



Transportation
Security
Administration

U.S. DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
OFFICE OF HUMAN CAPITAL POLICY

HUMAN CAPITAL MANAGEMENT POLICY

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

NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114(i)), this document, and all related Handbooks, Attachments, and Appendices, establish Transportation Security Administration (TSA) policy and must be applied accordingly.

HCM LETTER NO. 771-4

DATE: January 6, 2013

SUBJECT: National Resolution Center

1. **PURPOSE:** This HCM establishes the National Resolution Center (NRC) and provides TSA policy and procedures for the Unitary Dispute Resolution System (UDRS), Integrated Conflict Management System (ICMS), and mediation and alternative dispute resolution processes not covered by the Civil Rights Division (CRD). This HCM is applicable to matters that occurred on or after November 1, 2012. For purposes of challenging workplace disputes, disciplinary and adverse actions, the date of the matter is the date on which the employee's conduct at issue occurred. This policy cancels and supersedes TSA Management Directive (MD) 1100.00-5, *Integrated Conflict Management System*, HCM 771-3, *Peer Review*, and TSA MD 1100.77-2, *Grievance Procedures* upon completion of all outstanding matters.
2. **SCOPE:** This HCM applies to all TSA organizational elements and to all TSA employees.
3. **AUTHORITIES:**
 - A. The Aviation and Transportation Security Act (ATSA), Pub L. 107-71
 - B. Administrator's Determination on Transportation Security Officers and Collective Bargaining, dated February 4, 2011
 - C. Administrative Dispute Resolution Act of 1996, Pub. L. 104-320; 5 U.S.C. 571-584
4. **DEFINITIONS:** Refer to the Handbook to HCM 771-4, National Resolution Center.
5. **RESPONSIBILITIES:**
 - A. The Assistant Administrator for the Office of Human Capital (AA/OHC) or his/her designee is responsible for:



Transportation Security Administration
Office of Human Capital

TSA HCM 771-4, Handbook

National Resolution Center

Policy Effective: January 6, 2013

Handbook Published: January 6, 2013

APPROVAL

Signed

Sean J. Byrne
Assistant Administrator for Human Capital



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TRANSPORTATION SECURITY ADMINISTRATION
GUIDELINES ON USING THE TABLE OF OFFENSES AND PENALTIES FOR APPROPRIATE DISCIPLINE FOR COMMON OFFENSES

1. The Table of Offenses and Penalties is intended to provide guidance for determining appropriate corrective, disciplinary, or adverse actions for some common offenses. It does not replace supervisory judgment for determining appropriate penalties in individual cases. These guidelines apply only to matters involving misconduct; they do not cover performance based management actions.
2. These guidelines should be used in conjunction with TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*, its related Handbook, and all other applicable TSA policies.
3. The language used in the "Nature of Offenses" column provides a general description of certain types of misconduct. The offenses listed below do not cover all possible offenses. Offenses not covered in this guide can be separately identified and may become the basis of disciplinary action as long as there is a nexus between the misconduct and the efficiency of the service. The offenses listed should be considered as general categories of offenses and should not necessarily be used as the specific language for a charge. A list of possible charges for the listed offenses has been added to the Table of Offenses as additional guidance. The possible charges are only suggestions. The selection of a charge label should be made based on the specific facts of each matter.
4. Proposing and Deciding Officials always need to consider applicable mitigating and aggravating factors in determining an appropriate penalty. Such factors can determine whether a penalty should be at the upper or lower end of the guideline range provided in the "Recommended Penalty Range" column. In some cases, the mitigating or aggravating factors may be strong enough to warrant using the "Mitigated Penalty Range" or "Aggravated Penalty Range" column.
5. Examples of mitigating factors include: self-reporting; efforts to remedy wrongdoing; timely acknowledgment of wrongdoing; and long period with no prior discipline. Examples of aggravating factors include: type of position (for example, supervisors and law enforcement officers are held to a higher standard); prior disciplinary record; prior warning/advisement not to commit misconduct; notoriety and impact on reputation of agency; public awareness; and failure to report. See TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*, and its related Handbook, for additional guidance.
6. Management officials have the discretion to go outside the ranges listed in this guide if they determine that circumstances warrant. Although TSA policy favors progressive discipline, where appropriate, if the misconduct is egregious enough or is accompanied by sufficiently aggravating circumstances, progressive discipline may be inappropriate and removal or other severe action would be warranted on the first offense.
7. Where indicated, certain offenses require removal. Appendix A of the Handbook to TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*, contains offenses for which TSOs must or may be removed on the first incident.
8. A demotion may always be considered as an option when the applicable penalty range includes removal. Demotion may also be considered in appropriate circumstances when the applicable penalty range does not include removal.



