

U.S. Department of Homeland Security
Reno/Tahoe International Airport
1755 E. Plumb Ln, Ste 241
Reno, NV 89502



Transportation
Security
Administration

Date: June 4, 2013
To: (b)(6)
Expert Transportation Security Officer
From: Keith Jamerson
SPOT Transportation Security Manager
Subject: Notice of 3 Day Suspension
Ref: (b)(6)

This is notice that I have decided to suspend you from duty, without pay, for 3 calendar days on the following dates: June 9, 2013 through June 11, 2013. You are to return to duty on June 12, 2013 at 0400 hours. This decision is made to promote the efficiency of the service and is based on the following:

Charge: Failure to Follow Standard Operating Procedures (SOP)

Specification: On May 27, 2013, you failed to notify a manager or the coordination center when you discovered a container containing a firearm in the public area of the airport.

Prior to taking this action, I held a pre-decisional discussion with you regarding the Charge stated above. Following the discussion, you provided a written statement in which you admitted that you did not call the TSA Reno Coordination Center following your discovery of a container in a trash can that you believed contained a firearm. In addition, you did not call me, the TSM for the Screening Passengers by Observation Technique (SPOT) program. Both of these notifications were required. For the foregoing reasons, I find the Charge and its Specification proven.

Your misconduct, as set forth in the above specification, violated TSA Management Directive No. 1100.73-5, *Employee Responsibilities and Conduct*, Section 5.A.(7), which provides that employees are responsible for observing and abiding by all laws, rules, regulations, and other authoritative policies and guidance, written and unwritten. The authoritative policy you violated is the SPOT SOP, Section 3.8.B.

With regard to an appropriate penalty, I considered the seriousness of your misconduct, the clarity with which you were on notice of the policy you violated, your work and disciplinary history, any mitigating circumstances, and the effect of your conduct on my confidence in you.

ability to perform your assigned duties. I also considered the guidance outlined in the TSA Table of Offenses and Penalties.

I consider your misconduct to be a very serious matter. Proper reporting to the TRCC and your chain of command is essential to allow management to give an effective and coordinated response to security incidents such as the discovery of a firearm in the public area. You are a seasoned FBDO, and I expect you to follow these basic notification procedures.

As potential mitigating factors, I considered your work history length of service and your record of performance. You have been employed with TSA since 2002. Your most recent PASS rating was a level 4, which is acceptable. In December 2012, you received a letter of reprimand for failure to follow leave procedures and tardiness.

The recommended penalty range in the TSA Table of Offenses and Penalties for violation of SOP is a 5-day suspension to removal (see section M.1). Based on your length of service and absence of previous discipline for violating the SOP, I am applying the mitigated penalty range, which calls for a letter of reprimand to a 4-day suspension. In light of your previous receipt of a letter of reprimand, I have decided to issue a 3-day suspension in this case. I believe this is the minimum penalty necessary to impress upon you the seriousness of your misconduct.

I have attached the material relied on to support this action.

If you choose to grieve this action under the grievance procedures in TSA Handbook to HCM 771-4, your grievance must be submitted in writing to the National Resolution Center (NRC) within 15 calendar days of your receipt of this letter. The written grievance can be filed by email at resolutioncenter@tsa.dhs.gov, or by facsimile at (703) 603-4057, using TSA Form 1115-1, Grievance - Mediation Request. The Designated Grievance Official (DGO) is FSD Friend Walker, 1755 E. Plumb Lane, Suite 241, Reno, NV 89502. Telephone number is 775-334-7715.

If you are interested in participating in mediation of this action, you can initiate the mediation process by calling the NRC 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 acknowledgement of receipt below. Your signature does not indicate agreement with this action; it only represents receipt of this notice on the date signed.


STSM Keith Jamerson

4-JUNE-13

Acknowledgment of Receipt:

(b)(6)



Date

4 June 2013

Attachments:

EBDO (b)(6) Statement (May 28, 2013)

Summary of Pre-Decisional Discussion (May 28, 2013)

HMC 771-4 Resolution Process

TSA Form 1115-I

Pre-Decision Statement

28 May 2013

27 May 2013 Incident Report details

On 28 May 2013 I was at a Pre-Decision meeting with TSM Brenda McGranahan, STSM Keith Jamerson and HR Lea Johnson. I was asked to provide a statement concerning all issues raised during the post-interview following the incident.

