



**US DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
HUMAN CAPITAL POLICY**

HUMAN CAPITAL MANAGEMENT POLICY

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 document and all related Handbooks, Attachments, and Appendices, establish Transportation Security Administration (TSA) policy and must be applied accordingly.

HCM POLICY No. 339-5

DATE: June 24, 2022

SUBJECT: Mandatory COVID-19 Testing Program

REVISION: This revised Human Capital Management (HCM) policy supersedes HCM Policy 339-5, *Mandatory COVID-19 Testing Program*, effective April 1, 2022.

SUMMARY OF CHANGES: Section 3, Authorities and References, added reference to TSA MD 1100.73-4, *Reasonable Accommodation Program* and TSA MD 1100.63-1, *Absence and Leave*. Section 4, Definitions, added 'designated management official,' 'request for reasonable accommodation,' and 'request for religious accommodation. Section 5, Responsibilities, added responsibilities related to reasonable and religious accommodations. Section 6, Policy, modified 6.F for clarity and to reflect Safer Federal Workforce Taskforce recommendation to provide administrative leave while a request for reasonable or religious accommodation is being adjudicated. Section 7, Procedures, added 7.G Accommodation Requests.

1. **PURPOSE:** This Human Capital Management (HCM) policy establishes TSA policy and procedures for mandating COVID-19 testing for TSA employees.
2. **SCOPE:** This policy applies to all employees who report to a TSA worksite or interact in person with members of the public as part of their job duties and who are not fully vaccinated or were determined to be exposed to COVID-19 at the worksite through contact tracing.
3. **AUTHORITIES AND REFERENCES:**
 - A. Aviation and Transportation Security Act, Public Law 107-71 (ATSA)
 - B. Human Capital Advisory Memo 2020.30-4 (revision 13), *Coronavirus Disease (COVID-19)*
 - C. TSA MD 1100.55-8, *Premium Pay*
 - D. TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*
 - E. TSA MD 1100.73-4, *Reasonable Accommodation Program*

F. TSA MD 1100.63-1, *Absence and Leave*

4. DEFINITIONS:

- A. COVID-19 Community Levels: A designation of Low, Medium, or High provided by the Centers for Disease Control and Prevention (CDC) for each county based on a measure of the impact of COVID-19 illness on health and healthcare systems. COVID-19 Community Levels are updated on a weekly basis.
- B. COVID-19 Primary Vaccination Series: For the purposes of this policy, two doses of the Moderna or Pfizer-BioNTech (also known as Comirnaty) vaccine or a single dose of the Johnson & Johnson vaccine.
- C. Designated Management Official: For the purposes of this policy, the employee's first line supervisor, or a higher level official in the employee's chain of command.
- D. Diagnostic Testing: For the purposes of this policy, testing intended to identify current infection in individuals following recent known or suspected exposure to SARS-CoV-2, the virus that causes COVID-19, at the worksite.
- E. Fully Vaccinated: For the purposes of this policy, employees will be considered fully vaccinated when two weeks have elapsed since they have completed their primary COVID-19 vaccine series (i.e., second dose for Moderna and Pfizer-BioNTech vaccines and single dose for Johnson & Johnson).
- F. Request for reasonable accommodation: A verbal or written statement indicating that an individual needs an adjustment or a change at work or modification in the application of a process for reasons related to a medical condition. A request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act."
- G. Request for religious accommodation: A verbal or written statement indicating that an individual needs an adjustment or a change at work or modification in the application of a process due to a conflict between the individual's religious belief, practice or observation and a workplace requirement.
- H. Screening Testing: For the purposes of this policy, this is testing intended to identify infection with SARS-CoV-2 in employees who are not fully vaccinated, who are asymptomatic, and do not have known, suspected, or reported exposure to SARS-CoV-2.

5. RESPONSIBILITIES:

- A. Executive Assistant Administrators (EAAs), Assistant Administrators (AAs) and equivalents, Federal Security Directors (FSDs), Special Agents in Charge (SACs), or their designee are responsible for:

(1) Designating a local official at each TSA worksite to consult the COVID-19 Community Levels webpage weekly on Fridays to determine whether testing kits need to be distributed for screening purposes; and

(2) Ensuring compliance with this policy within their respective program offices.

