
- (2) Personal Mail: Employees may not have personal mail directed to their place of employment.<sup>1</sup>
- (3) Government Postage: Personal use of U.S. Government-furnished postage - either metered or stamps - is prohibited. Personal use of other mailing services paid for by TSA is also prohibited. Employees may not use any form of government supplied postage or mailing service for any personal or other non-approved purpose, including submitting job applications or for mailing holiday or greeting cards.

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<sup>1</sup> An exception to this prohibition is for employees posted or on temporary duty in foreign locations where government mail services have been established for security and safety reasons. See [DHS MD 0590, Mail Management Program](#).

- (4) Employee organizations and their members are also prohibited from using government or TSA paid mailing services to distribute organizational information or conduct organizational business.
- (5) Fiduciary Cards: Employees are prohibited from using government provided purchase cards, fleet cards or travel cards for personal use or other non-official or unauthorized purposes. Employees to whom such cards have been issued should become familiar with the provisions of applicable TSA, DHS, and federal government policies.
  - (a) Employees should seek reimbursement of legitimate official business expenses within five (5) working days after completion of a trip or period of travel, or every thirty (30) days if the employee is on continuous travel status.
  - (b) Employees are required to maintain their government credit card accounts in good standing and to make timely payment in full of outstanding balances.
- (6) Internet and electronic media access or use (Internet access/use) by TSA employees
  - (a) While on duty and/or while using government supplied resources:
    - (i) Internet access/use shall be consistent with assigned duties and responsibilities or consistent with the official business interests of TSA or other authorized purposes. Incidental or non-governmental purpose Internet access/use is permissible if it is reasonable, does not interfere with official business, does not result in congestion, delay, or disruption and involves minimal additional expense to the Government. Reasonable access/use must not violate any Federal or TSA rules, regulations or policies.
    - (ii) All employees are subject to unannounced periodic monitoring, including their Internet access/use, to ensure that the employee is not using government time, equipment, property or personnel in any prohibited activity, including activity that would discredit TSA.
    - (iii) Non-permissible access/use includes, but is not limited to:
      - Seeking, transmitting, collecting, storing, or viewing material that is discriminatory, defamatory or of a sexual and/or harassing nature.
      - Propagating chain letters or broadcasting inappropriate or unsolicited messages or materials that ridicule, or may be offensive to others on the basis of race, religion, color, sex, age, disability, national origin, sexual orientation, marital or parental status, or genetic information.
      - Concealing or misrepresenting user identity or affiliation.
      - Pursuing private commercial activities or profit-making ventures, fundraising, or partisan political activities.

- Divulging any information related to DHS or TSA on non-government websites.
- (b) While off-duty and/or while using non-governmental supplied resources (off-duty Internet access/use):
- (i) An employee's off-duty Internet access/use must not adversely reflect on TSA or negatively impact its ability to discharge its mission, cause embarrassment to the agency, or cause the public and/or TSA to question the employee's reliability, judgment or trustworthiness.
  - (ii) When an employee's off-duty Internet access/use is identified with, or contains references to, TSA in a manner that may reasonably imply a connection between the Internet access/use and TSA, non-permissible use includes, but is not limited to:
    - Seeking, transmitting, collecting, storing, or viewing material that is discriminatory, defamatory or of a sexual and/or harassing nature.
    - Propagating chain letters or broadcasting inappropriate or unsolicited messages or materials that ridicule, or may be offensive to others on the basis of race, religion, color, sex, age, disability, national origin, sexual orientation, marital or parental status, or genetic information.
    - As defined elsewhere in this MD, participating in Hate Groups or Organizations that engage in criminal or other notorious activity.
    - Concealing or misrepresenting user identity or affiliation.
    - Divulging any information related to DHS or TSA on non-government websites.
    - Creating personal web pages or participating in 'blogs' or other types of internet communication the content of which constitutes non-permissible use.
- (7) Government Vehicles: Employees who willfully use or authorize the use of a passenger carrier, motor vehicle or aircraft owned or leased by the United States Government for other than official purposes shall be suspended without pay for at least one month (30 days) or longer as warranted, or removed from office in accordance with 31 U.S.C § 1349. Passenger carrier includes motor vehicle, aircraft, boat, ship, or other similar means of transportation owned or leased by the U.S. Government.



