



# TSA Action Report

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## AFGE's Fight Leads to Changes in TSA's Image Testing Policy Detroit TSOs Who Failed Faulty Test Keep Their Jobs

Virginia Bodine, a Transportation Security Officer at Detroit International Airport, got a phone call on June 3 that changed her life. A few weeks earlier, she failed her image test for the third time and was facing removal. She thought it was unfair that the images she was trained on were not the same images on the test. Other TSOs were complaining about the same thing, and all of them had excellent work records. Devastated, she met with a representative from the American Federation of Government Employees, which immediately dispatched one of its lawyers to meet her and other TSOs in similar situations. She waited for the verdict while the union worked hard to resolve the issue of faulty training and testing procedures with management. Bodine was beyond relieved when she was told that TSA had just changed its image testing policy of termination upon three test failures, and so she wouldn't lose her job.

"Last night was the first night I slept all night without waking up sick to my stomach," Bodine told AFGE the following day. "I'm very satisfied with this outcome. I would like to thank all the union people that went to bat for us."



The five DTW TSOs meet with AFGE activists. From left to right: Virginia Bodine, Edward Angiano, Deanna Howell, Robert Scheitz, and Bobby Newsome.

AFGE indeed went to bat for the employees. After hearing that five TSOs had failed the unfair test (another six would fail within the week), AFGE dispatched an attorney and a National Representative to the Detroit Metro Airport (DTW) to meet with the impacted TSOs. One by one, they told a story that has since been confirmed by TSOs across the country—that they were trained on one image and tested on another.

AFGE has raised this issue with TSA and Congress numerous times, telling them that several TSOs had been unfairly fired for failing the

—continued on page 3

## To Bid or Not to Bid?

The job of the TSO is to keep the nation's airways safe, but screening passengers is hardly the only stressful time they face everyday. Since TSOs do not have workplace protections and work under a highly subjective evaluation and pay system, it's imperative that they learn to survive in such a hostile working environment. One sure way to do that is to bid for shifts supervised by good supervisors and managers and avoid those who are notorious for their bias and favoritism.

"Bidding for a good supervisor is just as important as days off, sometimes more," said a TSO in a survey recently conduct-

ed by AFGE. "It is a well-known fact that the PASS scores are a matter of personal opinion. Some supervisors are fair and some are not."

Indeed, opinions of supervisors and managers could mean thousands of dollars less or more in TSOs' pockets. TSA's pay system, the Performance Accountability and Standard System (PASS), gives supervisors and managers a lot of discretion in determining what "performance" scores and thus annual raises and bonuses TSOs would get. But the system is so subjective that it renders evaluations meaningless at the expense of the workers. Two supervisors, for example, may have different opinions on how well a TSO does his or her job. One supervisor may

—continued on page 3



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# REPRESENTATION Corner



## AFGE Represents TSO at First DRB Hearing

AFGE last month represented a TSO at the first Ever Disciplinary Review Board hearing, which was requested by the board itself. The case involved a Minneapolis TSO who was forced to resign after being told she would be fired over an accusation she denied. The forced resignation effectively stripped the TSO of the due process she was entitled to. The board's first hearing in its three-year history was headed by DRB Director J. Jeremiah Mahoney, who served as the hearing officer. There have been DRB cases before, but no hearings were held.

An attorney from AFGE's Office of the General Counsel represented the TSO at the Minnesota hearing. The board's decision is expected in the next few weeks.

"This is the very first DRB hearing since the creation of TSA, and it was an AFGE attorney who defended the TSO before the Board," said AFGE President John Gage. "Let there be no doubt that our union has been there from the beginning, building the expertise and pushing the envelope in the pursuit of professional representation for TSOs at the jobsite."

In another case before the DRB, a Lead TSO at John F. Kennedy International Airport in New York was recently returned to work. In this case, based on strong arguments made by an attorney from AFGE's Office of the General Counsel, the board found that the TSO should be reinstated to his position at the airport with all applicable back pay and benefits. The LTSO was initially removed in March for four "Does Not Meet Standards" ratings in four PASS subcomponents, two of which have been removed from the 2008 PASS evaluation program.

Call the AFGE TSA Hotline at 1-866-392-6832 if you need to request representation. Please be prepared to forward all appropriate documentation such as letters, notices, and doctor's notes at the time of your call. It's very important that AFGE has a complete picture of your case in order to improve our chances of being successful.

