

December 28, 2012

To: Olusheyi Ogunleye
Assistant Federal Security Director (AFSD-S)
George Bush Intercontinental Airport (IAH)

From: (b)(6)
Expert Behavior Officer (IAH)
George Bush Intercontinental (IAH)

Subject: First Step Grievance, Notice of Decision dated December 13, 2012
Ref # (b)(6)

Dear Sir:

Please accept this letter as a first-step grievance pursuant to TSA Management Directive No. 1100.77-2. EBDO (b)(6) suspension of one day was made known to her via the Notice of Decision ("Decision") issued on December 13, 2012. The Decision alleges two reasons: (1) Failure to follow Standard Operating Procedure (SOP). The charge specifically alleges one (1) specification failed to do a SPOT referral on an individual in the non-sterile side on July 2, 2012. (2) Inappropriate Conduct. (1) Comments made during a meeting with TSM Candice Villafone and TSM Anthony Martinez. This appeal is timely pursuant to MD 1100.77-2(7) (A) (1).

The *Douglas* Factors, as stated in the TSA Management Directives 1100.75-3 at (6)(F) clearly state that one factor in penalty assessment is "[t]he clarity with which the employee was on notice of any rules violated in committing the offense or had been warned about the conduct in question. "The policy goes on to state that another factor to consider is the "[t]he clarity with which the employee was on notice of performance expectations and problems with his or her performance."

Charge 1: It is EBDO (b)(6) contention that she knows has never been counseled, verbally or written conduct awareness prior to this incident that this was a violation of SOP. The clarity in which she had been warned is not supported by the evidence that she had been placed on notice that would be a violation of policy. If the matter was so egregious surely TSM Villafone or TSM Martinez would not have waited over sixty days to issues some type of corrective behavior in order to correct the matter.

(b)(6) has always been made effort not to violate any policies or directives, thus is part of the reason she was selected to the BDO program. Her knowledge and

EBDO (b)(6) knowledge that BDOC makes the call comes from her experience from working in several rotations in BDOC. EBDO (b)(6) states that was the established protocol then to her knowledge and if it has changed she was never informed by her change of command. EBDO (b)(6) prides herself in maintaining knowledge of the SOP and Directives. EBDO (b)(6) maintains that she is paired with a partner and to what purpose would it serve if your partner cannot provide details or a timeline in the same manner as you in the event that you or he would become incapacitated to do so? Again, it was on his consent and approval of her assigned partner that he would be able to complete the timeline that she left under duress due to the family emergency. After all, it was a serious family emergency with life threatening injuries that someone needed to be there to make decisions for those that could not make decisions for themselves regarding their care and treatment.

It clearly was not a case, that she just did not want to fulfill her duties as she was directed to do. It is EBDO (b)(6) contention that at any time her assigned partner could have reached out to her and leave her a message by phone or text, as well as her manager. Yet, neither felt compelled to explore that avenue as a possible resolution to getting the timeline done without an estimation of time. It would seem, even knowing that EBDO (b)(6) family was in a crisis situation, that little thought was given to her family needs.

EBDO (b)(6) would have returned the call or text as soon as she was able to do so. Instead, it would appear that the entire situation is more about TSM Villafone having to assist with the report, than the fact that EBDO (b)(6) was unable to finish her timeline. Is this not what a team does for one another in a crisis situation? She had no way of knowing that he would not complete the timeline, again this entire matter could have been resolved with a little more team work and effort put forth on behalf of someone who couldn't, due to circumstances beyond her control. It took TSA management some 60 plus days to draw a conclusion that EBDO (b)(6) had allegedly committed an SOP violation.

Charge 2: It was also not taken into consideration that EBDO (b)(6) met with her TSM Candice Villafone, apologized and offered an explanation regarding her outbursts, which she states that TSM Villafone replied "I knew, that was out of character for you." EBDO (b)(6) accepted that she was under a lot stress and apologized. EBDO (b)(6) understands that it was not acceptable behavior and apologized for the outbursts. She was under an extreme amount of pressure. Not to excuse it, but to at least understand, that this was a person who has been dealing with a lot of life situations that both her TSMs were well aware of and been counseled instead of pushing for adverse action against her. TSM Villafone should have taken into account that EBDO (b)(6) had never displayed such behavior in her entire career with TSA and her given her the benefit of doubt, that she was under a lot of pressure and counseled her.

Sir, we ask you to reconsider your position on the charges listed above and take a second look at the facts. We know that you have already reviewed the response. And we appreciate the fact that you were able to dismiss at least one of the charges during our response to the Notice of Proposed Suspension. It is our hope, that you find that these factors, even though maybe previously considered, be re-considered again now, that some of the charges have been removed as a factor in the decision.

In conclusion, EBDO (b)(6) respectfully requests that TSA rescind this suspension and restore her with back pay to full duty. If the charges are sustained, EBDO (b)(6) requests that the Decision be

mitigated to a much lesser penalty, in light of the Douglas Factors and in accordance with the doctrine of progressive discipline. EBDO (b)(6) looks forward to a favorable resolution to this matter. Please feel free to contact me if you wish to discuss this matter further.

Respectfully,

(b)(6)

On behalf of EBDO

(b)(6)