

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office (Also complete Part B, Items 1, 7-22, 32, 33, 36, and 39.)

1. Actions Requested Suspension NTE (Date) 7/10/2014	2. Request Number (b)(6)
3. For Additional Information Call (Name and Telephone Number) (b)(6)	4. Proposed Effective Date 07/08/2014
5. Action Requested By (Typed Name, Title, Signature, and Request Date) Toby Jaffe 06/25/2014	6. Action Authorized by (Typed Name, Title, Signature, and Concurrence Date) (b)(6) 06/25/2014

PART B - For Preparation of SF 80 (Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)

1. Name (Last, First, Middle) (b)(6)	2. Social Security Number (b)(6)	3. Date of Birth (b)(6)	4. Effective Date 07/08/2014
FIRST ACTION		SECOND ACTION	
5-A. Code 450	5-B. Nature of Action Suspension NTE (Date)	6-A. Code	6-B. Nature of Action
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority
7. FROM: Position Title and Number MST TRANSPORT SECURITY OFFICER (BDO)		16. TO: Position Title and Number	
14. Name and Location of Position's Organization SECURITY OPERATIONS WESTERN AREA LAX - LOS ANGELES INTERNATIONAL		22. Name and Location of Position's Organization	

TA5904108900000000

EMPLOYEE DATA

23. Veterans Preference 1 - None 2 - 5 Point	3 - 10 Point/Disability 4 - 10 Point/Compensable	5 - 10 Point/Duty 6 - 10 Point/Compensable/30%	24. Tenure 0 - None 1 - Permanent	25. Agency Use 2 - Conditional 3 - Indefinite	26. Veterans Pref for RIF YES NO
27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant	30. Retirement Plan	31. Service Comp. Date (leave)	32. Work Schedule P
33. Part-Time Hours Per Biweekly Pay Period	34. Position Occupied 1 - Compulsive Service 2 - Excepted Service 3 - SES General 4 - SES Career				
35. FLSA Category E - Exempt N - Nonexempt		36. Appropriation Code PACSCR		37. Bargaining Unit Status	
38. Duty Station Code 061980037		39. Duty Station (City - County - State or Overseas Location) LOS ANGELES - LOS ANGELES - CA			

40. Agency Data	41.	42.	43.	44.
45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship 1 - USA 8 - Other
50. Veterans Status	51. Supervisory Status			

PART C - Reviews and Approvals (Not to be used by requesting office.)

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature	Approval Date
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CONTINUED ON REVERSE SIDE
52-118

OVER

Editions Prior to 7/91 Are Not Usable After 8/30/93
NSN 7540-01-333-8238

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement?
If "YES", please state these facts on a separate sheet and attach to SF 52.)

☐ YES ☐ NO

3 day suspension issued on July 8, 2014 through July 10, 2014. RTD is July 11, 2014.

Reference (b)(6)

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8606 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM

and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8606 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address (Number, Street, City, State, ZIP Code)
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PART F - Remarks for SF 50

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office (Also complete Part B, Items 1, 7-22, 32, 33, 36, and 39.)

1. Action Requested Return To Duty (Suspension NTE)		2. Request Number (b)(6)
3. For Additional Information Call (Name and Telephone Number) (b)(6)		4. Proposed Effective Date 07/11/2014
5. Action Requested By (Typed Name, Title, Signature, and Request Date) Toby Jaffe 06/25/2014		6. Action Authorized by (Typed Name, Title, Signature, and Concurrence Date) (b)(6) 06/25/2014

PART B - For Preparation of SF 50 (Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)

1. Name (Last, First, Middle) (b)(6)	2. Social Security Number (b)(6)	3. Date of Birth (b)(6)	4. Effective Date 07/11/2014
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FIRST ACTION				SECOND ACTION			
5-A. Code	5-B. Nature of Action	5-C. Code	5-D. Legal Authority	6-A. Code	6-B. Nature of Action	6-C. Code	6-D. Legal Authority
292	Return To Duty (Suspension NTE)						
5-E. Code	5-F. Legal Authority			6-E. Code	6-F. Legal Authority		

7. FROM: Position Title and Number MST TRANSPORT SECURITY OFFICER (BDO)										16. TO: Position Title and Number									
14. Name and Location of Position's Organization SECURITY OPERATIONS WESTERN ARBA LAX - LOS ANGELES INTERNATIONAL										22. Name and Location of Position's Organization									
8. Pay Plan SV										18. Pay Plan SV									
9. Occ. Code 1802										17. Occ. Code 1802									
10. Grade or Level F										16. Grade or Level F									
11. Step or Rate 0										19. Step or Rate 0									
12. Total Salary \$45,610.00										20. Total Salary/Amount \$45,610.00									
13. Pay Basis SV										21. Pay Basis SV									
12A. Basic Pay \$35,868.00										20A. Basic Pay \$35,868.00									
12B. Locality Adj. \$9,742.00										20B. Locality Adj. \$9,742.00									
12C. Adj. Basic Pay \$45,610.00										20C. Adj. Basic Pay \$45,610.00									
12D. Other Pay										20D. Other Pay									

