



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

REVISION: This revised directive supersedes TSA MD 1100.30-17, *Uniformed Services Employment and Reemployment*, dated May 8, 2013, effective May 13, 2013.

SUMMARY OF CHANGES: Section 8, Approval and Effective Date; updated point of contact.

1. PURPOSE: This directive establishes TSA policy and procedures for employment and reemployment of members of the uniformed services, consistent with the provisions of 38 U.S.C. §§ 4301-4334 and the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, as amended.

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

3. AUTHORITIES:

A. 38 U.S.C. §§ 4301-4334, the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, as amended

B. The Aviation and Transportation Security Act (ATSA), Public Law 107-71

C. To require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act, Public Law 112-171

4. DEFINITIONS: See [TSA MD 1100.30-17, *Handbook on Uniformed Services Employment and Reemployment*](#).

5. RESPONSIBILITIES:

A. The Assistant Administrator for Human Capital (AA/OHC), or his/her designee, is responsible for taking final action on behalf of TSA to resolve issues or inquiries, or to respond to complaints related to rights, benefits, or obligations under USERRA and this directive.

B. The Office of Human Capital (OHC) is responsible for:

(1) Providing advice and guidance related to the application of this directive to specific situations;

(2) Recommending disposition of employee requests related to uniformed services employment or reemployment; and

- (3) Consulting with management officials, and the Office of Chief Counsel (OCC), to determine appropriate agency action and recommend final disposition to the AA/OHC.

C. Management officials are responsible for:

- (1) Assisting their current or former employees in obtaining and understanding the contents of this directive;
- (2) Reviewing, approving, and submitting for processing any necessary actions within their delegated authority related to uniformed services employment or reemployment in accordance with the provisions of this directive;
- (3) Notifying the AA/OHC, or his/her designee, immediately if contacted by either the Department of Labor, U.S. Office of Special Counsel or Employee Support of the Guard and Reserve (ESGR) regarding any USERRA complaint; and
- (4) Consulting with OHC and/or OCC attorney(s) for clarification and assistance, as needed, where there is any question as to the appropriate action to take regarding any USERRA-related inquiry or complaint.

6. POLICY:

- A. TSA is committed to protecting the employment and reemployment rights of employees who voluntarily or involuntarily leave TSA employment to undertake uniformed service or certain types of service in the National Disaster Medical System (NDMS). TSA is also committed to prohibiting discrimination against past and present members of the uniformed services, and applicants to the uniformed services. When TSA employees either voluntarily or involuntarily perform active duty service in the uniformed services, TSA will provide the appropriate employment and reemployment benefits as provided in 38 U.S.C. §§ 4301-4334, the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA).
- B. While not applicable to TSA, the provisions of 5 CFR §§ 353.101-353.304 and 20 CFR Part 1002 may be used as guidance in applying this directive in TSA. Nothing in this directive shall be construed, however, as providing TSA employees with substantive legal rights not otherwise available by operation of law, nor shall this directive confer or consent to jurisdiction of any judicial or administrative body responsible for enforcing USERRA rights, as required by law.
- C. Limited circumstances may preclude TSA from reemploying an employee returning from service in the uniformed services who otherwise meets all USERRA reemployment eligibility requirements:
 - (1) TSA is not required to reemploy a returning employee if TSA's circumstances have so changed as to make reemployment impossible or unreasonable, or, under certain circumstances, if the reemployment would create an undue hardship on TSA.

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- (2) Nothing in this directive or under USERRA requires that TSA establish and fill a position of a type and/or in a location where it would not otherwise exist, waive established promotion procedures, or waive or modify qualification requirements or certification standards that are necessary to perform the essential duties or functions of a position.
- (3) Before denying reemployment to a TSA employee who meets all established reemployment requirements, management officials shall review the considerations and the justification for denying reemployment, and fully comply with the processes outlined in the Basic Procedures section of [TSA MD 1100.30-17, Handbook on Uniformed Services Employment and Reemployment](#).

- 7. **PROCEDURES:** Refer to [TSA MD 1100.30-17, Handbook on Uniformed Services Employment and Reemployment](#).
- 8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

June 14, 2017

Karen Shelton Waters
Assistant Administrator for Human Capital

Date

EFFECTIVE

July 10, 2017

Date

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

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