



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 must be applied accordingly.

REVISION: This revised directive cancels and supersedes TSA MD 1100.75-7, *Office of Professional Responsibility*, dated April 5, 2012.

SUMMARY OF CHANGES: Section 6, updated Office of Professional Responsibility (OPR) jurisdiction to include J Band employees and Transportation Security Managers, and revised the references to applicable TSA policies.

1. **PURPOSE:** This directive provides TSA policy and procedures for OPR, as established by the Administrator on September 7, 2010.
2. **SCOPE:** The provisions of this policy apply to any TSA employee who has completed his or her trial period and Transportation Security Executive Service (TSES) employees serving a trial period. Non-TSES employees on a trial period are excluded from the provisions of this directive. Refer to [TSA MD 1100.31-1, Trial Periods](#) or to [TSA MD 1100.30-24, Transportation Security Executive Service Program](#) for additional information. For further information on OPR's jurisdiction, refer to Section 6.A.
3. **AUTHORITIES:** The Aviation and Transportation Security Act (ATSA), Pub. L. 107-71
4. **DEFINITIONS:**
 - A. **Adverse Action:** A suspension of more than 14 days, including an indefinite suspension, an involuntary demotion for performance/conduct, or a removal.
 - B. **Corrective Action:** An administrative or non-disciplinary action, such as a Letter of Counseling or a Letter of Guidance and Direction, that informs an employee about unacceptable conduct that should be corrected or improved.
 - C. **Disciplinary Action:** Actions consisting of a Letter of Reprimand to a suspension of 14 days or less.
 - D. **Law Enforcement Employees:** Any TSA employee designated as a law enforcement officer as defined in [TSA MD 1100-88.1, Law Enforcement Position Standards and Hiring Requirements](#).
 - E. **Senior-level Employees:** For purposes of this directive, includes all persons in the TSES program, K through M Pay Bands, Federal Security Directors (FSDs), Deputy FSDs, Assistant FSDs, Deputy Assistant FSDs, and TSA Representatives (TSARs).

- F. Transportation Security Officers (TSOs): For purposes of this directive, includes all persons serving within the 1802 occupational series, such as TSOs, Lead TSOs, Supervisory TSOs, Master TSOs, Expert TSOs, Behavior Detection Officers, Coordination Center Officers, and Security Training Instructors.

5. RESPONSIBILITIES:

A. OPR is responsible for:

- (1) Reviewing and adjudicating all allegations of misconduct that are investigated by the DHS Office of Inspector General (OIG);
- (2) Reviewing and adjudicating all allegations of misconduct involving senior-level and law enforcement employees, as defined herein, and J band employees and Transportation Security Managers(TSMs);
- (3) Issuing adverse, disciplinary, or corrective actions against TSA employees within its jurisdiction in accordance with all applicable policies;
- (4) Adjudicating all appeals of adverse actions taken against TSOs, as defined herein;
- (5) Tracking and oversight of misconduct cases that are adjudicated by TSA management officials other than OPR to ensure fair and consistent discipline TSA-wide;
- (6) Maintaining case records; and
- (7) Adhering to policy and procedures set forth in [TSA MD 1100.75-3, *Addressing Unacceptable Performance and Conduct*](#), and TSA MD 1100.30-24, where applicable.

- B. Management officials are responsible for complying with all OPR requests for information and reporting requirements.

C. Office of Inspection is responsible for:

- (1) Investigating all matters not investigated by the OIG involving senior-level and law enforcement employees, as defined herein, and J band employees and TSMs; and
- (2) Preparing official Reports of Investigation or other administrative memoranda related to those matters.

- D. Office of Chief Counsel, if requested by OPR, is responsible for reviewing any adverse or disciplinary action to advise whether there is sufficient evidence to sustain the action; whether there is a nexus between a legitimate government interest and the misconduct/matter that is the basis for the action; and whether the penalty is reasonable.

6. POLICY:

- A. The following matters fall under OPR's jurisdiction:

- (1) All matters involving TSA employees investigated by the OIG;
- (2) All matters involving senior-level and law enforcement employees, as defined herein, and J band employees and TSMs;
- (3) In matters involving more than one TSA employee, OPR shall review or adjudicate the entire matter if at least one of the employees under investigation is covered by Section 6.A(2);
- (4) Any matter that the Assistant Administrator for Professional Responsibility, or his/her designee, determines should be reviewed and adjudicated by OPR; and
- (5) Any TSO appeal to the OPR Appellate Board.

- B. OPR shall seek to ensure fair and consistent decisions are made regarding discipline regardless of the position and/or seniority of the employee involved.
- C. OPR shall assess each case it reviews and adjudicates to determine whether it contains sufficient evidence to support any action; whether there is a nexus between a legitimate government interest and the misconduct/matter that is the basis for the action; and to determine the appropriate penalty, as necessary.
- D. OPR will ensure matters covered under this directive are processed expeditiously.
- E. Adverse actions issued by OPR may be appealed to the Merit Systems Protection Board or to the OPR Appellate Board, as applicable, consistent with the requirements of TSA MD 1100.75-3 and [TSA MD 1100.77-1, OPR Appellate Board](#). Disciplinary actions issued by OPR may be grieved in accordance with [HCM 771-4, National Resolution Center](#).

7. **PROCEDURES:** OPR will review and adjudicate all cases under its jurisdiction in accordance with all applicable TSA policies.
8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

April 10, 2014

James G. Duncan
Assistant Administrator for
Professional Responsibility

Date

Signed

April 10, 2014

Karen Shelton Waters
Assistant Administrator for Human Capital

Date

EFFECTIVE

Date

Distribution: Administrator, Deputy Administrator, Assistant Administrators and equivalents, Regional Directors, Federal Security Directors, Supervisory Air Marshals in Charge, Business Management Offices, Administrative Officers, and Human Resources Specialists

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