



Transportation
Security
Administration

Date: October 30, 2012

To: (b)(6)
Expert Behavior Detection Officer (EBDO)
Albuquerque International Sunport

From: Margarita Westphal
Assistant Federal Security Director - Screening
Albuquerque International Sunport

Subject: Notice of Decision on Proposed Fourteen (14) Day Suspension

Ref: (b)(6)

This is notice I have decided to suspend you from duty without pay for fourteen (14) calendar days on the following dates: November 4, 2012 through November 17, 2012. You are to return to duty on November 19, 2012, at 0400. 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: On July 24, 2012, you were assigned the duties of the SPOT-Certified Designee Point of Contact (SPOT-POC). One of the duties of the SPOT-POC is to complete all BDO paperwork to include completing Playbook submissions forms by entering the information into the PMIS database. You failed to complete the required Playbook submissions for the morning shift on July 24, 2012.

Charge 2: Inappropriate Conduct

Specification: On September 24, 2012, at approximately 7:45 a.m., you were observed sitting down and smoking a cigarette in the Albuquerque International Sunport parking garage. This was not during your designated lunchtime or break time. You were assigned to perform Playbook from 7:00 a.m. to 8:00 a.m. Your inappropriate conduct resulted in an additional layer of security not being performed by you.

On October 16, 2012, you received a written Notice of Proposed Fourteen (14) Day Suspension from Deborah Gonzales, SPOT Transportation Security Manager (STSM),

based on the charges and specifications above. This written notice advised you of your right to make an oral and/or written reply. On October 22, 2012, you submitted your written reply.

I reviewed and considered the Notice of Proposed Suspension and all evidence of record, including your written response. In your reply, you stated there were mitigating factors involved in both issues. You listed the mitigating factors as a personality conflict between you and one of your peers, computer issues, and your health issues.

I reject your claim that it was not your responsibility to complete the paperwork, and when you noticed it was not completed, you did complete it. As the POC, it is your responsibility to ensure the paperwork is completed. Furthermore, you are required by TSA policy to exercise courtesy and tact with your peers and not allow a personality conflict to get in the way of you performing your duties. Regarding your health issues, you are reminded that you are responsible to report to work able to perform the duties of your position and physically capable of performing your job requirements.

In determining the appropriateness of the penalty, I have considered a number of factors. All TSA employees are expected to comply with all TSA directives, policies and procedures. Your failure to follow instructions, policy and procedures is inexcusable. I have considered you are an EBDO who maintains a security clearance and are relied upon to provide an additional layer of security which is vital to TSA Security Operations. You have been designated the SPOT-POC on numerous occasions and are well aware of the requirements. As a BDO, you are required to be in constant contact with the traveling public either by having discussions with them or observing their behavior. Any deviation, creates vulnerability in security. Moreover, this behavior is not in keeping with the professional standards expected of members of TSA. I have also considered your past employment record which includes a Letter of Reprimand you received on June 17, 2012 for failing to follow SOP and submit the required reports after the shift.

Therefore, it is my decision that the reason for this action is supported by a preponderance of evidence and a Fourteen (14) 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.

You may seek review of 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* is attached.

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* are attached.

If you would like to explore the possibility of engaging in mediation with management, you should contact the *Peer Review Support Office* at 571-227-5065 within fifteen (15) calendar days of receipt of this letter.

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.

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.

M. Westphal
Margarita Westphal

10.30.12
Date

Attachments (initial each indicating receipt):

- TSA MD 1100.77-2, Grievance Procedures ML
- HCM 771-3 and Handbook, Peer Review ML
- Penalty Factors Worksheet ML

Acknowledgement of Receipt:

(b)(6)

10-30-12
Date

Delivery Information:

M. Westphal
Hand Delivered By
Margarita Westphal

10.30.12
Date

-or-

Mailed By

Date