

TRANSPORTATION SECURITY ADMINISTRATION
GUIDELINES ON USING THE TABLE OF OFFENSES AND PENALTIES FOR APPROPRIATE DISCIPLINE FOR COMMON OFFENSES

1. The Table of Offenses and Penalties is intended to provide guidance for determining appropriate corrective, disciplinary, or adverse actions for some common offenses. It does not replace supervisory judgment for determining appropriate penalties in individual cases. These guidelines apply only to matters involving misconduct; they do not cover performance based management actions.
2. These guidelines should be used in conjunction with TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*, its related Handbook, and all other applicable TSA policies.
3. The language used in the "Nature of Offenses" column provides a general description of certain types of misconduct. The offenses listed below do not cover all possible offenses. Offenses not covered in this guide can be separately identified and may become the basis of disciplinary action as long as there is a nexus between the misconduct and the efficiency of the service. The offenses listed should be considered as general categories of offenses and should not necessarily be used as the specific language for a charge. A list of possible charges for the listed offenses has been added to the Table of Offenses as additional guidance. The possible charges are only suggestions. The selection of a charge label should be made based on the specific facts of each matter.
4. Proposing and Deciding Officials always need to consider applicable mitigating and aggravating factors in determining an appropriate penalty. Such factors can determine whether a penalty should be at the upper or lower end of the guideline range provided in the "Recommended Penalty Range" column. In some cases, the mitigating or aggravating factors may be strong enough to warrant using the "Mitigated Penalty Range" or "Aggravated Penalty Range" column.
5. Examples of mitigating factors include: self-reporting; efforts to remedy wrongdoing; timely acknowledgment of wrongdoing; and long period with no prior discipline. Examples of aggravating factors include: type of position (for example, supervisors and law enforcement officers are held to a higher standard); prior disciplinary record; prior warning/advisement not to commit misconduct; notoriety and impact on reputation of agency; public awareness; and failure to report. See TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*, and its related Handbook, for additional guidance.
6. Management officials have the discretion to go outside the ranges listed in this guide if they determine that circumstances warrant. Although TSA policy favors progressive discipline, where appropriate, if the misconduct is egregious enough or is accompanied by sufficiently aggravating circumstances, progressive discipline may be inappropriate and removal or other severe action would be warranted on the first offense.
7. Where indicated, certain offenses require removal. Appendix A of the Handbook to TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*, contains offenses for which TSOs must or may be removed on the first incident.
8. A demotion may always be considered as an option when the applicable penalty range includes removal. Demotion may also be considered in appropriate circumstances when the applicable penalty range does not include removal.

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9. For second and/or successive offenses, the penalty should generally fall within the "Aggravated Penalty Range" column, and may often include removal. In addition, an employee may be charged with several offenses none of which alone would result in removal, but when combined may support such a penalty.
10. In cases where an employee commits more than one offense, the Proposing and Deciding Officials may consider whether the penalty should be in the "Aggravated Penalty Range" column corresponding to the most serious offense being charged.
11. These guidelines do not apply to actions taken under TSA MD 1100.51-1, *Trial Periods*, including terminating employees during their basic trial period.
12. Some offenses may result in a denial or revocation of a security clearance. Such denial/revocation procedures are separate from corrective, disciplinary or adverse actions, and are not covered by these guidelines.
13. Senior officials and law enforcement officials are held to a higher standard of conduct.
14. For off-duty misconduct, there must be a nexus between the conduct and the TSA mission and/or effective operation of the agency.
15. Management officials may consider use of "In Lieu of Reprimand" in situations where a suspension would not be practical, such as unexcused or excessive absences. See TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*, Handbook Section A(9).