B. The AA for Human Capital (AA/HC) is responsible for:

(1) Developing, implementing, administering, and modifying TSA's COVID-19 mandatory testing policy; and

(2) Providing advice, guidance, and support with regard to matters covered by this HCM.

C. The TSA Chief Medical Officer is responsible for:

(1) Advising the AA/HC regarding COVID-19 testing; and

(2) Providing guidance and support to management regarding test results, if necessary.

D. Supervisors are responsible for:

(1) Identifying and notifying employees that are required to participate in mandatory COVID-19 screening testing based on the criteria identified in Section 6.B.;

(2) Identifying and notifying employees that are required to participate in mandatory COVID-19 diagnostic testing based on the criteria identified in Section 6.C.;

(3) Reviewing COVID-19 testing documentation in accordance with Section 7.F;

(4) Taking appropriate action if an employee does not meet the provisions of this policy; and

(5) Promptly forwarding all requests for reasonable accommodation from employees to the Reasonable Accommodation Program Manager.

(6) Promptly considering, in consultation with Chief Counsel's Office, and rendering a decision on all employee requests for religious accommodation.

E. Employees are responsible for:

(1) Following the provisions of this policy;

(2) Obtaining TSA provided home COVID-19 testing kits from their work location, if required;

(3) Conducting home COVID-19 testing using TSA provided testing kits, when required;

(4) Retaining a picture of their COVID-19 test results and providing it to their supervisor after each test in accordance with Section 7.F below;

- (5) Communicating home COVID-19 positive test results to the appropriate leave approving official in accordance with Sections 7.F.(2) below and [Human Capital Advisory Memorandum \(HCAM\) 2020.30-4, Coronavirus Disease \(COVID-19\)](#); and
- (6) Communicating reasonable accommodation and religious accommodation requests to the appropriate receiving official in accordance with Section 7.G below and TSA's policies and procedures.

6. POLICY: It is TSA's policy to protect the health and safety of all employees and the traveling public.

- A. The Vaccination Status System (VSS) will serve as the repository for employee vaccination status and will be used to determine vaccination status for the purposes of this policy. Employees are not required to disclose their vaccination status by completing the VSS; however, employees who do not disclose their vaccination status in the VSS will be treated as not fully vaccinated.
- B. Screening Testing:
 - (1) In compliance with guidance from the [Safer Federal Workforce Task Force](#) and the Department of Homeland Security, TSA will utilize the [COVID-19 Community Levels](#) for each facility by looking at the COVID-19 Community Level for the county in which the facility is located. Designated local officials must consult the COVID-19 Community Levels webpage weekly on Fridays to determine whether test kits need to be distributed for screening purposes. If necessary, COVID-19 test kits will be issued to employees required to participate in testing between that Friday and the following Tuesday.
 - (2) Employees who are not fully vaccinated, or who choose not to disclose their COVID-19 vaccination status, and who work onsite or interact in person with members of the public as part of their job duties must undergo regular screening testing through TSA's mandatory COVID-19 screening testing program. When [COVID-19 Community Levels](#) are Medium or High, these employees are required to participate in mandatory COVID-19 screening testing during the week that they are working onsite or interacting in person with members of the public as part of their job duties.
- C. Diagnostic Testing: Employees, regardless of vaccination status or COVID-19 Community Level, who were determined to be exposed to COVID-19 at the worksite through contact tracing (See the [Appendix A, Section 2 of HCAM 2020.30-4, Coronavirus Disease \(COVID-19\)](#)) must also be issued a testing kit for diagnostic testing to be conducted at least 5, but no more than 10, days after the last known date of close contact, unless they have been diagnosed with COVID-19 within the past 90 days.
- D. When conducting screening and diagnostic testing, employees must complete two COVID-19 tests during a three-day period. Tests must be taken at least 24, but no more than 48, hours apart.¹

NOTE: Employees are not required to conduct the second test if their first test is positive.