(8) Employee Identification Badges, Credentials, Facility Access Cards, and other Similar Media (for the purposes of this sub-section “identification media”):

- (a) Employees will use official (TSA or DHS issued or authorized) identification media only for official purposes. Employee use of official identification media must comply with applicable requirements and restrictions, including DHS MD 11010.1, Issuance and Control of Credentials, and those issued by the program office responsible for the media in question. Examples of “applicable requirements and restrictions” include, but are not limited to, a prohibition against allowing another individual to use an employee’s identification badge, a requirement to wear and visibly display an employee identification badge while on duty, or a prohibition from facility access during non-duty hours.
- (b) Employees are prohibited from using private identification media for purposes other than those for which the media was issued. In this context, private identification media means identification media issued by a non-governmental entity in connection with that entity’s legitimate interests. An example of use prohibited by this sub-section is attempting to use a private employer’s airport access card to gain facility access as a TSA employee.
- (c) Employees must not obtain, possess, display, transfer to another, or otherwise use fraudulent identification media.

D. Observing Safety Regulations: Employees must observe all rules, signs and instructions relating to personal safety in the workplace. Employees must report potentially unsafe or unhealthy working conditions and/or practices to their immediate supervisor (or any supervisor or management official in the chain of command) or the appropriate safety and health official, and cooperate fully with TSA’s safety staff. Employees must:

- (1) Report accidents involving injury to persons or damage to property or equipment.
- (2) Use required protective clothing or equipment.
- (3) Ensure the safety of, and prevent injury to personnel or damage to property or equipment through negligence.
- (4) Wear available safety/seat belt while using a motor vehicle for official government business.
- (5) Report any operational error or deviation from safety regulations.
- (6) Evacuate the premises during a fire alarm/drill or other order to vacate a work site and otherwise abide by the directions of a Floor Warden, safety, security or management official.
- (7) Perform work-related activities in a safe and prudent manner.

**E. Providing Statements and/or Testimony**

- (1) Employees must cooperate fully with all TSA and Department investigations and inquiries. This includes providing truthful, accurate, and complete information<sup>2</sup> in response to matters of official interest and providing a written statement, if requested to do so. Established TSA and DHS procedures must be followed for responding to such requests for information or testimony.
- (2) It is TSA policy to cooperate fully with Congress and other duly authorized investigative bodies regarding matters under their jurisdiction. All employees must give complete and truthful information in response to requests from such bodies for information or assistance. Prior to responding, employees must advise their supervisor, or their second-level supervisor of any such request.
- (3) When directed by the Assistant Secretary (or designee), or by other appropriate authority, an employee shall take an oath or make an affirmation about his/her testimony or written statement before an agent authorized by law to administer oaths. If requested, the employee, after reviewing the document, shall sign his/her name to the transcript of testimony, affidavit or written statement which the employee provided. No employee may refuse to testify or provide a written statement or information pertinent to matters under investigation or inquiry. However, if the employee is being questioned as the subject of an investigation that could result in criminal prosecution, the employee shall be advised of this fact and his/her rights against self-incrimination. (In such cases, management should consult with OCC Headquarters.)
- (4) If the employee is in the custody of law enforcement officials, no action should be taken to question him or her without contacting OCC.

**F. Letters and Petitions To Congress**

- (1) Employees, in their official capacity, may not engage in “grass roots” lobbying by encouraging persons or entities outside the government (third parties, special interest groups, or members of the public) to contact members of Congress in support of, or in opposition to, a legislative matter before or after its introduction.
- (2) An employee, either individually or collectively, in his or her personal capacity, may petition Congress or any member thereof, or may furnish information to any committee or member of Congress unless the information furnished is prohibited by law from disclosure.

