

U.S. Department of Homeland Security
St Ann, MO



Transportation
Security
Administration

Date: October 23, 2012

To: (b)(6)
Master Transportation Security Officer (MTSO)
Behavior Detection Officer (BDO)
Lambert – St. Louis International Airport

From: Brian S Meadows
SPOT Transportation Security Manager (STSM)
Lambert – St. Louis International Airport

Subject: Notice of Three (3) Day Suspension

Ref: (b)(6)

This is notice that I have decided to suspend you from employment at the Transportation Security Administration (TSA) for three (3) calendar days on the following dates: Wednesday October 24, 2012 through Friday October 26, 2012. You are to return to duty on Saturday October 27, 2012 at 0400 hours. This decision is made to promote the efficiency of the service and is based on the following:

Charge 1: Failure to Follow Standard Operating Procedures (SOP)

Specification 1: While performing your duties as a Behavior Detection officer (BDO) on Wednesday, August 8, 2012, at "C" security checkpoint, you were not walking the queue line in accordance with the Standard Operating Procedure (SOP).

Specification 2: While performing your duties as a BDO on Monday, August 13, 2012, at "A" security checkpoint, you were not walking the queue line in accordance with the SOP.

Specification 3: While performing your duties as a Behavior Detection officer on Tuesday, August 21, 2012, at Terminal 2 security checkpoint, you were not walking the queue line in accordance with the SOP.

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Specification 4: While performing your duties as a BDO on Monday, September 3, 2012, at "A" security checkpoint, you were not walking the queue line in accordance with the SOP.

Specification 5: While performing your duties as a Behavior Detection officer BDO on Tuesday, September 18, 2012, at Terminal 2 security checkpoint, you were not walking the queue line in accordance with the SOP.

Specification 6: While performing your duties as a BDO on Thursday, September 20, 2012, at "A" security checkpoint, you were not walking the queue line in accordance with the SOP.

Specification 7: While performing your duties as a BDO on Monday, September 24, 2012, at "A" security checkpoint, you were not walking the line in accordance with the SOP.

Your actions are in violation of Transportation Security Administration (TSA) Screening of Passengers by Observation Technique (SPOT) SOP, Revision 2, implemented April 11, 2011, Section 3.2 *Preparation and Positioning* and Section 3.6 *Walk the Line* (WTL). Section 3.2.D.1 states

(b)(3) 49 U.S.C. § 114(n)

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On Friday August 24, 2012, STSM Alisia Tipler reported that during a briefing on August 15, 2012, you were asked if you knew of the SOP requirement to walk the line and if did, why you hadn't complied. Your response was "I do sometimes".

On Tuesday September 4, 2012, I met with you to discuss my concerns. During this conversation, you acknowledged you did not like or agree with the concept, feeling that you were entering people's personal space and the practice 'just created behaviors'. You also stated that if this was what we wanted you to do, you would comply. During the meeting, we established a reasonable definition of "frequently", agreeing when there was a (b)(3) 49 U.S.C. § 114(n) you would walk the line (b)(3) 49 U.S.C. § 114(n). Since our meeting and despite our discussion/agreement, you have repeatedly failed to comply with the SOP.

On September 24, 2012, I met with you to conduct a pre-disciplinary discussion; I expressed concern that you were still not meeting expectations. You disagreed stating that you have done exactly what we have asked since the September 4th meeting and if I were told otherwise, people were lying. I have had numerous reports, from multiple

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sources that you routinely fail to comply with the SOP requirement. Although you have had ample opportunity to correct your behavior, you have refused to do so.

In determining the appropriateness of the penalty, I have considered a number of factors. When employees fail to comply with Standard Operating Procedures, it potentially brings discredit to the federal government and the TSA.

Walking the Line is an essential part of a BDO job function. BDO's are expected to work with a partner, to frequently and throughout the shift, walk the line. You have stated that you do not agree with the practice and therefore, have apparently decided you will not comply with the requirement. Your feelings and deliberate inactions have made it difficult for your management team to grow the culture in your group regarding this principle. While you have been employed for ten years with this agency, this is not the first time your actions have been called into question. In a Letter of reprimand dated November 23, 2011, you were counseled for failing to exercise courtesy and tact, as well as displaying conduct unbecoming of an Officer in regards to an incident with a passenger.

All BDOs are expected to adhere to the SOP. The policies and procedures have been put in place to maintain the safety of the officers as well as the integrity of the program. When employees fail to follow these procedures, especially when their actions are deliberate, it increases the risk of security related incident and it can be adversely affect our ability to provide efficient and effective security.

After careful review of all of the above and consideration of the guidance outlined in the TSA Table of Penalties, I find a three (3) day suspension is consistent with actions taken in similar incidents and is the appropriate penalty.

It is hoped that this suspension 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 suspension may be cited as evidence of prior disciplinary action, should future discipline be warranted.

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

You have the right to review the material relied on to support the suspension. This material will be made available for review to you and/or your designated representative by contacting (b)(5) at 314-709-(b)(5) to arrange a mutually convenient time.

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You may grieve this suspension under either the TSA Grievance procedures or Peer Review procedures but not both.

If you elect to grieve this matter under the grievance procedures in TSA Management Directive (MD) 1100.77-2, *Grievance Procedures*, your grievance must be submitted in writing to me within fifteen (15) calendar days of receipt of this letter. A copy of MD 1100.77-2, *Grievance Procedures* may be found on the TSA Intranet.

If you elect Peer Review under the procedures in the HCM 771-3 and attached Handbook. Your request for Peer Review must be filed within fifteen (15) calendar days of receipt of this letter. Your request must be in writing and must include a copy of this letter. You may submit your request via facsimile to 571 227-2591. If you would like to file your request electronically or by mail, please contact the Peer Review Support Office at 571-227-5065 for additional filing information. A copy of the HCM 771-3 and Handbook may also be found on the TSA Intranet.

If you need assistance in dealing with any personal matters, the Employee Assistance Program (EAP) is available to provide confidential counseling services. EAP and can be reached by calling 1-800-222-0364.

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.



Brian S Meadows
Transportation Security Manager

10/23/12
Date

Acknowledgement of Receipt

(b)(6)



MTSO - Master Transportation Security Officer

10-23-12
Date

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Acknowledgement of Receipt

Delivery Information:

(b)(6)

Hand Delivered By

Date

10/23/12

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Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act