Transportation Security Administration

Office of Human Capital

2-Day Basic Supervisory ER Training
Employee Relations Programs Divisions
June 2017

Participant Guide

Transportation Security Administration

Employee Relations Supervisory Training (2-day)

AGENDA

DAY 1

Welcome and Introductions
Logistics
Course Objectives
TSA Employee Relations
Leadership Problem Solving Model
- Checklists:
  - Incident
  - Fact Finding
  - Review
    - Evidence
    - Nexus
- ***Workshop***: *Fact-Finding*
  - Discussion Checklist
- ***Workshop:*** *Pre-Decisional Discussion*

What's Next?

LUNCH

Management Tool Kit
Indefinite Suspension
Drafting Disciplinary / Adverse Actions
Charges and Specification
- ***Workshop***: *Writing Charges and Specifications*

Penalty Determination/Penalty Factors
Table of Offenses and Penalties
Progressive Discipline
Due Process
Authority to Take Action
Sufficiency Review

DAY 2

Addressing Leave Issues
Sick Leave Usage
FMLA
- ***Workshop***: *FMLA – Test your Knowledge*
- ***Workshop***: *Case Scenario Discussion*

Fitness for Duty

LUNCH

Performance Management
- ***Workshop***: *Performance Management-Letter of Counseling*

Avenues of Redress
- National Resolution Center
- Merit Systems Protection Board (MSPB)
- Office of Appellate Board

Employee Relations Related Matters
- Resignations
- Workplace Violence Prevention
- Anti-Harassment Program
- TSA Academy
- ER Case Management (*Integrated Database*)

Questions & Answers
Evaluations

INCIDENT CHECKLIST
(Part I of Pre-Decisional Determination)

☐	What is the alleged misconduct or potential criminal violation?
☐	If criminal, notify: ☐ Transportation Security Operations Center (TSOC) ☐ Office of Inspection ☐ Field Counsel ☐ Headquarters Employee Relations ☐ Public Affairs
☐	If the alleged misconduct occurred off-duty, how does the misconduct negatively impact the Agency or the employee's job duties?
☐	Specify the relevant law(s), rule(s), regulation(s), policy or procedure(s) that were violated by name, number if applicable, and the particular section relevant to the violation.[1]
☐	Is the employee still serving his/her basic trial period as described in Management Directive 1100.31-1? ☐ Yes ☐ No

Some examples of policies and procedures that an employee may have violated are MD 1100.73-5 - Employee Responsibilities & Code of Conduct, and Handbook; MD 1100.73-2 – TSO Dress and Appearance and Responsibilities, and Handbook; MD 1100.33-1 - TSO Daily Fitness for Duty MD 1100.63-1 Absence and Leave and Handbooks,; MD 1100.75-3 - Addressing Performance & Conduct Problems and Handbook; OD 400-18-5 - Reporting Criminal Activity & Misconduct by TSA Employees; MD 1100.73-3 - Prevention and Elimination of Sexual Harassment in the Workplace, and Handbook; Checkpoint Screening SOP; Baggage Screening SOP; Local Airport Procedures, Collective Bargaining Agreement[1]

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FACT FINDING CHECKLIST
(Part II of Pre-Decisional Determination)

☐	Obtained and reviewed all incident and investigative reports.
☐	Obtained and reviewed shift summary reports.
☐	Identified all witnesses to be interviewed.
☐	If any incident reports are incomplete, interviewed the witness(es) and/or obtained an additional statement from the witness(es).
☐	Obtained signed statement concerning the incident from the subject employee. ☐ Yes ☐ No
☐	Reviewed and obtained a copy of all appropriate supporting documentation (e.g. OPM form 71s, payroll exceptions reports, Time & Labor Reports (T&Ls), overtime records, medical certificates, doctors' statements, police reports).
☐	If the employee signed for receipt of the law, rule, regulation, policy or procedure violated, is a copy of the signed receipt in the case file? ☐ Yes ☐ No
☐	Reviewed and made copies of all previous Letters of Guidance and Direction, Letters of Counseling and any other documents which would tend to show that the employee knew or should have known of the law, rule, regulation, policy or procedure violated.
☐	Took photos, if appropriate.
☐	Obtained a copy of security videotapes, if appropriate.
☐	Prepared a site location sketch, if appropriate, or had a witness prepare it.

☐	If a tape recorder was used, was the witness first informed that a tape recorder would be used and did the interviewer state on tape that the witness was informed? ☐ Yes ☐ No
☐	If a statement was prepared for a witness, was the witness given the opportunity to read, correct and sign the final statement? ☐ Yes ☐ No
☐	Did the fact finding answer the following questions: ☐ What occurred? ☐ When did it occur? ☐ How did it occur? ☐ Where did it occur? ☐ Who was involved? ☐ What was the role of each involved person? ☐ Did I provide a description and value of any property at issue?
☐	To the extent possible, did the fact finding determine dates, places, persons and events definitely and accurately?
☐	If Sensitive Security Information (SSI) was obtained or copied, was the item properly marked and protected as SSI? ☐ Yes ☐ No

EVIDENCE REVIEW CHECKLIST
(Part III of Pre-Decisional Determination)

☐	Do the witness statements show that the alleged misconduct occurred? ☐ Yes ☐ No - Identify events/facts that need further investigation:
☐	Identify all evidence establishing that the alleged misconduct occurred:
☐	Does the evidence prove the charge by a substantial evidence[2] or preponderance of the evidence standard of proof, as applicable? ☐ Yes ☐ No
☐	Is more investigation necessary? ☐ Yes ☐ No
☐	Do the proven facts show that the employee was on notice of the law, rule, regulation, policy or procedure that was violated? ☐ Yes ☐ No If yes, state how:

[2] See the Handbook to TSA MD 1100.75-3 which identifies 1-step removals and performance-based actions must be proven by substantial evidence.

☐	Is there a connection[3] (nexus) between the offense and the TSA mission or employee's job with TSA? ☐ Yes ☐ No? If no, stop here. If yes, what is that connection?
☐	Is the offense one that Management Directive No. 1100.75-3 requires removal for the first offense? ☐ Yes ☐ No. If not, answer the following.
☐	Are there any mitigating circumstances? (e.g., consider penalty factors) If yes, describe:
☐	Are there any aggravating circumstances? (e.g., consider penalty factors) If yes, describe:

[3] Disciplinary action may be taken **only** when there is a nexus, or connection, between a legitimate government interest and the employee misconduct or matter that is the basis for disciplinary action. The nexus is usually obvious when the basis for disciplinary action is an employee's unsatisfactory job performance or on-duty misconduct. However, disciplinary actions may also be taken against an employee because of off-duty misconduct where there is a nexus between the conduct and TSA's mission and/or effective operation of TSA. In the case of criminal activity or other egregious or especially notorious misconduct, the required nexus may be presumed. However, not all off-duty misconduct or arrests for misdemeanors will have a nexus to TSA's mission or operation.

DISCUSSION CHECKLIST
(Part IV of Pre-Decisional Determination)

A. Purpose

The purpose of having a discussion with the employee is to hear the employee's side, increase communication, asses the employee's willingness to change, improve performance or conduct and help you reach a decision on the appropriate penalty. The discussion is a critical step in the discipline process. The discipline discussion accomplishes three essential requirements:

- Allows you to acquire additional information so that you can make a fully-informed decision.
- Assures that due process requirements are met by notifying the employee of the allegation, discussing the evidence, and providing an opportunity to respond.
- Provides an interest-based opportunity to the employee to accept responsibility and engage in constructive resolution of the issue.

B. Key Points

- Conduct in private
- Respect employee's dignity
- Build and/or maintain rapport and open lines of communication
- Avoid adversarial tone
- Acknowledge management's rights
- Acknowledge employee's rights and/or problems
- Confirm applicable laws, rules, regulations, policies or procedures
- Ensure that due process requirements are met (follow checklist below)

C. Checklist

☐	Advised the employee of the allegation.
☐	Advised the employee of the evidence supporting the allegation.
☐	Advised the employee of possible consequences of his/her conduct or performance.
☐	Provided the employee an opportunity to respond orally.
☐	Provided the employee an opportunity to respond in writing.
☐	If no written statement provided, prepared a brief summary of the employee's response.

SUMMARY OF PRE-DECISION DISCUSSION WITH EMPLOYEE[4]

On _____, I met with _____,
(insert date) (insert employee's name and job title)

to have a pre-decisional discussion. At that time:

____ I advised the employee of the following allegations and the possible consequences of the allegation(s):

Allegation #1: _____
Allegation #2_____
Allegation #3_____
Allegation #4_____
Allegation #5_____

_____ I provided the employee an opportunity to respond orally and/or in writing.

The employee responded as follows:

_____ orally on _____, and stated as follows:
(insert date)

_____
_____

_____
_____
_____
_____

(If more space is needed, attach additional pages.)

_____ in writing on _____. I have attached a copy of the written response.
(insert date)

Signed: _____ _____
Name & Title of Manager or Supervisor Date

_____
Printed name of Manager or Supervisor

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4 **In a one-step process, management must meet** with the employee to discuss the incident or allegation, advise the employee of the possible consequences, and provide the employee with an opportunity to respond orally and/or in writing prior to deciding the action.

DECIDING ON APPROPRIATE ACTION CHECKLIST
(Part V of Pre-Decisional Determination)

☐	Is the offense one for which Management Directive No. 1100.75-3 requires removal? ☐ Yes ☐ No
☐	Determine the employee's status with respect to completion of the employee's basic trial period as described in Management Directive 1100.31-1? Has the employee completed his/her basic trial period? ☐ Generally an employee's basic trial period is 2 years from date of appointment. ☐ If employee is a veteran's preference eligible, trial period is 1 year from date of appointment, regardless of date of hire. ☐ Employee is on a time-limited appointment, not to exceed (NTE) 2 years.
☐	Have you reviewed TSA's Guidelines On Using The Table Of Offenses And Penalties for Appropriate Discipline for Common Offenses? ☐ Yes ☐ No
☐	Choose the type of letter you intend to issue to the employee: **NOTE:** This delegation does not apply to matters adjudicated by OPR[5] **CORRECTIVE ACTION** ☐ Letter of Counseling or Letter of Guidance & Direction: A non-disciplinary written notice documenting that an employee has been informed about conduct or performance that must be corrected or improved and what must be done to correct the deficiency(ies). May be issued by employee's immediate supervisor or higher. ☐ Letter of Leave Restriction: A non-disciplinary written notice issued after the employee has abused leave and received counseling. May be issued by anyone in the employee's chain of command who is the employee's supervisor or above. ☐ Smart Agreement: A non-disciplinary agreement signed by the employee and management specifying the interests of each party, the obligations of each party, the consequences of not fulfilling those obligations and a specified duration. May be entered into by an employee and by a supervisor or manager at a level appropriate for the circumstances. ☐ PIP (TOPS) / IPN (nonTSOs)[6]: Dealing with poor performance, a supervisor can place an employee on a PIP/IPN. In part, the PIP/IPN details the employee's performance deficiencies and the supervisor's performance expectations for the employee. May be issued by the employee's supervisor or above.

[5] If OPR refers a case to local management for action, it must be initiated by the FSD, but this may be delegated to a level no lower than the AFSD.
[6] Performance Improvement Period/Improvement Period Notice

REPRIMAND

☐ Letter of Reprimand: The least severe form of disciplinary action that may be issued to address a conduct problem. A letter of reprimand may be placed in the employee's Official Personnel Folder (OPF) for a specified time, not to exceed 2 years. May be issued by employee's immediate supervisor or higher.

☐ Reprimand In Lieu of Suspension: A reprimand issued in lieu of a suspension of 1 to 14 days. Reprimands In Lieu of Suspension are used in situations where a suspension would not be practical (e.g., for excessive absences or AWOL), or in rare instances where the employee's absence during a suspension would create an extreme hardship on the agency's mission. Reprimand In Lieu of Suspension serves the purpose of establishing a record of progressive discipline. A copy may be retained indefinitely by the affected employee's supervisor. **TSOs** – TSM (one-step) or higher; **Non TSOs** -May be issued by employee's chain of supervision or other designated official.

SUSPENSION:

☐ Suspension Decision of 1-3 Days for TSOs (One-step process[7]) - May be issued by TSM or higher.

☐ Proposed Suspension of 1-14 Days - **TSOs** - STSO or higher; **Non TSOs** -May be issued by employee's chain of supervision or other designated official.

☐ Suspension Decision of 4 - 14 Days - **TSOs** - TSM or higher; **Non TSOs** -May be issued by employee's chain of supervision or other designated official.

☐ Proposed Suspension of> 14 Days for Any Employee (Two-step process) - **TSOs** - TSM or higher*; **Non TSOs** -May be issued by employee's chain of supervision or other designated official.

☐ Suspension Decision of > 14 Days - **TSOs** - AFSD or higher*; **Non TSOs** -May be issued by employee's chain of supervision or other designated official.

REDUCTION IN PAY/PAYBAND

☐ Proposed Reduction in Pay/Payband – **TSOs** - TSM or higher;* **Non TSOs** -May be issued by employee's chain of supervision or other designated official.

☐ Reduction in Pay/Payband Decision (Two-step process) – **TSOs** – AFSD or higher, above the Proposing Official*; Non **TSOs** - May be issued by employee's chain of supervision but higher than the Proposing Official.

**An FSD may request to delegate this authority to the next lower level by submitting a request to the AA/OHC*

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7 Also, the 1-step process may be used to issue to TSOs Reprimands In Lieu of Suspension (for 3 days or less) and Indefinite Suspensions relating to misconduct by TSOs that necessitate immediate action under the conditions set forth in Section I, the Handbook to TSA MD 1100.75-3.

	REMOVAL ☐ Proposed Removal (Two-step process) - **TSOs** - TSM or higher*; **Non TSOs** - May be issued by employee's chain of supervision or other designated official. ☐ Removal Decision[8] (Two-step process) – **TSOs** – AFSD or higher, above the Proposing Official*; **Non TSOs** - May be issued by employee's chain of supervision or other designated official. May be issued by a higher level official, but higher than the Proposing Official. **An FSD may request to delegate this authority to the next lower level by submitting a request to the AA/OHC* **TERMINATION** ☐ Termination during Basic Trial Period (One-step process) – **TSOs** – AFSD or higher; **Non TSOs** -May be issued by employee's chain of supervision or other designated official. (MD 1100.31-1)
☐	If the offense is not one for which removal is required by Management Directive No. 1100.75-3[9], have you considered progressive discipline in accordance with Management Directive No. 1100.75-3? ☐ Yes ☐ No
☐	Is the action being taken for "such cause as will promote the efficiency" of TSA – i.e., because of the (1) employee's failure to accomplish his/her duties or satisfactorily fulfill his/her employment obligations, (2) employee's interference with another employee's performance of duties, or (3) the detrimental effect on TSA's ability to accomplish its mission? ☐ Yes ☐ No

[8] 1-Step Removals process for TSOs involving the following: Validated failure of drug test; Validated failure of alcohol test (on duty); Refusal to submit to TSA-ordered drug or alcohol testing; Cases involving theft, illegal drug use, possession of illegal drugs, on-duty alcohol use, or being under the influence of drugs or alcohol while on duty; (e) Intentional serious security breaches, sleeping on duty while assigned to a security activity and arrests for offenses specified listed in Appendix A.

[9] TSO Offenses For Which Removal Is **Required**[1]: Failure to maintain TSO certification requirements; Validated failure of drug test; Validated failure of alcohol test (on duty); Refusal to submit to TSA-ordered drug or alcohol testing; Cases involving theft, illegal drug use, possession of illegal drugs, on-duty alcohol use, or being under the influence of drugs or alcohol while on duty; and Intentional serious security breaches (.i.e.; knowingly operating checkpoint and baggage equipment that is either not working or not turned on; and intentionally conducting improper screening procedures or intentionally allowing persons or property to bypass required screening), sleeping on duty while assigned to a security activity and arrests for offenses specified listed in Appendix A.

☐	If the offense is not one for which removal is required by Management Directive No. 1100.75-3,[10] have you considered all relevant Aggravating and Mitigating Factors, set out below, in determining appropriate penalty? (See the Penalty Factors Worksheet) 1. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated; 2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position; 3. The employee's past adverse or disciplinary record; 4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability; 5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties; 6. Consistency of the penalty with those imposed upon similarly situated employees for the same or similar offenses. 7. The notoriety of the offense or its impact upon the reputation of the agency. 8. The clarity with which the employee was on notice of any rules violated in committing the offense or had been warned about the conduct in question. 9. The clarity with which the employee was on notice of performance expectations and problems with his/her performance. 10. The potential for the employee's rehabilitation. 11. Any mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter. 12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

[10] **NOTE:** These factors do not apply to mandatory removals described in the handbook to TSA MD 1100.75-3 Appendix A or removals involving failure to meet performance standards, failure to pass proficiency tests, or non-disciplinary removals based upon an employee's medical inability to perform or failure to accept a directed reassignment.

