

Klusacek, Michael

Subject: FW: SWF Storyline - Y2Kids March 18

From: Klusacek, Michael
Sent: Wednesday, March 19, 2014 6:35 AM
To: (b)(6)
Cc: Johansson, Brian
Subject: RE: SWF Storyline - Y2Kids March 18

(b)(6)

You are the BDO Manager at SWF and your chain-of-command is first line AFSD-G and second line FSD. Neither the FSD nor I authorized or approved you to attend this event on 3/18/2014 on behalf of TSA.

Please prepare a detailed statement, in memorandum format, regarding your actions on March 18, 2014. You are to address the following specific items.

- 1) Why you were absent from your assigned duties / position without authorization by competent authority on 3/18/2014.
- 2) How you provided supervisory oversight of the SWF-BDO program on 3/18/2014 during the time period of 09:00 through 14:30 hours.
- 3) How you performed BDO duties at the airport on 3/18/2014 and worked with BDO (b)(6) on 3/18/2014.
- 4) How you complied with your EPMP Competency # 3 -- Decision Making in determining you could be absent from the airport and the BDO operations on 3/18/2014
- 5) How you complied with your EPMP Competency # 4 -- Problem Solving -- providing sufficient BDO coverage at the airport on 3/18/2014 during the hours of checkpoint screening.
- 6) How you complied with your EPMP Competency # 5 -- Communications in requesting authorization from competent authority to attend the BOCES event on 3/18/2014 and communicating with your supervisor regarding the planned event prior to 3/18/2014 and after you received the reminder notification on Tuesday January 14, 2014 .
- 7) How you complied with your EPMP Performance Goal # 1 -- Security Effectiveness & Awareness when you failed to perform the required duties as the BDO Manager on 3/18/2014.
- 8) How you complied with your EPMP Performance Goal # 3 -- Internal Controls and Accountability.

Please provide the required memorandum / statement response by COB Friday March 21, 2014.

Thank you.

Michael Klusacek
AFSD
TSA Albany
518-452 (b)(6)

From: (b)(6)
Sent: Tuesday, March 18, 2014 3:13 PM
To: Klusacek, Michael
Subject: FW: SWF Storyline - Y2Kids March 18

I don't know if I have any email that gives me authorization to go. This is a yearly thing and it's right her on the airport grounds. Here's one of the emails.

Klusacek, Michael

Subject: FW: SWF Storyline - Y2Kids March 18
Attachments: Statement for March 18.doc; first emails.pdf; Y2Kids emails.pdf; Full room.jpg

From: (b)(6)
Sent: Thursday, March 20, 2014 4:28 PM
To: Klusacek, Michael
Cc: Johansson, Brian
Subject: RE: SWF Storyline - Y2Kids March 18

(X) Here is my statement regarding March 18, 2014

From: Klusacek, Michael
Sent: Wednesday, March 19, 2014 6:35 AM
To: (b)(6)
Cc: Johansson, Brian
Subject: RE: SWF Storyline - Y2Kids March 18

(b)(6)

You are the BDO Manager at SWF and your chain-of-command is first line AFSD-G and second line FSD. Neither the FSD nor I authorized or approved you to attend this event on 3/18/2014 on behalf of TSA.

Please prepare a detailed statement, in memorandum format, regarding your actions on March 18, 2014. You are to address the following specific items.

- 1) Why you were absent from your assigned duties / position without authorization by competent authority on 3/18/2014.
- 2) How you provided supervisory oversight of the SWF-BDO program on 3/18/2014 during the time period of 09:00 through 14:30 hours.
- 3) How you performed BDO duties at the airport on 3/18/2014 and worked with BDO (b)(6) on 3/18/2014.
- 4) How you complied with your EPMP Competency # 3 – Decision Making in determining you could be absent from the airport and the BDO operations on 3/18/2014
- 5) How you complied with your EPMP Competency # 4 – Problem Solving – providing sufficient BDO coverage at the airport on 3/18/2014 during the hours of checkpoint screening.
- 6) How you complied with your EPMP Competency # 5 – Communications in requesting authorization from competent authority to attend the BOCES event on 3/18/2014 and communicating with your supervisor regarding the planned event prior to 3/18/2014 and after you received the reminder notification on Tuesday January 14, 2014 .
- 7) How you complied with your EPMP Performance Goal # 1 – Security Effectiveness & Awareness when you failed to perform the required duties as the BDO Manager on 3/18/2014.
- 8) How you complied with your EPMP Performance Goal # 3 – Internal Controls and Accountability.

Please provide the required memorandum / statement response by COB Friday March 21, 2014.

Thank you.

Michael Klusacek
AFSD
TSA Albany

Statement for March 18, 2014

1. Why you were absent from your assigned duties / position without authorization by competent authority on 3/18/2014. When I first heard they were having the 2014 event in March I mentioned it to you on one of your trips to Stewart. You told me to get with Ray to see if he had anything to hand out. I remember this because Jack joked that as long as he didn't have to go and we all kinda chuckled. I was definitely remiss in not reminding you about it as the day came closer. I spoke with Jack and Tony about it quite a few times in the last few weeks. I am so used to Ray CC you and Brian on most of his emails I didn't realize that you weren't on them until your email on the 18th. I was very surprised when you answered my email that I was going to be at the job fair with "what job fair" I wish I would have called you now or that you had called me instead of me just sending an email. I certainly didn't have to go or even wanted to go. I had been dreading it for months. Last year I was so cold and hungry the whole time that I was not looking forward to it this year I understood it to be one of my Collateral Duties.
2. How you provided supervisory oversight of the SWF-BDO program on 3/18/2014 during the time period of 09:00 through 14:30 hours. I met with (b)(6) in the morning as always and she knew exactly where I would be and that I would have my BlackBerry on me at all times. I hate to bring this up, but she even came over for a while under my instructions. I was going by what we had done the year before when I was allowed to have volunteers come over with me. She asked if she could stay after her shift and put her OT in there. I was pretty sure you wouldn't approve that so I said no that it could only be at the terminal. So she was there from about 1100 to 1215. Now that I know this wasn't approved I would like to hide that fact, but I'm certainly not going to lie and it was the perfect environment for us to be involved in and I would have liked to actually gotten out in the crowd and discussed behaviors. It wasn't just kids there and I was very aware that this would be a good target for terrorists. *NOT APPROVED STATEMENT*
3. How you performed BDO duties at the airport on 3/18/2014 and worked with BDO (b)(6) on 3/18/2014. I met with (b)(6) in the morning and made sure that she knew where I would be and how to get hold of me. Also Jack and all the STSO's knew. They also knew I was being joined by Lonnie and Mike the Canine Handlers so if for some reason they couldn't reach me they could call them. (b)(6) also came over and gave me a break.
4. How you complied with your EPMP Competency # 3 – Decision Making In determining you could be absent from the airport and the BDO operations on 3/18/2014. I made my decision knowing that we had discussed the event even though it was months before and in hindsight I definitely should have brought it up again. I knew the other TSM was aware of where I was at and how to get hold of me along with all the STSO's and of course my BDO (b)(6) When I am in my office I am 1 mile away from the terminal and when I was at the event I was only .4 miles away from the terminal. I could respond very quickly if need be.
5. How you complied with your EPMP Competency # 4 – Problem Solving – providing sufficient BDO coverage at the airport on 3/18/2014 during the hours of checkpoint screening. , I realize that we are short on BDO's and I try and be at the terminal as much as possible. With all the changes with staff I definitely should have made sure you were aware of the event. The SOP only directs that I need to be doing the actual BDO duties for 8 hours a pay period plus another 8 working and mentoring the BDO's.

