



April 30, 2014

Your actions were also in violation of TSA Management Directive (MD) No. 1100.73-5: *Employees Responsibilities and Code of Conduct*, section 5.A (7) that states, "TSA employees are responsible for... observing the following basic on-the-job rules: Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance." Your actions additionally violated Section 5.B(4) that states Managers and supervisors are responsible for, "Providing positive leadership and serving as a role model for subordinates by complying with all employee responsibilities, and demonstrating a commitment and sense of responsibility to their job and high ethical standards"; and Section 5.B(7) that states Managers and supervisors are responsible for, "Enforcing employee compliance with all TSA directives, policies, programs and, where applicable, DHS directives, policies and programs; timely investigation of reported non-compliance with all directives, policies and programs; immediate and appropriate corrective action when an employee is found not to be in compliance with TSA directives, policies and programs."

Charge 3: Failure to follow instructions

Specification 1: On December 16, 2013, you received an email from the AFSD instructing you to conduct a comprehensive audit of the BDO activities at SWF. This instruction provided very specific criteria to be included in your review; including a comparison of the BDO activity sheets; PMIS data; BDO database information; Playbook hours; BDO Notebooks; assigned schedules; and actual hours worked. You were further instructed to provide a detailed response of your findings for each BDO reviewed; the method used to verify the accuracy and completeness of the information analyzed; and provide recommendations for corrective actions with reference to applicable TSA MDs for any instances of non-compliance. Your audit response cited "Notebook + Summary + PMIS + Daily Report" as the items reviewed. You did not provide any detailed information or recommended corrective action as instructed by AFSD Klusacek on December 16, 2013.

Specification 2: During a January 8, 2014, meeting you were instructed by AFSD Klusacek to focus your attention on the oversight of the SWF BDO program and transition non-BDO related Administrative Duties to TSMs Engelhardt & Duarte. As of February 28, 2014, you had not complied with the instructions to turn over administrative duties to the TSMs as directed by AFSD Klusacek.

Specification 3: On February 28, 2014 you were again instructed by AFSD Klusacek during a telephone conversation to focus your attention on the SPOT / BDO Program. During this same telephone call you acknowledged the prior instruction; stated that TSM Duarte had told you to give the Administrative duties to him and said you would be doing that so you could spend more time at the terminal and would be providing oversight of the BDO program. As of March 28, 2014, you had not complied with the

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.

April 30, 2014

instructions to turn over administrative duties to the TSMs as directed by AFSD Klusacek.

Specification 4: In an email dated March 28, 2014 to PSD Brian Johansson and AFSD Michael Klusacek you listed 28 Administrative duties you stated you continue to perform beyond your primary duties as the SPOT / BDO Manager. You did not comply with the instructions that you were to transition these tasks to the two screening managers as issued on January 8, 2014, and February 28, 2014, by AFSD Klusacek.

Specification 5: On December 10, 2013 AFSD Michael Klusacek, via email, issued you an instruction that a BDO tracking sheet would be placed at the checkpoint supervisor's podium and the BDOs were to begin recording their status with the supervisors effective Sunday, December 15, 2013. On Monday December 16, 2013 you advised AFSD Klusacek via email you had not instituted the tracking sheet as directed on December 10, 2013. You did not comply with AFSD Klusacek's instruction until December 16, 2013.

Your actions are in violation of TSA MD No. 1100.73-5: *Employees Responsibilities and Code of Conduct*, Section 5.A (7), 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 basic on-the-job rules: (7) Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance." Your actions were also in violation of Section 5.B (4) that states Managers and supervisors are responsible for, "Providing positive leadership and serving as a role model for subordinates by complying with all employee responsibilities, and demonstrating a commitment and sense of responsibility to their job and high ethical standards."

Charge 4: Inappropriate Conduct

Specification 1: On August 5, 2013 you sent an email to TSA SWF personnel entitled "MADE IN INDIA" which contained several photographs of life in India. You sent the email out as "High" Importance even though this information was not related to any TSA process; procedure or security matter.