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<sup>2</sup> The requirement to provide information in an inquiry does not, in all cases, take precedence over a promise of confidentiality given under authority of government law, regulation, or policy, such as that given by an EEO counselor, an Ombudsman, or a TSA Model Workplace Conflict Coach. However, a promise of confidentiality does not extend to information that reveals criminal activity, a threat of harm to a person or persons, a breach of transportation security, or other similarly serious matter (such as an offense listed in the attachment to TSA MD 1100.75-3, *Addressing Conduct and Performance Problems*). Questions concerning confidentiality matters, including promises of confidentiality, should be referred by management to OCC.

- (3) Employees may not use agency facilities, supplies, equipment, personnel and/or duty time to contact any committee or member of Congress about personal business.
- (4) While TSA desires that employees seek to resolve any problem or grievance within the agency, any employee exercising the right to correspond with a member of Congress shall be free from restraint, reprisal or coercion.

**G. Recording or Monitoring of Telephone Calls or Covert Recording or Monitoring of Conversations, Meeting, etc.**

- (1) Recording of telephone conversations in connection with performance of TSA duties without prior approval of the Chief Information Officer (CIO) is prohibited. The use of recording devices, portable or otherwise, on telephones shall be for official purposes and generally limited to areas involving transportation security.
- (2) Covert/secret taping of any conversation or meeting occurring at the workplace or off-site that deals with workplace issues and matters of official concern is generally prohibited. This prohibition applies regardless of any state law that may permit covert/secret tape recording.
- (3) These prohibitions do not preclude openly using recording equipment in areas involving transportation security, official investigations, or under circumstances wherein the prior willing concurrence of all parties is clearly and specifically indicated and understood. Further, covert recording may be conducted by OI agents during their investigations as specifically allowed by law.

**H. Defamatory or Irresponsible Statements:** Employees are accountable for the statements they make and the views they express. An employee's public criticism of TSA, its management or employees on matters of public concern (defined as a matter of political, social, or other concern to the community) may be constitutionally protected. However, this protection may be limited to the extent that the speech in question disrupts the orderly conduct of official business, concerns protected information, or where such statements adversely affect the efficiency of the service. For example, defamatory, irresponsible, false or disparaging statements about employees may disrupt the orderly conduct of official business or adversely affect the efficiency of the service.

**I. Sexual Harassment and Misconduct of a Sexual Nature is prohibited.** TSA is committed to providing a workplace free of sexual harassment or misconduct of a sexual nature. All employees have a right to work in an environment where they are treated with dignity and respect.

- (1) Sexual harassment is sex discrimination in violation of Title VII. Sexual harassment is defined as unwelcome sexual advances (actions will be determined as "unwelcome" if the employee did not solicit the action and the employee regarded the conduct as undesirable and/or offensive), requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term of an individual's employment,
  - (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions,
  - (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (2) **Misconduct of a Sexual Nature.** This is conduct that may not rise to the legal definition of sexual harassment, but is nonetheless inappropriate for the workplace and will not be tolerated. For instance, viewing, posting, copying, sharing, distributing and/or printing material of a sexual nature from the Internet or other source is prohibited while on duty, while on TSA premises, or when using a TSA computer or server.
- (3) **Misconduct in Violation of the Agency's Policy.** All employees have a responsibility to behave in a proper manner and to take appropriate action to eliminate sexual harassment or other misconduct of a sexual nature in the workplace. Examples of actions which are considered violations of the TSA's policy include, but are not limited to:
  - (a) Sexual teasing, jokes, remarks or questions.
  - (b) Sexually suggestive or offensive looks, gestures or actions.
  - (c) Unwelcome letters, cards, e-mail messages and/or telephone calls of a sexually suggestive or offensive nature.
  - (d) Posting, distributing, showing, viewing, accessing through the Internet or other electronic media sources, materials of a sexual nature. Sexually explicit materials are prohibited at the worksite, regardless of whether or not a specific complaint is filed.
  - (e) Unwelcome repeated pressure to socialize outside the workplace.
  - (f) Inappropriate physical touching.
  - (g) Promise of benefit in exchange for sexual favors.
  - (h) Threat or act of reprisal for refusal to provide sexual favors.
- J. **Workplace Violence:** Violent, threatening, harassing and/or confrontational behavior is unacceptable and will not be tolerated. Threatening behavior may include harassment, intimidation, or any oral and/or written remarks or gestures that communicate a direct or indirect threat of physical harm or which otherwise frighten or cause an individual concern for his or her personal safety. Such irresponsible and inappropriate behavior includes actions, gestures, language or any other intimidating or abusive action that creates a reasonable