6. How you complied with your EPMP Competency # 5 – Communications in requesting authorization from competent authority to attend the BOCES event on 3/18/2014 and communicating with your supervisor regarding the planned event prior to 3/18/2014 and after you received the reminder notification on Tuesday January 14, 2014. I have to say I really dropped the ball on this. If I had just taken the time to look at who was in the CC address for those many emails back and forth from Ray this whole ugly mess could have been avoided. I guess my only reprieve is that I had so much communication between ALB Administrative Officer Ray I assumed that everyone at the airport knew. I am not trying to pass the buck to him; this is definitely all on me. It certainly wasn't his job to make sure you knew.
7. How you complied with your EPMP Performance Goal # 1 – Security Effectiveness & Awareness when you failed to perform the required duties as the BDO Manager on 3/18/2014. I don't believe I failed to perform my required duties. I worked at the terminal for almost 2 hours in the morning, I was back at my office before 1400 and stayed after my 1530 shift in my office to catch up on work for almost an hour. As stated before the senior TSM, BDO, and all STSO's knew where I was and knew about the event for some time. I was closer to the terminal then when I'm in my office. I learned last year that this is very hard work; it's a large group and I have to explain over and over how TSA is such a good agency to work for. Since the kids are younger than most job fairs I tell them a lot of times young people who are going to college can find a schedule where they can work 20 hours and still go to college. I had discussed it with Jack many times hoping he could send a few uniformed TSO's over.
8. How you complied with your EPMP Performance Goal # 3 – Internal Controls and Accountability. I made sure that the other TSM on duty knew where I was and also spoke with him on the phone which I had on me at all times. I had forgotten to bring one of the props that had been sent down from ALB so I had to call Jack and see if he could bring it down to me. He sent (b)(6) down with it. I checked my emails frequently and checked to make sure I didn't miss any calls from you. I would have come right back if you had told me to. Lonnie and Mike took the tablecloth and sign back to ALB with them when they left so there wasn't anything that I couldn't have just dropped and run at any time and been right back to the terminal or my office.

I sincerely apologize for not communicating better with you and also with the FSD.

I am attaching a few emails and a photo.

Klusacek, Michael

From: (b)(6)
Sent: Friday, March 28, 2014 6:04 PM
To: Klusacek, Michael; Johansson, Brian
Subject: Please read

Importance: High

At the beginning of March I took a 3 day weekend for my daughter's birthday. When I returned on the fourth I had an email from Jack letting me know that BDO (b)(6) hadn't been filling out her daily summary sheets when she worked as a BDO after her TSO NH training. I spoke with (b)(6) and told her she needed to go back and fix it. She explained that she didn't think she had to on overtime. I didn't believe this for a minute, but told her that she did and she needed to go back and fill them in. I spoke with her again the next day and she hadn't done it yet. Told her she had to do it. I gave her some time during her break from New Hire training to work on it. She told me she couldn't remember everything. I said fine do the best you can do. I knew she wasn't going to be my problem soon enough.

Last week you sent an email asking about her schedule precisely whether she worked the 5th 6th and 7th. I dbl checked the schedule and told you she hadn't. Going back over the daily summary and talking to Tony I see that she put in the daily summary that she was at the checkpoint when she didn't work that day. Obviously that's why she couldn't remember what she did and didn't have any notes, she didn't work as a BDO that afternoon and was nervous because I was so upset with her that she messed up. (b)(6) was off that day so I never even looked for a daily summary sheet for that day. Talking with Tony it sounds like you think I have gone in and falsified documents? Is this true? If so why haven't you talked to me about it? You're my SPOT Coordinator and my mentor. I really believe that we should sit down one on one and talk about this. I would like to come up to ALB next week in the morning and discuss this. I am supposed to meet with my SPOT Coordinator every week. Last year I never even spoke to the SPOT Coordinator, he never even called me on the phone to say hi and introduce himself. You told me last year when you signed (b)(6) TOP's end of the year summary that you would be my new SPOT Coordinator. We still haven't had a chance to actually have a meeting. The only time was when you had Jack, Tony, and myself go over the investigation. I know you are busy, but I am hearing that everything I am doing is wrong. I feel as my mentor you could help me out here. These are the duties I have been

carrying since I've come to Stewart;

Safety Officer

Property Control Officer

Collateral Duty IT Information

Computer Refresh and New ETD's

Key Inventory and Management

KRONOS Timekeeping

Facility Inspections

Exit interviews returning badges parking passes etc..

MCOP's (77 last year)

Plus training everyone here on MCOP's

Helping others with Fed Traveler

Fleet Management car inspections and Maint

Sunflower and Chase Credit Cards

Walver for unclaimed property

Unclaimed Property storage

Combined Federal Campaign

Hazmat - Safe Harbors

Badges have been doing audits for Metal, PIV, SIDA

Making TSO schedules and Flight Schedules

PIV learning the new Light Workstation Software

MCM Housekeeping
TOPS
MCOP Audits for Ray's Timekeeping
Training my BDO's
Vipers
PSE's refreshers and SOP Test
SPOT IShare briefings
Putting in my time at the checkpoint to stay certified

I am pretty sure I haven't even listed everything, this is just off the top of my head. And now I hear you want to fire me? How can this be? I was resigned to put in paperwork for a self-demotion. My mistakes are; I hadn't audited my BDO's notebooks and Daily Briefing sheets (the first time we really even talked about them was the end of Dec or into Jan). I went to a Job Fair and there was miscommunication (I take full responsibility), on one of the daily summary sheet (b)(6) wrote in a day by mistake! If you still want to move forward with a proposal for termination than yes I will ask for a self-demotion, but I am so sad and disappointed I never had a chance here! I hope it's alright that I send this to Brian also, I just can't help but feel that maybe you both don't realize all the different hats I wear here. I love my office up here on the hill, but when you are trying to do all these different things plus running up and down the hill because files are up here and vice versa it is exhausting especially when it's cold and snowy or raining. Very rarely do I leave the office at my scheduled time, but I didn't mind because I thought I was appreciated and that everything I do here is important. Lately I go home and cry which is what I am starting to do now so I will end this email. Sorry it was so long, but this is my livelihood and I just bought a house. I hope you can find it in your hearts to give me a second chance. Sorry that's enough. Thank you for taking the time to read this you'll never know how much I appreciate it!

