

~~SENSITIVE SECURITY INFORMATION~~

DEPARTMENT OF HOMELAND SECURITY
DALLAS LOVE FIELD



Transportation
Security
Administration

May 12, 2014

To:

(b)(6)

Master Transportation Security Officer - BDO

From:

William Rigden

Deputy Assistant Federal Security Director - Screening

Subject:

Notice of Five (5) Day Suspension

Reference:

(b)(6)

You are hereby notified that I am suspending you from duty without pay for five (5) days from May 17, 2014, through May 21, 2014, from your position of Master Transportation Security Officer - BDO, SV-1802-F. You are to return to work on May 22, 2014, at 0430 hours. This decision is made to promote the efficiency of the service and is based on the following:

Charge 1: Inattention to Duty

Specification 1: On November 16, 2013, you were assigned to perform Screening Passengers by Observation Techniques (SPOT) duties on the general side of the checkpoint. Video evidence shows that you stood by Pre-check Ticket Document Checker (TDC) TSO (b)(6) from 3:19 p.m. to 3:35 p.m. You were engaged in a conversation with TSO (b)(6) for most of this time and your back was frequently turned to the passengers that you were supposed to be observing.

Specification 2: On November 16, 2013, you were assigned to perform SPOT duties on the general side of the checkpoint. Video evidence shows that you stood by Pre-check TDC TSO (b)(6) from 3:37 p.m. to 3:46 p.m. You were engaged in a conversation with TSO (b)(6) for most of this time, and your back was frequently turned to the passengers that you were supposed to be observing.

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Specification 3: On November 16, 2013, you were assigned to perform SPOT duties on the general side of the checkpoint. Video evidence shows that you stood by Pre-check TDC TSO (b)(6) from 3:50 p.m. to 3:59 p.m. You were engaged in a conversation with TSO (b)(6) for most of this time, and your back was frequently turned to the passengers that you were supposed to be observing.

Specification 4: On November 16, 2013, you were assigned to perform SPOT duties. Video evidence shows you standing on the main checkpoint holding conversations with various officers who were on duty and assigned to screening positions. You were engaged in this behavior from 4:03 p.m. to 4:19 pm. However, according to the daily summary that you submitted for November 16, 2013, you stated that you performed Training from 4:00 p.m. to 4:45 p.m.

Charge 2: Failure to Follow Standard Operating Procedures (SOP)

Specification: On November 16, 2013, you were assigned to the Managed Inclusion (MI) line. Video evidence shows that from 6:31 a.m. through 6:45 a.m. you were in the Pre-check queue line and frequently remained in a stationary position. There were times when your back was turned to passengers, and you were speaking to the TDC officer. You did not walk the MI line as required by the SOP.

On March 12, 2014, you were issued a written Notice of Proposed Five (5) Day Suspension from Transportation Security Manager (TSM) LaTisa Kirk, based on the above Charges and Specifications. The written notice also advised you of your right to make an oral and/or written reply. On March 19, 2014, you submitted a request for an extension to present your oral reply. I approved your request and we met on March 24, 2014, where you provided an oral response.

I have reviewed and considered the Notice of Proposed Five (5) Day Suspension and all evidence of record including your oral reply.

In your reply to Charge 1 Specifications 1 - 3, you stated that the passenger loads were light, and there were two additional Expert Behavioral Detection Officers (EBDOs) assigned to the T2 Passenger Checkpoint. You said that you did not want to "bunch up," so you went to the TDC position where TSO (b)(6) was stationed. Since you had not met TSO (b)(6) you said that you introduced yourself. You also added that when passengers approached the TDC, you paused from your conversation to allow TSO (b)(6) to conduct her duties. In reference to not being in the proper position to observe passengers using SPOT, you mentioned several times, that there were no lines (referring to passengers in the queue), and that passenger traffic was slow. You also claimed

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to be observing the passengers walking past your position for behaviors. Ultimately, you took responsibility for your actions by stating that you should have rotated with other BDOs, that you were not in the proper position, and that your actions were not intentional. However, the fact remains that for the period of time stated in Specifications 1-3, your back was frequently turned to the passengers that you were supposed to be observing.