apprehension of harm. Employees, supervisors, and managers are responsible for enforcing the highest standards of personal safety and welfare at the workplace. Employees must immediately report threats of violence, violent incidents or other inappropriate behavior to their supervisors.

**K. Eliminating Discrimination and Creating a Model Work Environment (MWE)**

- (1) TSA is committed to providing a work environment free from unlawful discrimination and where the contributions of all employees are supported and encouraged without regard to non-merit factors. All conduct must be appropriate and supportive of a model work environment. For instance, engaging in discriminatory conduct, making disparaging remarks or expressing stereotypical views that reflect negatively on a particular group or individual, or displaying and/or distributing offensive materials that ridicule or defame a particular group is prohibited in the workplace.
- (2) Every level of management, including supervisors, team leaders, etc., is required to provide positive leadership and support for TSA's and DHS' Equal Employment Opportunity (EEO) policies and programs by ensuring that all agency programs, practices and activities are developed and administered in accordance with pertinent laws and agency policy prohibiting discrimination. Managers and supervisors must not engage in unlawful discrimination or inappropriate behavior in exercising their authority to take, direct others to take, recommend or approve any personnel action with respect to TSA employees and applicants. Managers and supervisors are responsible for ensuring a hospitable workplace free of discrimination, intimidation, and other offensive behaviors and materials, and may be subject to corrective action for failing to take prompt appropriate action to correct intimidating and/or offensive activity in the workplace.
- (3) TSA prohibits reprisal and illegal discrimination against anyone on the basis of race, color, national origin, religion, age, sex, disability, sexual orientation, political affiliation, marital or parental status, or genetic information. However, TSA may establish physical ability or gender-based employment criteria when necessary to meet TSA's legal and operational mandate to perform security screening functions. In addition, TSA will not tolerate disparate treatment of individuals on the basis of characteristics not bearing on job performance or the statutory qualifications of the job.
- (4) It is a violation of TSA policy to coerce, threaten, retaliate against, or interfere with any person in the exercise of his or her right to file a claim of illegal discrimination or to oppose any discriminatory practices or behavior. No employee shall be subject to retaliation for making a charge of discrimination, giving testimony, assisting, or otherwise participating in the EEO process; nor shall an employee be retaliated against for filing a grievance or participating in the grievance process, or raising his or her concerns in the workplace through other available means (e.g., Office of the Ombudsman, Office of Special Counsel, OIG). Note: TSA's Office of Civil Rights and Liberties is responsible for the EEO process at TSA.

**L. Possession of Firearms or Other Weapons:**

- (1) No employee, while in or on TSA or General Services Administration (GSA) owned, leased or controlled property, including while in a government vehicle at any time or while in a personal vehicle when on TSA/GSA owned, leased, or controlled property, may have in his or her possession firearms or other weapons unless authorized by TSA. Additionally, no employee may have in his or her possession firearms or other weapons while in an airport terminal, other airport building, or airport parking lot (including off site parking where employee parking fees are subsidized by TSA) unless authorized by TSA in accordance with TSA policy.
- (2) Employees who have been authorized to travel with firearms must ensure that such items are packed in the employee's checked baggage pursuant to 49 C.F.R. § 1540.111(c), or, with respect to other weapons, ensure that such items are packed in the employee's checked baggage. These prohibitions apply whether the employee is on or off-duty and regardless of any state law that may permit the carrying of firearms or other weapons.

