

SENSITIVE SECURITY INFORMATION

U.S. Department of Homeland Security
33 Airport Center Drive, Ste 101
Stewart International Airport
New Windsor, NY 12553



Transportation
Security
Administration

Date: March 22, 2014

To: Ms. (b)(6), Transportation Security Officer, SWF

From: Mr. Anthony Duarte, Transportation Security Manager, SWF

Subject: Letter of Reprimand

Ref: Case File Number: (b)(6)

The purpose of this memorandum is to officially reprimand you for violating TSA Management Directive (MD) 1100.73-5: *Employee Responsibilities and Code of Conduct*; and TSA Screening of Passengers by Observation Techniques (SPOT) Standard Operating Procedure (SOP), Section 2.5, BDO Duties, based on four separate incidents of improperly recording your activities. You recorded in your BDO notebook and on the BDO Daily Tracking Sheet you had performed SPOT duties at the boarding gates when in fact you had not remained at the gates.

The events occurred on 12/3/2013; 12/4/2013; 12/6/2013 and 12/10/2013. On each of these days you were assigned to perform SPOT duties as a certified Behavior Detection Officer. The SPOT SOP section 2.5, Paragraph I states in part, (b)(3) 49 U.S.C. § 114(f)

(b)(3) 49 U.S.C. § 114(f)

By failing to document your activities in compliance with the SPOT SOP, your actions violated TSA MD 1100.73-5: *Employee Responsibilities and Code of Conduct*, Section 5.A that states in part, "TSA employees are responsible for behaving in a way that does not bring discredit upon the Federal government or TSA and for observing the following on the job rules: (7) Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance."

As an employee of the Transportation Security Administration you are expected to meet high standards of conduct and performance. You are required to demonstrate through your actions, compliance with all applicable security procedures and policies. Failure to do so compromises our overall security posture, as well as sends the message to other screening personnel that management condones such misconduct. As a TSO you serve in a critical security position which

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demands the highest standards of integrity and professionalism in the execution of your duties. Your recent actions reflect your failure to meet those standards.

In determining the appropriate penalty I considered your length of service with TSA (BOD: October 20, 2002), your promotion to MTSO (BDO) in December of 2008, and your otherwise satisfactory performance record with no prior discipline.

I also took into account that when you were questioned about these specific dates by management you were truthful in your responses and acknowledged that you had not remained at the gates for the duration of time recorded in your notebook. You fully understood the seriousness of this transgression and requested to self-demote to TSO pending the completion of management's review. You stated in a February 8, 2014 email: *"Recently I viewed video footage of myself conducting SPOT Operations. According to CCTV my activity did not match entries that were made on various documents. I was informed there were more discrepancies that needed reviewing. I would like to take this opportunity to apologize for any mistakes I may have made. I also apologize as none of my mistakes were intentional. I was not careful with my written documentation and am heart fully sorry."* Your request to self-demote was granted, and on March 9, 2014 you reverted to the position of a Transportation Security Officer.

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 termination of your TSA employment.

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.

You may grieve this action under the TSA Unitary Dispute Resolution System.

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 using TSA form 1115, Grievance Request. A copy of HCM 771-4 Grievance Procedures is attached. The Designated grievance Official (DGO) is Kevin Hoban, Assistant Federal Security Director-Regulatory, 737 Albany Shaker Road, Albany N.Y. 12211. You may contact AFSD Hoban at 518-452-(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.

You have the right to be represented by an individual of your choice in preparing and presenting any reply.

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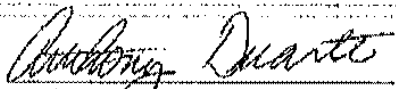
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The Employee Assistance Program (EAP) is available to you to provide counseling and/or assistance and may be contacted at 1-800-222-0364. The EAP is a confidential resource designed to help employees address a wide range of personal or family issues.

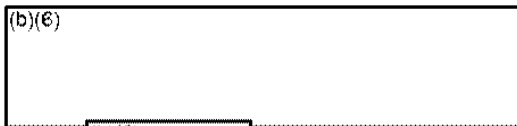
Please be advised that any future incidents of this nature may result in disciplinary action, up to and including removal, from the Federal service. Now that you are on notice of these issues I expect improvement in these areas.

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.


Anthony Duarte, TSM, SWF

3/22/2014
Date:

Acknowledgement of Receipt:

(b)(6)

(b)(6) TSO, SWF

22 March 2014
Date:

Delivery Information:

Hand Delivered by:

Date:

Witness

Date

Attachments:

1. HCM 771-4: National Resolution Center & Handbook

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(b)(6)