Specification 2: On February 7, 2014 you sent an email to 44 TSA SWF employees entitled "So Be It". This email contained a joke or something to that effect unrelated to any TSA process; procedure or security matter.

Your actions are in violation of TSA MD No. 1100.73-5: *Employees Responsibilities and Code of Conduct (Handbook)*, Section D, (2) that states:

"Email: The government e-mail system is provided for the conduct of official TSA business. However, limited personal use is authorized as long as this use does not interfere with official duties or cause degradation of network services."

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.

BDO ^{(b)(6)}		Audit PP 24						
Jennifer Kelly	Sun 01	Mon 02	Tue 03	Wed 04	Thu 05	Fri 06	Sat 07	#Hrs
BDO Notebook								
BDO Daily Summary Sheet								
PMIS								
Playbook Hours								
KRONOS	1123-2100 7 min early	RDO	0930-1900 *Forgot to Punch	0924-1900 2 min early	0957-1930 *	0926-1800 4 min early	RDO	40
			1.5 SL					
Line #	Sun 08	Mon 09	Tue 10	Wed 11	Thu 12	Fri 13	Sat 14	#Hrs
BDO Notebook								
BDO Daily Summary Sheet								
PMIS								
Playbook Hours								
KRONOS	OT 0455- 1230 ALB (b) 12/10	RDO	0924-1901 6 min early	0925-1900 5 min early	1029-2000 1 min early	0927-1900 3 min early	RDO	47

I sent both formats, explained wasn't sure what he wanted. He wrote in his memo affirming this.

Change 3
Spec 1

Audit BD (b)(6) PP24 2013

1. Dec 1, 2013 1130-2100
 - a. Notebook + Summary + PMIS + Daily Report
 - b. Switched RDO's for Allegiant. Summary 1130-1145 Briefing (b)(3) 49 U.S.C. § 114 (n)
2. Dec 2, 2013
 - a. Notebook + Summary + PMIS + Daily Report
 - b. RDO
3. Dec 3, 2013 0930-1900 forgot to punch in checked with STSO was here
 - a. Notebook + Summary + PMIS + Daily Report
 - b. OK I did miss a mistake
4. Dec 4, 2013 0930-1900
 - a. Notebook + Summary + PMIS + Daily Report
 - b. NB meal 1700-1730 summary 1530-1600 Brief not noted summary
5. Dec 5, 2013 1000-1930 allowed to check in .50 early and leave .50 early
 - a. Notebook + Summary + PMIS + Daily Report
 - b. Nothing after 1230 in NB generalized (b)(3) 49 U.S.C. §
6. Dec 6, 2013 0930-1800
 - a. Notebook + Summary + PMIS + Daily Report
 - b. 0930-1800 PMIS good, summary and NB not complete
7. Dec 7, 2013
 - a. Notebook + Summary + PMIS + Daily Report
 - b. RDO
8. Dec 8, 2013 0500-1230 OT
 - a. Notebook + Summary + PMIS + Daily Report
 - b. Worked OT for ALB (b)(3) 49
9. Dec 9, 2013
 - a. Notebook + Summary + PMIS + Daily Report
 - b. RDO
10. Dec 10, 2013 0930-1900
 - a. Notebook + Summary + PMIS + Daily Report

*Need to compare
to Klusmeyer's audit*

b. 1st break doesn't match (b)(3)-49 U.S.C. § 114(n)

11. Dec 11, 2013 0930-1900

a. Notebook + Summary + PMIS + Daily Report

b. Last break 1730-1745 NB is 1800-1815 otherwise good

12. Dec 12, 2013 1030-2000

a. Notebook + Summary + PMIS + Daily Report

c. PMIS good, NB and Summary 1st break and Admin switched

13. Dec 13, 2013 0930-1900

a. Notebook + Summary + PMIS + Daily Report

b. PMIS good, Last break summary 1730/1800 and Admin don't match NB 1830-1845

14. Dec 14, 2013

a. Notebook + Summary + PMIS + Daily Report

b. RDO

(b)(6)

From: Klusacek, Michael
Sent: Wednesday, December 18, 2013 3:21 PM
To: (b)(6)
Subject: RE: PMIS

(b)(6)

Yes to what? The information is accurate or what Greg had them doing was ok?