**M. Alcohol and Drugs**

- (1) TSA prohibits the use of illegal substances and the inappropriate use of legal substances. Illegal substances include, but are not limited to, cocaine, marijuana, opiates, amphetamines, and phencyclidine. Legal substances include, but are not limited to, alcohol and prescription or over-the-counter medications. These substances can negatively affect:
  - (a) the employee's work performance and/or conduct;
  - (b) the ability of other employees to perform their duties effectively; or
  - (c) the ability of TSA to accomplish its mission.
- (2) As an employer with responsibility for transportation security, TSA is especially concerned when an employee's actions could negatively affect the security of the public or detract from public confidence. Public confidence depends upon trust in the integrity of the nations' systems and in the employees who maintain the security of the traveling public. Accordingly, employees will be subject to the following requirements:
  - (a) Employees are prohibited from using illegal drugs both on and off-duty.
  - (b) Employees are prohibited from possessing, distributing or trafficking in controlled and/or illegal substances in violation of federal, state or local law. This prohibition applies to employees both on and off-duty.
  - (c) Employees who inappropriately use legal substances will not be allowed to perform any safety or security-sensitive duties. TSA shall consider the circumstances of the inappropriate use and determine whether an employee may be returned to duty. An

employee will not be returned to duty unless TSA has determined that such employee is not a risk to public safety or security.

- (d) An employee arrested for drug or alcohol-related crimes for which a term of imprisonment could be imposed will not be allowed to perform any safety or security-sensitive duties unless TSA determines that the employee is not a risk to public safety or security. Employees may be subject to an investigation of the circumstances giving rise to the arrest and discipline in appropriate cases.
- (e) Employees occupying Testing Designated Positions (TDPs) are prohibited from consuming or being under the influence of alcohol while on duty or consuming alcohol for a minimum of four (4) hours preceding performance of security-related functions. Employees are responsible for ensuring that they are fit for duty and free of any alcohol impairment upon reporting for, and carrying out their security functions.
- (f) Employees in non-TDPs are prohibited from consuming or being under the influence of alcohol while on duty.
- (g) Employees are prohibited from endangering themselves and the public by driving while under the influence of alcohol.

**N. Membership or Participation In Hate Groups or Organizations that Engage in Criminal or Other Notorious Activity**

- (1) Membership or participation in hate groups is inconsistent with TSA's policy that employees not engage in activities that may reflect unfavorably on TSA and the federal government. An employee who knowingly becomes or remains a member of, or participates in a hate group, or otherwise knowingly associates himself or herself with the hate-motivated activities of others, proceeds at the risk that his or her membership, participation, or association could reasonably be taken as tacit approval of the prejudice-related aspects of those groups or activities. As used here, "hate group" or "hate-motivated activities" is defined as an organization, association, event, or activity, the sole or primary purpose of which is to advocate or promote hate, violence, or invidious prejudice against individuals or groups based on race, color, religion, national origin, sex, sexual orientation, age, or disability where such association, conduct, or speech adversely affects the efficiency of the service.
- (2) Similarly, membership or participation in organizations that condone violence against others or engage in criminal or other notorious activity, whether or not the employee himself or herself engages in such activity, is inconsistent with the mission of TSA and the Department to ensure the safety of our nation's transportation systems and the security of our country. Therefore, employees who associate with such organizations run the risk that their membership, participation, or association could reasonably be taken as approval of the organization's notorious activities. They may, under certain circumstances, be required to terminate their relationship with such organizations and/or may be subject to administrative action.