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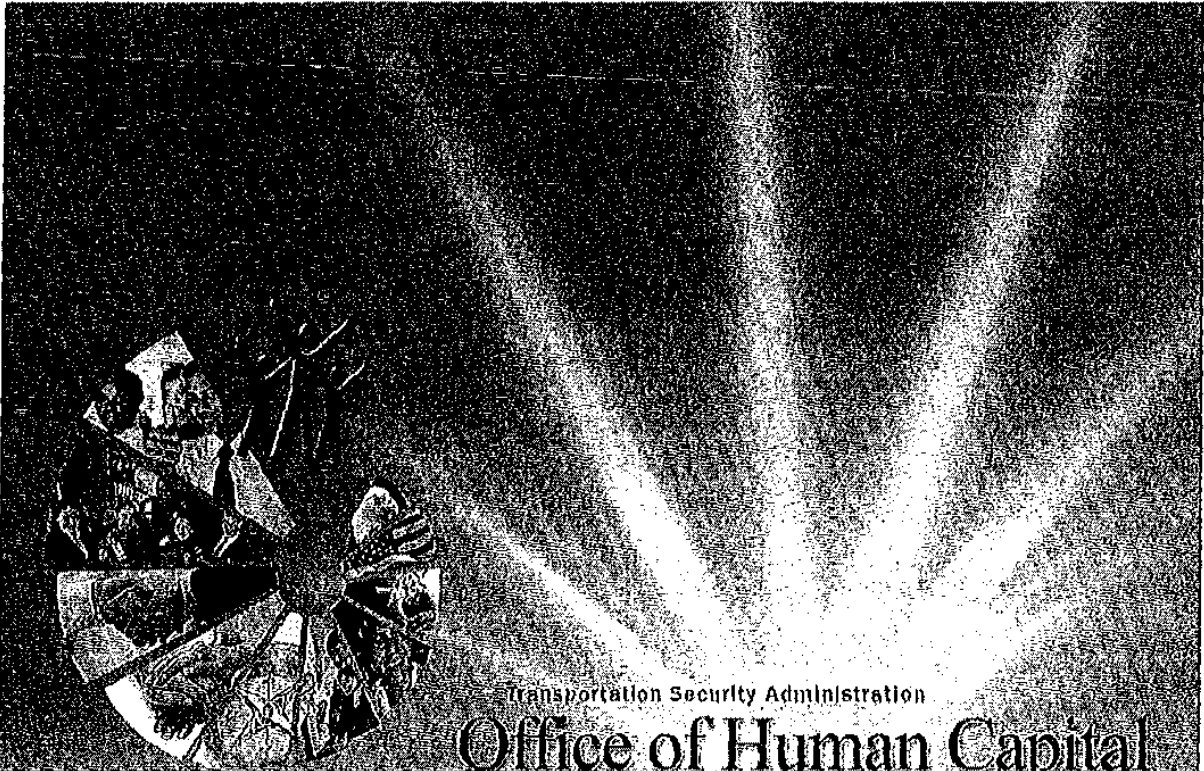
TSA MANAGEMENT DIRECTIVE No. 1100.75-3
ADDRESSING UNACCEPTABLE
PERFORMANCE AND CONDUCT

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 1100.75-3, *Addressing Unacceptable Performance and Conduct*, dated June 8, 2011.