STSM Jamerson asked that I include my statements concerning how I did not follow procedures.

My statement:

On 27 May 2013 at around 0630 Hours as BDOs (b)(6) and I were headed to the Curb, LTSO (b)(6) (b)(6) approached me at the United ticket counter area and stated "I think I messed up." That a passenger he had dealt with earlier (around 0530 Hours) may have discarded a firearm in the trash. (b)(6) could not clear that firearm declaration because the firearm was not properly packed: it was packed in a tea tin and taped. (b)(6) stated that he advised the passenger (b)(6) - who was traveling with a minor) to call someone to retrieve the firearm. The passenger stated that he may just throw it away and left with the tin containing the firearm.

Once (b)(6) said that to me, I began to search the trash cans with BDO (b)(6). I feared anyone gaining access to a discarded firearm and discovered it in the trash can in front of the United Airlines ticket counter. *(1) I asked (b)(6) to get with American Airlines and TRCC to get the passengers' full name to give to the LEOs knowing he would relay what was going on. *(2) I reached into the trash can, removed the tin and determined that, by weight, it may be the tin containing the firearm. *(3) I called the LEO stationed at the checkpoint and LEO (b)(6)(b)(7)(C) arrived and took possession of the firearm. LEO (b)(6)(b)(7)(C) also arrived and went to gate C-10 to meet (b)(6) and they rectified the situation. The weapon and the passenger cleared the checks made by them and are storing the firearm should (b)(6) want to retrieve it.

TSM McGranahan later got with LTSO (b)(6) and did a take-away with him. Let him know that Horizon sells hard cases. And, if he thought that the passenger would (really) try to abandon a firearm, to call a LEO and notify SUPS.

I completed an IR, submitted it to TRCC, and copied STSM Jamerson.

On May 28 2013 I was asked to write a statement concerning the take-away (b)(6) and (b)(6) had with me. That there were steps missed and to write a statement as to why pending a final decision. The asterisked items above are the main issues.

1. I did not call TRCC directly. For this I believed (b)(6) would follow-up notification since TRCC called for the declaration in the first place.
2. I made contact with a prohibited item by removing it from the trash bin. I believed in securing the firearm first and foremost. In uniform or not, I would do the same to prevent anyone the luxury of obtaining a free firearm.
3. I called a LEO at the checkpoint instead of AIRCOM. I believed that following the call to TRCC by (b)(6) it would be more expeditious to call a LEO that was nearby.

Respectfully

(b)(6)

EBDO RNO

Summary of Pre-Decision Discussion with Employee

On May 28, 2012 STSM Keith Jamerson, Human Resource Specialist Lee Johnson and TSM Brenda Mcgranahan met with EBDO (b)(6) --- to conduct a Pre-Decision Discussion.

I advised the employee of the following allegation during the pre-discussion meeting and that consequences could come about from the following allegation. The employee was then given the opportunity to present their recount of the event orally and in writing after the conclusion of the pre-decision meeting.

Allegation- Violating the following:

Failure to follow Policies, procedures, protocols, regulations or rules.
TSA MD 1100.73-5 Section 5.A (7)

Specification:

On May 27, 2012 you failed to call the Communication Center (TRCC) to inform them of a suspicious item abandoned in a trash container located near the United Airlines ticket counter. You removed the suspicious item from the trash container instead of waiting for a LEO to arrive and remove the suspicious item.

I provided the employee an opportunity to respond orally and the employee was given the opportunity to provide a statement in writing after the conclusion of the pre-disciplinary meeting. The employee provided an oral response. The verbal recount was as follows:

EBDO (b)(6) stated that his actions were "from the heart" and acknowledged he did not follow the SOP. EBDO (b)(6) further stated he did not want a passenger or airport Janitorial worker to have access to the suspicious item.

EBDO (b)(6) provided a written statement 5/28/12. See Attached.

This concludes the end of the pre-decision discussion.

STSM Keith Jamerson

Page 111 of 227

Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act