

Date: April 8, 2008

To: All TSA Employees

From: Richard A. Whitford, Assistant Administrator for
Human
Capital

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Subject: 1100.4.1 - Immediate Change to TSA MD 1100.75-3
(Addressing Performance and Conduct Problems)

This memorandum is being issued as an interim measure to amend a portion of the agency's Management Directive (MD) 1100.75-3, Addressing Performance and Conduct

Problems. Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. § 114(n)), this memorandum establishes Transportation Security Administration

(TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance, and bulletins regarding indefinite suspensions under the FAA personnel

management system, as well as any previous TSA policies, orders, guidance and bulletins.

This change is effective immediately upon issuance and will apply to all TSA employees. The agency policy on indefinite suspensions codified at MD 1100.75-3, Section 6H(3)(a)(6) (page 11) is hereby rescinded and is replaced by the following language:

(6) Indefinite Suspensions

An indefinite suspension is appropriate where evidence (more than a mere suspicion or allegation) exists to demonstrate misconduct.
Indefinite

suspensions may be imposed only in the following situations:

(a) An employee has been indicted, or there is an equivalent legal process (such as a criminal information or bench appearance), for a crime for which a sentence of imprisonment may be imposed;

(b) An employee has been arrested pursuant to a warrant issued by a judge or magistrate for a crime for which a term of imprisonment may be imposed;

(c) An investigation is being conducted on an employee regarding conduct that TSA believes may have been committed by the employee, which is so serious, that if it proves to be true, the employee's continued presence at the worksite would represent a threat to life, property, safety or the effective operation of the workplace. This could include investigations into, or allegations of theft, fraud or falsification, for example, where there is substantial evidence, and a removal action is a likely outcome;

(d) An employee's security clearance has been suspended, denied or revoked, and a security clearance is a condition of employment or is otherwise required for the position.

Note: Once an indefinite suspension is imposed, management must determine if subsequent action (e.g. termination) is justified. If justified, management should initiate appropriate action. This does not require the imposition of time limits on management.

This amendment to MD 1100.75-3 is effective immediately and will remain in effect until further notice.