Sincerely,

(b)(6)

*SPOT Transportation Security Manager
Stewart International Airport (SWF)*

Office 845-220-(b)(6)

W Cell (b)(6)

Q Cell

Fax 845-567-0482

(b)(6)

(b)(6)

Klusacek, Michael

From: (b)(6)
Sent: Monday, March 31, 2014 2:03 PM
To: Klusacek, Michael
Subject: Self-Demotion

Per our earlier conversation today I would like to self-demote myself to EBDO G Band effective April 20th 2014 Pay Period 8. Thank you.

Respectfully,

(b)(6)

(b)(6)

SUPA Transportation Security Manager

Stewart International Airport (SWF)

Office 845-220-(b)(6)

W Cell (b)(6)

P Cell

fax 845-562-0482

(b)(6)

Klusacek, Michael

From: (b)(6)
Sent: Wednesday, April 09, 2014 9:45 AM
To: Klusacek, Michael
Subject: Re: Rescind self-demotion

Thank you!

----- Original Message -----

From: Klusacek, Michael
Sent: Wednesday, April 09, 2014 07:31 AM
To: (b)(6)
Cc: Dederick, Nadine; Johansson, Brian
Subject: RE: Rescind self-demotion

STSM (b)(6)

I have received your email and requested HR Specialist Dederick halt the RPA for the self-demotion.

Mike Klusacek

-----Original Message-----

From: (b)(6) Doreen
Sent: Tuesday, April 08, 2014 2:18 PM
To: Klusacek, Michael
Cc: Dederick, Nadine
Subject: Rescind self-demotion

Mike, I have decided to pull my self-demotion. I no longer want to do it. Thank you.

Klusacek, Michael

Subject: FW: So be it.

From: (b)(6)

Sent: Friday, February 07, 2014 7:58 AM

To: (b)(6)

(b)(6)

(b)(6)
Subject: So be it.

So be it.

When I was ready to check out and pay for my groceries the cashier said, "Strip down, facing me."

Making a mental note so I could complain to my local State Senator about this unnecessary security rubbish, I did just as she instructed. After the shrieking and hysteria finally subsided, I found out she was referring to how I should position my credit card.

Nonetheless, I've been asked to shop elsewhere in the future. They need to make their instructions a little clearer for seniors.

Man, I hate this getting older stuff.

First Name Last Name	Description	Completion Date
(b)(6)	DHS Basic Records Management	3/28/2014
	DHS Basic Records Management FY14 NTP	3/28/2014
	Get A Kit & Make a Plan	3/28/2014
	DHS EPI: Ready.gov-Make a Plan & Kit FY14 NTP	3/28/2014
	Environmental Management System General Awareness Training	3/28/2014
	Environmental Management System General Awareness Training FY14 NTP	3/28/2014
	Guidance Regarding the Use of Race for Law Enforcement Officers	3/25/2014
	Guidance Regarding the Use of Race for Law Enforcement FY14 NTP	3/25/2014
	Local Fire Safety and Evacuation Plan Briefing	3/25/2014
	Local Fire Safety and Evacuation Plan Briefing FY14 NTP	3/25/2014
	IT Security Awareness Training	3/20/2014
	IT Security Awareness Training FY14 NTP	3/20/2014
	IT Security Awareness Training	3/20/2014
	On Common Ground: Sikh American Cultural Awareness for Law Enforcement	3/20/2014
	On Common Ground: Sikh American Cultural Awareness for Law Enforcement FY14 NTP	3/20/2014
	A Culture of Privacy Awareness FY14 NTP	3/20/2014
	Privacy at DHS: Protecting Personal Information	3/20/2014
	Preventing Racial, Ethnic, and Religious Profiling Training Brief	3/19/2014
	Active Shooter Response Training	2/12/2014
	Security Tamper Evident Bag (STEB) Fact Sheet - Job Aid	1/30/2014
	Security Tamper-Evident Bags (STEB) - Standard Operating Procedures Review - Shift Brief	1/30/2014
	Security Tamper-Evident Bags (STEB) - Standard Operating Procedures Review - Online WBT	1/30/2014
	TSA Procedural Change for Screening Checkpoint SOP Rev 10 - Summary of Changes/Clarifications (SOCC)	1/29/2014
	Transportation Security Administration Security Agreement and Acknowledgement for Test Administrator	1/29/2014
	Screening Passengers by Observation Techniques (SPOT) Training Referral Report Form Tutorial - Recur	1/24/2014
	SSI Awareness Training for SPOT BDOs and SPOT SMBDOs	1/24/2014
	TSA Procedural Change for Checked Baggage SOP Rev 6 - Summary of Changes/Clarifications (SOCC)	1/24/2014
	TSA Code of Conduct Leaders Pledge	12/23/2013
	TSA Management Directive No. 2800.5 (Int Sec Rptg: Foreign Contact and Travel) for New Hires	12/18/2013
	SPOT SOP Revision 3 Summary of Changes and Clarifications (SOCC) and SPOT Curriculum updates	12/18/2013
	Code of Conduct Briefing for Supervisors - The content is received during the Facilitated Briefing	12/11/2013
	Code of Conduct Briefing for Supervisors - The content is received during the Facilitated Briefing	11/19/2013
	TSA Policy on Employee Responsibilities and Code of Conduct (TSA M/D 1100-73-5)	11/15/2013
	TSA Policy on Employee Responsibilities and Code of Conduct (TSA M/D 1100-73-5) FY14 NTP	11/15/2013
	Hazard Communication and Hazardous Materials Management Training	11/11/2013

(b)(6)

BDO Behavior Awareness Training (BAT) Overview	10/28/2013
Nationwide Suspicious Activity Reporting (SAR) Initiative	10/28/2013
DHS No Fear Act Training	10/25/2013
On Common Ground: Sikh American Cultural Awareness for Law Enforcement	9/27/2013
On Common Ground: Sikh American Cultural Awareness for Law Enforcement FY13 Q4 NTP	9/27/2013
Image Awareness Briefing	9/26/2013
Preventing Racial, Ethnic, and Religious Profiling Training Brief	9/16/2013
A Culture of Privacy Awareness FY13 Q4	9/16/2013
Privacy at DHS: Protecting Personal Information	9/16/2013
Safety Awareness: Lifting Techniques	9/16/2013
Safety Awareness: Lifting Techniques FY13 Q4 NTP	9/16/2013
Screening Passengers by Observation (SPOT) Walk the Line Training	9/3/2013
Screening Passengers by Observation (SPOT) BDO ETD and Physical Property Search Recurrent Training	9/2/2013
STSMA1 2013	8/9/2013
IS-452 - Points of Dispensing Team Training	7/25/2013
ETD Smiths 500DT v1.0 Differences Class and Job Knowledge Test (Initial) EAMS	7/16/2013
IS-451 - Anthrax Preparedness	7/15/2013
Advanced Explosives Training - Smuggling in Accessible Property Practical/Lab	7/9/2013
Get A Kit & Make a Plan	6/19/2013
DHS EPI: Ready.gov-Make a Plan & Kit FY13 Q3 NTP	6/19/2013
Employee Notices of Unsafe or Unhealthful Working Conditions	6/19/2013
Employee Notices of Unsafe or Unhealthy Working Conditions FY13 Q3 NTP	6/19/2013
Guidance Regarding the Use of Race for Law Enforcement Officers	6/19/2013
Guidance Regarding the Use of Race for Law Enforcement FY13 Q3 NTP	6/19/2013
NTP -Environmental Management System General Awareness Training	6/19/2013
OPSEC Fundamentals FY13 Q3 NTP	6/19/2013
Safety Awareness: Checkpoint Safety	6/19/2013
Safety Awareness: Checkpoint Safety FY13 Q3 NTP	6/19/2013
Local Fire Safety and Evacuation Plan Briefing FY13 Q2 NTP	6/18/2013
Classified National Security Information for TSA Employees and Contractors	6/3/2013
Insider Threat Awareness Training	5/15/2013
Playbook Annual Recertification - Contact Training Manager/Specialist for more information	5/10/2013
Sunflower Asset Management System - Overview and Management Module	5/8/2013
DHS Travel Card Training	5/8/2013
Personal Property Management Policy Overview	5/8/2013
Prohibited/Permitted Items Update: Training Brief	5/2/2013
Uniformed Services Employment and Reemployment Rights Act (USERRA) FY13 Q2 NTP	4/29/2013