- O. Subversive Activity: In accordance with 5 U.S.C., Chapter 73, no employee shall advocate, or become a member of any organization which the employee knows advocates the overthrow of the Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States.
- P. Partisan Political Activity and Holding Partisan Political Office:
- (1) Employees are responsible for complying with the restrictions on partisan political activity contained in the Hatch Act (5 U.S.C. § 7321, et seq, 5 C.F.R. Parts 733-734).
  - (2) Employees are responsible for complying with the restrictions on partisan political activity contained in the Hatch Act (5 U.S.C. § 7321 et seq; 5 C.F.R. Parts 733, 734). No employee shall run for nomination to or as a candidate for a partisan political office, except as expressly provided in 5 C.F.R Part 733. Employees may not conduct partisan political activities in the Government workplace or while on duty, in a Government vehicle or while wearing an official uniform. In addition, employees may not solicit, accept, or receive partisan political campaign contributions or host a partisan political fundraiser. Employees are urged to seek the advice of the OCC or the U.S. Office of Special Counsel to determine if a particular partisan political activity is permissible under the Hatch Act.
- Q. Work Strikes and Slowdowns: Employees are prohibited from engaging in, or encouraging another federal employee to engage in a strike, work stoppage, work slowdown or sickout involving the Federal government.
- R. Canvassing, Soliciting, or Selling: Employees shall not engage in private activities involving the use of government time, the time of a subordinate, or equipment or resources for personal gain or the gain of others or any other unauthorized purpose while on duty or on government owned or leased property.
- (1) This prohibition applies specifically, but is not limited to, such activities as:
    - (a) Canvassing, soliciting, or selling, particularly for personal or private monetary gain.
    - (b) Promoting or buying (group or otherwise), when such action could reasonably be interpreted as involving the improper use of government facilities, equipment, and personnel.
    - (c) Canvassing or soliciting membership, except in connection with organized, sanctioned employee groups as authorized by law, regulation, or directive.
    - (d) Soliciting contributions from other employees for a gift to anyone in a superior official position in contravention of law (5 U.S.C. § 7351) or regulation (5 C.F.R. §§ 2635.301 – 2635.304).
  - (2) This prohibition governs conduct involving the use of government time and/or property.



- (3) This prohibition does not apply to:
  - (a) Specifically authorized activities.
  - (b) Soliciting contributions for authorized charitable, health, welfare and similar organizations (e.g., Combined Federal Campaign) as outlined in 5 C.F.R. Part 950.
  - (c) Activities of voluntary groups of federal employees commonly accepted as normal social, welfare or recreational functions of such groups.
  - (d) A spontaneous, voluntary collection for an employee experiencing a significant life event where the collection is conducted by co-workers of approximately equal status to the employee. In this context, a significant life event includes such events as marriage, childbirth, transfer, separation, retirement, illness or death in the family.
- S. Gambling and Related Activities: An employee shall not conduct or participate in any gambling activity while on duty or while on government-owned or leased property. This prohibition also covers employees while they are on the premises of any airport. Gambling activity includes, but is not limited to, operating a gambling device, conducting a lottery or pool, conducting a game for money or property, or selling or purchasing a numbers slip or ticket.
- T. Borrowing and Lending Money
  - (1) Managers, supervisors, or supervisory team leaders shall not borrow money from subordinates or have a subordinate act as an endorser or co-maker of a note given as security for a personal loan. Employees shall not lend money to any other employee, superior official or peer for monetary profit or other gain. These prohibitions do not apply to the operation of recognized credit unions or to employee welfare plans.
  - (2) Managers and supervisors should also not engage in any financial agreement or joint business ventures, including, but not limited to, general or limited partnerships, landlord-tenant relationships, or ongoing contractual relationships for providing goods or services, that could affect the financial interests of a subordinate or a supervisor, or otherwise create a conflicting financial interest or create an appearance of lack of impartiality as defined by 5 C.F.R. § 2635.502.
- U. Meeting Financial Obligations: Employees shall satisfy in good faith all just financial obligations, especially those such as federal, state, or local taxes, and other valid debts, including personal commercial debts, government-provided credit card debts, claims based on court judgments, federally insured student loans and tax delinquencies, and shall make and adhere to arrangements for settlement of debts.
- V. Accepting Notarial Fees: An employee who is a notary public shall not charge or receive fees for performing notarial acts in connection with his or her official duties. The prohibition on acceptance of fees does not apply to notarial acts performed in an unofficial capacity during off-duty hours and off-government property.