In your reply to Charge 1 Specification 4, you stated that the passenger loads were light, and there were two additional EBDOs assigned to the T2 Passenger Checkpoint. You admitted that it was your scheduled training time but said that you were waiting for EBDO (b)(6) to return from break so you could return to conducting SPOT with your partner. You also admitted that you were speaking to STSO (b)(6) and other TSOs about your medical condition. Additionally, you stated that while working shifts other than your normal shift, it is common for BDOs not to be where they were assigned and it was not fair to be singled out by EBDO (b)(6). I find your explanation to this specification to be without merit since, by your own admission, you were not performing work-related duties or participating in training as you reported in your daily summary. Instead, you were engaged in non-professional discussions with other officers while they were occupying active screening positions.

In your reply to Charge 2, you stated that you never had a problem walking the line, and the way you engaged the passengers was the way the "night" shift conducted SPOT and you wanted to be "seamless." When I asked you if you walked the line during this time frame, you responded that you were never taught to engage the passengers and that it was not specified what side of the queue line a BDO was supposed to walk on. I find this reason for not conducting proper SPOT procedures to be without merit, since you received BDO Refresher training at DFW airport as recently as August 8, 2013. During this training, you received specific instructions on engaging passengers, walking the line, and (b)(3); 49 U.S.C. § 114(r). In addition, video evidence showed that you walked the MI line in accordance with the SOP from 6:27 a.m. to 6:30 a.m. This indicates that you were well aware of the proper procedures to follow when MI is running.

You also stated were not informed on the proper procedures, mentioning that TSA Pre-check was a new process, and local TSA was still working out the bugs. I find this argument without merit because you have been a MBDO since April 14, 2009, and have conducted SPOT procedures at multiple locations throughout the airport. TSA Pre-check and MI2 do not change the way you engage a passenger or walk the line. The mission of the Transportation Security Administration is to protect the Nation's transportation systems to ensure freedom of movement for people and commerce. By not being in position and remaining vigilant during your assigned shift, you did not support TSA's mission.

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Lastly, during your oral reply, you stated that you felt this action was in retaliation for bringing a concern to TSM (b)(6). I find this to be without merit because TSM (b)(6) was investigating an initial complaint you made about EBDO (b)(6) when he uncovered your misconduct addressed in this action. TSM (b)(6) has a responsibility to address inconsistencies with policies and procedures and employee misconduct.

Your actions are a violation of TSA MD 1100.73-5. Section 6.B. of that MD states that employees' conduct at work directly affects the proper and effective accomplishment of their official duties and responsibilities. Employees must perform their duties in a professional and business-like manner throughout the workday. Employees in direct contact with the public bear a heavy responsibility, as their conduct and appearance have a significant impact on the public's attitude toward the Federal government and TSA. Section 5.A. (7) of the MD states, "TSA employees are responsible for observing and abiding by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten."

Your actions also violate section 1.5.H. Process Overview of the MI2 SOP

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

In determining the appropriateness of the penalty, I have considered a number of factors. I have considered first and foremost, the nature and seriousness of the misconduct and its relationship to your duties. As a MBDO, you are responsible for adhering to all policies and procedures. Most of your responsibilities require you to work with little or no supervision. After viewing the video evidence, I find that you were inattentive and negligent in performing your duties. You lost focus of the mission and failed to perform the SPOT duties to which you were assigned. Your behavior has eroded my confidence in your ability to carry out the wide range of responsibilities required of your position and to perform your duties with integrity. Additionally, I considered that you completed SPOT Basic training on April 14, 2009, and Advanced Behavior Detection Training for BDOs on August 15, 2009. You also completed Screening by Observation Techniques Refresher training on August 10, 2013, and completed MI2 training October 13, 2013. On November 20, 2013, you signed acknowledgment of reading TSA MD 1100.73-5, its accompanying Handbook, and the Standards of Ethical Conduct for Employees of the Executive Branch. I find that you were well aware of screening procedures and what is expected of you as a TSA employee. Lastly, I considered that on July 17, 2013, you were issued a Letter of Counseling for sleeping during meetings.