Penalty Factors WORKSHEET

INSTRUCTIONS: The following list includes penalty factors in accordance with TSA MD 1100.75-3. Deciding officials must consider all relevant factors in determining the appropriate penalty. The deciding official shall check the box to the left of each relevant factor applicable to the case and provide a concise statement documenting what was considered. If the offense is one for which removal is mandatory pursuant to TSA Management Directive 1100.75-3, do not use this worksheet.

If prior discipline is going to be used as an aggravating factor, it MUST be cited in the proposed notice. Corrective actions, such as, Letters of Guidance and Directions and Letters of Counseling, and instructional material (ex: training record) may be relied upon for imposing an enhanced penalty (because employee was on clear notice) and would need to be cited as well in the proposed notice.

☐ The nature & seriousness of the offense and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional, technical or inadvertent, or was committed maliciously or for personal gain, or was frequently repeated. What consideration was given to this factor?

_____

_____.

☐ The employee's job level and type of employment, including supervisory or fiduciary, contacts with the public, and prominence of the position. What consideration was given to this factor?

_____

_____.

☐ The employee's past disciplinary record. What consideration was given to this factor?

_____

_____.

☐ The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability. What consideration was given to this factor?

_____

_____.

☐ The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon his supervisor's confidence in the employee's ability to perform those duties. What consideration was given to this factor?

_____

_____.

☐ Consistency of penalty with those imposed upon similarly situated employees for the same or a similar offense. What consideration was given to this factor?

_____

_____.

☐ The notoriety of the offense or its impact upon the reputation of the agency. What consideration was given to this factor?

_____

_____.

☐ The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question. What consideration was given to this factor?

_____

_____.

☐ The clarity with which the employee was on notice of performance expectations and problems with his or her performance. What consideration was given to this factor?

_____

_____.

☐ Potential for the employee's rehabilitation. What consideration was given to this factor?

_____

_____.

☐ Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter. What consideration was given to this factor?

_____

_____.

☐ The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee and others. What consideration was given to this factor?

_____

_____.

_____ _____

Management Official's Name/Title Date

Workshop: Conducting Fact Finding

Directions: You are asked to investigate the following incident. Working with your table group, read the scenario and follow the instructions below:

Airport: LTSO Joe Jones tells his supervisor, STSO Iam Sharp, that TSO Jane Smith was unprofessional and disrespectful during an in-briefing meeting held today in break room #3 at 0630 hours. LTSO Jones stated that during the meeting, in which STSO Sharp was announcing FSD staff changes, TSO Smith made inappropriate comments. STSO Sharp announced that senior STSO Shrewd would be detailed to the FSD staff to work on a new initiative that she created and described on the Idea Factory: *Improving Communications at the Airport*. While new TSOs Raw and Greene were asking follow-up questions, TSO Smith stated to TSO Witeout that STSO Shrewd was a joke and a clown. Given the hush over the room, LTSO Jones thought that probably everyone heard her comments. LTSO Jones stated that the new employees looked stunned by Smith's remarks. TSO Knew asked if she could leave because she suddenly felt ill. Besides the two new TSOs, 4 other TSOs were present. LTSO Jones reported that as the meeting was ending, LTSO Clever and BDO Courageous were seen standing just outside the break room having a conversation. LTSO Jones shares with STSO Sharp he believes Smith's comments were based on the fact she wasn't selected for a LTSO after 5 years with TSA. After work, TSO Witeout shared Smith's remarks with TSO Pink while they were out having a beer.

Part I: As a table group, read the entire exercise, and then complete the following.

Part II: One person in your group should be prepared to share your answers with the class.

TASK 1 - Analyzing an Incident. Determine what steps you need to take to analyze the incident. (e.g., what questions do you need answered, what information should be available, etc.)

-
-
-
-
-

TASK 2 - Planning the Fact Finding. How would you plan your investigation?

-
-
-
-

TASK 3 - Developing Lines of Questioning. Identify the witnesses. List what you need to know about the witnesses. What questions would you ask the witnesses? In what order would you interview your witnesses?

-
-
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-
-
-
-

TASK 4 - Interviewing Witnesses. What do you need to consider when interviewing witnesses? What information do you provide to the witness? What techniques should you use? What rights does the employee have during the interview?

-
-
-
-
-
-
-
-

TASK 5 - Reviewing the Evidence. What makes something evidence? What are the types of evidence? List the evidence.

-
-
-
-
-

Workshop: Conducting a Pre-Decisional Discussion

The TSA Model Workplace culture is based on mutual respect, fairness, open communication and cooperation. These concepts should be utilized using an interest-based approach when conducting a pre-decisional discussion.

Directions: Working with your table group, read the scenario and follow the instructions below.

Part I: A supervisor/manager has asked you to provide guidance on how to conduct a pre-decisional meeting. Use the following outline to develop the specific elements the supervisor needs to know to ensure they are covered during the meeting.

Part II: Develop and present a pre-decisional discussion role-play based on the scenario. One person in your group should play the supervisor/manager, and another, the employee. The role-play should demonstrate the key elements developed in the outline.

Pre-Decisional Discussion Outline*

Step 1: Recognize that a problem exists

- Gather and review relevant facts:

- Assess the incident or allegation; identify the issue:

- Identify the interest involved—yours, the employee's, and TSA's:

Step 2: Respond with respect

- Set the climate; meet privately with the employee to discuss the matter, to include an explanation of the evidence relied upon:

- Give your perspective of the problem as you see it:

- Advise of the effects on other employees and the organization as a whole:

- Advise employee of the possible consequences:

- Get the employee's perspective of the problem, provide an opportunity to respond orally and/or in writing; listen carefully and respectfully:

- Determine the root cause of the problem:

Step 3: Resolve

- Determine if Interest-Based Problem Solving (IBPS) is appropriate:

- Explore options for resolution:

- Develop a list of conditions any resolution must address or correct:

- Work toward an agreement:

- No agreement reached; corrective or disciplinary action necessary (what/why?):

Step 4: Reflect

- Identify lessons learned:

- Consider what you would do differently:

- How can you track employee's progress and how often:

- If conduct/performance improves:

*** Note: One of the purposes for a pre-decisional meeting is to meet the requirement to provide the employee with due process. *Due process* is a legal term designed to ensure individual rights are protected and any proceedings are carried out fairly and in accord with established policy, rules and principles.**

Pre-Decisional Discussion

AIRPORTS

Role Play #1	
Supervisor: Mary Lou is a very good TSO. She has a very good attendance record, a good performance history, and no prior discipline. She did not report for duty the last three days or call in and request leave. When she returned to work this morning, she said nothing about her absence. In **her written statement** she wrote, It's personal and I don't want to talk about it." Her supervisor can't imagine why she didn't call.	**TSO:** You are considered a good TSO, have good performance ratings, no attendance issues, and no prior discipline. You were absent for the last three days and didn't call in and request leave. You are embarrassed by your situation what you have done and you told the employee assigned to investigate this matter that you don't want to discuss it. You hope no one noticed your absence and the issue will just go away.
Role Play #2	
Supervisor: Your employee Ivy has complained to you about another employee, Tom Foulmouth. She says that Tom is regularly verbally abusive. She is reluctant to tell you exactly what he has said. During an investigation, and after some urging, **Ivy wrote in her statement** that Tom regularly refers to her as "the Jerk" and has called her an "asshole." You talk to the 3 people that work closest to Ivy and Tom. Two of them provide statements saying they haven't heard anything but from their tone, you believe they may just not want to get involved. The other coworker's statement confirms Ivy's allegations.	**TSO:** You can't believe that the supervisor is asking you about that jerk, Ivy. During the investigation and in **a written statement you** provide that Ivy is lazy and never works and does everything she can to keep you from working. You'll admit to calling her a "jerk" because she is one but not to calling her an "asshole." You don't swear. You wonder why management won't deal with this situation.
Role Play #3	
Supervisor: It has been reported to you that Shirley was not paying attention and let someone enter the sterile area through the exit lane. You reviewed the video and observed Shirley talking to the TSM as a passenger walks past her and into the sterile area. During the investigation **she wrote that** she blames the TSM for the breach. This is not the first time that there was an issue with Shirley at the exit lane. Last month, a passenger made it past her before she noticed and turned him around before he got into the sterile area.	**TSO:** In **your statement you wrote** that you didn't even realize that a passenger got into the sterile area. The TSM should have left you alone to do your job. He kept asking you questions about the restaurant your husband manages. What kind of food is on the menu? How much does it cost? He wanted you to get him a discount like a two for one. It isn't your fault the passenger got into the sterile area, but his.
Role Play #4	
Supervisor: You asked subordinate employee TSO Michael to let your supervisor, TSM Lu, know that you had to go to speak with the HR Specialist yesterday afternoon. TSO Michael did not advise TSM Lu of your early departure from the airport. This morning TSM Lu told you that he was trying to find you yesterday before the end of your shift and was really put out that he didn't know where you were. You can't imagine why TSO Michael didn't deliver the message. During the investigation into this matter **you wrote that** you wanted TSO Michael to advise your TSM that you expected the meeting to last beyond your shift and that you would leave for home from there.	**TSO:** In your (TSO Michael) statement to the investigator **you wrote** when your STSO asked you to let TSM Lu know about his meeting yesterday with HR, you immediately went looking for him but couldn't find him. The passenger lines began getting long so you hurried back to the checkpoint. Afterwards when the crowds had cleared, you totally forgot your supervisor's message and went home at the end of your shift without looking for TSM Lu again.

Role Play #5

Supervisor: TSO Jane **reports the following to an investigator**: While off the clock during a lunch break, TSO Don asks her if she is interested in a date after work. Jane indicates that she and Don have had conversations in the past where they have discussed details about their past relationships. Jane indicated that she informed Don that she was dating someone on a regular basis and wasn't interested in dating anyone else at this time. Don replied that he had been watching her for some time and really liked observing her body language. Jane thinks this was a really weird comment. Jane states that she didn't respond and continued to finish her lunch. However, after Jane thought about it for a while, she began to feel really uncomfortable and creepy. The next day while on break, Don approached her again, placed his hand on her shoulder and stated, "Did you change your mind yet? I really like the way you bounce." Jane states her response was, "What do you mean? I don't bounce. Are you saying that I am overweight?" Jane informs you that Don replied, "Baby you bounce in all the right places. When are you going to let me check it out?" Jane states she replied, "I don't think you are funny!" Jane abruptly walked away and ended her break early to get away from him. **TSO Jane summarized her experience in a written statement to the investigator.**	**TSO:** In **your statement** to the investigator regarding TSO Jane's complaints **you wrote** that you have had very personal conversations with Jane about your past relationships. You have made jokes/remarks in the past and Jane has made similar remarks. You assumed that this last time Jane was just having a bad day. Besides, you usually make sure that these conversations are on your own time.

AIRPORTS

Workshop: Writing Charges and Specifications

Directions: Working with your table group, read the scenario and follow the instructions below.

Part I: Develop charges and specifications for your scenario.

Part II: One person in your group should be prepared to share your answers with the class.

Scenario #1

Details: On January 27, 2017, TSO Jade, along with several other TSOs, was required to take a random drug test at the Airport. Prior to taking the test, TSO Jade reported to her STSO that she was on a prescription medication for weight loss that may affect her test results. TSO Jade was instructed by her STSO to take the test and notify the Medical Review Officer (MRO) of her concern. On February 7, 2017, TSO Jade was advised by the MRO that she failed both her initial screening and the secondary drug test. She tested positive for Amphetamines. On February 8, 2017, TSO Jade notified the STSO of her failure.

Background: TSO Jade was hired on May 19, 2016. She is a part-time employee and a fulltime student in her first year studying law enforcement at the local community college. In her short time with TSA she has been a good performer and enthusiastic about taking on new assignments to get more experience. She has no discipline, and was part of a group award for efficiency during an exceptionally busy weekend during the locally-held playoffs games. The MRO stated that the medication the TSO was prescribed for weight loss would not account for the positive Amphetamines test. TSO Jade denied taking Amphetamines and stated that the only medication she was taking was the weight loss medication.

Charge(s):

Specification(s):

Scenario #2

Details: On Saturday, January 14, 2017, TSO Anita was assigned at Checkpoint 1-3 for screening. During her scheduled time on the x-ray machine, she is observed by TSO Charles and LTSO Melody with her eyes closed and her chin resting on her chest. They walk up to TSO Anita and while standing on either side LTSO Melody calls her name with no response. LTSO Melody gently shakes her elbow and TSO Anita immediately bolts and sits straight up saying "what?" In her statement provided on January 16, 2017, TSO Anita denies sleeping. In a statement provided by TSO Charles and LTSO Melody both assert that TSO Anita was asleep.

Background: TSO Anita was hired on November 10, 2006. She received a Letter of Reprimand on October 20, 2015 for "Inattention to Duty". She adamantly denies having fallen asleep while working the x-ray machine. She stated that her eyes were closed only for a brief moment. Statements from TSO Charles and LTSO Melody both state she was asleep. LTSO Melody reported that she had to "gently shake TSO Anita to wake her".

Charge(s):

Specification(s)

Scenario #3

Details: On January 22, 2017, LTSO Hubert reported to work at 8:00 a.m. While on duty at checkpoint, a police officer with a warrant from a judge comes to the LTSO's worksite and asks to speak with him. After confirming that LTSO Hubert is who he is looking for, LTSO Hubert is arrested for suspicion of domestic violence against his girlfriend who was hospitalized with a concussion. LTSO Hubert is handcuffed, and escorted from the airport in front of co-workers and passengers.

Background: LTSO Hubert was hired in August 2005 as a TSO and was promoted in 2009. LTSO Hubert received a Letter of Reprimand in September 2016 for making an inappropriate comment to a female coworker. STSO Shaun contacted LTSO Hubert after his release and had a pre-decisional discussion in which the employee stated "there was some kind of mistake. I never touched my girlfriend. She is lying to get me fired."

Charge(s):

Specification(s):

Scenario #4

Details: On Friday, January 13, 2017, at approximately 10:30 a.m., LTSO Angelina Julie, observed STSO Brad Pratt looking at pictures on a government computer that in her opinion are pornography, pictures of naked men and women. This is not the first time she has seen him do that. She walked by him when he was supposed to be working on OLC courses on a couple of weeks earlier and observed him looking at pictures of nude and partially clothed women in suggestive poses. At that time, she asked STSO Pratt if she could show him where to find the "esc" key. He answered, "I didn't mean to open this…I don't know how I got here." Another time, at lunch and in the break room, STSO Pratt was showing TSOs what he could view on the Playboy App. She is uncomfortable working in this environment and wants you to stop it.
In his statement, provided on January 14th, STSO Pratt denies intentionally viewing inappropriate websites while at work, but wrote his "technology ignorance, fat fingers and poor typing skills that are to blame." He admits that he probably could have been quicker in closing out the non-official worksites, but no one was hurt by this behavior. He doesn't believe anyone should be looking over his shoulders while he is assigned to the training center to catch up with his backlog of mandatory courses. He wrote, "I think my privacy is being violated.

Background: STSO Pratt was hired as a TSO on May 2003. He was promoted to LTSO in March 2008 and to STSO in September 2012. He is a good performer, has a discipline-free history and is well-liked by his peers, and well-thought of by most of his subordinates.

Charge(s):

Specification(s):

Scenario #5

Details: On January 17, 2017, LTSO Brute walked into a weekly staff meeting and said, "Did anyone see that fucking ballgame last Sunday? That was one shitty performance by the home team and that last minute play cost me $100. Someone should slap those players for that lousy playing." An employee responds that this probably wasn't the place for these kinds of remarks. LTSO Brute answered, "Hey, you know nothing about sports. Talk to me when you become a fan of something. That game was crap last night."

Background: LTSO Brute was hired in October 2007 as a TSO, and was promoted in August 2009. He is a good and reliable performer. He is known to speak "plainly" and "colorfully," but has been reminded previously about keeping his demeanor professional while at work.

Charge(s):

Specification(s):

Workshop: Performance Management (TOPS)

AIRPORTS - Drafting a Performance Letter of Counseling

Directions: Working with your table group, read the following scenario and follow the instructions below. You are STSO Kitty Hawk.

Part I: Using the summary information below and the template, develop a Letter of Counseling for STSO Hawk to issue to LTSO Raimbow after his midyear review citing areas of unacceptable performance based on goals and competencies in the performance plan.

Part II: Identify one person in your group to be prepared to share the LOC developed.

