

Reference Chart: Performance Deficiency or Misconduct

HUMAN CAPITAL



There are important differences between performance deficiencies and misconduct, and what actions should be taken to address them. Supervisors and/or managers should use this chart in tandem with the *Performance Deficiency or Misconduct: Decision Guide* to help determine if an employee demonstrated a performance deficiency or engaged in misconduct. If you detect issues with your employee's performance or conduct, please consult with your local Human Resources Specialist, regional Human Capital Employee Relations Specialist and/or TSA's Chief Counsel (CC).

	Performance Deficiency	Misconduct
Definition	When an employee is unable to perform at an acceptable level, as described in the goals and competencies of their performance plan. Employees usually do not consciously decide to perform unacceptably.	A violation of a workplace policy, rule or standard of conduct. Misconduct is generally a conscious act by an employee, i.e., they choose to engage in misconduct even though they know the behavior is unacceptable.
Examples NOTE: These lists are not all-inclusive	<ul style="list-style-type: none"> Inability to perform critical elements of the job Being late with assignments Poor customer service knowledge and skills Poor organizational skills Incomplete work Missing an important project deadline 	<ul style="list-style-type: none"> Tardiness Absenteeism Failure to Follow Instruction Inappropriate Comments Theft Misconduct of a Sexual Nature Working under the influence of alcohol or drugs
How to Address	At any time during the appraisal period, an employee's failure to meet performance expectations at the "achieved expectations" level may be addressed through: <ul style="list-style-type: none"> Remediation Training Coaching/Mentoring On-the-Spot Correction Progress Review Performance Letter of Counseling (LOC) Performance Improvement Plan (PIP)/ Improvement Period Notice (IPN) 	Misconduct may be addressed through: <ul style="list-style-type: none"> Corrective Action – Administrative or non-disciplinary action, such as a Letter of Counseling or a Letter of Guidance and Direction, that informs an employee of unacceptable conduct that should be corrected or improved. Disciplinary Action – Action ranging from a Letter of Reprimand to a suspension of 14 days or less. Adverse Action – Suspension of more than 14 days, including an indefinite suspension, involuntary demotion, or removal.
For More Information	<ul style="list-style-type: none"> TSA MD 1100.43-3, <i>Employee Performance Management Program</i> Bargaining Unit Employees: TSA MD 1100.43-4 <i>Transportation Officer Performance System</i> Article 1 of the Collective Bargaining Agreement (CBA) between TSA and the American Federation of Government Employees (AFGE) 	<ul style="list-style-type: none"> <i>Guidelines for Conduct-Based Discipline for Common Offenses</i> TSA MD 1100.75-3, <i>Addressing Unacceptable Performance and Conduct</i> and its related <i>Handbook</i>

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