I'll give you a hint— Check the reported activity for Monday 12/16/2013, "AM" Shift and let me know what you find out. Then we will talk.

Are we playing games?

Mike Klusacek

From: (b)(6)
Sent: Wednesday, December 18, 2013 3:09 PM
To: Klusacek, Michael
Subject: RE: PMIS

Yes.

From: Klusacek, Michael
Sent: Wednesday, December 18, 2013 12:54 PM
To: (b)(6)
Subject: RE: PMIS

But are the numbers an accurate representation of what is actually being performed?

What Greg had them doing is not necessarily in the best interest of the program.

Mike

From: (b)(6)
Sent: Wednesday, December 18, 2013 8:06 AM
To: Klusacek, Michael
Subject: RE: PMIS

I'll get with (b)(6) but I think they have always done this. It's not wrong because it is a Playbook play and Greg just had them use it as documentation and keeps the Playbook numbers for SWF very high.

From: Klusacek, Michael
Sent: Wednesday, December 18, 2013 6:39 AM
To: (b)(6)
Cc: Johansson, Brian
Subject: RE: PMIS

(b)(6)

Your information is a good step in verifying what the SWF BDOs are actually doing each day. You are correct as to what the "Plays" should entail. Please ascertain why the BDOs were submitting their time at the Checkpoint as Playbook hours and how long this practice has been in place.

Continue with the review and documentation of noted discrepancies; anomalies; program compliance and any best practices.

Thanks

Mike Klusacek

From: (b)(6)
Sent: Tuesday, December 17, 2013 1:15 PM
To: Klusacek, Michael
Subject: PMIS

It seems when they put the BDO plays in PMIS they only put 1 position and just put all the time under it for that day. I don't think that really matters right now because I am going to have them stop putting all the time they are at the

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114

(b)(6)

*obviously we need to get together
and discuss this.*

SPOT Security Manager
Stewart International Airport (SWF)
New Windsor, NY 12553
845-220-(b)(6)
845-422-

Klusacek, Michael

From: Klusacek, Michael
Sent: Friday, February 28, 2014 11:47 AM
To: Klusacek, Michael
Subject: RE: Vacation

Memo to file:

I called STSM (b)(6) approximately 10:20 AM after I received the below email. She asked me if we could talk and I answered in the affirmative. She said "Hold on a minute I want to close the door." I heard her close the door as she had me on speaker and she returned to the conversation. She stated words to the effect "I thought we were going to talk about this whole BDO thing and we haven't been able to sit down so that's why I called. I answered that the matter has not yet run its course and we would be talking once the last BDO - (b)(6) issues had been addressed. *WOWS*

Rec'd LOR April 17, 2014
(b)(6) stated: "Are you going to be issuing me a proposal for termination?" I answered that at this point in time I had no intention of preparing a termination proposal however her role as the Manager did have to be reviewed and addressed. (b)(6) said words to the effect "well you know I have been doing a lot of Manager's duties and I have been tied up with other things." I answered that I knew she had and when we met in January I acknowledged that and I also said she needed to focus on her BDO duties. (b)(6) had told her to give the tasks to him and he would take them over as a Manager. (b)(6) said she will be doing that so she can spend more time at the terminal.