23. Veterans Preference 1 - None 2 - 5 Point 3 - 10 Point/Disability 4 - 10 Point/Compensable 5 - 10 Point/Other 6 - 10 Point/Compensable/50%										24. Tenure 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite										25. Agency Use										26. Veterans Pref for RIF YES NO																																							
27. FEGLI										28. Annuity Indicator										29. Pay Rate Determinant																																																	
30. Retirement Plan										31. Service Comp. Date (Leave)										32. Work Schedule F										33. Part-Time Hours Per Biweekly Pay Period																																							
34. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career										35. FLSA Category 1 - Exempt 2 - Nonexempt										36. Appropriation Code PACBCR										37. Bargaining Unit Status																																							
38. Duty Station Code 061980037										39. Duty Station (City - County - State or Overseas Location) LOS ANGELES - LOS ANGELES - CA																																																											
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PART C - Reviews and Approvals (Not to be used by requesting office.)

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature	Approval Date
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CONTINUED ON REVERSE SIDE
52-118

OVER

Editions Prior to 7/91 Are Not Usable After 8/30/93
NSN 7540-01-333-6239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement?
If "YES", please state these facts on a separate sheet and attach to SF 52.)

☐ YES ☐ NO

3 day suspension issued on July 8, 2014 through July 10, 2014. RTD is July 11, 2014.

Reference (b)(6)

PART E - Employee Resignation/Retirement**Privacy Act Statement**

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8605 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM

and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8605 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address (Number, Street, City, State, ZIP Code)
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PART F - Remarks for SF 50

U.S. Department of Homeland Security
Los Angeles International Airport
5767 W. Century Blvd, Suite 300
Los Angeles, CA 90045



Transportation
Security
Administration

Date: June 25, 2014
To: (b)(6)
Behavior Detection Officer (BDO)
Los Angeles International Airport
From: Charley Chelette
Transportation Security Manager
Los Angeles International Airport
Subject: Notice of Three (3) Calendar Day Suspension
Reference: (b)(6)

This is notice that I have decided to suspend you from employment at the Transportation Security Administration (TSA) for three (3) calendar days. You will be suspended without pay beginning on:

July 8, 2014 Through July 10, 2014

The effective date of your return to duty is: July 11, 2014

Your next scheduled regular workday is: July 11, 2014

This decision is made to promote the efficiency of the service and is based on the following:

Charge 1: Failure to Follow Standard Operating Procedures (SOP) for Screening Passengers By Observation Techniques (SPOT)

Specification: On April 16, 2014, between approximately 0515 and 0530 hours, you and your partner, Lead Behavior Detection Officer (LBDO) (b)(6) were on duty with the Transportation Security Administration (TSA) and positioned at the Los Angeles International Airport (LAX) Terminal 1 Checkpoint. During this time frame, you did not engage passengers in accordance with the SOP for proper SPOT procedures or protocol for Managed Inclusion II (MI2).

Your conduct is in violation of TSA Management Directive (MD) No. 1100.73-5: Employee Responsibilities and Code of Conduct (with attached Handbook): Section 5 – Responsibilities: 5.A (7); and Section 6 – Policy: 6.E.; and TSA Screening Passengers By Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3: Chapter 2: Section 2.5 BDO Duties, 2.5.B.; Chapter 3, Section 3.2 (Preparation and Positioning) F. (WTL positioning); TSA Risk-Based Security (RBS) Managed Inclusion (MI) II Standard Operating Procedures (SOP), Chapter 1: Section 1.5 (Process Overview), H.; Chapter 2: Section 2.1 (Positioning), B.; Section 2.2 (MI Procedures), D.

Charge 2: Negligent Performance of Duties

Specification: On April 16, 2014, between approximately 0515 and 0530 hours, you and your partner, LBDO (b)(6), were on duty at the TSA LAX Terminal 1 Checkpoint. During this time frame, you engaged in conversation with a Transportation Security Officer assigned to the ETD position. Your conversation distracted the Officer in the performance of his duties.

Your conduct is in violation of TSA MD No. 1100.73-5: Employee Responsibilities and Code of Conduct (with attached Handbook): Section 5 -- Responsibilities: 5.A and 5.A (7); and Section 6 -- Policy: 6. B and 6.E.

Prior to taking this action, I assessed the circumstances surrounding the incident and reviewed all of the relevant evidence. On April 16, 2014, TSM Bruce Sweeney met with you in a pre-decisional meeting to discuss failure to follow the SOP for proper SPOT procedures and your negligence in the performance of your duties earlier in the day. You were provided an opportunity to respond orally and/or in writing. You provided a written statement dated April 17, 2014.