W. **Accepting or Soliciting Gifts From Non-Federal Sources:** Employees are prohibited from soliciting or accepting, either directly or indirectly, any gift from a prohibited source, or a gift that is offered because of the employee's government position, unless an exception or exclusion applies to gifts that are offered pursuant to 5 C.F.R. Part 2635, Subpart B. Gifts may not be solicited even if an exclusion or exception would apply if the gift was offered to the employee. Employees may not accept cash under any circumstances. Generally, a prohibited source includes any person or organization seeking official action by, doing or seeking to do business with, or whose activities are regulated or substantially affected by TSA or its employees, and includes the traveling public. See 5 C.F.R. § 2635.203(d) for the regulatory definition of a prohibited source. A gift includes any favor, gratuity, discount, entertainment, hospitality, loan, forbearance, or any other thing of monetary value, including free transportation and free attendance.

X. **Outside Employment and Outside Activities**

- (1) TSA employees may not engage in outside employment or an outside activity that conflicts with their official duties. See 5 C.F.R. § 2635.802. Outside employment or an outside activity will conflict with an employee's official duties if the employment or activity violates the law or any agency supplemental regulation, or will cause the employee to disqualify himself from participating in matters that are so central or critical to the performance of the employee's official duties that the employee's ability to perform the duties of his position will be materially impaired. Examples of conflicting outside activities or employment include those matters that will create a financial conflict of interest for an employee, or cause an appearance of lack of impartiality in the performance of their official duties, such as outside employment with entities that are regulated by TSA.
- (2) Employees are urged to seek guidance from their Field Counsel or a headquarters' Ethics Official in advance to determine whether an outside activity or employment will conflict with the employee's official duties.
- (3) Employees who engage in conflicting outside employment or activities may be subject to disciplinary action, may be forced to resign the conflicting outside position or activity, or may be subject to civil or criminal prosecution if the outside activity or employment violates the criminal conflict of interest ethics statutes at 18 U.S.C. §§ 201-209, or other laws.

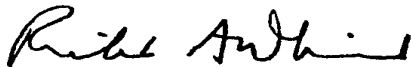
Y. **Advertisements, Endorsements, and Referrals:** Employees shall not use their government position or title or any authority associated with their public office to endorse any product, service, or enterprise, except in furtherance of the statutory authority, or as a result of documentation of compliance with agency requirements or standards, or as the result of recognition for achievement given under an agency program of recognition.

Z. **Unauthorized Absences and Tardiness**

- (1) Employees are expected to schedule and use earned leave in accordance with established procedures. Employees must, whenever possible, obtain prior approval for all absences from duty including leave without pay (LWOP). Employees are required to contact their supervisor as far in advance of their scheduled tour of duty as possible, or by the time established in the call in procedures for their organization, to request and explain the need for unscheduled leave. Exceptions to this requirement include when the employee is incapacitated or there are other exigent circumstances. In such instances, the employee, a family member or other individual should, as soon as is reasonably practical, notify the employee's supervisor of the unplanned leave. Repeated unscheduled absences may negatively reflect on the employee's dependability and reliability, and may adversely affect TSA's mission. Unapproved absences will be charged as absent without leave (AWOL). AWOL may form the basis for administrative action, including discipline, up to and including removal from Federal Service.
- (2) Tardiness includes delay in reporting to work at the employee's scheduled starting time, returning late from lunch or scheduled break periods, or overdue return to the employee's work site after leaving the workstation on official business or leave. Unexplained and/or unauthorized tardiness will be charged to AWOL.

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

**APPROVAL**



8/16/2006

\_\_\_\_\_  
Richard A. Whitford  
Assistant Administrator for Human Capital

\_\_\_\_\_  
Date

Filing Instructions: File 200.1.1

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Distribution: Administrator, Deputy Administrator, Associate Administrator, Assistant Administrators, Office Directors, Area Directors, and Federal Security Directors, and all TSA employees

Point-of-Contact: Office of Human Capital Policy