¹ This is in accordance with the manufacturer's instructions for testing use on TSA procured home test kits. Other manufacturers may have different instructions for the frequency of tests required for testing.

- E. Employees who fail to comply with testing requirements will be barred from entering TSA worksites and may be subject to administrative action up to and including removal from Federal service in accordance with [TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*](#) and the associated [Handbook](#).
- F. In general, employees who are barred from TSA worksites due to non-compliance with this policy will be charged absence without leave (AWOL) pending appropriate administrative action. Employees who have a pending request for reasonable or religious accommodation will be provided administrative leave while the request is being adjudicated (i.e., from the time the employee submits the request for accommodation until a decision is issued).
- (1) The designated management official may approve up to 30 calendar days of administrative leave for this purpose.
 - (2) Requests to grant administrative leave in excess of 30 calendar days must be submitted to the AA/HC. All requests must be submitted through the appropriate AA or equivalent position to the AA/HC, must include supporting documentation, and have concurrence from the appropriate AA or equivalent position.
- G. Supervisors of employees who fail to comply with any required COVID-19 testing, who fail to report their testing results, or who are suspected of falsifying information pertaining to a COVID-19 test must work with their local Human Resources representative to initiate appropriate administrative action.

7. PROCEDURES:

A. Ordering COVID-19 test kits:

- (1) Airports may order test kits via the Airport Information Management System (AIM). For access or more information, please contact SOLogisticsPPE@tsa.dhs.gov.
- (2) For TSA Springfield Headquarters offices, test kits may be ordered and picked up from the TSA Health Unit (Room 14100). Supervisors should send an email request for test kits to TSAhealth@tsa.dhs.gov and include the name of the employee and the reason for the request.
- (3) All other locations may order test kits from the Property Management Division by completing the [Ordering Form](#).

- B. Home COVID-19 test kits will be distributed at work locations to employees who must physically report to a TSA worksite or who interact in person with members of the public as part of their job duties and who have indicated in the VSS that they are not fully vaccinated or have declined to provide their vaccination status, and to employees who were determined to be exposed to COVID-19 at the worksite through contact tracing.²

² Employees may choose to utilize their own testing kits. TSA will not reimburse employees for testing kits purchased by employees.

- C. Distribution to identified employees for screening and diagnostic testing will be handled via locally administered procedures. Employees will be provided with an appropriate number of test kits to perform the required tests in accordance with Sections 6.B-D.³

NOTE: Test kits will not be issued to employees who have been diagnosed with COVID-19 in the past 90 days.

D. Test Procedures and Scheduling for Screening Testing

- (1) Asymptomatic employees who are not fully vaccinated and are required to physically report to a TSA worksite or interact in person with members of the public as part of their job duties must utilize the test kits twice a week at their homes in accordance with Sections 6.B and 6.D when [COVID-19 Community Levels](#) are Medium or High.
- (2) Employees required to participate in COVID-19 screening testing must read and follow the instructions included in the test kits.
- (3) Scheduling for employees regularly reporting to the worksite and/or interacting with members of the public as part of their job duties:
 - a. Management must provide time for individuals to conduct home testing. Fifteen minutes for taking the test should be scheduled during the day on an employee's Regular Day Off or outside of their working hours.
 - b. Employees will receive fifteen minutes of paid time to complete the test.
 - c. In order to manage the impact of testing on overtime usage, the test should not be scheduled on a Sunday or Holiday, or between the hours of 6:00pm and 6:00am. In very limited circumstances for full-time and part-time employees, if no other option exists, management may approve the test to be scheduled during a time in which additional premium pay would be paid (e.g., Sunday, Holiday, after 6:00p.m.). Premium pay will be paid when applicable in accordance with [TSA MD 1100.55-8, Premium Pay](#), and its associated [Handbook](#).
- (4) Scheduling for employees intermittently reporting to the worksite:⁴
 - a. Employees must conduct test within the 72 hours of the beginning of the tour of duty at the worksite or scheduled interaction with the public.
 - b. Covered employees who regularly telework but are required to report to the TSA worksite for any reason will be required to complete home testing prior to accessing the worksite.
 - c. Employees who telework regularly or intermittently are expected to complete home testing during their regular tour of duty and are not be entitled to premium pay.