In your written statement, you said that on April 16, 2014, you and the Terminal 1 officer were discussing the active shooter training scenario that you had missed two days before while you were on your regular days off. You further stated that you failed to properly observe a few of the passengers that were in the queue. You apologized for not conducting your duties to their fullest extent, and stated that it was a one-time occurrence.

In determining the appropriateness of the penalty, I considered a number of factors. I find your satisfactory job performance and your length of service of nearly seven (7) years to be mitigating. I find that the seriousness of your misconduct, however, outweighs the mitigating factors.

I also note that you received a Letter of Reprimand on July 11, 2012, for unprofessional conduct. This corrective action, which placed you on notice regarding your obligation to follow all Agency policies and procedures, is aggravating.

Your failure to follow the SOP for proper SPOT procedures and your negligence in the performance of your duties had a negative impact on your supervisor's confidence in your ability to meet the Agency's mission. As an employee in a position of trust, you are expected to meet high standards of conduct. Your actions have failed to uphold those standards.

I believe a Notice of Three (3) Calendar Day Suspension is the lowest level of discipline to impress upon you the seriousness of your actions, and the importance of adhering to proper security procedures. This discipline is within the recommended penalty range on the TSA Table of Offenses and Penalties, Sections H.3. and M.1.

It is hoped that this suspension 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, termination of your TSA employment.

Enclosed is the material relied upon to support this proposed three (3) calendar day suspension, except for the material considered SSI: TSA Screening Passengers By Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3; TSA Risk-Based Security (RBS) Managed Inclusion (MI) If Standard Operating Procedures (SOP); and the CCTV video that contains footage of you and your partner's actions on April 16, 2014 at the TSA LAX Terminal 1 Checkpoint. If you wish to view any of the SSI material, you may make an appointment with the North Complex Administrative Office at 310-258-4858. This material will be released for review only to you and/or your designated representative.

This notice constitutes a final decision. If you choose to grieve this action under the grievance procedures in TSA HCM 771-4, Handbook, 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 by using TSA form 1115, Grievance Request. A copy of HCM 771-4 Grievance Procedures is attached. The Designated Grievance Official (DGO) is Acting Deputy Assistant Federal Security Director (DAFSD) for Screening Armando Quesada, at 5767 W. Century Boulevard, Suite 3000, Los Angeles, CA 90045, (310) 258-(b)(6)

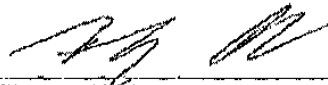
If you are interested in participating in mediation of this action, you can initiate the mediation process by calling the National Resolution Center at (571) 227-5097 or emailing Resolutioncenter@tsa.dhs.gov to discuss whether your case is eligible for mediation. You should not file a written request for mediation with the NRC until after this discussion has occurred.

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

Attachments:

1. Memo to File – BDA TSM (b)(6) – dated 04/16/2014
2. Memo to File – BDA TSM (b)(6) – dated 04/16/2014
3. Memo to File – BDO (b)(6) – dated 04/17/2014
4. Memo to File – LBDO (b)(6) – dated 04/17/2014
5. Letter of Reprimand – dated 07/11/2012
6. Signed Acknowledgement of TSA MD No. 1100.73-5
7. HCM 771-4, National Resolution Center and Handbook (Part 2, Section E)
8. TSA Form 1115-1, Grievance/Mediation Request


Charley Chelette
Transportation Security Manager

6-25-2014
Date

(b)(6)

Acknowledgement of Receipt

(b)(6)

Delivered By:

Richard *Richard*

Signature/Print Name

6/25/2014
Date

6/25/14
Date



Transportation
Security
Administration

MEMORANDUM

TO: DAFSD Christine Pope

FROM: BDA TSM (b)(6)

Date: April 16, 2014

SUBJECT: Memo to File -- Employee Discussion (b)(6)

On April 16, 2014, at about 1215 hours, I met with BDO (b)(6) in the Terminal 1 BDO office. I showed him the CCTV footage and discussed his violation of the SOP that took place at earlier that morning at approximately 0515-0530 hours during Managed Inclusion II operations at Terminal 1. BDO (b)(6) provided a written memo to file regarding this incident.

I advised BDO (b)(6) of the allegations against him and the possible consequences of his actions, utilizing the table of penalties to suggest a range of disciplinary actions from a Letter of Reprimand up to and including removal from Federal service.

