

U.S. Department of Homeland Security
Portland International Jetport (PWM)
Portland ME 04102



Transportation
Security
Administration

Date: May 28, 2014

To: (b)(6)

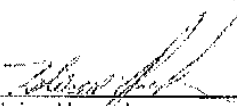
Expert Transportation Security Office – Behavioral Detection Officer
Portland International Jetport

From: Blaine Horrocks
Administrative Officer
Portland International Jetport

Subject: Notice of Decision

Reference: National Resolution Center Grievance Notification - PWM 2809

On May 22, 2014 at the request of Portland International Jetport (PWM) management, the National Resolution Center cancelled a grievance mediation pending a PWM management internal review of subject case. As the Designated Grievance Official (DGO) in this matter, upon completion of the internal review of this case, I have made the determination to grant your grievance. Therefore, the Letter of Reprimand issued on February 28, 2014 will be rescinded.


Blaine Horrocks

5/28/2014
Date

Acknowledgement of Receipt

(b)(6)

5/28/14
Date

cc: National Resolution Center

U.S. Department of Homeland Security
Portland International Jetport
Portland, ME 04102



Transportation
Security
Administration

Date: February 28, 2014
To: (b)(6)
Expert Behavioral Detection Officer
Portland Jetport
From: Mariano Millis
Transportation Security Manager
Portland Jetport
Subject: Letter of Reprimand
Reference: ER Case Number (b)(6)

The purpose of this letter is to reprimand you for submitting an inaccurate Time and Attendance record. Specifically, on 5/16/2013 you submitted a Time and Attendance record with the following discrepancies:

On 5/17/2013 you were scheduled to return home (Portland, Maine) from Philadelphia. You arrived at the airport at 0700 for a 0955 flight. You claimed 2 hours and 55 minutes even though this time was not compensable under travel regulations.

On 5/17/2013 you had a 3.5 hour layover in Washington DC. You claimed the entire 3.5 hours even though this time was not compensable under travel regulations.

On 5/17/2013 you had a 3.5 hour layover in Newark New Jersey. You claimed the entire 3.5 hours even though this time was not compensable under travel regulations.

Your actions violate Section D.4.(c). of the TSA Handbook to MD 1100.55-8, which states:

"Extended (i.e., greater than the usual one to two hour waiting time) waiting time, prior to and/or between actual periods of travel during which an employee is free to rest, sleep, or otherwise use the time for his or her own purposes, is not creditable as time in a travel status.

NOTE: Extended delays resulting from, but not limited to, weather conditions, mechanical problems, or airline staffing are not considered usual waiting time and must be deducted from time in a travel status. Extended delays are not compensable in the form of OT pay, CT in lieu of OT pay or CT off for travel."

HQ TSA Behavior Detection and Analysis Department has validated that all members of the National Training Team are provided with travel guidance and instructions to review related

policy. Additionally, TSM Rick Caldwell reminded you on the day of travel (5/17/2013) of proper time and attendance reporting in regards to airport delays and layovers.

I considered the circumstances surrounding your travel day and the rules for claiming overtime during travel. I have reviewed all of the relevant evidence and statements. I find the evidence supports the reasons and specifications as stated above.

In determining the appropriateness of the penalty, I have considered a number of factors including the seriousness of the offense and the relationship with your position. First and foremost, I considered the statement given by SPOT Transportation Security Manager (TSM) (b)(6) that he cautioned that the time should be accurately recorded for pay purposes. It is imperative that any and all time sheets are filled out correctly to ensure you are only paid for time where compensation is due. Additionally, when an error is brought to your attention, I expect you to make every effort to rectify the situation. You must submit a corrected Time and Attendance report for pay period 09 of 2013.

I have considered mitigating factors such as your length of time with TSA; you have been employed by TSA since August of 2002, and your length of time in your current position, October of 2006 and your otherwise satisfactory performance record. I also noted as a mitigating factor the fact that there were no other known incidences related to accurate Time and Attendance reporting that you have been involved. However, I find that the nature and seriousness of your actions outweighs the mitigating factors and warrants imposing this letter of reprimand.

This penalty falls within the range of penalties in the TSA's Table of Offenses and Penalties.

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 removal from federal service.

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 Unified 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 (NCR) 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 Blaine Horrocks, AO. He can be reached at 207-541-(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.

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.


Mariano Mills

2/28/14
Date

Acknowledgement of Receipt

(b)(6)

Paula Baker

(b)(6)

2/28/14
Date

Attachment(s):
HCM 771-4, Grievance Procedures

(b)(6)