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As mitigating factors, I considered that you have been with TSA for over eleven (11) years and that you received an Achieves Expectations rating for Fiscal Year 2013 under TSA's current Transportation Officer Performance System (TOPS). I also considered that you took responsibility for your actions and apologized. However, I find these factors do not outweigh the seriousness of your misconduct.

The penalty is consistent with the agency guidelines listed in the Table of Offenses and Penalties for Appropriate Discipline for Common Offenses. The recommended penalty for Inattention to Duty (H.5.) is an LOR to 10-day suspension. The recommended penalty range for Failure to Follow Standard Operating Procedures (M.1.) is a 5-day suspension to removal. I chose a penalty at the lower end of the recommended range due to your years of service and previously satisfactory performance.

Therefore, it is my decision that the reason for this action is supported by a preponderance of evidence and a Five (5) Day Suspension from duty without pay is the appropriate level of discipline and promotes the efficiency of the service.

You are cautioned that any repetition of this offense or any other act of misconduct could result in more severe disciplinary action, up to and including removal from Federal Service.

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 National Resolution Center is attached. The Designated Grievance Official (DGO) is Sean Edwards, Supervisory Transportation Security Inspector, and he can be reached at (b)(6) or (469)221-(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.

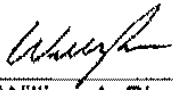
The Employee Assistance Program (EAP) is available to you to provide counseling services and/or assistance and may be contacted at 1-800-222-0364. The EAP is a confidential resource designed to help employees address a wide range of personal or family issues.

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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.



William A. Rigden
Deputy Assistant Federal Security Director

5/12/14

Date

Acknowledgement of Receipt:

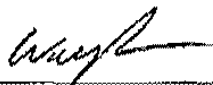
(b)(6)


Master Transportation Security Officer - BDO

5-12-14

Date

Delivery Information:



Hand Delivered By (Name/Signature)

5/12/14

Date

Attachments:

1. HCM 771-4 National Resolution Center
2. Form 1115-1 Grievance – Mediation Request

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**Transportation
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May 12, 2014

To:

(b)(6)

Master Transportation Security Officer - BDO

From:

William Rigden

Deputy Assistant Federal Security Director - Screening

Subject:

Notice of Five (5) Day Suspension

Reference:

14-3113

You are hereby notified that I am suspending you from duty without pay for five (5) days from May 17, 2014, through May 21, 2014, from your position of Master Transportation Security Officer - BDO, SV-1802-F. You are to return to work on May 22, 2014, at 0430 hours. This decision is made to promote the efficiency of the service and is based on the following:

Charge 1: Inattention to Duty

Specification 1: On November 16, 2013, you were assigned to perform Screening Passengers by Observation Techniques (SPOT) duties on the general side of the checkpoint. Video evidence shows that you stood by Pre-check Ticket Document Checker (TDC) TSO (b)(6) from 3:19 p.m. to 3:35 p.m. You were engaged in a conversation with TSO (b)(6) for most of this time and your back was frequently turned to the passengers that you were supposed to be observing.

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Specification: On November 16, 2013, you were assigned to the Managed Inclusion (MI) line. Video evidence shows that from 6:31 a.m. through 6:45 a.m. you were in the Pre-check queue line and frequently remained in a stationary position. There were times when your back was turned to passengers, and you were speaking to the TDC officer. You did not walk the MI line as required by the SOP.

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I have reviewed and considered the Notice of Proposed Five (5) Day Suspension and all evidence of record including your oral reply.

In your reply to Charge 1 Specifications 1 - 3, you stated that the passenger loads were light, and there were two additional Expert Behavioral Detection Officers (EBDOs) assigned to the T2 Passenger Checkpoint. You said that you did not want to "bunch up," so you went to the TDC position where TSO (b)(6) was stationed. Since you had not met TSO (b)(6) you said that you introduced yourself. You also added that when passengers approached the TDC, you paused from your conversation to allow TSO (b)(6) to conduct her duties. In reference to not being in the proper position to observe passengers using SPOT, you mentioned several times, that there were no lines (referring to passengers in the queue), and that passenger traffic was slow. You also claimed

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Your actions also violate section 1.5.H., Process Overview, of the MI2 SOP.