(b)(6)

Foundations of Classified National Security FY13 Q2 NTP	4/24/2013
Fleet 101	4/24/2013
TSA Policy on Employee Responsibilities and Conduct FY13 Q2 NTP	4/16/2013
Making Performance Management Work for You	4/10/2013
Making Performance Management Work for You	4/10/2013
Prohibited/Permitted Items Update: Web-based Training	4/10/2013
Leading Through Change	4/5/2013
Collective Bargaining Overview	3/28/2013
Bloodborne Pathogens Awareness FY13 Q2 NTP	3/25/2013
Administration Guide for Conducting TSO Job Knowledge Tests EAMS Test Administrator Training	3/25/2013
Unitary Dispute Resolution System (UDRS)	3/25/2013
Preventing Workplace Violence at TSA	3/25/2013
WORKPLACE VIOLENCE PREVENTION - LOCAL TRNG - AFSD LE J.BOLLER	3/5/2013
ACTIVE SHOOTER TRNG	3/5/2013
EPI Related Exercises	2/9/2013
Transportation Security Administration Security Agreement and Acknowledgement for Test Administrator	2/5/2013
DHS No Fear Act Training (updated)	2/5/2013
TSA Structured Interview Training (Version 2)	1/15/2013
Summary of Changes and Clarifications for SPOT SOP	1/11/2013
Screening Passengers by Observation Techniques (SPOT) Training Referral Report Form Tutorial - Recur	1/11/2013
Screening Passengers by Observation Techniques (SPOT) Plain Clothes Operations (PCO)	1/11/2013
Screening of Passengers by Observation Techniques (SPOT) SOP Revision 2 Change 1 Acknowledgement	1/11/2013
Screening of Passengers by Observation Techniques (SPOT) SOP Revision 2 Acknowledgement	1/11/2013
SSI Awareness Training for SPOT BDOs and SPOT SMEDOs	1/11/2013
Travel Document Checker (TDC) Recurrent Training FY11 Q1 NTP	1/11/2013
Travel Document Checker (TDC) Recurrent Training	1/11/2013
Sensitive Security Information (SSI) Awareness FY13 Q1 NTP	1/11/2013

~~SENSITIVE SECURITY INFORMATION~~

U.S. Department of Homeland Security
Stewart International Airport
33 Airport Center Drive
New Windsor, New York 12253



Transportation
Security
Administration

Date: April 30, 2014
To: (b)(6) SPOT TSM, Stewart International Airport (SWF)
From: Mr. Michael Klusacek, AFSD, Stewart International Airport (SWF)
Subject: Notice of Proposed Removal
Ref: Case File Number: (b)(6)

You are hereby notified that I am proposing to remove you from the Federal Government in order to promote the efficiency of the Federal Service. If a decision is made to remove you it will not be made or affected earlier than your reply. If you do not reply, a decision will not be made earlier than (7) calendar days from the date you receive this letter.

Background:

On December 16, 2013, Assistant Federal Security Director (AFSD) Michael Klusacek directed you to conduct an Administrative Review / Audit of the Behavior Detection Officer (BDO) activities at Stewart International Airport (SWF) encompassing the period from December 1, 2013 through December 14, 2013, Pay Period (PP) 24-2013. This review was instructed to be a comparative analysis of the BDO Activity Sheets; Performance Measurement Information System (PMIS) information or entries; BDO database information; Playbook hours performed; BDO Notebooks; assigned schedules; actual hours worked; Kronos swipes and other relevant records. You were directed to provide a detailed response relative to each day's activities for each BDO that was on duty during the review period. You were further instructed to cite the source information reviewed; the method use to verify the accuracy and completeness of the program information; and any recorded errors, omissions or discrepancies noted. Additionally, you were instructed to include recommendations for corrective actions if deemed appropriate, with reference made to pertinent TSA Management Directives (MDs) for any discovered violation of rules, policies, procedures, or other authoritative guidance.

During the time frame of December 20, 2013 through December 24, 2013 you provided AFSD Klusacek with an "audit" report for each of the three BDOs assigned to SWF (Officers (b)(6) Your audit format was presented as "Notebook + Summary +

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

Notice of Proposed Removal:

(b)(6)

April 30, 2014

PMIS + Daily Report” for the items you reviewed. You then marked “Ok” for specific days. You did not provide any detailed information as instructed, nor did you identify errors; omissions or discrepancies; or provide any reference to rules, policies, or procedures violated. As a result of the “audit responses” you submitted, AFSD Klusacek requested you provide him with photocopies of the documents you reviewed.

Upon receipt of this documentation, AFSD Klusacek conducted an in-depth analysis of the material – which you stated you had already reviewed. This document examination revealed evidence that official records submitted by the SWF BDOs were either inaccurate, or contradictory to the information memorialized in their BDO notebooks. A side-by-side comparison of the Daily BDO Tracking Sheets; the PMIS Playbook Sheets, and the BDO Notebooks indicated that document falsification was occurring.

On January 8, 2014, AFSD Klusacek met with you; Transportation Security Manager (TSM) (b)(6) at the SWF Administrative Offices regarding the audit and the apparent falsified information identified. It was determined that additional Closed Circuit Television Video (CCTV) footage covering time periods where discrepancies existed between official documents should be reviewed. This additional information gathering resulted in conclusively, by a preponderance of the evidence, that the Officers involved had submitted false reports relative to their BDO activities during the period of December 1, 2013, through December 14, 2013.

A secondary audit was conducted by AFSD Klusacek for BDO (b)(6) encompassing the timeframe from February 23, 2014 through March 8, 2014 (Pay P-04-2014). The same types of apparent false entries and false documents were identified as being submitted. The results of these audits exposed your failure to ensure employee compliance with TSA policies and procedures or provide proper managerial oversight of the BDO program activities at Stewart International Airport (SWF).

