



TSA MANAGEMENT DIRECTIVE No. 1100.75-6
ADDRESSING UNACCEPTABLE PERFORMANCE
AND CONDUCT FOR SENIOR-LEVEL EMPLOYEES

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 unacceptable performance and conduct involving senior-level employees issued under the FAA Personnel Management System. This is TSA policy and must be applied accordingly.

1. **PURPOSE:** This directive provides TSA policy and procedures for management officials to review incidents involving alleged misconduct or substandard performance and to propose timely and appropriate corrective or disciplinary action involving certain categories of senior-level TSA employees. This directive supersedes TSA HCM 752-3, Addressing Performance and Conduct Problems for Senior Employees, dated June 18, 2008.
2. **SCOPE:** This directive applies to all TSA senior-level employees as defined in Section 4E, in all organizational elements who are not serving a basic trial period of employment. Refer to [TSA MD 1100.31-1, Trial Periods](#) for additional information.
3. **AUTHORITIES:**
 - A. The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA).
 - B. The Homeland Security Act of 2002, Pub L. 107-296.
 - C. [TSA MD 1100.75-3, Addressing Unacceptable Performance and Conduct](#).
 - D. [TSA MD 700.2, Informal Administrative Inquiries](#).
4. **DEFINITIONS:**
 - A. Adverse Action: An official action consisting of a suspension of any length, including an indefinite suspension, an involuntary demotion performance/conduct or a removal.
 - B. Corrective Action: Disciplinary or non-disciplinary action that informs an employee about conduct or performance that should be corrected or improved, or any administrative action in furtherance of disposition of the case.
 - C. Disciplinary Action: An official action taken in response to unacceptable performance or conduct, consisting of Letters of Reprimand, In Lieu of Reprimand, Suspensions of any length, Demotions, and Removals.
 - D. Integrity Officer: A senior-level TSA employee designated by the Deputy Assistant Secretary (DAS) who is responsible for reviewing the Quarterly Report of cases involving senior-level employees and providing advice to the DAS.

E. Senior-Level Employees: All employees 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 (SACs) in the Federal Air Marshal Service (FAMS); and
- (4) All employees 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-level employees.
- B. Assistant Administrator for the Office of Human Capital (AA/OHC) is responsible for providing a quarterly report of investigations and inquiries concerning senior-level 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 DAS whether corrective or disciplinary action was taken appropriately against senior-level employees found to have engaged in unacceptable performance or conduct.
- D. Managers and supervisors are responsible for:
- (1) Maintaining an efficient and productive workplace;
 - (2) Adhering to the appropriate Delegation of Authority for Covered Employees as described in the Appendix;
 - (3) Initiating investigations or management inquiries in accordance with [TSA MD 700.2](#), or notifying the appropriate office when they become aware of possible unacceptable performance or conduct involving senior-level employees;
 - (4) Ensuring that any completed local inquiry involving a senior-level employee is forwarded to Employee Relations (ER) within OHC prior to any decision on the appropriate action being taken; and
 - (5) Taking the appropriate corrective or disciplinary actions¹ when a determination has been made that a senior-level employee has engaged in misconduct or has performance deficiencies.
- E. OHC/ER is responsible for:
- (1) Exercising oversight of the personnel processes under this directive;

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

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- (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 case status and disposition;
- (4) Advising the AA/OHC, or his/her designee, on issues and/or concerns regarding activities or actions by management that are inconsistent with TSA policy/procedures or past practices; and
- (5) Maintaining the official agency records of all actions processed under this policy.

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

- (1) Providing legal support to management officials, which includes reviewing all cases and 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 are responsible for:

- (1) Ensuring that copies of completed reports are distributed to the appropriate offices, to include: OHC/ER, OCC, and the appropriate AA.
- (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 to be contacted if questions arise, or to whom requests for additional question or information may be made.

6. POLICY: Consistent with TSA policy, supervisors, managers, and directors shall initiate and conduct inquiries, or request OI or Office of Inspector General (OIG) investigations, or initiate the appropriate action, as deemed necessary, when they become aware of possible unacceptable performance or conduct involving senior-level employees.

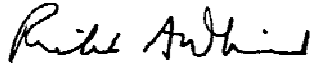
7. PROCEDURES:

- A. Consistent with the provisions of [TSA MD 1100.75-3](#), management officials will discuss and coordinate with representatives of OHC/ER, 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 by covered employees.
- B. Any completed investigation report resulting from a local inquiry shall be forwarded to OHC/ER prior to any action being taken.
- C. Senior-level employees who demonstrate unacceptable performance are covered by the provisions of applicable TSA directives and policies.

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8. EFFECTIVE DATE AND IMPLEMENTATION: This policy is effective immediately upon signature.

APPROVAL



01-02-2009

Richard A. Whitford,
Assistant Administrator for Human Capital

Date

Filing Instructions: File 200.1.1

Effective Date: 01/02/2009

Review Date: 01/02/2011

Distribution: Assistant Secretary, Deputy Assistant Secretary, Assistant Administrators, Area Directors, Senior Field Executives, Federal Security Directors, and 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 for Covered Employees

AAs, FSDs, and SACs have the authority to impose suspensions, including indefinite suspensions, involuntary demotions for performance/conduct, and removals.

AAs, FSDs, and SACs may delegate certain authority related to non-disciplinary, disciplinary, and adverse actions, as summarized below:

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 or other designated official.
In Lieu of Reprimand	Delegated to the employee's immediate supervisor or other designated official.
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)	Delegated to anyone in the employee's chain of supervision or other designated official.
Deciding Official	Delegated to anyone in the employee's chain of supervision but above the Proposing Official or other designated official equal to the Proposing Official.