



U.S. Department
of Transportation
Federal Aviation
Administration

Memorandum

Date: June 5, 2007

To: [Redacted] Air Traffic Control Specialist

From: [Redacted]

Subject: Letter of Decision

On April 24, 2007, you were informed of a proposal to suspend you from your position of Air Traffic Controller, CPC, [Redacted] for thirty (30) consecutive calendar days for the following: [Redacted]

ksb [Redacted] and inappropriate behavior. I reviewed the investigatory file in this matter in its entirety and have given full consideration to the information you presented in your written reply of May 7, 2007 and to the factors as outlined in Douglas v. Veterans Administration (see attached). I find however, that the reasons cited in our letter are fully supported by the evidence as stated in the report(s) of investigation(s). These reasons warrant your suspension to promote the efficiency of the service.

In your response letter, you elaborate on a number of issues, none of which mitigated the infractions specified in the suspension proposal. I am providing additional information as follows:

Reason #1: [Redacted]

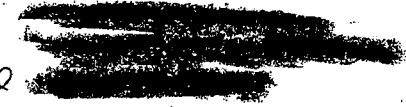
Not responsive to request

handle the challenges we might face. You may contact EAP through your servicing Human Resource Management Division or calling 1-800-234-1327, which is open 24/7.

If you have questions concerning this notice, you may contact Jim Baker, Labor Relations Specialist, ANM-12L (425) 227-1174.

Sincerely,

ble 

ble 

Receipt Acknowledged:

ble 

9/24/07
Date

cc: ANM-12L

Specification 2:

not responsive to request

[Redacted]

Specification 3:

not responsive to request

[Redacted]

Specification 4:

not responsive to request

[Redacted]

Accordingly, Reason #1, is sustained.

Reason #2:

not responsive to request

[Redacted]

Accordingly, Reason #2, is sustained.

Reason #3:

not responsive to request

[Redacted]

Not responsive
to request

[REDACTED]

Accordingly, Reason #3, is sustained.

Reason #4: Inappropriate Behavior.

In your written response you state that no credible witness has corroborated the statements that you made in the team meeting. In fact, three FAA employees in the meeting heard your "Hitler" remark and characterized your behavior in the same manner. The fourth person interviewed regarding this event, Mr. [REDACTED] stated that he did not recall the remark. He did not state that the remark was not made. The letter you allude to in your response was personally delivered to Mr. [REDACTED] by you on the morning of January 24, 2007, at approximately 8:30 am. Immediately after you delivered the letter, Mr. [REDACTED] left the facility to attend a meeting at [REDACTED].

He
Mr. [REDACTED] learned of the team briefing conversations late that morning while at lunch.
He
Mr. [REDACTED] did not know about the letter before he went to the team briefing, so your allegations regarding reprisal for the letter are incorrect. Your assertions that you were never put on notice regarding your conduct are also incorrect. During your meeting with
He
Mr. [REDACTED] he specifically identified and discussed that the standards of conduct apply to all employees, management and bargaining unit. Because the stated purpose of that meeting was for the district manager to affirm and clarify his expectations of conduct for all, and additionally, that the meeting concluded with no further questions or discussions, it is reasonable to believe that you understood what conduct was expected of you.

Accordingly, Reason #4, is sustained.

As you indicated in your response, you have been a long term employee of the FAA and are currently employed as a certified professional controller in a busy [REDACTED].
He
[REDACTED] This is a prominent position held in high regard by the public and by your employer. You are certified to operate as a [REDACTED].
He
When you are assigned work in that capacity you assume [REDACTED].

He
He
[REDACTED] In that role you are expected to [REDACTED].
He
[REDACTED] There are no circumstances that justify your conduct or your breach of public trust. It is true that the implementation of the 2006 Contract has created some issues that challenge the relationship of NATCA and facility management. There are appropriate avenues for redress of concerns of the bargaining unit, which have been employed by the union. Differences of opinion are part of our interactions. These differences do not justify

disregard of agency security policies, misconduct, or a lack of civility on the part of any employee.

The FAA Human Resource Policy Manual (HRPM), Standards of conduct, ER-4.1 requires that all FAA employees conduct themselves in a manner which will ensure that their activities do not reflect discredit on the Federal Government and the FAA. This manual clearly states that Federal Aviation (FAA) employees are expected to comply fully with the letter and spirit of the Standards of Conduct set forth in this Human Resources Policy Manual. The agency's policy on employee conduct applies to all FAA employees and is designed to encourage employees to maintain a level of behavior and performance that will promote the efficiency of the Federal service and conform to accepted ethical principles. As a federal agency, we must be able to rely on the integrity, honesty, and good judgment of our employees. Your behavior in these incidents calls into question your commitment to our professional standards and reflects discredit on the Federal Government and the FAA. The HROI table of disciplinary offenses lists item

Not responsive to request

[REDACTED]

offenses lists item #20 as: Intimidating, harassing, abusive, disorderly, disruptive or other inappropriate behavior; unbecoming conduct; engaging in dangerous horseplay. The penalty for this offense is: First Offense; Reprimand to 14-day suspension, and Second Offense; 14-day suspension to removal.

After giving full consideration to all of the information before me, it is my decision that you will be suspended for 30-calendar days beginning June 24, 2007. You are to return to duty on July 24, 2007 at 0700 (flex shift) local time. I am available to assist you in avoiding a recurrence of this behavior. Please be advised that a repeat of this misconduct will result in a proposal to remove you from your position of CPC.

You may appeal this decision under Article 9, Section 7, of the 2006 FAA/NATCA agreement. A grievance filed pursuant to Article 10, of this agreement may be initiated at Step 2, of the negotiated grievance procedure process. The grievance must be submitted to [REDACTED] Acting Manager, [REDACTED], no later than 20-calendar days following the date you acknowledged receipt of this decision letter (as dated below).

file
file

If you believe this action is based on discrimination due to race, color, religion, sex, national origin, disability, age, or in retaliation for participation in the Equal Employment Opportunity (EEO) process, you may file an EEO complaint in accordance with the Federal Sector EEO Complaint Process. Should you elect the EEO process, you must begin this procedure by contacting an EEO counselor within 45 calendar days of the effective date of this action.

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Should you elect to file a complaint of discrimination under the EEO Complaint Procedure, the time limits and conditions by which you may subsequently appeal to the MSPB are listed in 5 CFR 1201, Subpart E. Claims of discrimination related to sexual orientation may not be raised by the MSPB, nor does it provide a basis to file with MSPB under the conditions addressed in Subpart E.

If you have any questions regarding this notice you may contact Jim Baker, Labor Relations Specialist, Human Resources Division, ANM-12L, at (425) 227-1174.

Sincerely,

ble
[Redacted signature block]

Receipt Acknowledged:

ble
[Redacted signature]

6/5/2007

Date

cc: ANM-12L

I-Attachement

Douglas Factors