Summary of First Quarter review:

Performance Plan Received on October 15 and discussed the Achieved Expectations and Achieved Excellence levels for LTSO performance **Core Competencies**; 1. Conscientiousness, 2. Critical Thinking, 3. Integrity/Honesty, 4. Interpersonal Skills, 5. Leadership, 6. Oral Communication, and Teamwork; and **Goals**; 1. Performs applicable security functions related to screening….2. Demonstrates professionalism and commitment to TSA's mission…. 3.Continuously develops, enhances and reinforces job-related knowledge… 4. Leads, develops, guides and coaches TSOs…

In January - Discussion held with LTSO Raimbow to address issues raised by coworker and others, as follow:

> You have received complaints from LTSO Raimbow's co-workers that he has responded unpleasantly to different situations that occurred in the workplace. The complaints include accusations that the employee is condescending, has no sense of humor or when he attempts humor, it's out of place. His interaction with passengers is professional, but not the least bit friendly. He also has an attitude that borders on hostile to foreign travelers, especially if they appear to be Middle Eastern. The employee has indicated that he's a retired drill sergeant and sees no need for humor or levity in the workplace. He admits he has attempted it, but his attempts have not been well received. After three tours of duty in Iraq, he admits he is especially mistrustful of anyone who appears to be Middle Eastern, although he also admits he doesn't much like anyone. He has never been outright rude, but passengers and coworkers have complained about him being overly rigid and inflexible. As a LTSO, he is expected to set the example and provide guidance and assistance to those he leads. He is expected to provide clear instructions and assignments, make suggestions and offer performance feedback. In January 2016, STSO Hawk met with LTSO Raimbow and documented their conversation in an email.

Since STSO Hawk's conversation with LTSO Raimbow in January, there have been other incidents that impacted his performance, that were discussed during the midyear review. The following were discussed during his midyear review on April 15, 2016:

- During the screening process of a family with small children, his demeanor frightened one of the children. He was abrupt as he directed the children to place their backpacks on the belt quickly and move on. A child started to cry and scream throughout the entire screening process, especially when he looked at her.

- During the last week in March, he was tasked to explain procedures and policies to the new TSOs. During his presentation, he spoke quickly using acronyms and referring to TSA Management Directives that were not familiar to the new employees. Further, he did not listen to their questions but repeated the initial briefing abruptly while his demeanor became more hostile when questions were asked. When asked for assistance from an employee, his dismissive response was, "read the SOP and do what I do."

- Following the unexpected death of one of his co-worker's brother he was heard saying "what is the problem, people die all the time, you just need to get over it". This was stated in the presence of the co-worker who became very upset by his tone and his statement.

- During the screening of passengers, he follows the Standard Operating Procedures but fails to explain the process to the passenger to garner their cooperation. His manner of conducting the screening is rigid and his tone to passengers is often harsh. For example, on August 5, another Lead had to take over the screening of an elderly couple who seemed to be getting visibly upset by his instructions to them.

- While working with a new Ticket Document Checker (TDC), other LTSOs have reported that he noticeably spends more time chatting with the other TSOs at the checkpoint, those whom he considers performing "real screening duties". This behavior has also been observed and reported by other TDCs working with him.

From: Kitty.Hawk@tsa.dhs.gov
Sent: Wednesday, January 20, 2016
To: Raimbow, Sarge
Subject: Memorandum for the Record-Performance

LTSO Raimbow –

This email is to document our discussion on January 18th where we talked about issues brought to my attention concerning your comments and behavior at work. The complaints include accusations that you are condescending, have no sense of humor or when you attempt humor, it's out of place. Your interaction with passengers is professional, but not the least bit friendly. You have demonstrated an attitude that borders on hostile to foreign travelers, especially if they appear to be Middle Eastern. You told me that you are a retired drill sergeant and see no need for humor or levity in the workplace. You admit you have attempted humor, but your efforts have not been well received. After three tours of duty in Iraq, you admitted you are especially mistrustful of anyone who appears to be Middle Eastern, although you shared that you don't much like anyone. I told you that although you have never been outright rude, passengers and coworkers have complained about you being overly rigid and inflexible. As a LTSO, you are expected to set the example and provide guidance and assistance to those you lead. Further you are expected to provide clear instructions and assignments, make suggestions and offer constructive performance feedback.

You told me that the holidays and "silliness" surrounding them are unnerving and stressful for you, but you would work at being more pleasant with everyone…and that you think that should be easier with the holiday nonsense now being over.

As a relatively new LTSO, your job comes with new responsibilities and demands. You need to work on your interpersonal skills, leadership and oral communication core competencies and Goal 4 - Leads, develops, guides and coaches TSOs in order to effectively mitigate threats. If you need any assistance or have any questions regarding my expectations for your performance, I would be glad to meet with you.

Now that you have been made aware of my concerns, I am confident that this issue will be resolved and no further action is necessary. You're a good officer Sarge, and I believe you will make a great LTSO.

Best regards, Kitty

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Employee Performance Plan and Appraisal Form

General Information

This section allows the Employee or Rating Official to enter the Employee, Rating Official, and Reviewing Official information. Please use the tab key to navigate from field to field.

Employee Information

October 1, 2015 - September 30, 2016

Start – End
Employee Performance Appraisal Period

Raimbow	Sarge	X
Last Name	**First Name**	**Middle Initial**

	SV	1802	F
Employee Identification Number (consult component for specific use)	**Pay Plan**	**Occupational Series**	**Grade**

TSA/OSO	Lead Transportation Security Officer	WOW
Organization	**Position Title**	**Duty Location/Airport Code**

Rating Official Information

Hawk	Kitty	A
Last Name	**First Name**	**Middle Initial**

TSA/OSO	STSO
Organization	**Position Title**

Reviewing Official Information

York	Newt	O
Last Name	**First Name**	**Middle Initial**

TSA/OSO	TSM
Organization	**Position Title**

PRIVACY ACT STATEMENT: Authority: 49 U.S.C. § 114(n). Principal Purpose(s): This information will be used to document your performance appraisal and to certify that the rating official has discussed your performance appraisal with you. Routine Use(s): This information may be shared in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding, or for routine uses identified in the Office of Personnel Management's system of records, OPM/GOVT-2 Employee Performance File System Records. Disclosure: Voluntary.

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Core Competencies

This section allows you to view the pre-established, *critical* core competencies and associated performance standards. Each core competency is *critical* which means that an Unacceptable determination in *any one competency* results in an overall Unacceptable Rating. These behavioral competencies were *validated* by the DHS workforce population. You cannot update or modify any of the information in this section. Please use the tab key to navigate through each of the *critical* competencies. Please refer to the Performance Appraisal Rating Summary and Calculation Sheet (i.e., the Ratings Calculator) to view the rating given to each critical core competency.

Each *critical* competency is weighted equally and, together, makeup 40% of the overall performance rating. The *critical* performance goals makeup the other 60% of the overall performance rating and appear under the Performance Goals section of this document.

- 5 – **Achieved Excellence.** The employee performed as described by the "Achieved Excellence" standard.
- 4 – **Exceeded Expectations.** The employee performed at a level between "Achieved Excellence" standard and the "Achieved Expectations" standard.
- 3 – **Achieved Expectations.** The employee performed as described by the "Achieved Expectations" standard.
- 1 – **Unacceptable.** The employee performed below the "Achieved Expectations" standard; action is required.

Core Competency 1: CONSCIENTIOUSNESS

Demonstrates responsible and dependable behavior; takes responsibility for personal performance through a high level of effort and commitment.

Performance Standards

Achieved Expectations:

- Consistently maintains an awareness of operational needs and responds to those needs.
- Encourages others to commit to the security mission and perform work in a responsible and dependable manner.
- Verifies that own work is done correctly and encourages and assists others to verify that work is done correctly.
- Completes a variety of routine and complex tasks, as assigned.
- Follows directions and encourages and assists others to follow directions.
- Meets deadlines or completes deadlines early on assigned tasks.
- Accepts additional responsibilities and responds appropriately to shifting priorities.
- Learns new skills to enhance own work and provides instruction to others.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- Serves as a role model to others on consistently maintaining an awareness of operational needs and proactively responding to those needs.
- Is consistently reliable to complete work in a timely manner and correctly applies screening procedures, regardless of circumstances.
- Serves as a role model, provides instruction, and engages others to learn new skills to enhance work performance.
- Verifies that work is done correctly, regardless of to whom the work was assigned.
- Completes assigned tasks on a consistent basis and assists others in completing assigned tasks in support of the security mission.
- Volunteers for additional responsibilities and quickly responds to shifting priorities.
- Schedules, prioritizes, and completes multiple work assignments in a timely manner or ahead of schedule.

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Core Competency 2: CRITICAL THINKING

Analyzes and evaluates information gathered by observation, experience, reflection, reasoning, or communication to draw conclusions and acts on them; processes and generates information to guide behavior; assesses surroundings and identifies potential risk.

Performance Standards

Achieved Expectations:

- Combines experience, observation, and feedback from TSOs, fellow LTSOs, STSOs, and others within the TSA security network, to identify additional potential options for threat mitigation.
- Based on common sense, gut instinct, attention to surroundings, and best professional judgment and discretion, takes appropriate action to distinguish passengers and/or situations that pose an actual potential security risk from those passengers and/or situations that do not.
- Uses active listening techniques and skills, including but not limited to open-ended questions, to engage with passengers to acquire information; draw conclusions; and, take appropriate action to identify and mitigate potential threats.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- Actively assists others in identical and/or similar positions to acquire, analyze and evaluate information to mitigate threats and to use mistakes as learning opportunities.
- Provides written feedback to their direct supervisor related to Officer performance and areas for improvement in critical thinking skills; and, provides written suggestions to their direct supervisor for training opportunities to improve the critical thinking skills of fellow TSOs and LTSOs.
- Actively assists others in identical and/or similar positions to recognize that most passengers do not pose a security threat and to move away from the one-size fits-all approach to security screening.
- Provides written feedback to their direct supervisor related to Officer performance and areas for improvement in using discretionary judgment to distinguish actual potential threats from unlikely threats; and, provides written suggestions to their direct supervisor for training opportunities to improve the discretionary judgment skills of fellow TSOs and LTSOs.
- Actively assists others in identical and/or similar positions to use active listening techniques and skills.
- Provides written feedback and input to their direct supervisor related to Officer performance and areas for improvement related to active listening techniques and skills; and, provides written suggestions to their direct supervisor for training opportunities to improve the active listening techniques and skills of TSOs and fellow LTSOs.

Core Competency 3: INTEGRITY/HONESTY

Behaves in an honest, fair and ethical manner; shows consistency in words and actions; models high standards of ethics.

Performance Standards

Achieved Expectations:

- Respects and maintains confidentiality.
- Tells the truth and is consistently honest in dealings with internal and external parties and stakeholders (i.e., anyone who has an interest in transportation security, including but not limited to the traveling public, all TSA staff and management, local law enforcement, the local airport authority, and air carrier personnel.)
- Keeps promises and commitments made to others.
- Does the right thing even when it is difficult.
- Does not yield to pressure to show bias or to manipulate others.
- Does not misrepresent self or use position or authority for personal gain.
- Meets expectations for adhering to ethical standards in the workplace, as defined by the *TSA Guide to Major Ethics Rules*.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- By example and role-modeling, encourages co-workers and others to earn trust and respect through consistent honesty in interactions with internal and external parties and stakeholders (i.e., anyone who has an interest in transportation security, including but not limited to the traveling public, all TSA staff and management, local law enforcement, the local airport authority, and air carrier personnel.)

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Core Competency 4: INTERPERSONAL SKILLS

Treats others with courtesy, sensitivity, and respect; considers and responds appropriately to the needs and feelings of different people in different situations.

Performance Standards

Achieved Expectations:

- Is tactful, polite, sensitive, and treats others with dignity and respect in all situations; and works with stakeholders (i.e., anyone who has an interest in transportation security, including but not limited to the traveling public, all TSA staff and management, local law enforcement, the local airport authority, and air carrier personnel) to build relationships that foster mutually beneficial outcomes and support TSA's mission and goals.
- Responds calmly, clearly, and empathetically to distraught and/or disruptive people.
- Recognizes conflicts and takes appropriate steps to address them, and seeks appropriate assistance from the STSO.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- Serves as a role model and/or mentor/coach for TSOs and fellow LTSOs to build and establish a work environment that values and promotes diversity of both persons and points of view.
- Demonstrates inclusiveness and sensitivity to individual differences.
- Takes a lead role in resolving difficult situations and encourages others to respond professionally and diplomatically to distraught and disruptive people.
- Promptly addresses allegations of harassment or discrimination and takes appropriate action.
- Serves as a role model for TSOs to help them improve their interpersonal skills.
- Consistently anticipates and resolves conflicts using appropriate tools including but not limited to the ICMS problem solving model; and, keeps their supervisor informed of the situation.

Core Competency 5: LEADERSHIP

Inspires, influences, and guides others towards goal accomplishments; coaches, mentors, and encourages others to maximize potential; adjusts leadership styles to support a diverse workforce; models high standards of honesty, integrity, trust, openness, and respect for individuals by applying these values to daily behaviors.

Performance Standards

Achieved Expectations:

- Guides, coaches, and develops employees in acquiring skills and experience.
- Fosters teamwork in accomplishing routine work activities.
- Demonstrates values, such as, trust, integrity, honesty and respect on a consistent basis.
- Supports a diverse workforce and treats employees with courtesy, fairness, and respect.
- Provides direct feedback in response to identifying performance deficiencies.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- Guides, coaches, and develops employees in acquiring skills and experience, by creating an environment that encourages critical thinking skills and promotes learning opportunities.
- Gains support of others in accomplishing routine work activities and goals.
- Commits to and encourages others to demonstrate values, such as trust, integrity, honesty and respect.
- Recognizes the impact of one's behavior on others, adapting leadership style to different situations or personalities during routine, daily interactions.
- Supports a diverse workforce and ensures fairness in leadership practices by maintaining a work environment where all employees are treated with courtesy, fairness, and respect, to build a climate of trust and cooperation.
- Provides continual, direct, and observation-based constructive feedback and correction on an immediate basis, as warranted, to ensure team focus, motivation, and performance.

Core Competency 6: ORAL COMMUNICATION

Makes clear and convincing oral presentations; listens effectively, clarifies information as needed.

Performance Standards

Achieved Expectations:

- Provides clear and concise information to stakeholders (i.e., anyone who has an interest in transportation security, including but not limited to the traveling public, all TSA staff and management, local law enforcement, the local airport authority, and air carrier personnel) to ensure understanding and to gain cooperation and/or compliance.
- Uses the principles of tactical communication and takes into account the audience and nature of the situation when exchanging information.
- Uses active listening techniques, such as asking clarifying questions, to listen to and respond appropriately to stakeholders (i.e., anyone who has an interest in transportation security, including but not limited to the traveling public, all TSA staff and management, local law enforcement, the local airport authority, and air carrier personnel) to ensure understanding and to gain cooperation and/or compliance.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- On a need-to-know basis, briefs various stakeholders (i.e., anyone who has an interest in transportation security, including but not limited to the traveling public, all TSA staff and management, local law enforcement, the local airport authority, and air carrier personnel) regarding complex security information.
- Clearly explains policy and procedural changes to maintain appropriate response to the current threat environment.
- Uses the principles of tactical communication to communicate effectively should there be difficult situations such as those involving higher than normal pressure, adversarial circumstances, or complex subject matter, to clarify the problem and identify appropriate next steps.
- Respectfully listens to management perspectives and decisions; and, communicates those decisions and perspectives to others in a professional, strategic, and unbiased manner.
- Serves as a role model and/or peer-to-peer mentor/coach for fellow LTSOs to promote the use of local chain-of-supervision communication requirements.
- Presents written ideas to their direct supervisor regarding the improvement of overall communication within the workplace.

Core Competency 7: TEAMWORK

Works cooperatively with others to achieve shared goals; openly shares information, knowledge, and expertise with the team; puts team goals ahead of individual/personal goals.

Performance Standards

Achieved Expectations:

- Completes individual duties and works cooperatively with others to achieve shared goals.
- Openly shares relevant, useful, critical information and knowledge with team members.
- Encourages and facilitates working cooperatively with stakeholders (i.e., anyone who has an interest in transportation security including but not limited to the traveling public; all TSA staff and management; local law enforcement; local airport authorities; and air carrier personnel).
- Provides observation-based feedback to TSOs to ensure balanced workloads, team focus, motivation, and consistent performance.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- Serves as a role model and/or peer-to-peer coach/mentor to promote teamwork among TSOs and fellow LTSOs.
- Engages and involves team members in developing and achieving high performance results.
- Serves as a role model and/or peer-to-peer coach/mentor to promote information sharing and teamwork.
- Serves as a role model and/or peer-to-peer coach/mentor to foster commitment, team spirit, pride, and trust among all stakeholders (i.e., anyone who has an interest in transportation security including but not limited to the traveling public; all TSA staff and management; local law enforcement; local airport authorities; and air carrier personnel).
- Serves as a role model and/or peer-to-peer coach/mentor to establish and communicate work unit goals to team members; and, motivates the team to develop a sense of ownership for team success.

