



Transportation Security Administration

Department of Homeland Security
4540 Duckhorn Drive, Suite 200
Sacramento, CA 95834

Date: October 11, 2012

To: (b)(5)
Expert Behavior Detection Officer (EBDO)
Sacramento International Airport (SMF)

From: Ginger Beebe
SPOT Transportation Security Manager
Sacramento International Airport (SMF)

Subject: Letter of Counseling

Ref: Case Number: (b)(5)
Airport Case Number: (b)(5)

The purpose of this memorandum is to officially counsel you for **neglecting and allowing yourself to be distracted from performing your EBDO duties**. Specifically, on Friday, August 31, 2012 while performing Screening Passengers by Observation Technique (SPOT) duties at Central B Checkpoint, a passenger with a security pass but no identification was being assisted by Lead Transportation Security Officer (LTSO) (b)(5) LTSO (b)(5) directed the passenger to wait off to the side beyond the Travel Document Checker (TDC) podium and proceeded to the rear of the checkpoint. You briefly engaged the passenger who told you that she had left her purse at one of the boarding gates. She told you her purse contained her identification which she needed to access the sterile area. Instead of turning the matter over to Sacramento County (b)(5)(b)(7)(C) who as a Law Enforcement Officer (LEO) at SMF would be responsible for lost and found property, and who was present at the rear of the checkpoint, you told your partner "10-10, I will be back in a few, fall back". The radio code "10-10" is defined as "office break (restroom)". However, you did not use the restroom, but instead proceeded to Gate 15 - leaving your partner alone at the checkpoint for reasons other than urgent or emergency circumstances - where you took possession of the passenger's purse from the Southwest Airlines Gate agent. You then returned to the checkpoint with the purse and handed it over to (b)(5)(b)(7)(C). The passenger did not meet the BDO threshold for further screening, and you ceased performing your SPOT duties to retrieve her purse - which was out of the scope of your duties and responsibilities as an EBDO.

TSA Management Directive (MD) No 1100.73-5, Employee Conduct and Responsibilities, states that TSA employees are responsible for observing and abiding by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten. Furthermore, this MD also states that an employee's conduct at work directly affects the proper and effective accomplishment of their official duties and responsibilities.

I find that your actions as described above are in violation of this Agency policy.

On Saturday, September 1, 2012 I met with you to discuss the incident. You stated during this meeting that the checkpoint was busy, that LEOs at the back of the checkpoint were busy, and that you went to the gate yourself. You acknowledged that you left your partner alone at the checkpoint. You further stated that you informed the gate agent that the passenger with the missing purse was at the checkpoint and the gate agent handed you the purse. You stated that you informed the gate agent that you could not take the purse, but the gate agent was busy and you returned to the checkpoint with the purse. During this conversation, I asked you what our process is when a passenger presents themselves to the TDC with a boarding pass, but no identification (ID), and you acknowledged that our process is to call for an LTSSO to respond to assist the passenger.

On September 6, 2012, I held a Pre-Decisional Discussion (PDD) with you regarding allegations of misconduct. You stated that you would respond in writing. A summary of your reply is as follows:

You stated that your partner was performing SPOT duties, that you informed him "10-10" and told him you would be back in a few and instructed him to fall back. You admitted that you made a hasty decision to get back to the checkpoint that you did take the purse, and that you had doubts about doing so, thinking you could resolve the situation quickly and efficiently by helping the checkpoint and the passenger at the same time. You did not intend to leave your partner alone as stated, where as in other situations "10-10", a BDO partner breaks away for a few minutes in any given BDO team.

While in your reply to your PDD you claim that you did not intend to leave your partner alone, as soon as you told him "10-10", you did leave him alone, but not to go to the restroom. You were instrumental in the development of a standard set of radio codes for our team and received recognition through our awards program for selecting the codes for us to use. It is therefore disturbing to me that you state "10-10" is used to break away for a few minutes at any given time, yet in your development and training of our codes, you define "10-10" specifically as a bathroom break. Leaving your partner to use the restroom is considered an urgent circumstance. I believe that you informed your partner you were going "10-10" with the expectation that he would assume that you were leaving the checkpoint and your SPOT duties to use the restroom.

