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U.S. Department of Homeland Security
Alcoa, TN 37701



Transportation
Security
Administration

Date: September 20, 2012
To: (b)(6)
Master TSO Behavior Detection Officer (MTSQ BDO)
Chattanooga Metropolitan Airport (CHA)
From: Mark Moser
SPOT Transportation Security Manager (STSM)
East TN Region (ETR)
Subject: Letter of Reprimand
Ref: (b)(6)

The purpose of this memorandum is to officially reprimand you for Failure to Follow Direction given in your Leave Restriction and in order to promote the efficiency of the Federal service.

On September 13, 2011 I issued you a Letter Counseling putting you on notice of your excessive use of unscheduled leave attendance issues.

On April 17, 2012 I issued you a Leave Restriction Letter for 6 months (180 days).

You failed to follow the Leave Restriction Letter in the following instances:

- You called out sick on 09/12/2012 @ 0344 and did not contact the supervisor (STSO) on duty in CHA and did not contact your manager (STSM) Mark Moser as required in your leave restriction letter.
- You did not call in 60 minutes prior to the beginning of your shift. You called in at 0344 and your shift begins at 0430, only 46 minutes before your shift begins per local policy.
- You failed to provide medical documentation from a licensed medical practitioner upon your return to duty as required per your Leave Restriction Letter.

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Your actions as described above are in direct violation of TSA Management Directive No. 1100.73-5, *Employee Responsibilities and Conduct*, which requires TSA employees:

5. RESPONSIBILITIES:

A. TSA employees are responsible to behave in a way that does not bring discredit upon the Federal Government or TSA including the responsibility to observe the following basic on-the-job rules:

- (1) Report for work on time and fit for duty (i.e., free from any effects of alcohol and/or drugs that may impair job performance or conduct; physically fit as needed by job requirements; in appropriate clothing and/or outfitted with required tools or equipment and in a mentally alert condition to perform the duties of his/her position).

Additionally, your actions violated:

ETR Local Attendance and Leave Guidance TYS-LP-2011-01

Unscheduled and Emergency Leave

Page 5: Requests for unscheduled leave must be made by contacting the East Tennessee region Coordination Center at (865) 474-6102 a minimum of 60 minutes prior to the start of the employee's scheduled shift.

Finally, your actions violated:

TSA Handbook MD 1100.63-1 Absence and Leave

4. ROLES AND RESPONSIBILITIES:

C. Employees are responsible for following established leave procedures and policies; managing their leave; and minimizing requests for unscheduled leave.

Under MD 1100.63-1, Section 11. Excessive Use of Unscheduled Sick Leave, my responsibilities are as follows:

- (a) Supervisors or other authorized management officials are responsible for monitoring unscheduled use of sick leave. Excessive use of unscheduled leave should be addressed immediately.
- (b) Excessive use of unscheduled sick leave could serve as the basis for requiring an employee to substantiate all absences with administratively acceptable documentation.
- (c) An employee suspected of abusing sick leave privileges through the use of excessive unscheduled sick leave may be placed on leave restriction.

I met with you on September 17, 2012 in a Pro-Discipline Decision Discussion (PDD) meeting to discuss the failure to Follow your Leave Restriction Letter described above and gave you the opportunity to respond to the allegations orally and/or in writing.

In your written statement you provided to me on September 18, 2012 by email you concurred that you violated your leave restriction whether intentionally or inadvertently by stating, I apologize for breaking our agreement of leave restriction. Furthermore, you stated that you were unable to find a copy of the leave restriction that you were given due to recently moving. You stated you were unaware of the guidelines to call your manager and the checkpoint supervisor. You also stated you were doing so well but let your manager, your team and yourself down.

While I appreciate the fact that you are taking ownership and responsibility for your actions, that does not change the fact that you failed to follow three sections of the leave restriction

I have considered all the evidence of record, including your response. I find the evidence supports the charges and specifications as stated above.

In determining the appropriateness of the penalty, I have considered a number of factors. I considered that we have spoken regularly on a monthly basis and for the past five months you have shown improvement on your attendance. The first letter of guidance I provided to you on September 13, 2011 seemed to have a positive effect on your attendance. You called out on October 23, 2011 and sent me an email stating your plans to improve your leave attendance. In January 2012 you had two unscheduled leave days. I provided you with a copy of the local Attendance and Leave policy when we met on February 9, 2012. After two more unscheduled absences, I issued you a Letter of Leave Restriction on April 17, 2012.

I also considered mitigating factors such as you have been employed with TSA since August 28, 2002. You were hired as a TSO and promoted to BDO in July 2008. You have consistently met standards in the TSA PASS performance rating system. Specifically, you had a PASS rating of exceeds standards in 2011.

After considering the aggravating and mitigating factors, I find that the nature and seriousness of the misconduct and the fact that you have been on clear notice of management's concerns about similar prior incidents, far outweigh the mitigating factors and warrants this Letter of Reprimand.

I have attached the material relied on to support this proposed Reprimand. This material will only be released to you and/or your designated representative.

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.

This Letter of Reprimand will be placed in your Official Personnel Folder (OPF) for up to a two-year period, during which it may be cited as a prior formal disciplinary action in any future disciplinary matter. As your supervisor I may choose to have this action removed sooner at my discretion.

You may seek review of this Letter of Reprimand under either the TSA Grievance procedures or Peer Review procedures but not both. You also have the option of accepting this decision without further review.

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You may grieve this Letter of Reprimand under the grievance procedures in TSA Management Directive (MD) 1100.77-2, *Grievance Procedures*. If you choose to file a grievance, it must be filed 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 Handbook and Peer Review Request are attached.

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.

Attachments:

1. Letter of Counseling for excessive unscheduled leave September 13, 2011
2. Email form (b)(6) October 23, 2012
3. Letter of Leave Restriction April 17, 2012
4. Unscheduled Leave Form September 12, 2012
5. Your response statement from the Pre-Discipline Discussion dated September 18, 2012
6. Disapproved OPM-71 dated September 18, 2012 noting AWOL
7. ETR Local Attendance and Leave Guidance TYS-LP-2011-01
8. TSA MD 1100.77-2 Grievance Procedures
9. TSA Form 1115 Grievance Request
10. Peer Review HCM 771-3 Peer Review and Handbook
11. TSA Form 1177-2A Peer Review Request

Acknowledgement of Receipt:

(b)(6)

Date

9-20-12

Master TSO Behavior Detection Officer (CHA)

Delivery Information:

Hand Delivered By

Mark Moser

SPOT Transportation Security Manager (ETR)

Witness

Rick Hoppes

Transportation Security Manager (CHA)

Date

Date

09/20/2012

9/20/2012