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Performance Goals

This section allows entry for up to 5 *critical* Performance Goals for the employee. If more than 5 *critical* goals need to be added, please use the Additional Goals/Comments section located on the last page of this document. Please use the tab key to navigate from field to field. Please refer to the Annual Appraisal and Rating of Record section of this document to view the rating given to each *critical* goal.

Each *critical* performance goal must be assigned a share to equal 100% and, together, makeup 60% of the overall performance rating. For example, if the employee has 3 *critical* goals, they might be weighted as follows: 25%, 25%, and 50%. The *critical* competencies makeup the other 40% of the overall performance rating and appear under the Core Competencies section of this document.

- 5 – **Achieved Excellence.** The employee performed as described by the "Achieved Excellence" standard.
- 4 – **Exceeded Expectations.** The employee performed at a level between "Achieved Excellence" standard and the "Achieved Expectations" standard.
- 3 – **Achieved Expectations.** The employee performed as described by the "Achieved Expectations" standard.
- 1 – **Unacceptable.** The employee performed below the "Achieved Expectations" standard; action is required.

For each performance goal, please describe expected performance at the "Achieved Expectations" and "Achieved Excellence" levels. These "performance standards" should include measures such as quality, quantity, timeliness, and/or cost effectiveness.

Performance Goal 1 (provide a brief statement of what is to be achieved – Outcomes/Results):
Performs applicable security functions related to the screening of people, property, and/or cargo through the use and application of TSA standard operating procedures (SOPs), directives, and techniques in order to deter foreign and domestic terrorists and other individuals from causing harm or disrupting the transportation system and/or its users.

Please insert the higher level *Goal*, Objective, or Mission of the organization and/or of the supervisor to which this goal *aligns*:
OSO Strategic Plan Goal 1. Risk Based Security: Improve mission effectiveness by implementing risk-based, intelligence-driven security initiatives across all transportation modes.

Achieved Expectations:

- Demonstrates knowledge of and properly applies established Operations Directives (ODs) and Standard Operating Procedures (SOPs) in the performance of official duties.
- Through any action or inaction is not the direct cause of a security breach; reports breaches and SOP violations immediately.
- Ensures that the behaviors associated with a documented violation of an SOP and/or OD that has the potential to present a significant risk to the security of the transportation network are corrected so that the documented violation does not reoccur during the rating period.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- Has zero documented violations of an SOP and/or OD that has the potential to present an immediate and/or significant risk to the security of the transportation network during the rating period.
- Has at least one documented instance per quarter during the rating period of assisting others with the accurate application of SOP procedures.
- Is considered by leadership, supervisors, and/or peers as being an expert with respect to the screening of people, property, and/or cargo.

Weight: 50 %

Comments (If appropriate):

Performance Goal 2 (provide a brief statement of what is to be achieved – Outcomes/Results):
Demonstrates professionalism and commitment to TSA's mission and core values in order to promote public trust and confidence.

Please insert the higher level Goal, Objective, or Mission of the organization and/or of the supervisor to which this goal *aligns*:
OSO Strategic Plan Goal 2. Workforce Engagement: Continue to develop an adaptive and flexible counterterrorism workforce that is professional, hard-working and of high integrity.

Achieved Expectations:

- Maintains public trust and credibility by providing responsive service to internal/external customers and in accordance with TSA directives at all times.
- Maintains a positive demeanor, command presence, and awareness while on duty and/or in view of the public.
- Diffuses potentially disruptive situations promptly and tactfully.

- Identifies and reports observed weaknesses in security screening procedures, suspicious activity, issues of loss, theft and damage to assigned areas, to direct supervisor or other designated official immediately, or as soon as possible.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- Actively fosters public trust and credibility by providing responsive service to internal/external customers and in accordance with TSA directives at all times.
- Actively identifies, communicates, and assists the agency with implementing quality improvements that promote public trust and credibility.

Weight: 15 %

Comments (If appropriate):

Performance Goal 3 (provide a brief statement of what is to be achieved – Outcomes/Results):
Continuously develops, enhances and reinforces job-related knowledge and skills in order to support TSA's mission.

Please insert the higher level Goal, Objective, or Mission of the organization and/or of the supervisor to which this goal *aligns*:
OSO Strategic Plan Goal 1. Risk Based Security: Improve mission effectiveness by implementing risk-based, intelligence-driven security initiatives across all transportation modes.

Achieved Expectations:

- Completes assigned mandatory classroom and OLC training within required completion dates.
- Attends and participates in assigned training.
- Demonstrates the application of new or recurrent learning to improve the performance of assigned work tasks.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- Actively participates in assigned training and engages in and/or initiates discussion that improves own understanding of material.
- Assists peers with the application of new or recurrent learning objectives.
- Collaborates with peers and supervisor to target specific areas for improvement.
- Seeks information on current TSA strategies, initiatives, policies, and technologies and shares this information with their peers.

Weight: 15 %

Comments (If appropriate):

Performance Goal 4 (provide a brief statement of what is to be achieved – Outcomes/Results):
Leads, develops, guides, and coaches TSOs in order to effectively mitigate threats.

Please insert the higher level Goal, Objective, or Mission of the organization and/or of the supervisor to which this goal *aligns*:
OSO Strategic Plan Goal 1. Risk Based Security: Improve mission effectiveness by implementing risk-based, intelligence-driven security initiatives across all transportation modes.

Achieved Expectations:

- Uses the discussion of actual situations and/or decisions to develop TSOs' skills and understanding of their threat mitigation responsibilities.
- Models and reinforces compliance with all aspects of SOPs.
- Oversees the security screening team as assigned.
- Identifies, distributes, and balances workload and tasks among officers in accordance with operational needs.

Achieved Excellence: In addition to all elements of Achieved Expectations, also includes:

- Builds upon the strengths of officers and supports organizational cultural change through the use of mentoring and officer recognition.
- Throughout the performance cycle, provides the supervisor with feedback of individual officer and team performance and suggests possible improvements.
- When necessary, assumes primary oversight of screening operations with little to no need for guidance or direction.

Weight: 20 %

Comments (If appropriate):

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Employee Performance Plan and Appraisal Form

Performance Plan Acknowledgements & Comments

This acknowledges the start of the employee performance plan and the employee appraisal period.

I certify that the performance goals have been reviewed and approved by the Reviewing Official.

Rating Official's Printed Name and Signature Kitty A Hawk Date 10/15/15
Rating Official Comments:

I have discussed my performance plan with my Rating Official.

Employee Signature Sage X. Rainbow Date 10/15/15
Employee Comments:

Mid-Cycle Review Acknowledgements

At least one formal mid-cycle review is required during the appraisal period.

I certify that the mandatory formal mid-cycle progress review and discussion occurred.

Rating Official's Printed Name and Signature Kitty A Hawk Date 4/15/16
Rating Official Comments: LOC

Employee Signature Sage X. Rainbow Date 4/15/16
Employee Comments:

Progress Review Acknowledgements & Comments (optional)

This section is provided for any additional progress reviews that may occur throughout the performance cycle.

A progress review discussion occurred.

Employee Signature Sage X. Rainbow Date 1/19/16
Employee Comments:

Rating Official's Printed Name and Signature Kitty A Hawk Date 1/19/16
Rating Official Comments: email summary of meeting

Interim Evaluation Acknowledgements & Comments (as appropriate)

An Interim Evaluation is defined as a narrative description of an employee's performance as measured against the performance expectations set forth in a Performance Plan. Under certain circumstances supervisors will prepare "Interim Evaluations" of performance prior to the conclusion of the Rating Cycle. Please consult your Human resources Office for an explanation of when Interim Evaluations are to be prepared. Interim Evaluations will be considered by employees' permanent supervisors-of- record when preparing a final Ratings of Record.

An Interim Evaluation discussion occurred.

Rating Official's Printed Name and Signature _____ Date _____
Rating Official Comments:

Employee Signature _____ Date _____
Employee Comments:

TEMPLATE

Letter of Counseling

Date:

To:

From:

Subject: Letter of Counseling

Reference:

On (DATE) you signed an Employee Performance Plan acknowledging that you have discussed your performance plan with your Rating Official. On (DATE) I met with you address performance concerns that I believed that could be resolved, however, I continue to receive complaints from coworkers and customers.

On I met with you to discuss **[Describe performance goals and competencies that are at issue. Identify acceptable performance level and examples of employee's unacceptable performance and supporting facts]**

_____
_____
_____
_____
_____
_____.

[Describe performance expectations (i.e., what the employee should do to correct the problem)] _____
_____
_____
_____
_____
_____

I expect you to take immediate action to ensure that you adhere to the core competencies and goals as they are documented in your performance plan.

This letter of counseling is not a disciplinary action and may not be grieved through the agency grievance procedures. It will not be placed in your Official Personnel File (OPF). However, I will retain a copy of this memorandum file for five years as documentation that you have been placed on notice regarding this issue of concern. You are reminded that failure to meet the Achieved Expectations level of performance on the competencies and goals listed above may result in an overall performance score that is below the Achieved Expectations level at the end of the rating cycle. Also, if your performance does not improve to an acceptable level, you could be placed on a Performance Improvement Plan (PIP), and provided a formal opportunity to improve your performance to an acceptable level. An unsatisfactory annual performance appraisal could result in your removal from your position as a LSTO, and from the Federal service.

Please also be advised that any future incidents of unacceptable performance, or violation of TSA policy may result in disciplinary action, up to and including removal from Federal service. If you need further clarification regarding this memorandum and my expectations, please let me know.

I am available to assist you in any areas when you have questions or concerns in regards to the performance of your duties. I also welcome any suggestions you may have to help you improve your performance. With a little effort on your part, I believe you can succeed in this job. However, it is essential that you work toward improving your performance especially in the competencies and goals identified above.

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.

Acknowledgement of Receipt

_____ _____

Employee's Signature Date

Delivery Information:

_____ _____

Hand Delivered by Date

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POLICY REFERENCE

1. MD 700.2, Informal Administrative Inquiries, w/Guidebook for Informal Inquiries
2. MD 1100.30-17, Uniformed Services Employment and Reemployment, w/Handbook
3. MD 1100.31-1, Trial Periods
4. MD 1100.33-1, TSO Daily Fitness for Duty
5. MD 1100.33-2, Management Initiated Fitness for Duty Evaluations
6. MD 1100.43-3, Employee Performance Management Program, w/Handbook
7. MD 1100.43-4, Transportation Officer Performance System, w/Handbook
8. MD 1100.61-7, Official Time for Bargaining Unit Employees
9. MD 1100.63-1, Absence and Leave, w/Handbooks for BUE and non-BUE
10. MD 1100.63-3, Employee Representation
11. MD 1100.63-4, Personal Representation During Examination or Investigation
12. MD 1100.73-2, TSO Dress and Appearance, w/Handbook
13. MD 1100.73-3, Prevention of Sexual Harassment, w/Handbook
14. MD 1100.73-5, Employee Responsibilities and Code of Conduct, w/Handbook
15. MD 1100.75-3, Addressing Unacceptable Performance and Conduct, w/Handbook
16. MD 1100.75-4, Addressing DUI and DWI Offenses
17. MD 1100.75-7, Office of Professional Responsibility (OPR)
18. MD 1100.77-1, OPR Appellate Board, w/Handbook
19. HCM 339-2, TSO Job Search Program
20. HCM 771-4, National Resolution Center, w/Handbook
21. HCM 820-2 Light Duty
22. MD 2800.12, Workplace Violence Program
23. Table of Offenses and Penalties
24. Collective Bargaining Agreemen

TSA Resolution Processes

	TSO (1802 Occupational Series)			Non-TSO		
	Trial Period	Non-Trial Period		Trial Period	Non-Trial Period	
		Vet Pref. Eligible*	Non-Vet Pref. Elig ***		Vet Pref. Eligible *	Non-Vet Pref. Elig ***
Letter of Counseling Letter of Instruction	No Grievance or Appeal	No Grievance or Appeal	No Grievance or Appeal	No Grievance or Appeal	No Grievance or Appeal	No Grievance or Appeal
Letter of Leave Restriction	Grievance	Grievance	Grievance	Grievance	Grievance	Grievance
Letter or Reprimand	Grievance	Grievance *****	Grievance *****	Grievance	Grievance	Grievance
Reprimands in Lieu of Suspensions	Grievance	Grievance *****	Grievance *****	Grievance	Grievance	Grievance
Suspension (≤ 14 calendar days)	Grievance	Grievance ****	Grievance *****	Grievance	Grievance	Grievance
Suspension (≥ 15calendar days) and Indefinite Suspensions	Grievance	Appeal to OAB or Grievance **	Appeal to OAB or Grievance****	Grievance	Appeal to MSPB or Grievance **	Appeal to MSPB or Grievance****
Reduction in pay band/pay rate	Grievance	Appeal to OAB or Grievance **	Appeal to OAB or Grievance****	Grievance	Appeal to MSPB or Grievance **	Appeal to MSPB or Grievance ****
Removals	No Grievance or Appeal	Appeal to OAB or Grievance **	Appeal to OAB or Grievance****	No Grievance or Appeal	Appeal to MSPB or Grievance **	Appeal to MSPB or Grievance ****
Return/Placement of Supervisor to Non-Supervisory during Supervisory Trial Period	No Grievance or Appeal	No Grievance or Appeal	No Grievance or Appeal	No Grievance or Appeal	No Grievance or Appeal	No Grievance or Appeal

* With one year current continuous service in the same or similar position
** Grievance if non-trial period employee and less than 1 year current continuous service in the same or similar position
*** With two years current continuous service in the same or similar position
****Grievance if non-trial period employee and less than two years current continuous service in the same or similar position

SAMPLE
1 Step – Suspension (1-3 days)

Transportation Security Administration

Date: July 16, 2016

To: John Belate
Transportation Security Officer
Jazz International Airport

From: Wright Ontime
Transportation Security Manager
Jazz International Airport

Subject: Notice of Decision

Ref: 14-7222

In accordance with the provisions of Transportation Security Administration (TSA) Management Directive (MD) 1100.75-3, Addressing Unacceptable Performance and Conduct, this is notice that I have decided to suspend you from duty as a Transportation Security Officer (TSO) for three (3) calendar days without pay on the following dates: August 23 through 25, 2016. You are to return to scheduled duty on August 28, 2016 at 5:00 a.m. This decision is made to promote the efficiency of the Federal Service and is based on the following:

Charge 1: Absent Without Leave (AWOL)

Specification 1: On June 27, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You did not report for work and did not request leave. You were charged eight (8) hours AWOL for your unauthorized absence.

Specification 2: On May 28, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You did not report for work and did not request leave. You were charged eight (8) hours AWOL for your unauthorized absence.

Specification 3: On May 24, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You arrived at work at 6:34 a.m. You did not provide a reason for your late arrival. Your request for leave was disapproved and you were charged one hour and thirty minutes (1.5) hours of AWOL for your unauthorized absence.

Pursuant to TSA Management Directive (MD) 1100.73-5, *Employee Responsibilities and Code of Conduct,* employees are required to report for duty on time. The Handbook to TSA MD 1100.73-5 provides that unapproved absences will be charged as absent without leave (AWOL). AWOL may form the basis for administrative action, including discipline, up to and including removal from TSA.

Charge 2: Tardiness

Specification 1: On May 13, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You arrived at work eight (8) minutes late.

When you arrived at work you did not provide a reason for your tardiness.

Specification 2: On May 6, 2016, your assigned shift was 5:00 a.m. until 1:30p.m. You arrived at work ten (10) minutes late.

When you arrived at work you stated you forgot your badge and had to return home to get it before reporting for duty.

Specification 3: On April 23, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You arrived at work seven (7) minutes late.

When you arrived at work you stated you had overslept.

Specification 4: On April 1, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You arrived at work twelve (12) minutes late.

When you arrived at work you stated that you did not realize that time had gotten away from you.

Your conduct violates TSA MD 1100.73-5, which requires TSA employees are responsible for observing the following basic on-the-job rules to include reporting to work on time and ready, willing and able to perform the duties of their position. Pursuant to the Handbook for TSA MD 1100.73-5, employees are expected to contact their supervisor as far in advance of their scheduled tour of duty as possible, or by the time established in the call-in procedures for their organization, to request and explain the need for unscheduled leave. Your behavior described above violates TSA policy.

Charge 3: Failure to Follow Leave Requesting Procedures

Specification 1: On June 27, 2016, you did not report for scheduled duty that day and did not request leave in accordance with agency procedures.

Upon your return to duty the next day, you stated that you did not have a house phone and your cell phone was not working.

Specification 2: On May 28, 2016, you did not report for scheduled duty that day and did not request leave in accordance with agency procedures.