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NATURE OF OFFENSES	Possible Charges	REFERENCES/ EXPLANATORY NOTES	RECOMMENDED PENALTY RANGE	MITIGATED PENALTY RANGE	AGGRAVATED PENALTY RANGE	
1	Unauthorized absences: tardy	Tardy; Unauthorized Absence from Duty	These are brief periods of unauthorized absence for which AWOL is not charged against pay, e.g. taking excessively long breaks, overdue return after absence from the worksite for official business. See TSA MD 1100.63-1, Handbook Section B.2 and B.3 for additional guidance.	Letter of Reprimand (LOR)	Letter of Counseling (LOC)	1-day to 5-day suspension
2	AWOL of one workday or less	AWOL; Unauthorized Absence from Duty	TSA MD 1100.63-1, Handbook Section L. The absences need not be consecutive.	LOR to a 2-day suspension	LOC	3-day suspension to removal
3	AWOL from than 1 to 5 workdays	AWOL; Unauthorized Absence from Duty	TSA MD 1100.63-1, Handbook Section L	2-day to 5-day suspension	LOR to 1-day suspension	6-day suspension to removal
4	AWOL for a period of more than 5 workdays	AWOL; Unauthorized Absence from Duty	TSA MD 1100.63-1, Handbook Section L	7-day to 10-day suspension	2-day to 6-day suspension	11-day suspension to removal
5	Failure to follow established leave procedures	Failure to Follow Leave Procedures	TSA MD 1100.63-1, Handbook Section B. When on leave restriction, penalties may be in Aggravated Penalty Range	2-day to 10-day suspension	LOC to 1-day suspension	11-day suspension to removal

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7	Operating a Government owned or leased equipment or vehicle, on or off-duty, or a privately owned vehicle, on duty, while under the influence of alcohol, drugs, or other intoxicants	Operating Government Vehicle While Under the Influence of Alcohol; Misuse of a Government Vehicle; Misuse of Alcohol; Operating a Vehicle On Duty While Under the Influence of Alcohol	TSA MD 110073-5, Handbook Section 0.2. (g). This does not cover use of government blackberries, or cell-phones, or the like.	Removal	N/A	N/A
	NATURE OF OFFENSES	Possible Charges	REFERENCES/ EXPLANATORY NOTES	RECOMMENDED PENALTY RANGE	MITIGATED PENALTY RANGE	AGGRAVATED PENALTY RANGE
8	Unauthorized possession, use, sale, or distribution of illegal drugs or controlled substances	Misuse of Drugs; Possessing Illegal Drugs; Illegally Possessing Drugs; Selling Illegal Drugs; or Illegally Selling Drugs; Distributing Illegal Drugs; Illegally Distributing Drugs	TSA MD 110073-5, Handbook Section 0.	Removal	N/A	N/A
9	Driving a privately owned vehicle, off duty, while intoxicated or under the influence of alcohol, drugs, or other intoxicants	Driving Under the Influence; Driving While Intoxicated	TSA MD 110073-5, <u>Addressing DUI and DWI Offenses</u>	Law Enforcement Officers (LEOs): 30 day suspension. Non-LEOs: LOR	LEOs: 14-day to 30-day suspension. Non-LEOs: N/A	Removal
1	Disrespectful conduct towards a supervisor or other management official	Unprofessional Conduct; Conduct Unbecoming; Inappropriate Conduct; Disrespectful Conduct; Failure to Exercise Courtesy toward a Supervisor	TSA MD 110073-5, Handbook Section 5.A (3). Written, oral, or gesture; includes such behavior towards Team Leaders and acting supervisors/ officials	LOR to 10-day suspension	Letter of Counseling (LOC)	11-day suspension to removal
2	Failure to promptly and fully comply with directions, instructions, or assignments of	Failure to Follow Instructions; Failure to Follow Orders	TSA MD 110073-5, Section 5.A (2).	LOR to 10-day suspension	LOC	11-day suspension to removal

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	a supervisor or other management official.					
3	Insubordination	Insubordination (note: elements for this charge are (1) employee given lawful order; (2) he/she disobeys the order; (3) his/her action was willful and intentional)	TSA MD:1100.73-5, Section 5.A (2).	2-day to 10-day suspension	LOR to 1-day suspension	11-day suspension to removal
	NATURE OF OFFENSES	Possible Charges	REFERENCES/ EXPLANATORY NOTES	RECOMMENDED PENALTY RANGE	MITIGATED PENALTY RANGE	AGGRAVATED PENALTY RANGE
4	Failure to follow policies, procedures, practices, protocols, regulations or rules	Failure to Follow Procedures; Failure to Follow Instructions; Failure to Follow TSA Policy; Failure to Follow Regulation	TSA MD:1100.73-5, Section 5.A (7). Inadvertent violations may warrant the Mitigated Penalty Range, and deliberate violations may warrant the Aggravated Penalty Range	LOR to 14-day suspension	LOC	15-day suspension to removal

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