You have acknowledged and admitted to having doubts as to whether taking possession of the passenger's purse was appropriate, yet you fail to acknowledge and accept responsibility for being distracted from performing your SPOT duties while inappropriately inserting yourself in a situation that was already being handled by the screening checkpoint personnel and Law Enforcement Officers. Your tendency to abandon your SPOT duties to provide customer service has been previously addressed. During your Performance Evaluation Checklist on August 9, 2012, you were observed by SPOT Transportation Security Managers (TSMs) Ernest Cooper and Ginger Beebe leaving the front of the checkpoint while performing SPOT functions. In that incident, you escorted a passenger over to the ticket kiosks located near the trams and assisted that passenger with the kiosk machine. You were verbally counseled afterwards, and instructed to limit such customer service interactions that are out of the scope of your EBDO duties. You were further instructed that providing customer service cannot take away from your SPOT duties and away from your partner.

You are assigned team lead responsibilities to support management, including identifying, distributing and balancing workload and tasks among BDO employees. As an EBDO, you are also responsible for making adjustments to accomplish workload in accordance with established

priorities. We have repeatedly stated that having a BDO presence at the screening checkpoint, especially at the Central B Checkpoint, is our main priority. I am particularly concerned that your actions demonstrate that you continue to provide customer service that is out-of-scope of your EBDO role, while subordinating your SPOT duties - despite our repeated instructions to you to the contrary. Your engagement in this kind of decision making to deviate from your primary mission, gives me cause to question your judgment ability, and goes against the ETSO-BDO Core Competencies of Decisiveness as described in the *Job Analysis Tool (JAT)* for your position. Your behavior sets a negative role-model example for our MBDOs and your fellow EBDOs.

Your failure to place priority and focus on your SPOT duties disrupts the screening team's ability to provide effective airport security, shows a disregard for agency policies and procedures, and causes me to doubt your reliability and commitment to ensuring the safety of the traveling public. Reliability, attention to duty, domain awareness, honesty, integrity, respect and support for TSA policies and procedures, and a commitment to public safety and security, are all qualities that are fundamental to the BDO position. The traveling public and the agency must be able to fully and completely trust and rely upon you as a guardian of their safety. Your failure to remain focused on your SPOT duties and responsibilities causes me to question whether you can be trusted and relied-upon to support and comply with them -- with or without close supervision. This, in turn, causes me to be concerned about your ability to fulfill the duties and responsibilities of your EBDO position.

In your written statement you stated that when Supervisory Transportation Supervisor (STSO) (b)(5) advised you of the potential liability issues surrounding your act of taking possession and retrieval of the passenger's purse, you assured him it would never happen again and you thanked him for his guidance on the matter.

In addition, it is hopeful that this *Letter of Counseling* further reinforces the following expectations for you as an EBDO:

- Abide by SPOT procedures and serve as a SPOT subject matter expert to other BDOs.
- Identify, distribute and balance workload and tasks among BDO employees. This includes appropriating adequate time for you to complete your reporting tasks during your shift.
- Make adjustments to accomplish workload in accordance with established priorities. Those established priorities include having BDO teams working effectively and working where the passenger throughput is.
- Provide customer service at an appropriate level for your position. It should not pull you away from performing your SPOT duties for an extended period of time.
- Communicate effectively with your partner and your team. Effective communication includes providing all relevant information, not just informing your partner that you will be right back. A continuous learning environment of open communication for the BDOs to supply one another with on scene modification and/or corrections is one of the reasons our program requires us to work with a partner. In order to effectively do that, your partner needs to have information to work with.
- Effectively make decisions on your own when serving as Acting STSM. This includes providing relevant information to your peers and to the STSMs for incidents that occur outside of your normal scope of duties.

Any future incidents of this nature may result in the imposition of formal discipline, up to and including removal from Federal service. Now that I have advised you regarding these issues, I am hopeful that you will improve in these areas and comply with established policies, procedures and expectations regarding your conduct. If you need further clarification regarding this letter, please let me know.

This *Letter of Counseling* is not a formal disciplinary action and may not be grieved through agency grievance procedures. It will not be placed in your *Official Personnel File*. However, I will retain a copy of this letter indefinitely in the event it is necessary to demonstrate that you have been placed on notice regarding this type of behavior.

If you need assistance in dealing with any personal matters, the *Employee Assistance Program (EAP)* is available to provide confidential counseling and/or assistance. EAP 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

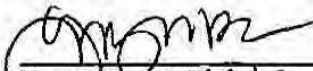
(b)(5)


Expert Behavior Detection Officer

10/17/12

Date

Delivery Information



Name: Givver Exeche
Job Title: STSM

10/17/12

Date

Witness Information

STSM 

Name:
Job Title:

10/18/12

Date