



Transportation
Security
Administration

U.S. DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
OFFICE OF HUMAN CAPITAL POLICY

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 document, and all related Handbooks, Attachments, and Appendices, establish Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding addressing performance and conduct matters involving senior employees issued under the FAA Personnel Management System. This is TSA policy and must be applied accordingly.

HCM LETTER NO. 752-3

DATE: June 18, 2008

SUBJECT: ADDRESSING PERFORMANCE AND CONDUCT PROBLEMS FOR TSA SENIOR EMPLOYEES.

1. **PURPOSE:** This letter provides TSA policy and procedures for managers and supervisors to review incidents involving alleged misconduct or substandard performance and to propose timely and appropriate corrective or disciplinary action involving certain categories of senior TSA personnel. This letter cancels TSA MD 1100.75-2, Professional Review Board, issued on April 15, 2004.
2. **SCOPE:** This letter applies to all TSA organizational elements. This letter applies to senior employees, as defined in Section 4.E. of this letter, not serving a basic trial period of employment. Refer to [TSA MD 1100.31-1, Trial Periods](#) for additional information.
3. **AUTHORITIES:**
 - A. The Homeland Security Act of 2002, Pub L. 107-296
 - B. The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)
 - C. [TSA MD 1100.75-3, Addressing Performance and Conduct Problems](#)
 - D. [TSA MD 700.2, Informal Administrative Inquiries](#)
4. **DEFINITIONS:**
 - A. Adverse Action: A suspension (of any length), including an indefinite suspension; a removal; or a reduction in pay band or basic rate of pay.

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- B. Corrective Action: Non-disciplinary action, such as a Letter of Counseling or a Letter of Guidance and Direction, that informs an employee about conduct or performance that should be corrected or improved.
- C. Disciplinary Action: A Letter of Reprimand or an adverse action.
- D. Integrity Officer: A senior TSA employee designated by the Deputy Assistant Secretary who is responsible for reviewing the Quarterly Report of cases involving senior employees and providing advice to the Deputy Assistant Secretary.
- E. Senior Employees: Any TSA personnel occupying a position in any of the following categories:
 - (1) Transportation Security Executive Service (TSES) employees;
 - (2) Federal Security Directors (FSDs), Deputy FSDs (DFSDs), or Assistant FSDs (AFSDs);
 - (3) Special Agents in Charge (SAICs) in the Federal Air Marshal Service (FAMS); or
 - (4) Any employee in pay bands K through M.

5. RESPONSIBILITIES:

- A. Deputy Assistant Secretary is responsible for designating an Integrity Officer to provide oversight of corrective and disciplinary actions against senior employees.
- B. Assistant Administrator for Human Capital (AA/OHC) is responsible for providing a quarterly report of investigations and inquiries concerning senior employees, and any resulting corrective or disciplinary action to the Integrity Officer.
- C. The Integrity Officer is responsible for reviewing the quarterly report provided by the AA/OHC and advising the Deputy Assistant Secretary whether appropriate corrective or disciplinary action was taken against senior employees found to have engaged in misconduct or unacceptable performance.
- D. Managers and supervisors are responsible for:
 - (1) Maintaining an efficient and productive workplace;
 - (2) Initiating investigations or management inquiries in accordance with TSA MD 700.2, Informal Administrative Inquiries, or notifying the appropriate office when they become aware of possible misconduct or unacceptable performance involving senior employees;
 - (3) Ensuring that any completed local inquiry involving a TSA senior employee is

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forwarded to the Office of Human Capital (OHC), Office of Employee Relations, prior to any decision on the appropriate action being taken; and

- (4) Taking the appropriate corrective or disciplinary actions¹ when a determination has been made that a TSA senior employee has engaged in misconduct or has performance deficiencies.

E. OHC Office of Employee Relations is responsible for:

- (1) Exercising headquarters oversight of the personnel processes under this policy;
- (2) Providing advisory assistance to management officials involved in the review and adjudication of misconduct and performance deficiencies;
- (3) Providing quarterly reports to the AA/OHC regarding of case status and disposition;
- (4) Advising the AA/OHC, or his/her designee, on issues and/or concerns regarding activities or actions by the management chain that are inconsistent with TSA policy/procedures or past practices; and
- (5) Maintaining the official records of all actions processed under this policy.

F. Office of Chief Counsel (OCC) is responsible for:

- (1) Providing legal support to management officials. This includes reviewing all cases, advising on the legal sufficiency of any potential actions; and
- (2) Reviewing all disciplinary actions (with the exception of letters of reprimand) prior to issuance to ensure legal sufficiency.

G. Entities responsible for inquiries or investigations, such as the Office of Inspection (OI) and the Management Inquiry Branch, with regard to subjects who are covered by this policy, are responsible for:

- (1) Ensuring that copies of completed reports are distributed to the appropriate offices, to include: OHC Office of Employee Relations, OCC, and the appropriate Assistant Administrator.
- (2) Ensuring that follow-up investigative measures are accomplished and reported in a timely manner, if a determination is made that an investigation or other inquiry report requires additional information. The entity will provide a representative if questions arise, or to whom requests for additional question or information are made.

¹ Such actions are subject to the provisions of [TSA MD 1100.75-3, Addressing Performance and Conduct Problems](#)

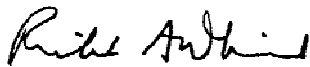
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NOTE: Any completed investigation report resulting from a local inquiry shall be forwarded to OHC Office of Employee Relations prior to any action being taken.

6. **POLICY:** Consistent with TSA policy, supervisors, managers and directors are responsible for initiating and conducting inquiries, or for requesting OI or Office of Inspector General (OIG) investigations, or initiating the appropriate action, as deemed necessary, when they become aware of possible misconduct or unacceptable performance involving senior employees.
7. **PROCEDURES:**
 - A. Consistent with the provisions of [TSA MD 1100.75-3](#), management officials will discuss and coordinate with representatives of OHC Office of Employee Relations, OCC, and any other functional area representatives or subject matter experts, as needed, to review any incident or allegation of misconduct or demonstration of poor performance.
 - B. Senior officials who demonstrate unacceptable performance are covered by the provisions of applicable TSA directives and policies.
8. **EFFECTIVE DATE AND IMPLEMENTATION:** This policy is effective immediately upon signature.

APPROVAL



6-18-08

Richard A. Whitford, Assistant Administrator
for Human Capital

Date

Filing Instructions: File with HCM 610 Letters and Guidance

Effective Date: 6-18-08

Review Date: 6-18-10

Distribution: Assistant Secretary, Deputy Assistant Secretary, Assistant Administrators, Area Directors, Senior Field Executives, Federal Security Directors, Special Agents in Charge.

Point-of-Contact: Office of Human Capital Policy, TSA-OHC-Policy@dhs.gov

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Appendix: Delegation of Authority:

Letter of Guidance/Direction, Letter of Counseling, and Letter of Leave Restriction	Delegated to the employee's immediate supervisor.
Letter of Reprimand	Delegated to the employee's immediate supervisor.
Proposing Official (Suspensions of 14 days or less)	Delegated to employee's immediate supervisor or other designated official.
Proposing Official (Suspensions of 15 days or more, Reduction in Pay/Pay Band and Removals)	Anyone in the employee's chain of command or other designated official.
Deciding Official	Anyone in the employee's chain of command but above the Proposing Official or other designated official equal to the Proposing Official.