Upon your return to duty the next day, you stated that your car broke down; you couldn't call in because your cell phone was not charged, and when you got an estimate for the repairs you got sick. When your supervisor asked you for a copy of the garage's bill, you said you left the garage without getting the car repaired and it fixed itself.

Specification 3: On May 24, 2016, you did not report for scheduled duty that day and did not request leave in accordance with agency procedures.

When you arrived at work you told your supervisor that you had no excuse for being late, but said you may have overslept and hurried to work without taking the time to call in.

In accordance with the Handbook to TSA MD 1100.63-1, *Absence and Leave*, instructs employees to contact work a minimum of 60 minutes prior to the start of their scheduled shift to request unscheduled leave. Pursuant to the Handbook to TSA MD 1100.73-5, employees are required to observe and abide by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten. Your behavior described above violates TSA policy.

On July 9, 2016, I met with you in a Pre-Decisional meeting regarding your absences. I informed you of the allegations of tardiness, failure to follow leave requesting procedures and AWOL and provided you the opportunity to respond orally and/or in writing. You acknowledged your misconduct and apologized. You were given one day to respond in writing. You did not submit a written reply.

In taking this action I considered that on March 28, 2016, Anne Dulgent, Supervisory Transportation Security Officer (STSO), counseled you on your tardiness and failure to follow leave procedures. STSO Dulgent stated that she specifically talked with you about call-in procedures and the importance of maintaining a leave balance. STSO Dulgent indicated that you requested to change your schedule to deal with child care issues so that you would not have to call in as much. Your schedule change was approved. Also, I reviewed the administrative record pertaining to this matter and I find that a member of management has spoken to you regarding your failure to follow local call-in procedures and your tardiness. Because of your failure to call in one (1) hour prior to the start of your shift and provided no reason for not calling in, you have been charged AWOL. Therefore, I find that the charges above are supported by a preponderance of the evidence and warrant discipline.

In determining the appropriateness of the penalty, I have considered a number of factors. First and foremost, I considered the seriousness of the offenses and the relationship with your position. It is imperative that all TSOs report to duty on their assigned shifts and arrive to work on time. Your tardiness and absences

have a negative effect on the efficiency of security screening at the airport and therefore; the agency's mission to provide world class security to the traveling public. I also considered your past employment history. You have been employed with TSA since September 1, 2002 and are familiar with TSA's attendance-related policies as indicated by your signed acknowledgement receipt on December 15, 2015 and November 13, 2014 for TSA MD 1100.73.5. I note that you received a Leave Restriction on January 25, 2015 based upon your unscheduled absences. You were warned that future offenses could result in more severe corrective or disciplinary action, up to and including termination of your employment. Thus, you are clearly on notice that this type of behavior is unacceptable.

I have considered your history of acceptable performance, you get along with your fellow workers, your supervisors have mentioned that you do your job when you come to work, and they still have the confidence in your ability to perform the duties of a TSO. Although these can be considered mitigating factors, they do not outweigh the seriousness of your misconduct. All TSA employees are held to a high standard of conduct. Your repetitive attendance-related misconduct negatively reflects on your dependability, and adversely impact TSA's mission and my confidence in your ability to be a reliable and responsible employee. Your conduct has also demonstrated a disregard for TSA policies, and an overall failure to meet those standards. Because of the repetitive and serious nature of your misconduct, I have decided that a three day suspension is warranted, appropriate, in compliance with TSA's Table of Offenses and Penalties, and necessary to promote the efficiency of the service.

I have listed and attached all the documents relied upon which support this action.

It is hoped that action will impress upon you the seriousness of your behavior and that future discipline will not be necessary. Future misconduct may lead to further and more severe discipline, up to and including removal from Federal service.

This is a final decision.

You have the right to file a grievance under the grievance procedure established by Human Capital Management Policy 771-4, *National Resolution Center,* and its accompanying Handbook. If you choose to file a grievance, you must submit it in writing to the National Resolution Center within fifteen (15) calendar days of your receipt of this letter. Any grievance must include a copy of the action you are grieving, the reasons you are grieving, any supporting documentation for the grievance, the remedy you seek, and whether you have raised the matter in another forum. You must file your written grievance by email at ResolutionCenter@tsa.dhs.gov, or facsimile at (703) 603-4057 using TSA Form 1115-1, Grievance/Mediation Request. A copy of TSA Form 1115-1 is attached.

The Designated Grievance Official is <Name>, <Title>.

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

Please sign the acknowledgement of receipt below. Your signature does not indicate agreement with this action; it only represents receipt of this notice on the date signed.

Attachments:

Information Relied Upon
(List all OPM-71s, witness statements, pre-decisional documentation)
HCM 771-4 Grievance Procedures (Part 2., Section E.)
TSA Form 1115-1, Grievance – Mediation Request

Acknowledgement of Receipt:

_____ _____

Employee Signature Date

Delivery Information:

_____ _____

Hand Delivered By (name/signature) Date

SAMPLE
Proposed Suspension

Transportation Security Administration

Date: July 16, 2016

To: John Belate
Transportation Security Officer
Jazz International Airport

From: Wright Ontime
Transportation Security Manager
Jazz International Airport

Subject: Notice of Proposed Suspension

Ref: 14-7444

In accordance with the provisions of Transportation Security Administration (TSA) Management Directive (MD) 1100.75-3, Addressing Unacceptable Performance and Conduct, this is notice that I am proposing to suspend you from duty and pay for three (3) calendar day(s) in order to promote the efficiency of the Federal service. This proposal is based on your misconduct as cited below. If a decision is made to suspend you, it will not be made or effected earlier than your reply. If you do not reply, a decision will be made no earlier than seven (7) calendar days from the date you receive this letter.

Charge 1: Absent Without Leave (AWOL)

Specification 1: On June 27, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You did not report for work and did not request leave. You were charged eight (8) hours AWOL for your unauthorized absence.

Specification 2: On May 28, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You did not report for work and did not request leave. You were charged eight (8) hours AWOL for your unauthorized absence.

Specification 3: On May 24, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You arrived at work at 6:34 a.m. You did not provide a reason for your late arrival. Your request for leave was disapproved and you were charged one hour and thirty minutes (1.5) hours of AWOL for your unauthorized absence.

Pursuant to TSA Management Directive (MD) 1100.73-5., *Employee Responsibilities and Code of Conduct,* employees are required to report for duty on time. The Handbook to TSA MD 1100.73-5 provides that unapproved absences will be charged as absent without leave (AWOL). AWOL may form the basis for administrative action, including discipline, up to and including removal from TSA.

Charge 2: Tardiness

Specification 1: On May 13, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You arrived at work eight (8) minutes late.

When you arrived at work you did not provide a reason for your tardiness.

Specification 2: On May 6, 2016, your assigned shift was 5:00 a.m. until 1:30p.m. You arrived at work ten (10) minutes late.

When you arrived at work you stated you forgot your badge and had to return home to get it before reporting for duty.

Specification 3: On April 23, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You arrived at work seven (7) minutes late.

When you arrived at work you stated you had overslept.

Specification 4: On April 1, 2016, your assigned shift was 5:00 a.m. until 1:30 p.m. You arrived at work twelve (12) minutes late.

When you arrived at work you stated that you did not realize that time had gotten away from you.

Your conduct violates TSA MD 1100.73-5, which requires TSA employees to be responsible for observing the following basic on-the-job rules to include reporting to work on time and ready, willing and able to perform the duties of their position. Pursuant to the Handbook for TSA MD 1100.73-5, employees are expected to contact their supervisor as far in advance of their scheduled tour of duty as possible, or by the time established in the call-in procedures for their organization, to request and explain the need for unscheduled leave. Your behavior described above violates TSA policy.

Charge 3: Failure to Follow Leave Requesting Procedures

Specification 1: On June 27, 2016, you did not report for scheduled duty and did not request leave in accordance with agency procedures.

Upon your return to duty the next day, you stated that you did not have a house phone and your cell phone was not working.

Specification 2: On May 28, 2016, you did not report for scheduled duty and did not request leave in accordance with agency procedures.

Upon your return to duty the next day, you stated that your car broke down; you couldn't call in because your cell phone was not charged, and when you got an

estimate for the repairs you got sick. When your supervisor asked you for a copy of the garage's bill, you said you left the garage without getting the car repaired and it fixed itself.

> **Specification 3**: On May 24, 2016, you did not report for scheduled duty at the start of your shift and did not request leave in accordance with agency procedures.

When you arrived at work you told your supervisor that you had no excuse for being late, but said you may have overslept and hurried to work without taking the time to call in.

In accordance with the Handbook to TSA MD 1100.63-1, *Absence and Leave,* instructs employees to contact work a minimum of 60 minutes prior to the start of their scheduled shift to request unscheduled leave. Pursuant to the Handbook to TSA MD 1100.73-5, employees are required to observe and abide by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten. Your behavior described above violates TSA policy.

On July 9, 2016, I met with you in a Pre-Decisional meeting regarding your absences. I informed you of the allegations of tardiness, failure to follow leave requesting procedures and AWOL and provided you the opportunity to respond orally and/or in writing. You acknowledged your misconduct and apologized. You were given one day to respond in writing. You did not submit a written reply. ***(OPTIONAL)***

In taking this action I considered that on March 28, 2016, Anne Dulgent, Supervisory TSO (STSO), counseled you on your tardiness and failure to follow local leave procedures. STSO Dulgent stated that she specifically talked with you about call- in procedures and the importance of maintaining a leave balance. STSO Dulgent indicated that you requested to change your schedule to deal with child care issues so that you would not have to call in as much. Your schedule change was approved. Also, I reviewed the administrative record pertaining to this matter and I find that a member of management has spoken to you regarding your failure to follow local call-in procedures and your tardiness. Because of your failure to call in one (1) hour prior to the start of your shift, you have been charged AWOL. Therefore, I find that the charges above are supported by a preponderance of the evidence and warrant discipline.

In determining the appropriateness of the penalty, I have considered a number of factors. First and foremost, I considered the seriousness of the offenses and the relationship with your position. It is imperative that all employees report to duty on their assigned shifts and arrive to work on time. Your tardiness and absences have a negative effect on the efficiency of the operations of JAZ Airport and therefore; the agency's mission to provide world class security information to the traveling public. You have been employed with TSA since September 1, 2002 and are familiar with TSA's attendance-related policies as indicated by your signed acknowledgement receipt on December 15, 2015 and November 13, 2014 for TSA MD 1100.73.5 and you signed the Acknowledgement Receipt of the Collective Bargaining Agreement (CBA) with TSA and the American Federation of Government Employees. I note that you received a Leave Restriction on January 25, 2015 based upon your unscheduled absences. You were

warned that future offenses could result in more severe corrective or disciplinary action, up to and including termination of your employment. Thus, you are clearly on notice that this type of behavior is unacceptable.

I have considered your history of acceptable performance, you get along with your fellow workers, your supervisors have mentioned that you do your job when you come to work, and they still have the confidence in your ability to perform the duties of your position. Although these can be considered mitigating factors, they do not outweigh the seriousness of your misconduct. All TSA employees are held to a high standard of conduct. Your repetitive attendance-related misconduct negatively reflects on your dependability, and adversely impact TSA's mission and my confidence in your ability to be a reliable and responsible employee. Your conduct has also demonstrated a disregard for TSA policies, and an overall failure to meet those standards. Because of the repetitive and serious nature of your misconduct, I have decided that proposing a three day suspension is warranted, appropriate, in compliance with TSA Table of Offenses and Penalties, and necessary to promote the efficiency of the 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 before the seven days expires. Your written reply and any evidence should be sent to the Deciding Official, Sherry Tabel, Deputy Assistant Federal Security Director for Screening (DAFSD-S), JIA You may make arrangements for an oral reply by contacting DAFSD Tabel at 774-777-4444.

You have the right to be represented by an individual of your choice in preparing and presenting any reply. As a unit employee, you may select a representative from American Federation of Government Employees (AFGE) to serve as your personal representative, but you are not required to do so. Please note that while you may select any individual to serve as your personal representative consistent with TSA policy, you may not select an individual employed by a union other than AFGE to serve as your personal representative.

If you choose to have a representative, you must provide your representative's name in writing to DAFSD Tabel <u>before</u> 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.

A final decision will not be made in this matter until your reply has been received and considered, or if no timely reply is received, until after the time specified for the reply has passed.

I have listed and attached all the documents relied upon which support this action.

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.

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.

Attachments:

Information Relied Upon
(List all OPM 71s, witness statements, pre-decisional documentation)

Acknowledgement of Receipt:

_____ _____

Employee Signature Date

TEMPLATE
Performance Counseling Memo

Date: June 28, 2016

To: Allan Smith
Transportation Security Officer
Washington Island International Airport

From: Stanley Studberry
Supervisory Transportation Security Officer
Washington Island International Airport

Subject: Letter of Counseling

Reference: #16-XXXX

On June 19, 2016, I met with you to discuss my concerns regarding your Interpersonal Skills. At that time, I advised you that I have received complaints from your co-workers and passengers that you responded unpleasantly to different situations that occurred in the workplace. Some of your co-workers reported that you are condescending to them and to others, and that while your interaction with passengers is professional, you are not the least bit friendly. Further some passengers of Middle Eastern descent have made complaints that your attitude towards them is borderline hostile.

Additionally, your co-workers and your Lead mentioned that you lack skills to "lighten up" situations that need to be treated in a more relaxed manner. You admitted that you have attempted humor, on occasion, but your attempts have not been well received. You further explained that you are a retired drill sergeant and see no need for humor or levity in the workplace. You also stated that you were in Iraq for three tours of duty, and as a result you do not trust anyone who appears to be Middle Eastern.

While I recognize that you satisfactorily perform your duties in accordance with the Standard Operating Procedures (SOPs), I am concerned about the complaints I have received regarding your inflexible manner to your co-workers and the traveling public. Therefore, I have decided to issue you this Letter of Counseling. Please be advised that any future incidents of unacceptable performance or behavior that violates any

TSA policy may result in disciplinary/adverse action, up to and including removal from Federal service.

This letter of counseling is not a disciplinary action and may not be grieved through the agency grievance procedures. It will not be placed in your Official Personnel File (OPF). However, a copy of this memorandum may be retained in the local supervisory file for one year as documentation that you have been placed on notice regarding this issue of concern. You are reminded that failure to meet the Achieves Standards level of performance on the competency listed above may result in an overall performance score that is below the Achieves Standards level, and could result in your receiving a Performance Improvement Notice (PIP). An unsatisfactory annual performance appraisal could result in your removal from your position as a TSO and from the Federal service.

I am available to assist you in any areas when you have questions or concerns in regards to the performance of your duties. I also welcome any suggestions you may have to help you improve your performance. With a little effort on your part, I believe you can succeed in this job. However, it is essential that you work toward improving your performance especially in the component identified above.

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.

Acknowledgement of Receipt

_____ _____

Employee's Signature Date

Delivery Information:

_____ _____

Hand Delivered By Date

To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114(n)), this directive and all related Handbooks, Attachments, and Appendices, establish Transportation Security Administration (TSA) policy and must be applied accordingly.

REVISION: This revised directive supersedes TSA MD 1100.73-5, *Employee Responsibilities and Conduct*, dated September 30, 2013.

SUMMARY OF CHANGES: Section 5, Responsibilities, reorganized; Section 6, Policy, clarified requirement regarding employee conduct while on and off-duty, and within and outside the U.S.

1. **PURPOSE**: This directive provides TSA policy and procedures for employee responsibilities and code of conduct, as defined in this directive and the accompanying Handbook, which conform to generally accepted standards of behavior and ethical conduct for Federal employees.

2. **SCOPE:** This directive applies to all TSA organizational elements and all TSA employees.

3. **AUTHORITIES:**

   A. The Aviation and Transportation Security Act, Pub L. 107-71 (ATSA)

   B. 18 U.S.C. §§ 201-209

   C. 5 CFR Parts 2634, 2635, 2640, 2641

   D. 5 U.S.C. § 7321, *et seq.*; 5 C.F.R. Parts 733-734

   E. Executive Order 12674

   F. Executive Order 12731

4. **DEFINITIONS:** See *TSA Handbook on Employee Responsibilities and Code of Conduct*.

5. **RESPONSIBILITIES:**

   A. The Office of Human Capital (OHC) is responsible for developing and administering policies governing TSA employee responsibilities and code of conduct.

   B. The Office of Chief Counsel (OCC) is responsible for providing legal advice on employee activities covered under this directive and is the only office authorized to provide ethics advice.

C. Managers and supervisors are responsible for:

(1) Ensuring all new employees undergo an initial orientation in which they receive and acknowledge receipt of a personal copy (paper or electronic) of this directive, related Handbook, and the *Standards* or a comprehensive summary of the *Standards* such as the TSA Guide to Major Ethics Rules.

NOTE: This acknowledgement will be accomplished on an individual basis by having the employee sign TSA Form 1149, *Employee Responsibilities and Code of Conduct Acknowledgement*.