I went back to the audit and the act that she did not identify anything wrong even though I had instructed her what to do. I spoke about the side-by-side comparisons I had done and that certain things just jumped off the page at me. I used the example of (b)(6) listing "OLC" for each day and a simple check showed he hadn't even signed on. I also spoke of the 12/9/2013 record (b)(6) prepared showing he performed BDO screening duties when in fact he was at the CP speaking with (b)(6) and didn't perform any BDO tasks for over an hour. I add that the CCTV Video review was a plus and added to our evidence but there was sufficient information present in the notebooks; tracking sheets and PMIS playbook sheets to show the discrepancies. I add that she did not identify any of these issues and as the Manager she was responsible. I asked her if she had reviewed the Excel spreadsheets I had sent to TSM Engelhardt so she could see the side-by-side comparisons I had done for each BDO. She stated she had not and she only had the information from our meeting. I told (b)(6) would send an email to TSM Engelhardt and have him share the spreadsheets with her so she could review them. *Engelhardt refused to give them to me. I rec'd them with this proposal for the first time April 30, 2014*

(b)(6) stated she thought she did identify some things but admitted she had not done a side-by-side comparison of the notebooks; tracking sheets and PMIS playbook sheets. She also stated that this was the first time she had ever been tasked with doing an audit and was not sure what she was supposed to have done. I emphasized that I understood that and part of my job was to provide that guidance to her. I stated that once all of the BDO issues were completed then I would be reviewing everything that was developed with the FSD to determine what actions I would be taking regarding her performance. I again stated that at this point in time I did not plan on terminating her. Doreen stated that made her feel much better that she wasn't losing her job.

When is he planning on providing this guidance?
I asked (b)(6) if there was anything else she wanted to talk about and she answered No and wished me a good vacation.

Call ended at approximately 10:40 a.m.

This statement was from BDO (b)(6) Audit Feb 23-Mar 8 Not the Dec Audit. My Dec audit showed side by side comparisons.

Klusacek's Audit
showed me on
Jan 8.

NOV 2012 SPOT coordinator
AFSP siffles told me just
Need the summary sheet

2 hours + 4 hours = 6 hours

2 Hours Missing

(b)(3) 49 U.S.C. § 114(r)(b)(6)

(b)(3) 49 U.S.C. § 114(r)(b)(6)

(b)(3):49 U.S.C. § 114(r)

I made the following observations and notations:

On 12/4/13, there is a three hour gap from 07:00-10:00

(b)(3):49 U.S.C. § 114(r)

§

(b)(3):49 U.S.C. § 114(r), (b)(6)

On 12/6/2013, (b)(3) 49 U.S.C. § 114(r)

PMIS

(b)(3) 49 U.S.C. § 114(r), (b)(6)

(b)(3), 49 U.S.C. § 114(r)(b)(6)

(b)(3) 49 U.S.C. § 114(r), (b)(6)

1. [Illegible text]

(b)(3);49 U.S.C. § 114(r);(b)(6)

Klusacek Audit made for Proposal I never saw this

BDO Jennifer Kelly

(b)(3).49 U.S.C. § 114(r)

12/2/2013 - RDO

Note Book Entries - 12/3

BDO Daily Tracking Sheet

PMIS Sheet

Conflicts Noted

(b)(3).49 U.S.C. § 114(r)

Note Book Entries - 12/4

BDO Daily Tracking Sheet

PMIS Sheet

Conflicts Noted

(b)(3).49 U.S.C. § 114(r)

1830-1845 - Break
1845-1900 Admin

Note Book Entries - 12/5	BDO Daily Tracking Sheet	PMIS Sheet	Conflicts Noted
(b)(3) 49 U.S.C. § 114(r)			