(b)(3) 49 U.S.C. § 114(r)

In determining the appropriateness of the penalty, I have considered a number of factors. I have considered first and foremost, the nature and seriousness of the misconduct and its relationship to your duties. As a MBDO, you are responsible for adhering to all policies and procedures. Most of your responsibilities require you to work with little or no supervision. After viewing the video evidence, I find that you were inattentive and negligent in performing your duties. You lost focus of the mission and failed to perform the SPOT duties to which you were assigned. Your behavior has eroded my confidence in your ability to carry out the wide range of responsibilities required of your position and to perform your duties with integrity. Additionally, I considered that you completed SPOT Basic training on April 14, 2009, and Advanced Behavior Detection Training for BDOs on August 15, 2009. You also completed Screening by Observation Techniques Refresher training on August 10, 2013, and completed MI2 training October 13, 2013. On November 20, 2013, you signed acknowledgment of reading TSA MD 1100.73-5, its accompanying Handbook, and the Standards of Ethical Conduct for Employees of the Executive Branch. I find that you were well aware of screening procedures and what is expected of you as a TSA employee. Lastly, I considered that on July 17, 2013, you were issued a Letter of Counseling for sleeping during meetings.

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You are cautioned that any repetition of this offense or any other act of misconduct could result in more severe disciplinary action, up to and including removal from Federal Service.

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 National Resolution Center is attached. The Designated Grievance Official (DGO) is Sean Edwards, Supervisory Transportation Security Inspector, and he can be reached at (b)(6) or (469)221-(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.

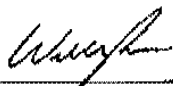
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William A. Rigden
Deputy Assistant Federal Security Director

5/12/14

Date

Acknowledgement of Receipt:

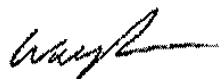
(b)(6)


Master Transportation Security Officer - BDO

5-12-14

Date

Delivery Information:



Hand Delivered By (Name/Signature)

5/12/14

Date

Attachments:

1. HCM 771-4 National Resolution Center
2. Form 1115-1 Grievance – Mediation Request

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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) 5/21/2014		2. Request Number (b)(6)
3. For Additional Information Call (Name and Telephone Number) (b)(6)		4. Proposed Effective Date 05/17/2014
5. Action Requested By (Typed Name, Title, Signature, and Request Date) Cindy Miles 05/29/2014		6. Action Authorized by (Typed Name, Title, Signature, and Concurrence Date) (b)(6) 05/29/2014

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 05/17/2014
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FIRST ACTION				SECOND ACTION			
5-A. Code 450	5-B. Nature of Action Suspension NTE (Date)	5-C. Code	5-D. Legal Authority	6-A. Code	6-B. Nature of Action	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	5-G. Code	5-H. Legal Authority	6-E. Code	6-F. Legal Authority	6-G. Code	6-H. Legal Authority

7. FROM: Position Title and Number MST TRANSPORT SECURITY OFFICER (BDO) 030870 90350816												16. TO: Position Title and Number											
12. Total Salary \$55,937.00												20. Total Salary/Award \$55,937.00											
12A. Basic Pay \$46,355.00												20A. Basic Pay \$46,355.00											
12B. Locality Adj. \$9,582.00												20B. Locality Adj. \$9,582.00											
12C. Adj. Basic Pay \$55,937.00												20C. Adj. Basic Pay \$55,937.00											
12D. Other Pay												20D. Other Pay											
14. Name and Location of Position's Organization SECURITY OPERATIONS CENTRAL AREA DAL - DALLAS LOVE FIELD												22. Name and Location of Position's Organization											
TA5905203805000000																							

23. Veterans Preference 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%												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 E - Exempt N - Nonexempt				36. Appropriation Code PACSCR				37. Bargaining Unit Status																							
38. Duty Station Code 481730113												39. Duty Station (City - County - State or Overseas Location) DALLAS - DALLAS - TX																															
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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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

5 day suspension

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 8506 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 8506 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)

PART F - Remarks for SF 50