³ In some situations, Program Offices, Field Offices, and Airports may need to ship testing kits to employees for diagnostic testing.

⁴ Employees who intermittently report to the worksite may be required to pick up a TSA-issued testing kit from their worksite prior to beginning their tour of duty.

E. Test Procedures and Scheduling for Diagnostic Testing

- (1) Diagnostic testing: Employees, regardless of vaccination status or COVID-19 Community Level, who were determined to be exposed to COVID-19 at the worksite through contact tracing should utilize the test kits at least 5, but no more than 10, days after the last known date of close contact, in accordance with Sections 6.C and 6.D.
- (2) Employees participating in COVID-19 diagnostic testing must read and follow the instructions included in the test kits.
- (3) Scheduling for diagnostic testing:
 - a. Management must provide time for individuals to conduct home testing. Fifteen minutes for taking the test should be scheduled during the day on an employee's Regular Day Off or outside of their working hours.
 - b. Employees will receive fifteen minutes of paid time to complete the test.
 - c. In order to manage the impact of testing on overtime usage, the test should not be scheduled on a Sunday or Holiday, or between the hours of 6:00pm and 6:00am. In very limited circumstances for full-time and part-time employees, if no other option exists, management may approve the test to be scheduled during a time in which additional premium pay would be paid (e.g., Sunday, Holiday, after 6:00p.m.). Premium pay will be paid when applicable in accordance with [TSA MD 1100.55-8, *Premium Pay*](#), and its associated [Handbook](#).
 - d. Employees who telework regularly or intermittently are expected to complete home testing during their regular tour of duty and are not entitled to premium pay.

F. Test results for Screening and Diagnostic Testing

- (1) Employees who test negative are responsible for retaining a picture of both test results and showing them to their supervisor and/or office/airport designee when they report for their next scheduled tour of duty.
- (2) Employees who test positive on either of the two tests conducted within the three-day period must stay at home and immediately report the positive test result to their designated leave approving official in accordance with the procedures outlined in HCAM 2020.30-4, *Coronavirus Disease (COVID-19)*. Employees with a positive test result are required to provide proof of the positive test by showing a picture of the test to their supervisor or office/airport designee when they return to duty.

G. Accommodation Requests:

- (1) Employees may request a reasonable accommodation to mandatory COVID-19 testing in accordance with the policy and procedures established in [TSA MD 1100.73-4, *Reasonable Accommodation Program*](#), and the associated [Handbook](#).

- (2) Employees may request a religious accommodation to mandatory COVID-19 testing by completing and submitting [TSA Form 900, Request for Religious Accommodation](#). Employees who are located in an airport should submit the completed form to their Federal Security Director or designee. All other employees should submit the completed form to their first-level supervisor.

H. Other Considerations

- (1) Regardless of testing protocol or vaccination status, employees with [symptoms suggestive of COVID-19](#) should contact their healthcare provider per the procedures in HCAM 2020.30-4, *Coronavirus Disease (COVID-19)*, and not come to work.⁵
- (2) The tests should be self-administered at home. Testing at a TSA facility is not recommended. If testing is conducted at a TSA facility and a positive result is obtained, management must close the testing area for several hours and clean the area in accordance with [Appendix A, Section 2 of HCAM 2020.30-4, Coronavirus Disease \(COVID-19\)](#).
- (3) Testing kits provided by TSA are for TSA employee use only. Employees are prohibited from giving or selling TSA issued kits to family members or friends, or otherwise redistributing the testing kits.
- (4) Program Offices, Field Offices, and airports are encouraged to track the distribution of the home testing kits (name, date, and reason for distribution) and to appoint a testing coordinator to coordinate the distribution of testing kits, tracking of inventory, and eligibility for kit distribution.

⁵ If requested by the employee, TSA may provide employees with symptoms suggestive of COVID-19 up to one TSA-issued test kit per week.

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

APPROVAL

Signed

June 14, 2022

Patricia Bradshaw
Assistant Administrator
for Human Capital

Date

EFFECTIVE

June 24, 2022

Date

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