(2) Ensuring all employees under their supervision review this directive, the accompanying Handbook, and the *Standards*, or a comprehensive summary of the *Standards* such as the TSA Guide to Major Ethics Rules, on an annual basis.

NOTE: This directive and Handbook may also be found on the Online Learning Center (OLC).

(3) Managers and supervisors also must ensure employees under their supervision review this directive, the Handbook, and/or comprehensive summary of the *Standards* after each revision. Managers and supervisors must ensure that, if this directive, accompanying Handbook, and/or comprehensive summary of the *Standards* are revised, employees receive a personal copy (paper or electronic) of the revised materials. This also requires each employee to acknowledge receipt and review the revised directive, accompanying Handbook, and/or comprehensive summary of the *Standards*[1].

NOTE: This acknowledgement can be accomplished on an individual basis by having the employee sign TSA Form 1149 or by reviewing TSA MD 1100.73-5 and Handbook on OLC and completing the associated certificate of completion or equivalent.

(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.

(5) Treating fellow TSA employees with dignity, respect, and in a fair and equitable manner. Supervisors and managers must communicate to their staff that discrimination, harassment, a hostile work environment, retaliation, or the appearance thereof, will not be condoned or tolerated.

(6) Taking action promptly to notify OOI and the Personnel Security Section (PerSec) within the Security Branch of known or suspected arrests or criminal activity on the

[1] The acknowledgement of receipt form described in paragraphs 5C(1) and C(3) above will be filed in the employee's Employee Performance File (EPF).

part of employees. Also, in accordance with TSA's Personnel Security Program, supervisors must report any information that raises doubts about an employee's continued eligibility for TSA employment or security clearance, such as access to sensitive information as described in Section 5D(5).

(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 directives, policies, and programs; immediate and appropriate corrective action when an employee is found not to be in compliance with TSA directives, policies, or programs.

D. 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:

(1) Reporting to work on time and ready, willing and able to perform the duties of their position. This means reporting for duty free from any effects of alcohol and/or drugs that may impair job performance or conduct; physically and mentally capable of performing his or her job requirements and in appropriate clothing and/or outfitted with required tools or equipment.

(2) Responding promptly to and fully complying with directions and instructions received from their supervisor or other management officials.

(3) Exercising courtesy and tact (whether on or off-duty) in dealing with fellow workers, supervisors, contract personnel, and the traveling public, even in the face of provocation. Supporting and assisting in creating a productive and hospitable model work environment.

(4) Maintaining a clean and neat personal appearance during working hours. TSA expects employees to dress appropriately in order to reflect the level of professionalism commensurate with their duties and responsibilities. TSA uniformed employees will comply with all policies relating to uniformed employees' appearance and responsibilities. Refer to TSA MD 1100.73-2, *TSO Dress and Appearance Responsibilities*, and Article 8, *Uniforms and Uniform Allowance*, under the Collective Bargaining Agreement between TSA and the American Federation of Government Employees.

(5) Safeguarding and appropriately handling all classified information, SSI, FOUO/SBU information, and Sensitive PII to prevent unauthorized disclosure to persons not having a need to know the information consistent with applicable law and policy, to include, but not limited to, TSA MD 3700.4 *Handling Sensitive Personally Identifiable Information*, DHS MD 11056.1 *Sensitive Security Information*; DHS MD 11042.1 *Safeguarding Sensitive but Unclassified (For Official Use Only) Information*; TSA MD 2810.1, *SSI Program*, and SSI Policies and Procedures Handbook.

(6) Conserving, protecting and ensuring appropriate use of Federal resources, time,

information, and personnel (both Federal and contract).

(7) Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance.

(8) Reporting all personal arrests, including summons and citations to appear before a court, to the immediate supervisor or to any manager in the chain of supervision within 24 hours of the arrest or as soon as possible thereafter. This reporting requirement does not extend to routine traffic citations not requiring court appearance. All arrests, including summons and citations, related to DUI/DWI or illegal drug use must be reported. Refer to TSA MD 1100.75-4, *Addressing DUI and DWI Offenses*, for additional information.

(9) Reporting any known or suspected violation of law, rule, regulation, policy, or Standard Operating Procedure (SOP) by a person to any manager in the chain of supervision and/or to the Office of Inspection (OOI), whenever such violation may have a nexus to the TSA mission and/or effective operation of the agency, or when it occurs in the workplace.

(10) Reporting any known or suspected waste of funds, fraud, abuse of authority or a substantial and specific danger to the public health and safety to the immediate supervisor or a manager in the chain of supervision, or to any other appropriate authority such as the affected program office, OOI, the Department of Homeland Security (DHS) Office of the Inspector General (OIG), or the U.S. Office of Special Counsel.

(11) Upholding, with integrity, the public trust involved in the position to which assigned, abiding by the 14 general principles of ethical conduct (5 C.F.R. § 2635.101) and avoiding the appearance of using public office for private gain.

(12) If designated to file a financial disclosure form, filing a financial disclosure (public or confidential) in a timely manner and completing ethics training when required.

(13) Seeking advice and guidance as needed through their supervisory chain concerning their responsibilities under this and other policies governing employee conduct. Guidance also may be sought through the local Human Resources Specialist or ethics counselor.

(14) Reviewing this directive, the accompanying Handbook, and the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635), (the "*Standards*") or a comprehensive summary of the *Standards* such as the TSA Guide to Major Ethics Rules, on an annual basis. Employees also must review this directive, the Handbook, and/or the *Standards* after each revision within 45 calendar days of the effective date of the directive and Handbook.

NOTE: Employees will be provided with up to one hour of official duty time

annually to complete the review.

6. POLICY:

A. 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.

B. Employees' conduct at work directly affects the proper and effective accomplishment of their official duties and responsibilities. Employees must perform their duties in a professional and business-like manner throughout the workday.

C. Employees are expected to behave professionally and in accordance with this directive and/or other applicable guidance while in a temporary duty travel status (*e.g.*, while attending training) or when otherwise away from their regularly assigned post of duty (*e.g.*, while attending meetings at an off-site location) within and outside the U.S.

D. Employees in direct contact with the public bear a heavy responsibility, as their conduct and appearance have a significant impact on the public's attitude toward the Federal Government and TSA.

E. 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. This applies regardless of whether the conduct is legal or tolerated within the jurisdiction it occurred.

F. Employees are required to comply with the *Standards*, related conflict-of-interest statutes (18 U.S.C. §§ 201-209) and regulations, and the Hatch Act (5 U.S.C. § 7321) and regulations.

G. Employees shall not use their office or position for their personal advantage or the advantage of others.

H. Employees will be provided with up to one hour of official duty time annually to review this directive, the accompanying Handbook, and the *Standards* or a comprehensive summary of the *Standards* such as the TSA Guide to Major Ethics Rules.

7. PROCEDURES: See *TSA Handbook on Employee Responsibilities and Code of Conduct*.

8. APPROVAL AND EFFECTIVE DATE: This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed September 3, 2015

Karen Shelton Waters
Assistant Administrator for Human Capital

Date

EFFECTIVE

Date

Distribution:	Administrator, Deputy Administrator, Assistant Administrators, Regional Directors, Federal Security Directors, Supervisory Air Marshals in Charge, Business Management Division Directors, Administrative Officers, and Human Resources Specialists
Point-of-Contact:	HRAccess Helpdesk: HelpDesk@mailserver-hraccess.tsa.dhs.gov

Transportation Security Administration

Office of Human Capital

TSA MD 1100.73-5, Handbook

Employee Responsibilities and Code of Conduct

Policy Effective:	May 21, 2009
Handbook Published:	May 21, 2009
Handbook Revised:	September 30, 2013

Signed

Karen Shelton Waters
Assistant Administrator for Human Capital

Transportation Security Administration

Summary of Changes:

Handbook title changed from Employee Responsibilities and Conduct to Employee Responsibilities and Code of Conduct.

Section A, Definitions, added definition of Nexus; modified reference to Executive Order 12958 to 13526.

Section B, Safeguarding and Use of Information, Documents, and Records, added references to TSA MD 2810, *SSI Program*, and TSA MD 3700.4, *Handling Sensitive Personally Identifiable Information.*

Section D, Use of Federal Equipment, Property, and Personnel, added the use of government-issued electronic communication devices subject to restrictions; changed TSA Information Security Policy Handbook to TSA Information Assurance Handbook; amended to state that separated employees must return their travel card and/or purchase card to their respective Travel Card Organization Program Coordinator; "identification card" changed to "identification media" for consistency.

Section F, Providing Statements and/or Testimony, clarified responsibilities of employees that they must cooperate fully with inquiries initiated by supervisors, Office of Inspection, DHS Office of Inspector General, and that confidentiality does not extend to concerns regarding access to national security information; a note concerning who may issue a Garrity or Kalkines warning added; added additional language regarding the issuance of a Garrity warning.

Section M, Eliminating Discrimination and Creating a Model Work Environment, added references to the Unitary Dispute Resolution System.

Section O, Alcohol and Drugs, specified that the use of marijuana is prohibited by Federal law; added language stating that employees may not leave the testing site without permission prior to completing the testing.

Section T, Canvassing, Soliciting, or Selling, solicitation for a voluntary contribution clarified.

Section U, Gambling and Related Activities, added the prohibition of gambling using government resources and government vehicle.

Section Y, Gifts From Non-Federal Sources, added reference to the TSA Guide to Major Ethics Rules.

Section AA, Advertisements, Endorsements, and Referrals, employees may not use their position for the private gain of other individuals such as friends and relatives.

Section BB, Unauthorized Absences and Tardiness, added reference to the Collective Bargaining Agreement.

This Handbook and all related Attachments and/or Appendices contain stipulations to implement the provisions of TSA MD 1100.73-5, Employee Responsibilities and Code of Conduct. Until TSA MD 1100.73-5 is rescinded, the Management Directive, Handbook, and any Attachments and/or Appendices are considered TSA policy, and must be applied accordingly.

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A. **Definitions:**

(1) Classified Information: Also known as Classified National Security Information, information that has been determined, pursuant to Executive Order 13526, as amended, or any predecessor or successor order, to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

(2) For Official Use Only (FOUO) and Sensitive But Unclassified (SBU) Information: FOUO and SBU information is not to be considered classified information. Rather, it is unclassified information of a sensitive nature, not otherwise categorized by statute or regulation, the unauthorized disclosure of which could adversely impact a person's privacy or welfare, the conduct of Federal programs, or other programs or operations essential to the National interest. Information impacting the National Security of the United States and classified as Confidential, Secret, or Top Secret under Executive Order 13526, "Classified National Security Information," as amended, or its predecessor or successor orders, is not to be considered to be FOUO or SBU.

(3) Nexus: For the purposes of an adverse or disciplinary action, it is a connection between a legitimate government interest and the employee's unacceptable performance, conduct, or matter that is the basis for the adverse or disciplinary action. Nexus is presumed when the basis for adverse or disciplinary action is an employee's unsatisfactory job performance or on-duty misconduct, or in the case of criminal activity or other egregious or especially notorious misconduct. However, actions also may be taken against an employee because of off-duty misconduct where there is a nexus between the conduct and the TSA mission and/or effective operation of the agency.

(4) Personally Identifiable Information (PII): Any information that permits the identity of an individual to be directly or indirectly inferred, including any other information that is linked or linkable to that individual regardless of whether the individual is a United States citizen, legal permanent resident, or a visitor to the U.S.

(5) Sensitive PII: Personally identifiable information, which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual. Complete social security numbers (SSN), alien registration numbers (A-number) and biometric identifiers (such as fingerprint, voiceprint, or iris scan) are considered Sensitive PII even if they are not coupled with additional PII. Additional examples include any grouping of information that contains the individual's name or other unique identifier plus one or more of the following elements:

(a) Driver's license number, passport number, or truncated SSN (such as last-4 digits);

(b) Date of birth (month, day, and year);

(c) Citizenship or immigration status;

(d) Financial information such as account numbers or Electronic Funds Transfer information;

(e) Medical information; or

(f) System authentication information such as mother's maiden name, account passwords or personal identification numbers (PINs).

NOTE: Other PII may be "sensitive" depending upon its context, such as a list of employees with less than satisfactory performance ratings or an unlisted home address or phone number.

(5) Sensitive Security Information (SSI): As defined in 49 C.F.R. Section 1520.5, information obtained or developed in the conduct of security activities, including research and development, the disclosure of which Department of Homeland Security (DHS)/TSA has determined would (1) constitute an unwarranted invasion of privacy (including , but not limited to, information contained in any personnel, medical, or similar file); (2) reveal trade secrets or privileged or confidential information obtained from any person; or (3) be detrimental to the security of transportation.

B. **Safeguarding and Use of Information, Documents, and Records:**

(1) Employees shall ensure the proper handling of government records and shall not disclose or discuss the content of any classified documents, Sensitive PII, SSI, or FOUO/SBU information unless specifically authorized to do so. Refer to TSA MD 2810.1, *SSI Program*, and TSA MD 3700.4, *Handling Sensitive Personally Identifiable Information*, for additional information.

(2) Classified information must not be disclosed to anyone without the appropriate security clearance and an official need to know the information.

(3) No employee shall disclose proprietary or source-selection information directly or indirectly to any person other than a person authorized by the Administrator or the contracting officer to receive such information. An employee who does not know whether information is proprietary or source-selection information, or who does not know whether he or she may disclose or receive such information, has an affirmative obligation to inquire of the contracting officer or the Office of Chief Counsel (OCC) as to whether the information is proprietary or source-selection-sensitive.

In addition, employees shall not:

(a) Release any official information in advance of the time prescribed for its authorized issuance;

(b) Use for private purposes, or permit others to use or have access to, any official information not available to the general public;

(c) Remove official documents or records from files for personal or inappropriate reasons. Falsification, concealment, mutilation, destruction, or unauthorized removal of official documents or records, either electronic or hard copy, is prohibited by law and is subject to disciplinary action, arrest, and/or prosecution; and

(d) Disclose information, the release of which would be covered under the provisions of the Privacy Act (5 U.S.C. § 552a), or Freedom of Information Act, (5 U.S.C. § 552, as amended) except as authorized.

C. **Safeguarding Public Funds:**

(1) All employees whose duties involve the expenditure of public funds must have knowledge of and observe all applicable legal requirements and restrictions. In addition, employees are expected to exercise sound judgment in the expenditure of such funds.

(2) Employees must not make unauthorized commitments. An agreement entered into by a TSA employee without authority to enter into agreements on behalf of TSA is an unauthorized commitment; only contracting officers and other designated employees, acting within the scope of their authority, may enter into contracts or other agreements and expend funds on behalf of the Government. Unauthorized commitments are a serious violation of fiscal law and statutes. Persons who enter into unauthorized commitments may be held personally liable. Management officials shall make every effort to prevent unauthorized commitments.

(3) If a legal determination is required on these matters, contact OCC.

D. **Use of Federal Equipment, Property, and Personnel:**

Employees may not use or permit others to use federal equipment, property, time, or personnel; including but not limited to: typing assistance, computer hardware, software, telecommunication capabilities, duplicating services, mail services (internal and external), TSA letterhead or chauffeur services, for other than official business or officially approved or sponsored activities or purposes.

(1) Telephones: Government telephones are for conducting official business. Employees are permitted to make occasional and reasonable personal calls that are of limited duration if they do not interfere with an employee's official duties or result in unreasonable cost to the government, such as brief calls within the local commuting area to locations that can only be reached during working hours (e.g., car repair shop, doctor) or to their residence within the local commuting area (e.g., to arrange

transportation, check on a sick family member). Employees may not make personal long distance calls at government expense except in an emergency. Discussions relating to classified information must be conducted using secure equipment only, e.g., Secure Telephone Unit (STU) or Secure Terminal Equipment (STE), and in accordance with approved procedures.

(2) 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.

(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. Under no circumstances shall the government e-mail systems be used to foster commercial interests, individual profit, partisan political endeavors, private fund raising, or passing chain letters. Refer to TSA Information Assurance Handbook for additional information.

(b) Email shall not contain any inappropriate messages that ridicule, or that may be offensive to others based on race, religion (e.g. religious or biblical references), color, sex, age, disability, national origin, sexual orientation, marital or parental status, or genetic information.

(3) Electronic communication devices, including but not limited to cellular phones, pagers, and Blackberry devices: Electronic communication devices are for conducting official TSA business. The use of such devices shall be consistent with assigned duties and responsibilities or consistent with the official business interests of TSA or other authorized purposes. An employee's use of electronic communication device must 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. The use of government-issued electronic communication devices are subject to the restrictions listed in D(2) above.

(a) Texting while driving:

(i) Employees shall not engage in text messaging[1] when using a TSA owned electronic communication device while driving[2].

[1] For the purposes of this directive text messaging refers to reading from or entering data into any handheld or other electronic device, including for the purpose of texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term "text messaging" does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answering an incoming call. The term also does not include glancing at, or listening to, a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to park.