Charge 1: Negligent Performance of Duty

Specification 1: On March 17, 2014 AFSD Klusacek directed you to provide the Pay Period (PP) 04-2014 BDO notebook, BDO Daily Tracking sheets, and PMIS Playbook sheets for BDO (b)(6). An audit of these documents conducted by AFSD Klusacek disclosed numerous errors and conflicting documentation. You failed to identify any of the errors; omissions or discrepancies noted by AFSD Klusacek.

Specification 2: The referenced audit of BDO (b)(6) records for PP-04-2014 conducted by AFSD Klusacek disclosed a BDO Tracking Sheet - listing BDO (b)(6) name- for March 5, 2014, documenting 3.5 hours of BDO activity during the timeframe from 1630 – 2000 hours. BDO (b)(6) did not work during this period and had departed work at 1600 hours on the date in question. You failed to identify this document submission containing false information.

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a “need to know”, as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

April 30, 2014

Specification 3: On February 26, 2014 BDO (b)(6) listed OLC activities for the majority of her shift. BDO (b)(6) only performed actual BDO activities for 50 minutes during her 8 hour shift. You failed to identify this non-performance of BDO duties and did not exhibit any managerial function in addressing the failure of BDO (b)(6) to perform her required BDO duties.

Specification 4: During a meeting with AFSD Michael Klusacek on Monday, March 31, 2014 you were asked if you had reviewed the PP-04-2014 BDO notebook; BDO Daily tracking sheets and PMIS Playbook sheets for BDO (b)(6) prior to sending them to AFSD Klusacek. You stated you had not reviewed any of the documents prior to sending them.

Specification 5: On March 18, 2014, you had BDO (b)(6) leave her post at the airport passenger terminal and work at a job fair type event, not in the airport terminal, during the period of approximately 10:30 – 12:30 hours. BDO (b)(6) was the only BDO on duty at SWF airport at the time, and was performing SPOT duties prior to you having her leave the passenger terminal.

Specification 6: On February 27, 2014 AFSD Michael Klusacek sent an email to you and the TSMs at SWF advising them BDO (b)(6) self-demotion was effective March 9, 2014, and she was not to perform BDO duties after March 8, 2014. On March 12, 2014 at 11:32 hours former BDO (b)(6) accessed the SWF BDO Daily Summary database. You failed to identify her actions or address this improper accessing of the BDO database by the former BDO.

Your actions are in violation of the Behavior Detection and Analysis Transportation Security Manager Handbook section 3.3 that states in part, (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

Your actions are also in violation of the BDO SOP, Rev.3, Section 2.3 (B) that states, (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

Your actions were also in violation of the following sections of TSA Management Directive (MD) No. 1100.73-5: *Employees Responsibilities and Code of Conduct*:

Section 5.A, that states in part, "TSA employees are responsible for ... observing the following basic on-the-job rules: (7) Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance."

Section 5.B that states: "Managers and supervisors are responsible for:

(4) Providing positive leadership and serving as a role model for subordinates by complying with all employee responsibilities, and demonstrating a commitment and sense of responsibility to their job and high ethical standards."

(7) Enforcing employee compliance with all TSA directives, policies, programs and, where applicable, DHS directives, policies and programs; timely investigation of reported non-compliance with all directive, policies and programs; immediate and appropriate corrective action when an employee is found not to be in compliance with TSA directives, policies and programs."

Section 6.A, that states: "TSA employees must comply with all standards, responsibilities and code of conduct established by this directive and shall report any violation(s) of this directive to appropriate management officials. NOTE: Failure to comply with this directive and/or failure to report violations of this directive may result in appropriate corrective, disciplinary, or adverse action, up to and including removal.

Section 6.E, that states: "While on or off-duty, employees are expected to conduct themselves in a manner that does not adversely reflect on TSA, or negatively impact its ability to discharge its mission, cause embarrassment to the agency, or cause the public and/or TSA to question the employee's reliability, judgment or trustworthiness."

Charge 2: Leaving your duty station without authorization

Specification: On March 18, 2014, without permission or prior approval from anyone higher in authority, you left your assigned position as the SPOT / BDO Program Manager to attend a job fair type event at another building on airport property. You were absent from your primary duties at the passenger terminal during the timeframe of approximately 0900 - 1430 hours.

Your actions are in violation of the following sections of the Behavior Detection and Analysis Transportation Security Manager Handbook:

(b)(3) 49 U.S.C. § 114(r)

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

April 30, 2014

Your actions were also in violation of TSA Management Directive (MD) No. 1100.73-5: *Employees Responsibilities and Code of Conduct*, section 5.A (7) that states, "TSA employees are responsible for... observing the following basic on-the-job rules: Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance." Your actions additionally violated Section 5.B(4) that states Managers and supervisors are responsible for, "Providing positive leadership and serving as a role model for subordinates by complying with all employee responsibilities, and demonstrating a commitment and sense of responsibility to their job and high ethical standards"; and Section 5.B(7) that states Managers and supervisors are responsible for, "Enforcing employee compliance with all TSA directives, policies, programs and, where applicable, DIIS directives, policies and programs; timely investigation of reported non-compliance with all directives, policies and programs; immediate and appropriate corrective action when an employee is found not to be in compliance with TSA directives, policies and programs.

Charge 3: Failure to follow instructions

Specification 1: On December 16, 2013, you received an email from the AFSD instructing you to conduct a comprehensive audit of the BDO activities at SWF. This instruction provided very specific criteria to be included in your review; including a comparison of the BDO activity sheets; PMIS data; BDO database information; Playbook hours; BDO Notebooks; assigned schedules; and actual hours worked. You were further instructed to provide a detailed response of your findings for each BDO reviewed; the method used to verify the accuracy and completeness of the information analyzed; and provide recommendations for corrective actions with reference to applicable TSA MDs for any instances of non-compliance. Your audit response cited "Notebook + Summary + PMIS + Daily Report" as the items reviewed. You did not provide any detailed information or recommended corrective action as instructed by AFSD Klusacek on December 16, 2013.

Specification 2: During a January 8, 2014, meeting you were instructed by AFSD Klusacek to focus your attention on the oversight of the SWF BDO program and transition non-BDO related Administrative Duties to TSMs Engelhardt & Duarte. As of February 28, 2014, you had not complied with the instructions to turn over administrative duties to the TSMs as directed by AFSD Klusacek.

Specification 3: On February 28, 2014 you were again instructed by AFSD Klusacek during a telephone conversation to focus your attention on the SPOT / BDO Program. During this same telephone call you acknowledged the prior instruction; stated that TSM Duarte had told you to give the Administrative duties to him and said you would be doing that so you could spend more time at the terminal and would be providing oversight of the BDO program. As of March 28, 2014, you had not complied with the

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know" as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

April 30, 2014

instructions to turn over administrative duties to the TSMs as directed by AFSD Klusacek.

Specification 4: In an email dated March 28, 2014 to FSD Brian Johansson and AFSD Michael Klusacek you listed 28 Administrative duties you stated you continue to perform beyond your primary duties as the SPOT / BDO Manager. You did not comply with the instructions that you were to transition these tasks to the two screening managers as issued on January 8, 2014, and February 28, 2014, by AFSD Klusacek.