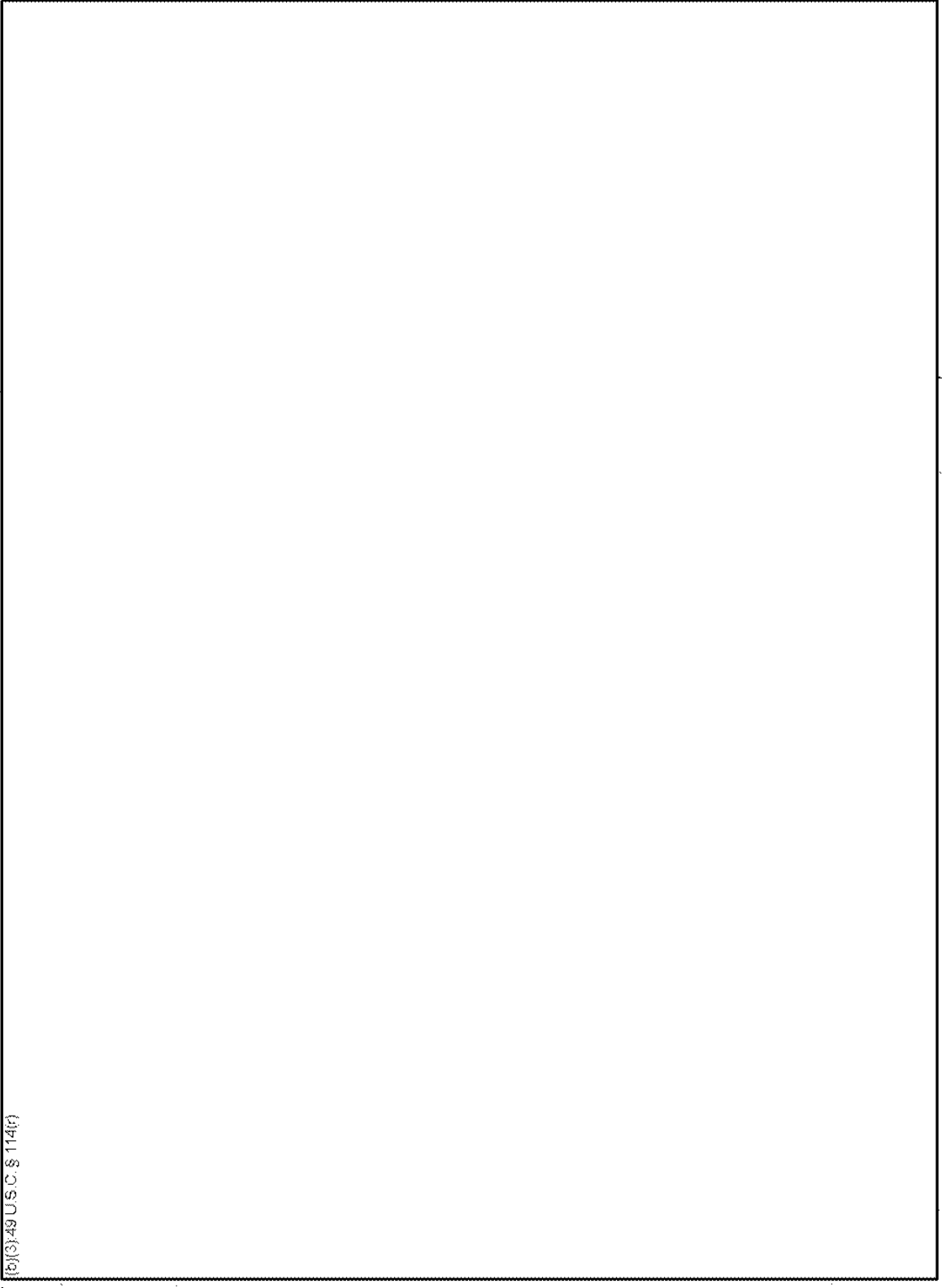
Note Book Entries - 12/6	BDO Daily Tracking Sheet	PMIS Sheet	Conflicts Noted
(b)(3) 49 U.S.C. § 114(r)			

12/7/2013 - RDO
12/8/2013 - RDO
12/9/2013 - RDO

Note Book Entries - 12/10	BDO Daily Tracking Sheet	PMIS Sheet	Conflicts Noted
(b)(3) 49 U.S.C. § 114(r)			

2 of 4

2019



(b)(3)49 U.S.C. § 114(r)

4/4

(b)(3)49 USC § 114(f)

12/14/2013 - RDO