



**1. PURPOSE:** This directive establishes a Professional Review Board (PRB or Board) to review incidents of substantiated misconduct that have been the subject of an investigation by the Office of Internal Affairs and Program Reviews (OIAPR) or the Office of Inspector General (OIG). In addition, the PRB will review other management inquiries or reports completed by Transportation Security Administration (TSA) operational or administrative components.

**2. SCOPE:** This directive applies to all TSA organizational elements. The jurisdiction of the PRB will extend to any employee in the Transportation Security Executive Service (TSES), any employee occupying the position of Federal Security Director (FSD), Deputy Federal Security Director (DFSD), Assistant Federal Security Director (AFSD), and any employee in pay bands K through M, who has completed a trial period as set forth in TSA MD 1100.31-1, Trial Periods. Investigative matters relating to TSA employees not in the cited positions and pay bands will be referred to the appropriate supervisory level.

The PRB may also, as it deems necessary, exercise jurisdiction over any planned adverse action for the employees referenced above, even if it is not based on a report of investigation (ROI) or management inquiry.

In addition, the PRB may exercise jurisdiction over any matter that has been the subject of a ROI or management inquiry regardless of the position or pay band of the subject employee.

**3. AUTHORITIES:** The Aviation and Transportation Security Act.

**4. DEFINITIONS:** N/A

**5. RESPONSIBILITIES:**

**a. The Office of Internal Affairs and Program Reviews**

The OIAPR will ensure that copies of its completed reports are distributed to the appropriate offices, including the Office of Human Resources (OHR), the Office of Chief Counsel (OCC), and the Assistant Administrator (AA) or Office Director

of the subject employee. The OHR will coordinate the report with the PRB Chair. A representative from OIAPR will be available by telephone during PRB meetings if a question arises concerning the content of a ROI.

The OIAPR will distribute copies of ROIs completed by the OIG and management inquiries/reports in the same manner as above.

**b. TSA Operational and Administrative Components**

Management inquiries and reports completed by TSA operational and administrative components must be coordinated with OHR. The OHR will distribute management inquiries/reports consistent with section 5.a above.

**c. The Office of Human Resources and Office of Chief Counsel**

Within three days after receipt of the OIAPR or OIG ROI, or TSA management report, the OHR will advise the PRB Chair of its determination that the matter is appropriate for PRB review. If OHR determines that the matter is appropriate for Board review, the OHR will schedule a Board meeting, in consultation with the PRB Chair, within 10 days after the notification. The OHR will monitor Board meetings and ensure that the requirements of this policy are carried out. In addition, the PRB Chair can request OHR to convene Board meetings, as necessary.

The OHR and the OCC will provide advisory assistance to the PRB and its members. The OHR, in coordination with OCC, will develop an investigative outline that will be used by the Chair in the Board proceedings. The outline will include a brief summary of the issues of the case, and such other information as the PRB Chair requests. The OHR and OCC advisors will attend the review panel meetings as advisors and provide assistance to the Board members as needed.

**d. The PRB Chair**

Prior to the Board meeting, the PRB Chair will consult with the OHR and OCC advisors to discuss the ROI or the management inquiry/report, and the options for appropriate corrective action.

The Chair will make a recommendation as to the appropriate corrective action, if any, he/she believes should be taken in each case. The Chair's recommendation will be based on his/her review of the case in consultation with the OHR and OCC advisors, and will be forwarded to the panel moderator when additional panels are convened.

Pursuant to TSA MD 1100.75-1, Addressing Performance and Conduct Problems, the PRB Chair is authorized to act as the proposing official in any disciplinary or adverse action requiring a proposal and decision. Accordingly, the Chair will issue written proposals consistent with the majority vote of the primary Board or additional review panels convened to review cases.

An adverse action, for the purpose of PRB review, means any formal action including letters of reprimand, suspensions of any length, indefinite suspensions, removals, reductions in pay band, or rates of pay. If corrective action other than an adverse action is determined appropriate, the Chair will issue a written recommendation to the appropriate management official responsible for taking such corrective action.