Specification 5: On December 10, 2013 AFSD Michael Klusacek, via email, issued you an instruction that a BDO tracking sheet would be placed at the checkpoint supervisor's podium and the BDOs were to begin recording their status with the supervisors effective Sunday, December 15, 2013. On Monday December 16, 2013 you advised AFSD Klusacek via email you had not instituted the tracking sheet as directed on December 10, 2013. You did not comply with AFSD Klusacek's instruction until December 16, 2013.

Your actions are in violation of TSA MD No. 1100.73-5: *Employees Responsibilities and Code of Conduct*, Section 5.A (7), that states in part, "TSA employees are responsible for behaving in a way that does not bring discredit upon the Federal Government or TSA, and for observing the following basic on-the-job rules: (7) Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance." Your actions were also in violation of Section 5.B (4) that states Managers and supervisors are responsible for, "Providing positive leadership and serving as a role model for subordinates by complying with all employee responsibilities, and demonstrating a commitment and sense of responsibility to their job and high ethical standards."

Charge 4: Inappropriate Conduct

Specification 1: On August 5, 2013 you sent an email to TSA SWF personnel entitled "MADE IN INDIA" which contained several photographs of life in India. You sent the email out as "High" Importance even though this information was not related to any TSA process; procedure or security matter.

Specification 2: On February 7, 2014 you sent an email to 44 TSA SWF employees entitled "So Be It". This email contained a joke or something to that effect unrelated to any TSA process; procedure or security matter.

Your actions are in violation of TSA MD No. 1100.73-5: *Employees Responsibilities and Code of Conduct (Handbook)*, Section D, (2) that states:

"Email: The government e-mail system is provided for the conduct of official TSA business. However, limited personal use is authorized as long as this use does not interfere with official duties or cause degradation of network services."

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

- (a) *Employees are prohibited from sending e-mail or enclosures that are obscene, hateful, harmful, malicious, hostile, threatening, abusive, vulgar, defamatory, profane, or racially, sexually, or ethnically objectionable...*
- (b) *Email shall not contain any inappropriate messages that ridicule, or that may be offensive to others based on race, religion...color, sex, age, disability, national origin, sexual orientation, marital or parental status, or genetic information."*

- Your actions also violated Section 6.E. of TSA MD 1100.73-5: *Employee Responsibilities and Code of Conduct* that states in part: *"While on or off-duty, employees are expected to conduct themselves in a manner that does not...cause...TSA to question the employee's reliability, judgment or trustworthiness"*.

I considered a number of factors in determining to propose your removal from service for the misconduct cited above. I considered the nature and seriousness of your misconduct and its relationship to your duties. As a Manager you are held to a higher standard of conduct than subordinate employees as you are responsible for setting the example for others to follow. You have failed to demonstrate appropriate leadership or stewardship of the BDO program at SWF. By failing to properly ensure the BDO program was functioning in compliance with all required procedures and policies, you compromised the TSA security mission and jeopardized the safety of the traveling public. Your failure to review and verify the daily reports submitted by the SWF BDOs enabled documentation containing false information to be retained as official records. You failed to identify numerous acts of misconduct by your subordinate employees whom you directly supervised. Throughout this entire review process you lacked domain awareness; objectivity; critical thinking and did not exercise good judgment. In short, you were not paying attention to what was occurring on a daily basis. I find the misconduct described in Charge 1 and associated specifications so serious that I would have proposed your removal for this charge alone and absent the remaining charges. The BDO Manager position has a critical impact on the effectiveness of the airports layered security system. Your negligent performance of duties created vulnerability in our security posture at SWF.

Concerning Charge 2, leaving your assigned duty position as the SPOT TSM on March 18, 2014 without authorization to attend a Non-TSA event, without approval from anyone higher in authority (FSD/ AFSD), is a very serious matter. During the timeframe you were away from your duty station without authorization, you did not provide any oversight of the BDO program nor did you perform any BDO related activities including "walk-the-line"; training of the BDO on duty, or any BDO program administration. You did not consider a Risk Based Deployment; created vulnerability in the security program and failed to properly deploy personnel. The incident is aggravated by your decision to have the only BDO on duty at the airport join you in this endeavor – totally removing a layer of security from security screening operations. During BDO (b)(6) absence from the airport, while accompanying you at the job fair, a US Air flight departed at 11:35 hours and a Delta flight departed at 12:36. None of the passengers on these two flights were subjected to BDO observation / screening as you had

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

April 30, 2014

removed the BDO layer of security without permission or consultation with the FSD or AFSD. I am so alarmed by this circumvention of security procedures that this March 18, 2014, event alone makes me question whether you possess the integrity and judgment required of your position. I find the misconduct described in Charge 2 so serious that I would have proposed your removal for this charge alone and absent the other charges as you engaged in an activity that seriously undermined our ability to fulfill our security mission.

Your misconduct identified in the specifications listed under Charge 3 - Failure to Follow Instructions - is of great concern to me as the AFSD. As a SPOT Manager you are expected to act as a role model for subordinate officers and promptly respond to all orders/instructions from your supervisors or others in authority. When you fail to follow an instruction, it hampers management's ability to maintain good order and discipline in the workplace as it undermines your supervisor's authority. Additionally, we cannot tolerate employee's picking and choosing which instructions they will follow or attempting to justify why they didn't comply with the instructions issued. Management must have the confidence that employees will follow the instructions issued to them. As a Manager you are held to a high standard and your failure to comply with instructions of your direct supervisor is not acceptable and must be addressed. Your actions, as outlined in Charge 3, have compromised my trust that you will follow directions in the future.

The misconduct identified in Charge # 4 - Inappropriate Conduct - is very alarming as it reveals extremely poor decision making and judgment. The two specifications cite instances where you sent inappropriate emails via the TSA system to TSA employees and outside entities. The content of your emails could be considered crude and offensive, and are unacceptable in a model workplace. This behavior is contrary to what I expect from any TSA employee - most certainly somebody occupying a leadership position. Your decision to send these emails as "HIGH IMPORTANCE" further indicates to me that you lack the professionalism, integrity, and good sense required of your position.

The charges and specifications in this case reflect a repetitive pattern of disregard for TSA procedures and policy. A review of your official training record indicates that you attended Image Awareness training on September 26, 2013; and received the TSA Code of Conduct brief from the Federal Security Director on November 19, 2013 and completed the training course entitled "TSA Code of Conduct Leader's Pledge" on December 23, 2013. It is therefore apparent that you have been advised of your obligations to exercise prudent supervisory judgment in the course of your duties. I also noted that you completed Online Learning Center (OLC) courses "Preventing Racial, Ethnic and Religious Profiling Training and Brief" on September 26, 2013 and March 19, 2014, and "Guidance Regarding the Use of Race for Law Enforcement Officers" on June 19, 2013. You also completed the TSA MD 1100.73-5: *Employees Responsibilities and Code of Conduct* course on November 15, 2013 and April 16, 2014. Additionally, in my December 16, 2013, email, I directed you to review TSA MD 1100.73-5; TSA MD 1100.75-3 and the TSA Table of Penalties, and provided you with a computer link to all three documents. Thus you were on notice and aware of Employee Responsibilities and Conduct requirements, as well as the penalties for non-compliance.

