



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

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 supersedes TSA MD 1100.30-19, *Employment References*, dated December 30, 2014.

SUMMARY OF CHANGES: Section 6, Policy, revised. Administrative changes throughout document.

1. **PURPOSE:** This directive provides TSA policy and procedures for providing employment references on current or former TSA employees to their prospective employers for employment purposes.
2. **SCOPE:** This directive applies to all TSA employees.
3. **AUTHORITIES:**
 - A. Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
 - B. Privacy Act of 1974, as amended, 5 U.S.C. 552a, Pub. L. 93-579
 - C. 5 CFR 293.311
4. **DEFINITIONS:**
 - A. Employment Reference: Information provided to a prospective employer of a current or former TSA employee, upon receipt of a request for employment verification or a reference concerning the employee's performance or conduct.
 - B. System of Records: Under the Privacy Act, a group of any records under the control of the agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.
 - C. Written Authorization: A written statement that is signed by an individual, under penalty of perjury or notarized, authorizing TSA to release information about the individual.
5. **RESPONSIBILITIES:**
 - A. The Chief Counsel's office (CC) is responsible for providing guidance related to proper disclosure of employee records when responding to employment reference requests.

- B. All TSA employees responding to employment reference requests are responsible for complying with the policy and procedures outlined in this directive.

6. POLICY:

- A. TSA employees may respond to employment reference requests where:

- (1) The request is accompanied by a written authorization by the current or former TSA employee;
- (2) The release of the requested information is permitted by the applicable system of records notice for the system of records from which information about the individual is retrieved; or
- (3) The request seeks general observations based on the personal knowledge of the TSA employee responding to the request.

NOTE: TSA employees should consult with the CC's office or the TSA Privacy Office if there is any question about the authority to respond to an employment reference request.

- B. No specific format is required for the written authorization, but it should include the following:

- (1) A description of the information the current or former TSA employee authorizes TSA to release;
- (2) The identity of the authorized recipient(s);
- (3) The current or former TSA employee's full name, and current address; and
- (4) The current or former TSA employee's signature signed under penalty of perjury or notarized. Scanned or faxed copies of signed written authorizations are acceptable. Generally authorizations via email are not acceptable; however, email authorizations sent by the individual from a Department of Homeland Security (DHS) government email address (i.e. @dhs.gov) are acceptable.

- C. Information releasable without a written authorization:

- (1) TSA employees may provide the following employment verification information without a written authorization from the current or former TSA employee:
 - (a) Present and past position titles and occupational series;
 - (b) Dates of employment;
 - (c) Job description;
 - (d) Present and past pay band and salary; and
 - (e) Present and past duty station.

- (2) TSA employees may also provide employment reference information pursuant to the system of records notice for the applicable system of records where the prospective employer is a Federal agency, or, for a non-Federal employer, the information listed in section 6.C.(1), the civil service status and, when separated, the date and nature of action as shown on the Standard Form 50, *Notification of Personnel Action*.
- (3) TSA employees responding to employment reference requests may provide their own general observations based entirely on personal experiences directly working with or observing the current or former TSA employee. General observations provided must adhere to the following guidelines:
 - (a) Focus on observable job-related skills, accomplishments, and behaviors such as achievements, general work habits, and on-the-job conduct. Providing an opinion about a current or former TSA employee's performance or conduct at work is acceptable, so long as such opinion is based on the responding employee's personal experience, personal notes, personal observation, and/or personal knowledge;
 - (b) Be factual and specific;
 - (c) Do not make malicious, speculative, or inaccurate comments;
 - (d) Do not agree to "off the record" conversations;
 - (e) Do not discuss inappropriate topics, such as questions dealing with a current or former TSA employee's personal characteristics/ activities or other non-work related matters, even if introduced by the person conducting the reference check; and
 - (f) Do not provide information retrieved from a Privacy Act system of records, such as the specifics of any unfavorable performance review.

7. PROCEDURES:

- A. TSA employees must ascertain whether the employment reference request is pursuant to a valid written authorization, and adhere to the following requirements:
 - (1) If the written authorization is insufficient, notify the requester to re-submit a valid written authorization.
 - (2) If the written authorization is valid and the request seeks records, forward the request to the TSA Freedom of Information Act office for processing.
 - (3) If the written authorization is valid and the request seeks only employment verification information, TSA employees may respond or forward the request to HCAccess or their office/airport's local human resources representative.
 - (4) If there is no written authorization and the request is a subpoena, forward the request to CC's office.

(5) If there is no written authorization, determine whether information may be released in accordance with section 6.C.

- B. TSA employees responding to employment reference requests must document the date, nature, and purpose of the disclosure of any information retrieved from a Privacy Act system of records in the current or former employee's record, along with the identity and address of the recipient.
- C. For further information and questions regarding the requirements of this policy, TSA employees may contact HCAccess, their office/airport's local human resources representative, CC's office (to include local field counsel if the employee is or was employed in the field) or the TSA Privacy Office.

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

APPROVAL

Signed

September 6, 2018

Karen Shelton Waters
Assistant Administrator for
Human Capital

Date

EFFECTIVE

September 20, 2018

Date

Distribution: Administrator, Deputy Administrator, Chief of Staff, Executive Assistant Administrators, Chief Administrative Officer, Assistant Administrators, Chief Counsel, Regional Directors, Federal Security Directors, Supervisory Air Marshals in Charge, Business Management Office Directors, Administrative Officers, and Human Resources Specialists

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