

~~SENSITIVE SECURITY INFORMATION~~

U.S. Department of Homeland Security
Albany International Airport
737 Albany Shaker Road
Albany, NY 12211



Transportation
Security
Administration

Date: April 17, 2014

To: Ms. (b)(6) Behavior Detection Officer, SWF

From: Mr. Jack Engelhardt, Transportation Security Manager, SWF

Subject: Letter of Reprimand

Ref: Case File Number: (b)(6)

The purpose of this memorandum is to officially reprimand you for violating TSA Management Directive (MD) 1100.73-5: *Employee Responsibilities and Code of Conduct*; and TSA Screening of Passengers by Observation Techniques (SPOT) Standard Operating Procedure (SOP), Section 2.5, BDO Duties, based on incidents of improperly recording your SPOT activities. Specifically, on December 5, 6, and 7, 2013, your documented record of SPOT activity in your BDO Notebook conflicted with the actual duties you performed. The SPOT SOP section 2.5, Paragraph I states in part, (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

By failing to document your activities in compliance with the SPOT SOP, your actions violated TSA MD 1100.73-5: *Employee Responsibilities and Code of Conduct*, Section 5.A that states in part, "TSA employees are responsible for behaving in a way that does not bring discredit upon the Federal government or TSA and for observing the following on the job rules.

- (7) *Observing and abiding by laws, regulations and other authoritative policies and guidance."*

As an employee of the Transportation Security Administration you are expected to meet high standards of conduct and performance. You are required to demonstrate through your actions, compliance with all applicable security procedures and policies. Failure to do so compromises our overall security posture, as well as sends the message to other screening personnel that management condones such misconduct. As a MTSO (BDO) you serve in a critical security position which demands the highest standards of integrity and professionalism in the execution of your duties. Your recent actions reflect your failure to meet those standards.

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

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In determining the appropriate penalty I considered your length of service with TSA (EOD: March 16, 2008), your promotion to MTSO (BDO) in May 2009, your otherwise satisfactory performance record and that you have no prior discipline in your record.

I also took into account that when you were questioned about these specific dates by management you were truthful in your responses and acknowledged that you had not performed screening at the gates for the duration of time recorded in your notebook. You fully understood the seriousness of this transgression and acknowledged the mistakes made in your required documented records as a BDO. You also acknowledge that you take full responsibility for your sloppy and inaccurate tracking records and ensured me you would do better in the future.

It is hoped that this Letter of Reprimand will impress upon you the seriousness of your actions and that future discipline will not be necessary. Future misconduct may lead to further and more severe disciplinary action, up to and including termination of your TSA employment.

This Letter of Reprimand will be placed in your electronic Official Personnel Folder (eOPF) for up to a two-year period, during which time it may be cited as a prior formal disciplinary action in any future disciplinary matter. However, your supervisor may decide to remove the letter prior to the expiration of the two-year period. Once it is removed from your eOPF, your supervisor may retain a copy of the letter in the local supervisory file as documentation that you have been placed on notice regarding the performance or conduct referenced above.

You may grieve this action under the TSA Unitary Dispute Resolution System.

If you choose to grieve this action under the grievance procedures in TSA HCM 771-4, Handbook your grievance must be submitted in writing to the National Resolution Center (NRC) within fifteen (15) calendar days of receipt of this letter. The written grievance can be filed by email at resolutioncenter@tsa.dhs.gov, or facsimile at (703) 603-4057 using TSA form 1115, Grievance-Mediation Request. A copy of HCM 771-4 Grievance Procedures is attached. The Designated grievance Official (DGO) is Kevin Hoban, Assistant Federal Security Director-Regulatory, 737 Albany Shaker Road, Albany N.Y. 12211. You may contact AFSD Hoban at 518-452-(b)(6)

If you are interested in participating in mediation of this action, you can initiate the mediation process by calling the National Resolution Center at (571)227-5097 or emailing Resolutioncenter@tsa.dhs.gov to discuss whether your case is eligible for mediation. You should not file a written request for mediation with the NRC until after this discussion has occurred.

You have the right to be represented by an individual of your choice in preparing and presenting any reply. As a unit employee, you may select a representative from AFGE to serve as your personal representative, but you are not required to do so. Please note that while you may select any individual to serve as your personal representative consistent with TSA policy, you may not

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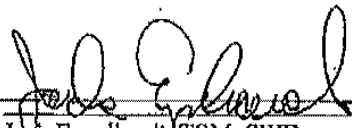
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select an individual employed by any union other than AFGE to serve as your personal representative.

The Employee Assistance Program (EAP) is available to you to provide counseling and/or assistance and may be contacted at 1-800-222-0364. The EAP is a confidential resource designed to help employees address a wide range of personal or family issues

Please sign the acknowledgment of receipt below. Your signature does not indicate agreement with this action; it only represents receipt of this notice on the date signed.


Jack Engelhardt, TSM, SWF

4/22/14
Date:

Acknowledgement of Receipt:

(b)(6)

4/22/14
Date:

Witness

Date

Delivery Information:


Hand Delivered by:

4/22/14
Date:

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Attachments:

1. HCM771-4; National Resolution Center
2. BDO (b)(6) Notebook entries 12/5-12/6-12/7
3. TSA SWF BDO Daily Summary Sheet 12/5- 12/6- 12/7
4. SWF BDO DAILY PMIS DATA 12/5-12/6-12/7

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