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

April 30, 2014

On March 31, 2014 I met with you at SWF to discuss the pending matter and provide you with the opportunity to address the BDO program issues. You acknowledged you had not conducted an in-depth review of the BDO activities even though you had read the instructions contained in my December 16, 2013 email. You stated that you did not know what the word "comprehensive" meant; however, you failed to contact me to provide clarification, nor did you use any tools at your disposal to ascertain the meaning of the word. You stated you did not recall sending me an email in which you admitted you had not completed a side-by-side review of the items identified in the December 16, 2013 email. You acknowledged that the audit was discussed in detail at a January 8, 2014 meeting and that you asked if you were going to be held accountable for the BDO activities.

During our March 31, 2014 meeting you questioned if BDO Notebooks are official records and stated words to the effect that "it's just their notes". You also questioned the documents that were produced by the BDOs as being false documents. You stated words to the effect of "You only think that because you were a Trooper. That's not how the rest of us think." When asked if the documents and notebook entries were true and accurate representations of the work performed by the BDOs you admitted they were not. When asked if a specific BDO had lied in his entries you answered "Yes he lied." When asked again if the entries were false you stated words to the effect: "I don't see it that way. He is dumb as a box of rocks. He doesn't know what he did. His stuff was all over the place." When asked again if the BDO had lied you answered: "Yes he lied."

When discussing the February 23, 2014 – March 8, 2014 (PP-04-2014) BDO notebook and paperwork completed by BDO (b)(6) you were asked if you had reviewed the paperwork prior to submitting it for my review. You stated words to the effect of "No I didn't review it. It was her last pay period as a BDO. She is stupid. I was done with her. She was going to be out of my hair." When questioned about the BDO daily tracking sheet that listed 3.5 hours on March 5, 2014 being performed by BDO (b)(6) when she did not work as a BDO that day you responded with words to the effect of: "She didn't do any paperwork until I asked her on March 4th and then she still hadn't completed it later when I asked her again. She didn't make any notes and she was trying to remember what she did. She put down the 3.5 hours on the tracking sheet. I went back and checked after you asked me about that day." When asked if you had identified this error prior to me asking about it, you answered in the negative. When asked whose responsibility it was to review the BDO paperwork and make sure it was accurate you answered "I guess it was mine."

When asked about the March 18, 2014, incident where you left the airport without authorization, you stated that you had attended this event in 2013 and just assumed you could go in 2014. When asked who approved you leaving your position as the BDO Manager and attending this event you answered "there were emails back and forth, the other managers knew I was going." When asked specifically if you had permission from the FSD, the AFSD or the Administrative Officer Ray Stevens you stated "Ray knew I was going." When asked specifically if you had received permission from your direct supervisor or the FSD or the A.O. you answered "No. It was my fault for not communicating with you and letting you know about

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

April 30, 2014

the event. I spoke with my former AFSD and he told me there isn't enough to fire me and the most that can be done is to charge me with AWOL. You can charge me with AWOL."

When asked about taking the only BDO on duty with you to the job fair you answered words to the effect: "I asked for volunteers and BDO (b)(6) came over to help me for about an hour." When asked what time she was at the event you answered she arrived around 11:30 a.m. You were shown the BDO Tracking sheet completed by BDO (b)(6) which listed her attendance at the event from 10:45 to 12:30 hours and you stated words to the effect "Yeah, she took her time getting there and then she wanted me to keep her on OT." When asked about the removal of our only scheduled BDO from screening duties you stated words to the effect of: "What's the difference when we don't have anyone scheduled because you fired all of the other BDOs. It's no different. We don't have coverage then and we didn't have coverage when BDO (b)(6) was with me." You were asked to identify which BDOs had been "fired" and you answered: "You forced (b)(6) to retire; you forced (b)(6) to self-demote to TSO and you're trying to force me to self-demote to BDO."

When asked directly if AFSD Klusacek had spoken with either (b)(6) you stated: "No, but the audit you did is what caused them to leave their positions." You were then asked if they were being held accountable and had been provided with the documentation management gathered to identify their misconduct you responded "I guess." You were then asked if you had identified any of their misconduct and you answered "No".

When asked to explain your thought process relative to security at the airport terminal and the providing of screening passengers for the two flights that departed during the time you and BDO (b)(6) were at the job fair you failed to answer. You were asked how the BDO Screening, a layer of security was effected on March 18, 2014. You answered that BDO (b)(6) had performed BDO SPOT activities at the terminal prior to her leaving and going to the job fair. When asked if she performed any BDO activities during the period of 10:30 – 12:30 hours you answered: "Yes. She was observing people at the job fair." When asked if BDO (b)(6) listed this as a Play you answered you didn't know. When asked if she had performed any BDO Duties at the airport terminal and screened passengers for the two flights that were active during the 10:30 – 12:30 time frame you answered with words to the effect of: "No, how could she? She was with me. You know that." When asked if security was compromised or lessened due to your removal of the BDO you frowned; contorted your face and said "No." When shown the TSA Table of Penalties Section M.6 regarding the impacting of security you stated: "Is that what you think I did? That's ridiculous"

At no time during this March 31, 2014 meeting did you demonstrate an understanding of the seriousness of your failure to perform your duties as the BDO Manager, nor did you indicate you understood a layer of security had been removed due to your actions. It is evident that you are not focused on the TSA Mission or security.

IN (b) Determining the appropriateness of the proposed penalty of removal, I considered mitigating factors, including your length of service with an entry on duty of January 23, 2005; your satisfactory 2013 EPMP performance review; and that you have no prior discipline in your

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

Notice of Proposed Removal: (b)(6)

April 30, 2014

record. However, I find these factors to be heavily outweighed by the nature and seriousness of your misconduct and the direct relationship to your position of SPOT Manager. I find that your actions as described in the above Charges and Specifications above raise questions about whether you will act in the best interest of TSA at all times. Therefore, it is my contention that proposing your removal from the Federal service is appropriate and warranted.

The guidance outlined in the TSA Table of Penalties was also considered in determining the appropriate action regarding this matter. The penalty assessed is within the range of penalties for this type of offense:

- I find the misconduct described in Charge 1: Negligent Performance of Duties falls under Section H.7., Neglect of Duty, where the aggravated penalty is a 15 day suspension to removal.
- The misconduct detailed in Charge 2: leaving your duty station without authorization - I find that this falls under Section M.6 Screening and Security. The removal of this TSA layer of security is an activity that seriously undermined security. The recommended penalty range is 14 day suspension to removal and the aggravated penalty is 15 day suspension to removal.
- Charge 3: Failure to Follow Instructions - is contained in Section D.2, where the aggravated penalty is removal.
- The misconduct detailed in Charge 4: Inappropriate Conduct - is contained in Section B.1 with a recommended penalty of 5 day to 14 day suspension and an aggravated penalty of 15 day suspension to removal.

