



Transportation
Security
Administration

Memorandum of Record

To:

From: Matthew McCalligett

Pre-Decisional Discussion with ETSO

(b)(6)

This Memorandum of Record serves to document that on 1-13-2014, I met with ETSO (b)(6) to have a pre-decisional discussion pursuant to TSA Management Directive (MD) 1100.75-3, "Addressing Performance and Conduct Problems and Handbook thereto, paragraph B of the Handbook.

Prior to our meeting, I did the following:

Initials

(b)(6)

Item or Action

1. Assessed the incident/allegation/matter;
2. Engaged in relevant fact finding to the extent necessary to make an informed decision (obtain related evidence, witness statements etc...)
3. Reviewed all relevant evidence to ensure that the action meets the preponderant evidence standard of proof.

meeting, I did the following:

Item or Action

1. Advised the employee that the main purpose of the meeting was to engage in an interest-based discussion with the goal of allowing the employee an opportunity to provide input on any potential interest-based resolutions to the situation. Further advised that this was the employee's opportunity to convince me that taking formal disciplinary action would not be necessary to resolve the matter.
2. Advised the employee that a purpose of the meeting was to provide him/her with an opportunity to respond either orally and/or in writing to the allegations, prior to the action being proposed and/or decided (if considering a one-step action).
3. Advised the employee of the following allegations:

Allegation(s):

1. Failure to follow Work Rules/Procedures
2. Failure to follow Work Rules/Procedures
3. Failure to follow Work Rules/Procedures
4. Failure to follow Work Rules/Procedures

Specification(s):

1. On 1-6-2014 at 1700 you were observed positioned the Checkpoint. while in this position 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 August, 2011. You did not correctly identify behaviors that you based your referral on.
2. On 1-6-2014 at 1700 you were observed positioned the Checkpoint while in this position you failed to perform your duties as required by the Screening of Passengers by Observation Technique (SPOT) Standard Operating Procedures (SOP). You asked the MTSOs positioned at the checkpoint "is he Drunk or Retarded" Consistent with training, a BDO must maintain a professional demeanor and must not use offensive language or conduct. Retarded is defined as an Offensive word.
3. On 1-6-2014 at 1700 you were observed positioned the Checkpoint while in this position you failed to perform your duties as required by the Screening of Passengers by Observation Technique (SPOT) Standard Operating Procedures (SOP). During your SPOT Referral the RIAC LEOs intervened). *is it to complete the Referral*
4. On 1-6-2014 at 1700 you were observed positioned the Checkpoint while in this position you failed to perform your duties as required by the Screening of Passengers by Observation Technique (SPOT) Standard Operating Procedures (SOP). You referred an individual displaying SPOT behaviors to another BDO at a screening location, You did not effectively articulate the description of the individual, the points assessed, and any behaviors observed.

4. Advised the employee that the possible consequences for the above allegations include formal disciplinary action, up to and including the potential of being removed from Federal Service.

The employee did ☐ / did not ☒ (check one) provide written input (copy attached if provided). The employee provided oral input that I am summarizing as follows:

In response to Allegation 1. ETSO (b)(6) stated that he misinterpreted two of the behaviors and that he thought that the third was repetitive.

In response to Allegation 2. ETSO (b)(6) stated that he didn't mean to be offensive when he said the word Retard. He also stated that he was referring to the medical condition.

In response to Allegation 3. *ETSO* You do not recall when you informed TSM Elaine Carr that the passenger was being escorted off of the Checkpoint but you think that you did at some point.

In response to Allegation 4. ETSO (b)(6) stated that he does not remember any conversations that he had with the Officers nor did he remember why he wouldn't have communicated with them.

I note the following concerning the employee's demeanor and response during the pre-decisional discussion meeting:

1. The employee did ☒ / did not ☐ (check one) accept responsibility for his/her actions.
2. The employee did ☒ / did not ☐ (check one) indicate a willingness to change his/her conduct and/or performance.
3. The employee did ☒ / did not ☐ (check one) offer potential interest-based resolutions for me to consider.

Additional Notes:

ETSO (b)(6) informed STSM Matthew McCalligett that he would like to request to step down as an ETSO to an MTSO. He later forwarded me the following email: "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 ETSO (b)(6) that stepping down would not resolve all of the issues at hand. He stated that he would like to stay in the BDO program and work with Management and enter a Smart agreement to correct the issues. STSM (b)(6) informed ETSO (b)(6) that by staying in the BDO program it would put him at a higher risk to have repeated issue of the same type which may result in progressive discipline. ETSO (b)(6) stated that he understood and would like to remain a BDO.

After meeting with the employee, I fully considered the input provided in determining whether adverse, disciplinary, and/or corrective action was the appropriate action to take, or an interest-based resolution would instead be effective in correcting the deficiency and resolving the matter.

Official's Name

Matthew McCalligett

Date

1-13-19

Copy: Locally maintained Employee BR File

Worksheet created on 6/12/13

Employee Statement