## Thank you, AFGE!

*DTW TSO Virginia Bodine wrote to thank AFGE for taking the lead in the image testing fight, which subsequently saved her job.*



"I received that call from Sal yesterday we've all been hoping for. Last night was the first night I've slept all night without waking up sick to my stomach. I'm very satisfied with this outcome. I would like to thank you and all the union people that went to bat for us. I do have a concern though. What will happen when they start giving the IMAs [Image Mastery Assessment] again? I know I personally will not have to take this test again until I get re-trained (hopefully not for about five more years). I think everyone who took the test the third time needs to let Washington know there was something terribly wrong with that test. I personally know the first two tests were nothing we were ever trained on, but the third test was so flawed. Somehow someone who is not on the defense needs to see the actual tests that we took. I don't want anyone to have to go through the stress that so many of us have gone through. I'm not sure how to proceed to keep this from happening over and over. If the Union ever needs my input to help correct this problem I will be ready. Again, THANK YOU FOR ALL YOUR WORK AND SUPPORT. I can breathe again."

—Virginia Bodine

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## Changes in TSA's Policy

—continued from page 1

flawed test. In fact, a group of TSOs from DTW and AFGE activists met with staffers for Rep. John Dingell at his home district office to discuss this matter. An additional meeting, led by AFGE National Vice President Dorothy James, took place with staff from Sen. Barack Obama's office. TSA Administrator Kip Hawley later admitted the image test was flawed and would be suspended and reformed. But that didn't happen as DTW management was using the training and testing software that was supposed to have been updated.

While AFGE was working to resolve the issue at Detroit, TSA on June 2 did a 180 degree reversal and tossed out its policy of termination upon three test failures. Under the new policy, each airport's Federal Security Director is given the authority to retrain TSOs who fail their third test. Dual-function TSOs who do both passenger and baggage screening may be assigned to baggage screening only. However, if the FSD determines that removal is appropriate, the TSO still can be removed.

The Detroit TSOs who were facing removal thanked AFGE for taking the lead in this fight.

"I want to thank AFGE for without you, I think that the outcome may have been different," said TSO Clyde

Thompson. "I think that our concerns and work in this matter and numerous other matters are far from over, and I am willing to keep fighting for the right things to make TSA a better place to work for all."

The work in this matter is by no means over. While these changes are a good first step, AFGE believes TSA still hasn't addressed other major flaws of the test, including the fact that TSOs are still trained and tested on different images.

Earlier this month AFGE President John Gage also wrote to Administrator Hawley about image testing, saying it is incredibly unfair that TSA still counts failing scores of these flawed tests against TSOs. He said TSA should disregard all failures of the test prior to March 25 when Hawley announced that the image test was flawed and would be reformed. Gage asked that all TSOs be given three opportunities to take the image test after they have received the updated training.

It is AFGE's position that only with proper training should the tests be used as a measure of performance," said Gage. "And even then, they should be one of several key components by which TSOs are evaluated. With collective bargaining, these issues would be subject to a more reasoned and less arbitrary evaluation. TSOs must begin working to gain co-sponsors for H.R. 3212, the collective bargaining bill moving through Congress now."

## To Bid or Not to Bid? —continued from page 1

think a TSO doesn't apply enough pressure during a pat-down while another thinks it's done appropriately.

Then there's an issue of TSOs being rated by those not working with them. There are cases where TSOs' scores rated by their supervisors were later changed by screening managers who were never there to see how TSOs did their job.

Because of these factors that are out of their control, TSOs are left with no choice but to try to avoid working under bad supervisors and managers. However, even avoiding is not always an option. At several airports supervisors are assigned after all biddings are done.

"Two bids ago, the supervisors and the leads bid first, so the TSOs could take into consideration who they would be working under," said a surveyed TSO. "This last time, only the leads had to bid. So a TSO had to do a lot of praying that they wouldn't get a bad supervisor."

Bidding for a good shift is a challenge in itself as shift policies are different at each airport. According to the survey results, one third of nearly 300 respondents said shift bids at their airports are done once every six months while another one third said they are done once a year. A little more than half of the respondents said new hires are given the first choice of shift or days off over senior workers. They also reported that former contract screeners are given higher seniority over those with other federal service.