It is my contention that the aggravated range of penalties for Charges 1; 2 & 3 is appropriate when your repeated violations of TSA Policies and continued neglect of duty are considered. The aggravated penalty is also appropriate for Charge 4 as these emails are offensive in nature and were sent by you as a management official. As a BDO Manager (STSM) you are held to a higher standard, and the aggravated penalty range of removal is applicable. Therefore, I am proposing you be removed from your position as the BDO Manager and from Federal Service.

This notice is a proposal and not a decision. You have the right to reply to this proposal orally and/or in writing and furnish any evidence in support of your reply within seven (7) calendar days after the date you receive this proposal. Consideration may be given to extending this time limit if you submit a written request stating your reasons for needing more time. Your written reply and any evidence should be sent to the Deciding Official, Mr. Brian Johansson, Federal Security Director, Albany International Airport, and 737 Albany Shaker Road, Albany, New York 12211. You may make arrangements for an oral reply by contacting FSD Johansson at 518-452-(b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

Notice of Proposed Removal: (b)(6)

April 30, 2014

You have the right to be represented by an individual of your choice in preparing and presenting any reply. If you choose to have a representative, you must provide your representative's name in writing to the Deciding Official before the expiration of the reply period and you must provide written notice of any change in representation. Management has the right to disallow your representative if the representation creates a conflict of interest or position or, where the representative is a TSA employee, if he or she cannot be spared because of critical TSA work. You are responsible for all costs associated with your representation, including any travel expenses. You may refer to TSA MD 1100.63-3, *Employee Representation*, for additional information.

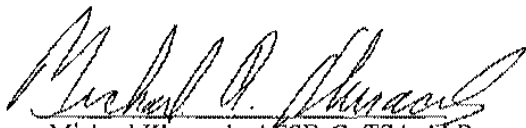
You and your representative, if an agency employee, will be allowed a reasonable amount of official time to assist you in your reply, to review the material relied upon to support the reason for the proposed action, and to prepare and present your written and/or oral reply. You and your representative, if a TSA employee, must contact your immediate supervisor to make advance arrangements for the use of official time.

Attached is a list of all of the material relied upon in support of this proposed action. I have attached a copy of all of the non-SSI material relied on to support this proposed action. This material will be provided only to you and/or your representative. You and your representative also have a right to view the SSI material relied upon to support this proposed action. You and/or your representative may make arrangements to review the SSI material relied upon by contacting FSD Brian Johansson at 518-452-(b)(6)

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

You will be notified in writing of the final decision. You will remain on duty until you are notified of the final decision in this matter.

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.


Michael Klusacek, AFSD-G, TSA-ALB

APRIL 30, 2014
Date

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

Notice of Proposed Removal: (b)(6)

April 30, 2014

Acknowledgement of Receipt:

(b)(6)

April 30, 2014

Date:

Delivery Information

Michael Klusacek

Hand Delivered By:

4/30/2014

Date:

John Engelhardt
Anthony Duarte

4/30/14

4/30/2014

Witness:

Date:

Attachments:

- ✓ 1. Dec. 10, 2013 AFSD M. Klusacek email to STSM (b)(6) directing BDOs complete status sheet at supervisor's podium beginning 12/15/2013
- ✓ 2. Dec. 16, 2013 STSM (b)(6) email to AFSD Klusacek- BDO status sheet not implemented on 12/15/2013 as directed
- ✓ 3. Dec. 16, 2013 STSM (b)(6) email to SWF BDOs and Supervisors advising them BDO status sheet is to be completed each day
- ✓ 4. Dec. 16, 2013 email of AFSD Michael Klusacek to STSM (b)(6) directing audit
- ✓ 5. Dec. 16, 2013 email of AFSD Klusacek to STSM (b)(6) with additional instructions
- ✓ 6. STSM (b)(6) Response 12/2013 email - BDO (b)(6) Review - 3 pages
- ✓ 7. STSM (b)(6) Response 12/2013 email - BDO (b)(6) Review - 3 pages
- ✓ 8. STSM Pasicka Response 12/2-13 email - BDO (b)(6) Review - 3 pages
- ✓ 9. AFSD M. Klusacek handwritten meeting notes - 1/8/2014
- ✓ 10. TSM Engelhardt handwritten meeting notes - 1/8/2014
- ✓ 11. AFSD Klusacek Excel Sheets - BDO (b)(6)
- ✓ 12. AFSD Klusacek Excel Sheets - BDO (b)(6)
- ✓ 13. January 13, 2014 Email from TSM Engelhardt & STSM (b)(6) - Marcelly meeting
- ✓ 14. BDO Jerome (b)(6) Email regarding his retirement
- ✓ 15. BDO Jennifer (b)(6) 2/8/2014 email requesting to self-demote to TSO
- ✓ 16. AFSD Klusacek's email dated 2/27/2014 directing Managers BDO (b)(6) is not to work as a BDO after March 8, 2014. Also includes STSM (b)(6) acknowledgement

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

- ✓ 17. TSA SWF I-Share log documenting TSO (b)(6) accessed BDO records on 3/12/2014
- ✓ 18. AFSD Klusack notes from 2/28/2014 telephone conversation w/ STSM (b)(6) which includes her admission that No side-by-side review conducted by her
- ✓ 19. STSM (b)(6) PP-04-2014 WebTA printout
- ✓ 20. Photocopies BDO (b)(6) BDO Notebook PP-04-2014
- ✓ 21. Photocopies of BDO (b)(6) BDO Daily Tracking Sheets PP-04-2014
- ✓ 22. Photocopies BDO (b)(6) BDO PMIS Playbook Sheets PP-04-2014
- ✓ 23. Photocopy TSA SWF BDO Daily Tracking Sheet for BDO (b)(6) 3/5/2014
- ✓ 24. AFSD Klusack Excel Sheets – BDO (b)(6) PP-04-2014
- ✓ 25. AFSD Klusack email to STSM (b)(6) dated 3/18/2014 – requesting her approval
- ✓ 26. STSM (b)(6) email dated 3/19/2014 acknowledging no approval to attend event
- ✓ 27. AFSD Klusack email to STSM (b)(6) requesting EPMP section justifications
- ✓ 28. STSM (b)(6) email response to EPMP items
- ✓ 29. BDO (b)(6) Daily Tracking Sheet for 3/18/2014 – Event attendance
- ✓ 30. STSM (b)(6) email dated 3/28/2014 to FSD & AFSD – Admissions of neglect of duty
- ✓ 31. STSM (b)(6) email dated 3/31/2014 requesting to self-demote to “G” band BDO
- ✓ 32. STSM (b)(6) email dated 4/8/2014 rescinding request to self-demote.
- ✓ 33. STSM (b)(6) 8/5/2013 email – “Made in India”
- ✓ 34. STSM (b)(6) 2/7/2014 email – “So Be It”
- ✓ 35. STSM (b)(6) – OLC Training Record 1/11/2013 – 3/28/2014
- ✓ 36. TSA Management Directive 1100.63-3: *Employee Representation – to access via I-Share*

(b)(6)