Additional panels will meet as deemed necessary by the PRB Chair.

**e. The PRB Members**

Board members serving on a review panel are responsible for attending scheduled meetings. Meetings may be held via teleconferencing. At each meeting the members will:

- Consider the information contained in the OIAPR/OIG ROI or management inquiry/report.
- Consider the information provided by the Board Chair/panel moderator for each case.
- Participate in a discussion of each case.
- Vote on the PRB Chair's recommended action in each case.

Prior to voting on the PRB Chair's recommended action, a Board member may consult with OHR and/or OCC advisors.

**f. Deciding Officials**

The appropriate deciding official, as set forth in TSA MD 1100.75-1, Addressing Performance and Conduct Problems, will determine what corrective action will be taken with regard to any matter reviewed by the PRB. The determination will be based on either the Board's proposal with regard to an adverse action or recommendation with regard to other action that does not require a proposal prior to decision.

The deciding official shall attempt to have a decision implemented within 30 days of the PRB action. Before a final decision is issued, the deciding official must have the decision notice reviewed by OHR and OCC.

## 6. POLICY AND PROCEDURES:

### Board Member Selection

Board members will be selected by the Deputy Administrator. The Deputy Administrator will select a minimum of 20 TSA managers and supervisors in pay bands K through M, and the TSES, to serve as Board members. Board members will be rotated on Board review panels as schedule permits.

### Structure of the Board

All cases will be reviewed by a five-member Review Panel. The Deputy Administrator will select one Board member at pay band M or TSES to serve as the PRB Chair and head the Primary Review Board. A TSES Board member must serve as Chair when the case being reviewed involves a TSES employee.

Depending on the number of cases requiring review, the PRB Chair may convene additional panels to review cases. One Board member will be selected by the PRB Chair to act as the panel moderator and will assume the responsibilities of the PRB Chair at the panel meetings. The PRB Chair will review all panel determinations and take any action on behalf of the Board.

A member who is unable to attend a scheduled review panel meeting must notify the PRB Chair as soon as possible so that a substitute can be designated to ensure that the required five members are available for the scheduled meeting. Notification should be made no later than 24 hours before the scheduled meeting.

### Board Member Terms

The Board members will serve for one year from the date they are selected.

### Recusals

Certain situations may require a Board member to be recused from participation in one or more cases. Where a member is recused an alternate in an appropriate pay band will serve in place of that member.

A member may not participate in a case involving his or her immediate supervisor. Additionally, a member should contact the OCC to discuss the appropriateness of his/her participation in any case involving an employee with whom the Board member has a personal relationship. The Deputy Administrator will recuse the Board member where he/she believes the integrity or impartiality of the Board might be questioned.

**TSA MANAGEMENT DIRECTIVE No.1100.75-2  
PROFESSIONAL REVIEW BOARD**

If the Board receives notice of alleged misconduct on the part of one of the Board members, that Board member will be recused from any participation on the Board pending resolution of the allegations. The Board member will be removed from the Board if the allegations result in discipline.

Recordkeeping

If the Board recommends corrective action, the matter is reduced to writing and becomes part of the relevant disciplinary/adverse action file. Questions regarding the development, retention, and maintenance of files must be referred to the Headquarters point of contact on the Employee Relations staff or the OCC.

**7. EFFECTIVE DATE AND IMPLEMENTATION:**

This supercedes HRM Letter 752-2, Amended Interim Policy on Professional Review Board, dated July 15, 2003. This document is effective immediately upon signature.

**APPROVAL**



April 15, 2004

\_\_\_\_\_  
Richard A. Whitford  
Assistant Administrator for Human Resources

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Date

Filing Instructions:	File with OHR Management Directives
Effective Date:	Date directive is signed
Review Date:	One year anniversary of signed directive
Distribution:	Administrator, Associate Administrator, Assistant Administrators, Office Directors
Point of Contact:	OHR/Program Guidance Division Director, Paul Sheldon, 571-227-2879