NOTE: Certain employees, devices, or vehicles that are engaged in or used for protective law enforcement, or national security responsibilities, or on the basis of other emergency conditions are exempt from the above requirements. Texting while driving shall only be used as a tool of last resort when all other means of law enforcement communications are unavailable.

(ii) Employees are personally liable for any driving citations or sanctions due to violations relating to texting while driving.

(iii) Employees may also be subject to administrative action resulting in any violation as stated above.

(b) The use of the video camera in these devices shall be in accordance with the performance of the employee's duties. The camera function may not be used to take and disseminate personal photographs.

(c) Employees may not download applications or feature functionalities such as ring tones or games.

(d) Text message notifications for personal use are prohibited.

(e) Employees may be held personally liable or accountable for any unauthorized or unofficial use of electronic communication devices.

(f) Contents contained in electronic communication devices are the property of TSA.

(g) Employees are subject to unannounced periodic monitoring of electronic communication devices to ensure that the employee is not using government time, equipment, property, or personnel in any prohibited activity, including activity that would discredit TSA.

(h) A TSA supervisor or manager may request another TSA employee's call detail records, emails, text messages, IM records, and other data, as appropriate. Requestors must submit TSA Form 1409, *IT Service Request*, with a written statement and two signatures from Approving Authorities (Division Directors and above) to the TSA Office of Information Technology (OIT) Information and Assurance Cyber Security Division (IAD) for processing.

(4) Internet access/use: While on-duty and/or while using government supplied resources

[2] Driving is defined as operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise.

(including, but not limited to, desk top computers, laptop computers, cell phones, Blackberry devices), internet access/use shall be consistent with assigned duties and responsibilities or consistent with the official business interest of TSA or other authorized purposes. Limited personal use is authorized as long as this use does not interfere with official duties or cause degradation of services. Access of inappropriate sites is prohibited. These locations include sites that are obscene, hateful, harmful, malicious, hostile, threatening, abusive, vulgar, defamatory, profane, or racially, sexually, or ethnically objectionable. Under no circumstances shall access to the internet be used to foster commercial interests or individual profit. Refer to TSA Information Assurance Handbook for additional information.

(a) Use/access must 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.

(b) Employees are subject to unannounced periodic monitoring of internet access/use to ensure that government time, equipment, property, or personnel are not used in any prohibited activity, including activity that would discredit TSA. This includes the use of government laptops used to connect to prohibited sites.

(c) Prohibited or non-permissible access/use includes, but is not limited to:

(i) Seeking, transmitting, collecting, storing, or viewing material that is discriminatory, defamatory, or of a sexual and/or harassing nature. This includes accessing internet sites for the purpose of viewing and/or downloading pornographic pictures, videos, and related material. Accessing these sites may result in disciplinary action, up to and including removal, and possible criminal sanctions;

(ii) Accessing internet sites for the purpose of engaging in online gambling, e.g., poker games, sports events, or other related activities;

(iii) Broadcasting or posting inappropriate messages or materials 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;

(iv) As defined elsewhere in this handbook, participating in hate groups or organizations that engage in criminal or other notorious activity;

(v) Concealing or misrepresenting user identity or affiliation;

(vi) Pursuing private commercial activities or profit-making ventures, fundraising, or partisan political activities. This restriction applies to

activities that benefit the employee or to activities that benefit another person or group selected by the employee without authority;

(vii) Divulging any unauthorized information related to DHS or TSA on non-government websites;

(viii) Processing classified national security information on computers connected to the agency local area network (LAN) or on electronic communication device; or

(ix) Creating personal web pages or posting content to 'blogs,' or other types of internet communication, the content of which constitutes non-permissible use.

NOTE: An employee's **off-duty** access/use must not adversely reflect on TSA or negatively impact its mission, cause embarrassment to the agency, or cause the public and/or TSA to question the employee's reliability, judgment, or trustworthiness. The above non-permissible or prohibited use/access is applicable while off duty and/or while using non-government supplied resources if an employee's off-duty internet access/use is identified with, or contains references to TSA in a manner that may reasonably imply a connection between TSA and the internet access/use.

(5) Personal Mail: Employees may not have personal mail directed to their place of employment[3].

(6) Government Postage: Personal use of U.S. Government-furnished postage - either metered or stamps - is prohibited. Personal use of other mailing services paid for by TSA is also prohibited. Employees may not use any form of government-supplied postage or mailing service for any personal or other non-approved purpose; this includes submitting job applications or mailing holiday or greeting cards. Employee organizations and/or morale groups and their members are also prohibited from using Government or TSA paid mailing services to distribute organizational information or conduct organizational business.

(7) Fiduciary Cards: Employees are prohibited from using government-provided purchase cards, fleet cards or travel cards for personal use or other non-official or unauthorized purposes. Employees to whom such cards have been issued must become familiar with the provisions of applicable TSA, DHS, and government policies. Employees are subject to TSA MD 1000.5, *Government Travel Cards*.

(a) Employees should seek reimbursement of legitimate official business

[3] An exception to this prohibition is for employees posted or on temporary duty in foreign locations where government mail services have been established for security and safety reasons. See DHS MD 0590, *Mail Management Program*.

expenses within five working days after completion of a trip or period of travel, or every 30 days if the employee is on continuous travel status.

(b) Employees are required to maintain their government credit card accounts in good standing and to make timely payment in full of outstanding balances.

(c) Employees who are separated from TSA are responsible for returning their government-provided purchase card and/or travel card to their respective Travel Card Organization Program Coordinator.

(8) Government Vehicles and Other Passenger Carriers:

(a) Employees who willfully use or authorize the use of a passenger carrier, owned or leased by the Government for other than official purposes shall be suspended without pay for at least one month (30 days), or longer as warranted, or removed from office in accordance with 31 U.S.C. § 1349. Passenger carriers include: motor vehicle, aircraft, boat, ship, or other similar means of transportation owned or leased by the Government. Refer to TSA MD 200.53, *Motor Vehicle Fleet Management*, and TSA MD 200.59, *Home-to-Work Transportation* for additional information.

(b) Employees shall not engage in text messaging when driving a Government vehicle or when driving a personal vehicle while on official TSA business. Certain employees are exempt from this provision as stated above in D(3).

(9) Employee Identification Cards, Uniform Items, Badges, Credentials, Facility Access Cards (including Security Identification Display Area (SIDA) badges), and other Similar Media (for the purposes of this sub-section "identification media"):

(a) Employees will use official (TSA or DHS issued or authorized) identification media only for official or other permissible purposes. Employee use of official identification media must comply with applicable requirements and restrictions, including DHS MD 11010.1, *Issuance and Control of Credentials*, and those issued by the program office responsible for the media in question. Applicable requirements and restrictions include, but are not limited to, a prohibition against allowing another individual to use an employee's identification badge, a requirement to wear, and visibly display an employee identification badge while on duty, and a prohibition from facility access during non-duty hours unless authorized.

(b) Employees are prohibited from using private identification media for purposes other than those for which the media was issued. In this context, private identification media means identification media issued by a non-governmental entity in connection with that entity's legitimate interests. For example, attempting to use an access card issued by a private employer to gain entrance to TSA space, although the user is a TSA employee, is

prohibited.

(c) Employees must not obtain, possess, display, transfer to another, or otherwise use fraudulent identification media.

(d) In the event that identification media is lost or stolen:

(i) Notify the Transportation Security Operations Center (TSOC: 703-563-3240) following awareness of the loss or stolen item;

(ii) Submit a request to the affected employee's local Human Resources Specialist or Business Management Office for reporting the incident in the Performance and Results Information System (PARIS); and

(iii) Make a report of the missing item to the local Police Department in the jurisdiction where the identification media was lost or stolen.

NOTE: A replacement identification media will not be provided by Physical Security Section until the aforementioned steps are fulfilled.

E. **Observing Safety Regulations, Rules, and Instructions:**

Employees must observe all rules, signs and instructions relating to personal safety in the workplace. Employees must report potentially unsafe or unhealthy working conditions and/or practices to their immediate supervisor (or any supervisor or management official in the chain of supervision), or to the appropriate TSA safety and health official, and must cooperate fully with TSA's safety staff. Employees must:

(1) Report accidents involving injury to persons or damage to property or equipment;

(2) Use required protective clothing or equipment;

(3) Take applicable precautions to ensure the safety of personnel, and prevent injury to personnel or damage to property/equipment;

(4) Wear available safety/seat belt while using a motor vehicle for official Government business;

(5) Report any operational error or deviation from safety regulations, rules, or instructions;

(6) Evacuate the premises during a fire alarm/drill or other order to vacate a work site and otherwise abide by the directions of a floor warden, safety, security or management official; and

(7) Perform work-related activities in a safe and prudent manner.

F. **Providing Statements and/or Testimony:**

(1) Employees must cooperate fully with all TSA and DHS investigations and inquiries, including but not limited to inquiries initiated by supervisors and management officials, OOI or DHS OIG, unless a *Garrity* warning is issued to the affected employee. (**NOTE:** This warning may only be issued by authorized OOI or DHS agents). See F(5) below for additional information. This includes providing truthful, accurate, and complete information in response to matters of official interest, and providing a written statement, if requested to do so. Employees must follow established TSA and DHS procedures when responding to such requests for information or testimony.

(2) The requirement to provide information in an inquiry does not, in all cases, take precedence over a promise of confidentiality given under authority of government law, regulation, or policy, such as a promise of confidentiality given by an EEO counselor, an Ombudsman, or a TSA Model Workplace Conflict Management Coach. However, a promise of confidentiality does not extend to information that reveals criminal activity, a threat of harm to a person or persons, a breach of transportation security, concerns regarding access to national security information, or other similarly serious matter (such as an offense listed in the attachment to TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*). Questions concerning confidentiality matters, including promises of confidentiality, should be referred by management to OCC.

(3) TSA's policy is to cooperate fully with Congress and other duly authorized investigative bodies regarding matters under their jurisdiction. All employees must give complete and truthful information in response to requests from such bodies for information or assistance. Prior to responding, employees must advise their supervisor, or their second-level supervisor of any such request.

(4) When directed by the Administrator (or designee), or by another appropriate authority, an employee shall take an oath or make an affirmation about his/her testimony or written statement before an agent authorized by law to administer oaths. If requested, the employee, after reviewing the document, shall sign his/her name to the transcript of testimony, affidavit or written statement that the employee provided. No employee may refuse to testify or refuse to provide a written statement or information pertinent to matters under investigation or inquiry. However, if the employee is being questioned by DHS Office of Inspector General, TSA Office of Inspection (OOI), or other authorized criminal investigator as the subject of an investigation that could result in criminal prosecution, the employee shall be issued a *Garrity* warning.

(5) A *Garrity* warning is appropriate during an investigation when an employee is requested to provide information on a voluntary basis and the possibility exists that the information provided may be used as evidence against the employee in any future

criminal proceeding. In such matters, the employee is advised: (1) that they are not under arrest; (2) the interview is voluntary; (3) they may terminate the interview at any time; (4) any information the employee provides may be used against him or her in a subsequent criminal trial or administrative hearing; and (5) no disciplinary or adverse action may be taken against the employee solely for refusing to provide a statement or answer questions. In these cases, management officials must contact OCC for guidance

(6) A *Kalkines* warning may be issued to the employee in some cases. (**NOTE:** This warning may only be issued by authorized OOI or DHS agents). A *Kalkines* warning is appropriate when the possibility of criminal prosecution has been removed, usually by a declination to prosecute by the U.S. Department of Justice. In these instances, the employee is required to answer questions relating to the performance of his or her official duties or be subject to disciplinary or adverse action, as appropriate.

G. **Letters and Petitions to Congress:**

(1) Employees, in their official capacity, may not engage in "grass roots" lobbying by encouraging persons or entities outside the Government (third parties, special interest groups, or members of the public) to contact members of Congress in support of, or in opposition to, a legislative matter before or after its introduction.

(2) Employees, either individually or collectively, in their personal capacity, may petition Congress or any member thereof, or may furnish information to any committee or member of Congress unless the information furnished is prohibited by law, regulation, or policy from disclosure.

(3) Employees may not use agency facilities (to include facilities, supplies, equipment, personnel and/or duty time) to contact any committee or member of Congress about personal business.

(4) Although TSA desires that employees seek to resolve any workplace problem or grievance within TSA, employees exercising their right to correspond with a member of Congress shall be free from restraint, reprisal or coercion.

H. **Recording or Monitoring of Telephone Calls or Covert Recording or Monitoring of Conversations, Meetings, etc.:**

(1) Recording of telephone conversations in connection with performance of TSA duties without prior approval of the Chief Information Officer (CIO) is prohibited. The use of recording devices, portable or otherwise, on telephones shall be for official purposes and generally limited to areas involving transportation security.

(2) Covert/secret taping of any conversation or meeting occurring at the workplace or off-site that deals with workplace issues and matters of official concern is generally prohibited. This prohibition applies regardless of any state law that may permit

covert/secret tape recording, except that covert recordings may be conducted by OOI agents during their investigations as specified by law.

(3) These prohibitions do not preclude openly using recording equipment in areas involving transportation security, official investigations, or under circumstances wherein the prior willing concurrence of all parties is clearly and specifically indicated and understood.

(4) Electronic communication devices may be used for covert recording involving transportation security. For additional information on electronic communication devices, refer to section D.

I. **Defamatory or Irresponsible Statements:**

Employees are accountable for the statements they make and the views they express. An employee's public criticism of TSA, its management or employees on matters of public concern (defined as a matter of political, social, or other concern to the community) may be constitutionally protected. However, this protection may be limited if the speech in question disrupts the orderly conduct of official business, concerns protected information, or where such statements adversely affect the efficiency of TSA. For example, defamatory, irresponsible, false or disparaging statements about employees may disrupt the orderly conduct of official business or adversely affect the efficiency of TSA.

J. **Relationships in the Workplace:**

TSA is committed to avoiding the adverse effects on the morale, operations and mission of the agency that may result from romantic and/or intimate personal relationships in the workplace. A romantic or intimate relationship between individuals who have a direct or indirect supervisory relationship is inappropriate and may violate the Standards of Ethical Conduct for Employees of the Executive Branch. Although TSA has no desire to interfere with the private lives of its workforce, such conduct may affect workplace effectiveness and the best interests of TSA must come first. Therefore, if such a situation develops, the employee in the supervisory position (the more senior position if both employees are supervisors) must inform his/her manager to enable TSA to take appropriate measures to eliminate any potential or actual adverse effects.

K. **Sexual Harassment and Misconduct of a Sexual Nature:**

TSA is committed to providing a workplace free from sexual harassment or misconduct of a sexual nature. All employees have a right to work in an environment where they are treated with dignity and respect.

(1) Sexual harassment is sex discrimination in violation of Title VII. Sexual harassment is defined as unwelcome sexual advances (actions will be determined as "unwelcome" if the employee did not solicit the action and the employee regarded the conduct as undesirable and/or offensive), requests for sexual favors, and other verbal

or physical conduct of a sexual nature when:

(a) Submission to such conduct is either explicitly or implicitly made as a term of an individual's employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(2) Misconduct of a sexual nature may not rise to the legal definition of sexual harassment, but is nonetheless inappropriate for the workplace and will not be tolerated. For instance, viewing, posting, copying, sharing, distributing and/or printing material of a sexual nature from the internet or other source is prohibited while on duty, while on TSA premises, or when using a TSA computer or server.

(3) All employees have a responsibility to behave in a proper manner and to take appropriate action to eliminate sexual harassment or other misconduct of a sexual nature in the workplace. Additional information may be found in TSA MD 1100.73-3, *Prevention and Elimination of Sexual Harassment in the Workplace.*

L. **Workplace Violence:**

Violent, threatening, intimidating, or confrontational behavior is unacceptable and will not be tolerated. Threatening behavior may include harassment, intimidation, or any oral and/or written remarks or gestures that communicate a direct or indirect threat of physical harm, or which otherwise frighten or cause an individual concern for his or her personal safety. Such irresponsible and inappropriate behavior includes actions, gestures, language or any other intimidating or abusive action that creates a reasonable apprehension of harm. Employees, supervisors, and managers are responsible for enforcing the highest standards of personal safety and welfare at the workplace. Employees must immediately report threats of violence, violent incidents or other inappropriate behavior to their supervisors, Workplace Violence Coordinators, TSA Worksite Managers, or any TSA management official, as appropriate in the situation. Refer to TSA MD 2800.12, *Workplace Violence Program*, for additional information.

M. **Eliminating Discrimination and Creating a Model Work Environment (MWE):**

(1) TSA is committed to providing a work environment free from unlawful discrimination and where the contributions of all employees are supported and encouraged without regard to non-merit factors. All conduct must be appropriate and supportive of a model work environment. For instance, engaging in discriminatory conduct, making disparaging remarks, expressing stereotypical views that reflect negatively on a particular group or individual, or displaying and/or distributing

offensive materials that ridicule or defame a particular group is prohibited in the workplace.