Then there is the issue of tiebreakers. Some 83 percent said Social Security numbers are used while 6 percent said previous federal service is taken into account. Only 2 percent said veteran status is considered.

At several airports, TSOs said nothing in writing can be referred to when it comes to shift bids, and different managers give different answers. Even with a policy in place, TSOs said management can make changes any time. Several TSOs also revealed that managers make deals and give good shifts to whomever they want.

But those at the bottom of the bidding game appear to be TSOs who are injured on the job. Some 64 percent of those surveyed said TSA doesn't allow TSOs to bid on shifts if they are receiving worker's compensation benefits.

"We are given whatever they have left over," said one TSO. "If they do not like you, you will go to nights."

With these survey results in hand, AFGE is preparing to blow the whistle on yet another poor management practice. Nowhere in the private or public sector is such poor management policy and practice allowed to thrive.

"Giving the TSA administrator the sole discretion to determine whether or not there would be collective bargaining at this agency has been a failure," said AFGE President John Gage. "It's time for Congress to right the wrong and bring this agency into the 21st century with the rest of the federal sector."

## High Turnover Rates Lead TSA to Launch Referral Bonus Program

In a desperate attempt to fill a hole in the workforce caused by high turnover rates, TSA recently launched a pilot program that gives TSOs a \$700 cash bonus for helping recruit a new worker. Under the program, which runs between May 11 and Oct. 25, 2008 nationwide, the referral TSO will receive the bonus in two installments. The first installment of \$200 will be provided after the new hire completes his or her on-the-job training and certification as a TSO. The second installment of \$500 will be provided after the new TSO completes six months of consecutive service. TSOs may refer a candidate to a vacant position at a different airport and are eligible to receive the bonus up to five successful referrals.

TSA came up with the bonus program after facing years of high turnover rates. According to TSA, its attrition rate was 21.2 percent in 2007, compared with about 8 percent for the entire government. A high turnover rate means a less-skilled, unstable workforce, which undermines—not improves—the safety of the flying public.

“While AFGE generally supports programs that help with hiring and retaining workers, the union believes TSA is not fixing the cause of the constant employee exodus,” said AFGE President John Gage. “Several TSOs might get hired under this program, but chances are they will leave after learning that they’ve been recruited into the agency that doesn’t even give its workers basic workplace protections afforded to other federal employees.”

The real problem, Gage said, is poor pay and poor working conditions, which are caused by a lack of union and collective bargaining rights under the law.

As AFGE has repeatedly pointed out, TSA’s pay system is grossly subjective. TSOs can’t appeal a bad performance evaluation to an objective third party. They are severely underpaid. They can’t appeal adverse personnel actions with the independent Merit Systems Protection Board. They have been subject to mandatory overtime. They have been retaliated against for associating with the union. They have the highest injury rate in the federal government. And the list goes on.

If TSA really wants to fix its retention problem, it would immediately move to grant TSOs the right to collectively bargain with management for better pay and workplace rules.

AFGE was saddened to learn of the recent untimely passing of former St. Louis TSO Larry Walker. We know Larry as a well-liked, respected, stand-up leader who demonstrated his understanding of the TSOs’ struggle for equity in the workplace.

A voice of the people for the people from within a people is of high value to a people’s struggle. Larry Walker was such a voice. His judgment and opinion resonated with fellow TSOs. His can-do attitude gave rise to leadership from within.

Observant, aware and alert, Larry was quick to notice an AFGE staff person as he sat in a St. Louis airport restaurant waiting for a connecting flight. This chance encounter led to Larry immediately assembling a group of St. Louis TSOs and challenging each to join the union. He followed by opening his home to AFGE, inviting many TSOs to come, join the union, and to become a member of the St. Louis TSO organizing team. Larry and his wife hosted St. Louis TSOs, AFGE 9th District National Vice President Michael Kelly and other AFGE staff at this event.

It seemed that retirement came much too soon, but who are we to know the future? With hindsight, we can and will cherish our time together and Larry’s contribution to AFGE.

We at AFGE extend our heart-felt sympathy to the Walker family and offer a sincere thank you for sharing Larry with the AFGE TSO family.

*The American Federation of Government Employees*

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