U. S. Department of Homeland Security
Transportation Security Administration
5767 Century Boulevard, Suite 300
Los Angeles, California 90045



Transportation
Security
Administration

MEMORANDUM

FROM: BDA TSM (b)(6)
TO: DAFSD Christine Pope
DATE: April 17, 2014
SUBJECT: SOP Violation (b)(6)

On April 16, 2014 at approximately 1230 hrs, I received a phone call from AFSD Brian Bondoc to report to T1 Management office. AFSD Bondoc was conducting an investigation (b)(3) 49 U.S.C. (b)(3) 49 U.S.C. § 114(f) he asked me to watch CCTV with him when he asked me what are the BDO's supposed to be doing? He was observing CCTV from earlier that morning for a period of 15 minutes from 0513-0529 hrs. BDO (b)(6) and LBDO (b)(6) were observed standing distracting TSO that was supposed to be conducting continues random ETD duties during MI2. The queue was sometimes slow with passengers but both BDOs were not engaged as required by SPOT SOP. The only interaction with passengers was when passengers interrupted their conversation and appeared to ask for directions to the proper queue. It was clear from viewing the video that both BDOs were not paying attention to their SPOT duties or following the proper procedures or protocol for conducting SPOT during MI2 operation. During the 15 minutes of the video the queuing for MI2 operations were being conducted a significant number of passengers who did not receive SPOT screening by the BDOs. Both (b)(6) and (b)(6) were completely disengaged and negligent in the carrying out of their duties as behavior detection officers. Their conduct was not only negligent but a violation of the SPOT SOP as neither of them were performing BDO duties as described SPOT Process overview, Visually assessing individuals for SPOT behavior cues and appearance factors as required by SPOT protocol.

(b)(6)

BDA, TSM
Los Angeles International Airport



Transportation
Security
Administration

MEMO TO FILE

DATE: 04/17/2014

Control #

FROM: (b)(6)

TO: Whom it may concern

SUBJECT: BDO Spot duties

On the morning of 04/16/2014 our BDO team had been conducting MI2 for approximately 30 minutes. While I was positioned at the ETD station, as per the MI2 BDO SOP, I entered into a conversation with the TSO who was conducting ETD of the hands. I take my position as a BDO with TSA very seriously and on November 1st I was shaken up by the death of Officer Hernandez. I was briefed that morning on an incident that occurred earlier that week about a Terminal's response to an active shooter. Most of what transpired during the incident that occurred just 2 days before was cleared up. Despite the fact that there was not an actual active shooter incident, I felt anxiety and uneasiness with how the incident took place. I was on my regular days off and upon finding out about this new incident I was both nervous and intrigued to hear, first hand, about what happened. The standard queue emptied out almost every passenger and this is where an explanation began with the TSO at the ETD position. He began telling me his fears and response to what happened the day of the incident (two days prior). Immediately, as one can imagine, I had questions about the different responses that occurred that day. I began explaining the multiple evacuation routes that we, BDOs, have been training on for months. I was told about certain actions that a TSO took with the individual and how there in fact was a good overall response to the incident, despite that particular TSO's actions. I felt both relieved and at ease once I understood how the situation developed in its entirety. I do understand that at some point, I immediately should have brought the duties of the TSO, or lack thereof, to his attention as well as recognized that there were in fact a few passengers who were not being observed correctly. I do take responsibilities for my actions and understand the important role that BDOs play in (b)(3) 49 U.S.C. § 114(a). I apologized for not conducting my duties to their fullest extent and understand that I am looked at by others with a higher degree of expectation. I assure you that these actions were a onetime occasion and will not happen again. I plan to be more visibly active in establishing SPOT protocol. I will raise the bar in my position as a BDO and have learned to be proactive in recognizing any vulnerability while performing my duties as a Behavior Detection Officer.

(b)(6)

Behavior Detection Program
Los Angeles International Airport

U.S. Department of Homeland Security
Los Angeles International Airport
130 World Way T-1 Door 332
Los Angeles, California 90045



Transportation
Security
Administration

MEMO TO FILE

DATE: 04/17/2014

Control #

FROM: SPOT Duties

TO: Whom it May Concern

SUBJECT: SPOT

On the morning of Wednesday April 16, 2014 I was scheduled to work at terminal one. It was brought to my attention around 5:45 by an STSO that (b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r)

I was conducting SPOT observation at the cue area as MI2 was being conducted by the terminal one checkpoint officers. As the queue line diminished the randomizer officer stepped away from the randomizer to take a breather and I approached the MI2 ETD area to confer with the BDO officer. As I approached they were engaged in the details of the "T-1 Active Shooter" incident that had taken place at over the weekend. Since I was present at terminal three when the November 1st incident had taken place I was intrigued and listened in. As being a participant in the 11/1/13 incident I have learned the best way to heal from a situation is to allow people to talk about it. The officer was explaining the incident and how they evacuated the building. The BDO was explaining the best way to evacuate the building according to the evacuation plan and if another situation had taken place his best course of action to lead everyone to safety.

Respectfully,

(b)(6)

Behavior Detection Program
Los Angeles International Airport

www.tsa.gov

TSA 15-00014 - 008499