



Transportation
Security
Administration

Letter of Reprimand

Date: 1-14-2014

To: (b)(6)
Expert Transportation Security Officer
PVD/TSA

From: Matthew S. McCallgett
SPOT Transportation Security Manager
PVD/TSA

Subject: Letter of Reprimand

Reference: PVD/ (b)(6)

The purpose of this letter is to reprimand you for an incident that occurred on 1-6-2014 at 1700. You were observed positioned at the TSA Security Checkpoint. As a male passenger transited the Checkpoint you assessed behaviors on him (b)(3)49 U.S.C. § 114(r). It was verified by your partners and the CCTV that the behaviors that you assessed were not actually displayed and should not have been assessed. This inaccurate assessment resulted in an unwarranted SPOT Referral Screening, Unwarranted reports to PARIS, TISS and SIRT as well as numerous unwarranted telephone conversations to Senior TSA Officials and the Behavior Detection Analysis Division. Prior to conducting this Spot Referral you communicated to your partners at the checkpoint that the individuals would require SPOT referral screening. While making this notification you did not effectively articulate the description of the individual, the points assessed, and any behaviors. You did ask the BDO Officers at the checkpoint "Is he Drunk or Retarded" Your coworkers interpreted this statement as being offensive. This word is commonly defined as being an offensive word and you should refrain from using it in relation to the SPOT program the future. During your SPOT Referral the RIAC LEOs intervened due to other factors outside of the BDO SOP. You have been counseled and put on a smart agreement in the past on the proper procedures that must be followed after LEO Intervention. You failed to follow the notification process by not informing the TSM that screening was not completed.

As a BDO you are responsible to carry out your duties in accordance with the SPOT SOP, other applicable SOPs, applicable TSA Management and Operations Directives, and SPOT training, as well as Constitutional, statutory, regulatory, and other legal and DHS policy requirements to protect the civil rights and liberties of individuals. You failed to perform your duties as required by the Screening of Passengers by Observation

Technique (SPOT) Standard Operating Procedures (SOP) and the Behavioral Indicator Reference Guide dated November 22, 2013.

On 1-13-2014 STSM McCalligett held a pre-decisional discussion with you. During this discussion you stated that you misinterpreted two of the behaviors and that you thought that the third was repetitive. When questioned regarding your intentions of using the word Retarded you stated that you did not intend for it to be offensive. When questioned about your communications to TSM Carr and you coworkers you stated that you didn't recall what you said.

In determining the appropriateness of this action, I considered suspension and removal from the SPOT program due to the nature and serious of the misconduct described above as well taking into consideration your prior counselings, Letter of Reprimand and Smart Agreements. Due to you accepting responsibility, your willingness to improve and your interest based resolution you presented to attempt to eliminate future reoccurrence during the Pre Decisional Discussion and then following up in an email stating: "I'm writing you to let you know that I would like to step down as ETSO and become an MTSO. I have to take care of family issues and not being in a leadership position right now is what's best for me. This does not mean I just want to come punch a clock and go about the motions. I will work hard and continue to strive to be the best I can be in my job and will be an asset to the BDO program in the future." It was discussed with you that stepping down would not resolve all of the issues at hand. You stated that you would like to stay in the BDO program, work with Management and enter into a Smart agreement to correct the issues. Based on all of these issues I have determined that a letter of Reprimand was warranted.

This penalty falls within the range of penalties in the TSA's Table of Offenses and Penalties.

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 removal from Federal service.

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.

If you choose to grieve this action under the grievance procedures in TSA HCM 771-4, Handbook and 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 Request. A copy of HCM 771-4 Grievance Procedures is attached. The Designated Grievance Official (DGO) is Steven Sheridan 475 Kilvert Street Suit 220 Warwick, RI 02886 401-734-(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.

If you are grieving an action for misconduct or a workplace issue that occurred on or prior to Oct 31, 2012 please contact the National Resolution Center for your Peer Review eligibility. If the misconduct occurred on or after November 1, 2012, you may only grieve this action under the grievance procedures; the Peer Review process is not available.

The Employee Assistance Program (EAP) is available to you to provide counseling services 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 acknowledgement of receipt below. Your signature does not indicate agreement with this action; it only represents receipt of this notice on the date signed.

Acknowledgement of Receipt

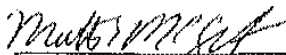
(b)(6)

Employee's Signature

Date

1/21/14

Delivery Information:


Hand Delivered By

Date

1-21-14

-or-

Mailed By

Date

Attachment(s):
HMC 771-4, Grievance Procedures

(b)(6)