(2) Every level of management, including supervisors, is required to provide positive leadership of and support for TSA's and DHS' Equal Employment Opportunity (EEO) policies and programs by ensuring that all agency programs, practices and activities are developed and administered in accordance with pertinent laws and agency policy prohibiting discrimination. Managers and supervisors must not engage in unlawful discrimination or inappropriate behavior in exercising their authority to take, direct others to take, recommend or approve any personnel action with respect to TSA employees and applicants. Managers and supervisors are responsible for ensuring a hospitable workplace free of discrimination, intimidation, and other offensive behaviors and materials, and may be subject to corrective action for failing to take prompt appropriate action to correct intimidating and/or offensive activity in the workplace.

(3) TSA prohibits reprisal and illegal discrimination against anyone on the basis of race, color, national origin, religion, age, sex, disability, sexual orientation, political affiliation, marital or parental status, or genetic information. Consistent with law, however, TSA may establish physical and mental ability or gender-based employment criteria when necessary to meet TSA's legal and operational mandate to perform security screening functions. In addition, TSA will not tolerate disparate treatment of individuals on the basis of characteristics not bearing on job performance or the statutory qualifications of the job.

(4) It is a violation of TSA policy to coerce, threaten, retaliate against, or interfere with any person in the exercise of his or her right to file a claim of illegal discrimination or his or her right to oppose any discriminatory practices or behavior. No employee shall be subject to retaliation for making a charge of discrimination, giving testimony, assisting, or otherwise participating in the EEO process; nor shall an employee be retaliated against for filing a grievance or participating in any process provided for in the Unitary Dispute Resolution System (UDRS), or raising his or her concerns regarding the workplace through other available means (e.g., Office of the Ombudsman, U.S. Office of Special Counsel, OIG).

NOTE: TSA's Civil Rights Division is responsible for the EEO process at TSA. TSA's National Resolution Center (NRC) is responsible for administering the UDRS.

N. **Possession of Firearms or Other Weapons:**

(1) Unless authorized by TSA, no employee may have in his or her possession any firearm or other dangerous weapon —

(a) While in any Federal facility (as defined in 18 U.S.C. § 930); or

(b) While in any motor vehicle, vessel, aircraft, or other conveyance owned, leased, rented, or controlled by the United States; or

(c) While acting in the course and scope of office or employment, except that an employee is permitted the otherwise lawful storage of a firearm or weapon in a private vehicle or conveyance if not otherwise prohibited by this section N.

NOTE: These rules apply *in addition to* any relevant federal, state, and local or tribal laws, rules, ordinances, and directives.

(2) Employees traveling with firearms must ensure that such items are packed in the employee's checked baggage pursuant to 49 C.F.R. § 1540.111(c), or, with respect to other weapons, ensure that such items are packed in the employee's checked baggage. All employees are required to follow individual airline regulations when traveling with a firearm and/or weapon. Firearms and weapons may only be transported in checked baggage. Employees must declare the firearm or weapon to the ticket agent and present the unloaded weapon in a locked hard-sided case. The hard-sided case does not include a suitcase. No employee may carry a firearm or weapon onto an airplane on their person or in accessible property unless authorized by TSA in accordance with this directive.

(3) The prohibitions outlined in Section N(1) and N(2) above do not apply to any TSA designated law enforcement officers (i.e., TSA Criminal Investigators in 1811 positions, Federal Air Marshals in 1801 positions, AFSDs for Law Enforcement in 1811 positions, and Transportation Security Specialists in 1801 positions in the OLE/FAMS, Security Branch and Physical Security Section, that are designated as law enforcement positions) that comply with all of the requirements of 49 C.F.R. § 1544.219, including the training and notification requirements.

(4) Employees are prohibited from using identification cards, credentials, badges, or other employee identifiers to circumvent these provisions to carry a firearm/weapon in a non-official capacity.

O. **Alcohol and Drugs:**

(1) TSA prohibits the use of illegal substances and the inappropriate use of legal substances. Illegal substances include, but are not limited to, cocaine, marijuana, opiates, amphetamines, and phencyclidine. The use of marijuana is prohibited by Federal law. State and local laws, as well as laws of other countries, do not affect the prohibition of marijuana use by TSA employees. Legal substances include, but are not limited to, alcohol and prescription or over-the-counter medications. These substances can negatively affect the:

(a) Employee's work performance and/or conduct;

(b) Ability of other employees to perform their duties effectively; and

(c) Ability of TSA to accomplish its mission.

(2) As an employer with responsibility for transportation security, TSA is especially concerned when an employee's actions could negatively affect the security of the public or detract from public confidence. Public confidence depends upon trust in the integrity of the nation's transportation systems, and in the employees who maintain the security of the traveling public. Accordingly, employees will be subject to the following requirements:

(a) Employees are prohibited from using illegal drugs;

(b) Employees are prohibited from possessing, distributing or trafficking in controlled and/or illegal substances in violation of federal, state or local law. This prohibition applies to employees both on and off-duty;

(c) Employees who inappropriately use legal substances will not be allowed to perform any safety or security-sensitive duties. TSA shall consider the circumstances of the inappropriate use and determine whether an employee may be returned to duty. An employee shall not be returned to duty unless TSA has determined that such employee is not a risk to public safety or security;

(d) An employee arrested for drug or alcohol-related crimes for which a term of imprisonment could be imposed will not be allowed to perform any safety or security-sensitive duties unless TSA determines that the employee is not a risk to public safety or security. Employees may be subject to an investigation of the circumstances giving rise to the arrest and disciplined in appropriate cases;

(e) Employees occupying Testing Designated Positions (TDPs) other than law enforcement positions are prohibited from consuming or being under the influence of alcohol while on duty or consuming alcohol for a minimum of eight hours preceding performance of security-related functions. Law enforcement positions, including Federal Air Marshals, Criminal Investigators, and any other TSA-designated Law Enforcement Officers are prohibited from consuming or being under the influence of alcohol while on duty or consuming alcohol for a minimum of 10 hours preceding performance of security-related functions. Employees are responsible for ensuring that they are fit for duty and free of any alcohol impairment upon reporting for, and carrying out, their security functions;

(f) Employees in non-TDPs are prohibited from consuming or being under the influence of alcohol while on duty; and

(g) Employees are prohibited from endangering themselves and the public by driving while under the influence of alcohol.

(h) Employees subject to random alcohol and/or drug testing may not leave the testing site without permission from a supervisor prior to completing the alcohol and controlled substance testing. Employees requesting leave due to emergency situations must advise their immediate supervisor and any other management official from whom they are requesting leave that they have been selected for random testing contemporaneous with the leave request, and prior to leaving the testing site.

P. **Membership or Participation in Hate Groups Or Organizations That Engage In Criminal Or Other Notorious Activity:**

(1) Membership or participation in hate groups is inconsistent with TSA's policy that employees not engage in activities that may reflect unfavorably on TSA or the federal government. An employee who knowingly becomes, remains a member of, or participates in a hate group, or who otherwise knowingly associates with the hate-motivated activities of others, proceeds at the risk that his or her membership, participation, or association could reasonably be taken as tacit approval of the prejudice-related aspects of those groups or activities. As used here, "hate group" or "hate-motivated activities" is defined as an organization, association, event, or activity, the sole or primary purpose of which is to advocate or promote hate, violence, or invidious prejudice against individuals or groups based on race, color, religion, national origin, sex, sexual orientation, age, or disability where such association, conduct, or speech adversely affects the efficiency of TSA.

(2) Membership or participation in organizations that condone violence against others or engage in criminal or other notorious activity - whether or not the employee himself or herself engages in such activity - is inconsistent with TSA's and DHS's mission to ensure the safety of our nation's transportation systems and the security of our country. Therefore, employees who associate with such organizations run the risk that their membership, participation, or association could reasonably be taken as approval of the organization's notorious activities. Under certain circumstances, employees may be required to terminate their relationship with such organizations and/or may be subject to administrative action.

(3) Employees will not, except as may be necessary in connection with official assignments or duties, associate with individuals or groups who are believed or known to be connected with criminal activities. This limitation on association covers any social, sexual, financial, or business relationship with a source of information, a suspected or known criminal, or an illegal alien, subject to being removed from the United States of America.

Q. **Subversive Activity:**

In accordance with 5 U.S.C., Chapter 73, no employee shall advocate, or become a member

of any organization that which the employee knows advocates the overthrow of the U.S. Government, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States.

R. **Partisan Political Activity and Holding Partisan Political Office:**

(1) Employees are responsible for complying with the restrictions on partisan political activity contained in the Hatch Act (5 U.S.C. § 7321, et seq, 5 C.F.R. Parts 733-734).

(2) No employee shall run for nomination to or as a candidate for a partisan political office, except as expressly provided in 5 C.F.R Part 733. Employees may not conduct partisan political activities in the Government workplace or while on duty, in a Government vehicle, or while wearing an official uniform. In addition, employees may not solicit, accept, or receive partisan political campaign contributions or host a partisan political fundraiser. Employees are urged to seek the advice of OCC or the U.S. Office of Special Counsel to determine if a particular partisan political activity is permissible under the Hatch Act.

S. **Work Strikes and Slowdowns:**

Employees are prohibited from engaging in, or encouraging another federal employee to engage in, a strike, work stoppage, work slowdown or sickout involving the Federal Government.

T. **Canvassing, Soliciting, or Selling:**

Employees shall not engage in private activities involving the use of government time, the time of a subordinate, or equipment or resources for personal gain or the gain of others or any other unauthorized purpose while on duty or on Government owned or leased property.

(1) This prohibition applies specifically, but is not limited to, such activities as:

(a) Canvassing, soliciting, or selling, particularly for personal or private monetary gain;

(b) Promoting or buying (group or otherwise), when such action could reasonably be interpreted as involving the improper use of Government facilities, equipment, and personnel;

(c) Canvassing or soliciting membership, except in connection with organized, sanctioned employee groups as authorized by law, regulation, or directive; and

(d) Soliciting contributions from other employees for a gift to anyone in a superior official position in contravention of law (5 U.S.C. § 7351) or regulation (5 C.F.R. §§ 2635.301 – 2635.304).

(2) This prohibition does not apply to:

(a) Specifically authorized activities;

(b) Soliciting contributions for authorized charitable, health, welfare and similar organizations (e.g., Combined Federal Campaign) as outlined in 5 C.F.R. Part 950;

(c) Activities of voluntary groups of Federal employees commonly accepted as normal social, welfare or recreational functions of such groups; and

(d) Solicitation for a voluntary contribution for an employee experiencing a significant life event where the collection is conducted by co-workers of approximately equal status to the employee. In this context, a significant life event includes but is not limited to such events as marriage, childbirth, transfer, separation, retirement, illness or death in the family.

U. **Gambling and Related Activities:**

Employees shall not conduct or participate in any gambling activity while on Government-owned or leased property, or at the workplace or in any government office, while in uniform, while using a government vehicle, or using government resources. Gambling activity includes, but is not limited to, operating a gambling device, on-line gambling or internet gambling, conducting or participating in a lottery or pool, conducting or participating in a game for money or property, or selling or purchasing a numbers slip or ticket. However, for the purposes of this directive, the purchasing of state-sponsored lottery tickets is not considered a gambling activity.

V. **Borrowing and Lending Money:**

(1) Managers, supervisors, or supervisory team leads shall not borrow money from subordinates or have a subordinate act as an endorser or co-maker of a note given as security for a personal loan. Employees shall not lend money to any other employee, superior official or peer for monetary profit or other gain. These prohibitions do not apply to the operation of recognized credit unions or to employee welfare plans.

(2) Managers and supervisors should also not engage in any financial agreement or joint business ventures, including, but not limited to, general or limited partnerships, landlord-tenant relationships, or ongoing contractual relationships for providing goods or services, that could affect the financial interests of a subordinate or a supervisor, or otherwise create a conflicting financial interest or create an appearance of lack of impartiality as defined by 5 C.F.R. § 2635.502.

W. **Meeting Financial Obligations:**

Employees shall satisfy in good faith all just financial obligations and shall make and adhere to arrangements for settlement of debts. Financial obligations include, but are not limited to: Federal, state, or local taxes; and other valid debts, including personal commercial debts, Government-provided credit card debts, claims based on court judgments, Federally insured student loans, and tax delinquencies.

X. **Notarial Fees:**

An employee who is a notary public shall not charge or receive fees for performing notarial acts in connection with his or her official duties. The prohibition on acceptance of fees does not apply to notarial acts performed in an unofficial capacity during off-duty hours and off-Government property.

Y. **Gifts From Non-Federal Sources:**

Employees are prohibited from soliciting or accepting, either directly or indirectly, any gift from a prohibited source, or a gift that is offered because of the employee's Government position, unless an exception or exclusion applies to gifts that are offered pursuant to 5 C.F.R. Part 2635, Subpart B. Gifts may not be solicited even if an exclusion or exception would apply if the gift was offered to the employee. Generally, employees may not accept cash. Generally, a prohibited source includes any person or organization seeking official action by doing or seeking to do business with, or whose activities are regulated or substantially affected by TSA or its employees, and includes the traveling public. See 5 C.F.R. § 2635.203(d) for the regulatory definition of a prohibited source. A gift includes any favor, gratuity, discount, entertainment, hospitality, loan, forbearance, or any other thing of monetary value, including free transportation and free attendance. Refer to the TSA Guide to Major Ethics Rules for additional information.

Z. **Outside Employment and Outside Activities:**

(1) Employees may not engage in outside employment or an outside activity that conflicts with their official duties. See 5 C.F.R. § 2635.802 for additional details. Outside employment, or an outside activity, will conflict with an employee's official duties if the employment/activity violates the law or any agency supplemental regulation, or if it will cause the employee to disqualify himself/herself from participating in matters that are so central or critical to the performance of the employee's official duties that the employee's ability to perform the duties of his/her position will be materially impaired. Examples of conflicting outside employment/activities include those matters that will create a financial conflict of interest for an employee, or cause an appearance of lack of impartiality in the performance of his/her official duties.

(2) Employees are urged to seek guidance from their field counsel or OCC in advance to determine whether outside employment/activity will conflict with the employee's

official duties.

(3) Employees who engage in conflicting outside employment/activities may be subject to disciplinary action, may be forced to resign from the conflicting outside employment/activity, or may be subject to civil or criminal prosecution if the outside employment/activity violates the criminal conflict of interest ethics statutes at 18 U.S.C. §§ 201-209, or other laws.

AA. **Advertisements, Endorsements, and Referrals:**

Employees shall not use or permit use of their Government position or title, or any authority associated with their public office, to endorse any product, service, or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a non-governmental capacity , except as permitted by law or regulation, .

BB. **Unauthorized Absences and Tardiness:**

(1) Employees are expected to schedule and use earned leave in accordance with established procedures. Whenever possible, employees must obtain prior approval for all absences including leave without pay (LWOP). Employees are required to contact their supervisor as far in advance of their scheduled tour of duty as possible, or by the time established in the call-in procedures for their organization, to request and explain the need for unscheduled leave. Exceptions to this requirement include when the employee is incapacitated or when there are other exigent circumstances. In such instances, the employee, a family member or other individual should, as soon as is reasonably practical, notify the employee's supervisor of the unplanned leave. Repeated unscheduled absences may negatively reflect on the employee's dependability and reliability, and may adversely affect TSA's mission. Unapproved absences will be charged as absent without leave (AWOL). AWOL may form the basis for administrative action, including discipline, up to and including removal from TSA.

(2) Tardiness includes delay in reporting to work at the employee's scheduled starting time, returning late from lunch or scheduled break periods, or returning late to the employee's work site after leaving the workstation on official business or leave. Unexplained and/or unauthorized tardiness shall be charged as AWOL. Refer to TSA MD 1100.63-1, *Absence and Leave*, for additional information. For Bargaining Unit Employees, refer to Article 3, *Attendance Management Process*, of the Collective Bargaining Agreement between TSA and the American Federation of Government Employees.

CC. **Nepotism:**

TSA officials shall not knowingly appoint, employ, promote, or advance to a position in TSA one of his/her relatives. Among other things, managers and supervisors shall not:

(1) Advocate one of his/her relatives for appointment, employment, promotion, or advancement to a position in his/her agency or in an agency over which he/she exercises jurisdiction or control.

(2) Knowingly appoint, employ, promote, or advance to a position in TSA the relative of a TSA official, or of a public official who exercises jurisdiction or control over TSA, if the TSA official or public official has advocated the appointment, employment, promotion, or advancement of that relative.

(3) Directly or indirectly supervise a relative except in certain limited circumstances. Refer to TSA MD No. 1100.30-2, *Employment of Relatives,* for additional information.

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