

~~SENSITIVE SECURITY INFORMATION~~

U.S. Department of Homeland Security
TSA MSP, Minneapolis/St. Paul Airport
3001 Metro Drive, Suite 200
Bloomington, MN 55425



Transportation
Security
Administration

Date: February 13, 2014

To: (b)(6)
Master Transportation Security Officer - Behavior Detection Officer (EBDO)
Minneapolis-St. Paul International Airport (MSP)

From: Essence Jones
Transportation Security Manager
Minneapolis-St. Paul International Airport

Subject: Letter of Counseling

Reference: (b)(6)

This Letter of Counseling is being issued for your failure to follow the Screening of Passengers by Observation Technique (SPOT) Standard Operating Procedure (SOP). This decision was based on the following:

Charge I: Failure to Follow SPOT SOP

Specification 1: On November 22, 2013, you failed to follow SPOT procedures when you did not refer, for SPOT Referral Screening, a person whom you and your Behavior Detection Officer (BDO) partner assessed enough points to warrant a SPOT Referral. Specifically, you did not follow SPOT procedures as referenced in SOP sections 3.6.A.1 and 3.6.C when you did not refer an individual for SPOT Referral Screening as well as Sections 3.6.1.A and B

Background: You and your BDO partner were positioned at Checkpoint Two (Terminal 1) at about 11:30am on November 22, 2013. While there, you observed behaviors and consequently assessed points (that met the threshold for SPOT Referral Screening) on an individual near the restrooms on the non-sterile side of Checkpoint Two. The person then moved to Checkpoint Three and entered the checkpoint; the person then continued into the sterile area without require SPOT Selectee Screening.

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WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW", AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF HOMELAND SECURITY. 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 C.F.R. PARTS 15 AND 1520.1

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On January 11, 2014 I held a pre-decisional meeting with you. During that meeting we reviewed a statement previously supplied by you. To summarize, you acknowledged that you and your partner has assessed enough behaviors/points on an individual but you did not refer him for SPOT Referral Screening. You stated you instead consulted an APD Officer (b)(6) to relay your observations.

Prior to deciding to issue this action, I considered a number of factors. First, I considered the nature and seriousness of the charges. As an employee of the TSA and a Master Behavior Detection Officer, you are expected to adhere to all SPOT procedures. As a BDO we analyze environmental baselines for any behaviors anomalous to that baseline. When we observe behaviors it is incumbent on us to act on our observations to resolve the anomalous behaviors. As BDOs we screen for intent. The lack of following SPOT procedures did not allow for us to do so. Therefore, I consider this factor aggravating.

Second, I considered your job level and role. As an MBDO you are held to a higher standard due to the interaction with the public and the prominence and visibility BDOs. As an On the Job Training Monitor, we set a higher expectation of you to set a positive/correct example to your BDO peers as well as being a Subject Matter Expert of the BDO Screening Operating Procedures. The example you set when performing your duties in these capacities is at the forefront. I somewhat consider this one occurrence a mitigating factor. However, due to the failure to act during this situation and failure to follow SPOT procedures, this is an aggravating factor.

Third, I considered your past disciplinary record. You have no relevant occurrences of any type. I consider this a mitigating factor.

Fourth, I considered the consistency of this penalty. The proposed penalty is consistent with the Table of Penalties which includes a recommendation of a Letter of Counseling to Removal.

Fifth, I considered the clarity by which you have been on notice of the applicable agency procedure violated. A portion of the Annual Proficiency Review for being a BDO is a successful completion an annual SOP/Job Knowledge Test. In your history of being a BDO you have passed your tests. I consider this a mitigating factor.

Sixth, I considered your length of service with the agency as a mitigating factor. You commenced work with TSA on September 29, 2002 and have been a BDO since June 8, 2008.

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Your performance of your duties as a BDO has been satisfactory. I do consider your length of service and satisfactory job-duty performance as mitigating.

Based on the above, I have decided to issue you a letter of counseling to correct this behavior. This letter of counseling is not a disciplinary action and may not be grieved through the agency grievance procedures, nor addressed via the Peer Review process (where applicable). This letter will not be placed in your Official Personnel File (OPF). However, a copy of this letter may be retained in the local supervisory file for up to one year as documentation that you have been placed on notice regarding this issue of concern and the consequences of repeated behavior.

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

If you need assistance dealing with any personal matters, the Employee Assistance Program (EAP) is available to provide confidential counseling services. EAP can be reached by calling 1-800-222-0364.

You may contact me at 612-998-(b)(6) if you have questions regarding this notice.

Acknowledgment of Receipt:

(b)(6)

Employee's Signature

2/13/2014
Date

Delivery Information:

Essence Jones
Hand Delivered By

2/13/2014
Date

Attachments (Material Relied Upon):

1. (b)(6) Statement*
2. (b)(6) Statement*
3. (b)(6) Statement*
4. CCTV Footage Archive*
5. SPOT SOP*

*-- available upon request

File:1100.7 Erickson MSP 14- 2298

(b)(6)