

## TSA Employees: Appeals to Adverse Actions

Like other federal employees, TSA workers are subject to certain rules concerning their conduct and performance. If TSA believes that an employee has violated any of its standards, it may choose to take adverse action (e.g. a suspension of more than 15 days or termination from service) against that employee. TSA employees have the right to appeal such adverse actions. However, because TSA is not an agency captured under Title 5, its appellate procedures differ significantly from the majority of federal agencies. **Adverse Actions**

While most federal employees can appeal an adverse action taken against them to the U.S. Merit Systems Protection Board (MSPB), TSA employees must appeal adverse actions to the agency's Office of Professional Responsibility (OPR) Appellate Review Board (OAB). TSA Management Directive No. 1100.77-1 outlines the duties and responsibilities of the OAB, formerly known as the Disciplinary Review Board. Pursuant to the TSA's policies, the OAB will review appeals to the following adverse actions:

Involuntary demotions for conduct/performance

Indefinite suspensions

Furloughs

Removal from service for conduct/performance

Involuntary workforce reduction removals

USERRA removals

The OAB does not review whistleblower retaliation cases. Instead, whistleblower reprisal cases can generally be appealed to the MSPB by TSA employees, if and only if that employee has exhausted their administrative remedies with the Office of Special Counsel. TSA employees may select a representative of their choosing to assist in the preparation and presentation of their appeal to the OAB. It is critical for employees to have skilled representation before the OAB, because it is the ultimate and only level of appellate review available to employees who have been terminated or otherwise subjected to adverse action by TSA. The attorneys at Tully Rinckey PLLC are experienced in assisting TSA employees with appealing adverse actions to the OAB. Call us today to schedule a meeting with one of Tully Rinckey PLLC's lawyers at 202-787-1900 or e-mail [info@fedattorney.com](mailto:info@fedattorney.com)