SUMMARY OF CHANGES: In Section 5, the Administrator's responsibility to determine the matters that should be reviewed by the Office of Professional Responsibility (OPR) has been assigned to the Assistant Administrator (AA) for OPR. References to HCM 752-4, *Office of Professional Responsibility*, have been replaced with TSA MD 1100.75-7, *Office of Professional Responsibility*, in Sections 5 and 6.

1. **PURPOSE:** This directive provides TSA policy and procedures for the use of non-disciplinary, corrective, disciplinary, and adverse actions to address unacceptable employee performance and conduct.
2. **SCOPE:** This directive applies to all TSA employees, including members of the TSES. Additional provisions applicable to TSES employees are found in TSA MD 1100.30-24, *Transportation Security Executive Program*.
3. **AUTHORITIES:**
 - A. The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
 - B. Sections 403(2) and 423, of the Homeland Security Act of 2002
4. **DEFINITIONS:** See the Handbook to TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*.
5. **RESPONSIBILITIES:**
 - A. The Assistant Administrator for Human Capital (AA/OHC) is responsible for:
 - (1) Reviewing requests for delegation of authority related to this directive and rendering a decision.
 - (2) Administering this policy and ensuring that it supports the mission of the agency.
 - B. The Office of Professional Responsibility (OPR) is responsible for:
 - (1) Reviewing Reports of Investigation (ROI) issued by the DHS Office of Inspector General (OIG) or by the TSA Office of Inspection (OOI), as well as any other matter the AA for OPR, or his/her designee, determines should be reviewed by OPR.



Transportation Security Administration

Office of Human Capital

TSA MD 1100.75-3, Handbook

Addressing Unacceptable Performance and Conduct

Policy Effective: January 2, 2009
Handbook Published: January 2, 2009
Handbook Revised: December 20, 2012

Revision #7

Signed

Sean R. Byrne
Assistant Administrator for Human Capital



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OFFICE OF HUMAN CAPITAL

TSA MANAGEMENT DIRECTIVE No. 1100.73-5
EMPLOYEE RESPONSIBILITIES AND CONDUCT

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

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 supersedes the Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding Employee Responsibilities and Conduct issued under the FAA Personnel Management System. This directive is TSA policy and must be applied accordingly.

REVISION: This revised directive supersedes TSA MD 1100.73-5, *Employee Responsibilities and Conduct*, dated August 16, 2006.

SUMMARY OF CHANGES: Revised existing definitions section, added new terms, and converted Section 7, Procedures to an accompanying handbook.

1. **PURPOSE:** This directive provides TSA policy and procedures for employee responsibilities and conduct, as defined in this directive and the accompanying handbook, which conform to generally accepted standards of behavior and ethical conduct for Federal employees.
2. **SCOPE:** This directive applies to all TSA organizational elements and all TSA employees.
3. **AUTHORITIES:**
 - A. Sections 403(2) and 423, of the Homeland Security Act of 2002.
 - B. The Aviation and Transportation Security Act, Pub L. 107-71 (ATSA).
4. **DEFINITIONS:** See TSA Handbook on *Employee Responsibilities and Conduct*.
5. **RESPONSIBILITIES:**
 - A. 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 basic on-the-job rules:
 - (1) Reporting to work on time and ready, willing and able to perform the duties of their position. This means reporting for duty free from any effects of alcohol and/or drugs that may impair job performance or conduct; physically and mentally capable of performing his or her job requirements and in appropriate clothing and/or outfitted with required tools or equipment.
 - (2) Responding promptly to and fully complying with directions and instructions received from their supervisor or other management officials.
 - (3) Exercising courtesy and tact in dealing with fellow workers, supervisors, contract



Transportation Security Administration

Office of Human Capital

TSA MD 1100.73-5, Handbook

Employee Responsibilities and Conduct

Policy Effective: May 21, 2009
Handbook Published: May 21, 2009
Handbook Revised: May 7, 2012

Signed

Sean J. Byrne
Assistant Administrator for Human Capital



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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act