



TSA Action Report

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Stories by Tichakorn Hill



AFGE staffers were sent to Houston to meet with TSOs affected by Hurricane Ike. From left to right: AFGE Attorney Chad Harris; AFGE National Organizer Cynthia Sanders; TSO Rodney Powell, TSO Karen Allen, and AFGE Local 1039 Secretary-Treasurer Richard Tennison.

AFGE: A Bright Spot Amid Chaos

New Orleans TSO Tamika Starks and her family of nine drove 12 hours to Atlanta on Aug. 30, fleeing Hurricane Gustav, which promised to be even more devastating than Hurricane Katrina, which crushed the Louisiana city three years ago. The days leading up to the evacuation, Starks was out on sick leave recovering from surgery. Before she could go back to work, she was told the airport would be closed as Hurricane Gustav was approaching, and Transportation Security Officers had to evacuate and report to work at the Atlanta airport. It was not an easy time. Starks was stressed from having to pack up her family, including seven kids between 10 months and nine years old. She didn't know where to stay, when to come back, and if there would be water and electricity when she came back. The kids were stressed out from traveling on a crowded road and from living out of their luggage for almost two weeks. The Days Inn Airport Best Road definitely was not home. Then there were financial worries. She had to pay for everything out of her own pocket.

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TSOs Nationwide Say: AFGE Yes!

More than 100 TSOs at Atlanta's Hartsfield Jackson Airport turned out to hear about the benefits of AFGE representation during a union sponsored Lunch & Learn event held in early October. Stopping by during lunch and afternoon breaks, a steady stream of TSOs were updated about recent cases AFGE has won on behalf of their co-workers. Also on hand to educate TSOs about the money-saving benefits available to union members was AFGE National Benefits Coordinator Mark Williams. Williams, who teamed with the Local 555 organizing committee to speak with TSOs, reported that 52 new AFGE members joined the union during the Lunch and Learn.

Just a week earlier in Los Angeles, more than 150 Transportation Security Officers at LAX attended a Lunch & Learn held at the newly-opened office at the Airport Spectrum Building. Like their co-workers in Atlanta, TSOs who attended the Local 1234 Open House were enthusiastic about meeting with the AFGE leaders and activists on hand.

Among the energized crowd was Raynel Jackson, one of 60 TSOs who joined AFGE that day.

"AFGE has a lot to offer, like great discounts on services," she said, adding that she was impressed with the AFGE representatives who gave her a lot of good information.

With more than 2,300 TSOs stationed there, LAX employs the largest number of TSOs in the country. Many workers came to the open house to discuss health and safety issues such as excessive jet fumes and long periods of standing during extend-

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AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

80 F STREET, N.W., WASHINGTON, D.C. 20001, www.AFGE.org or www.tsaunion.net

AFGE's toll-free TSA HOTLINE # (866) 392-6832 Fax # (202) 639-6492 *Published by AFGE for TSA Employees*

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ed shifts. Very shortly, AFGE plans to have an attorney stationed onsite to help with the huge representation work load generated by the union's growing membership at the LAX hub.

At airports in Miami, Tucson and Portland, TSOs have flocked to Lunch and Learns to hear about the importance of collective bargaining, and the benefits of AFGE representation at the jobsite. The TSOs who joined AFGE in September and early October are part of approximately 6,500 TSOs who have said "yes" to the union by signing up as full-fledged members.



TSO Bruce Hearn, TSO Vernica Hancox, and TSO Troy Callier celebrate AFGE's newly-opened office at LAX.

AFGE Pushes Bills Granting TSOs Full Whistleblower Protections, Rights to MSPB Review of Disciplinary Actions

AFGE again is pushing for passage of legislation that would give Transportation Security Officers full whistleblower protections if they reveal management policies or practices that could be a threat to the flying public. TSOs also would be able to appeal to the independent Merit System Protection Board and federal courts if they feel they have been discriminated or retaliated against for filing workplace rights complaints.

AFGE has worked tirelessly with whistleblower advocates, good government groups, and lawmakers to include these measures in both the Senate bill – the Federal Employee Protection Disclosures Act – and the House bill – the Whistleblower Enhancement bill. Either of the bills may come before the House and Senate for a vote during this congressional session once lawmakers have resolved the gridlock surrounding the bailout package to rescue the financial industry.

The Transportation Security Administration has had the authority to grant TSOs whistleblower protections and other workplace protections since its inception, but has chosen instead to deny the protections of law that apply to other workers in TSA and the Department of Homeland Security. These provisions in the House and Senate bills are critical because TSOs, for fear of retaliation, are reluctant to report wrongdoings, fraud and abuse at TSA. Until recently, TSOs who faced retali-

tion for blowing the whistle only could file complaints with the independent U.S. Office of Special Counsel, whose decisions were not binding. After AFGE repeatedly brought up the issue, TSA earlier this year admitted that its workers had limited whistleblower protections. But instead of granting the workers the full protections afforded to other federal employees, TSA entered into a watered-down agreement with MSPB to allow TSOs to appeal adverse OSC decisions to the board. The TSA/MSPB agreement also stops short of allowing TSOs with unfavorable MSPB decisions to take their cases to the federal courts, which other federal employees are allowed to do under current whistleblower protections. TSA also can walk away from the agreement with MSPB any time. The new legislation would make MSPB decisions binding and TSOs can take adverse MSPB decisions to the federal courts.

Also included in the bills is a provision that would allow TSOs to file a complaint with OSC and an appeal to MSPB if they have been retaliated against for appealing an adverse personnel action or for filing a complaint. Under the bills, TSOs can appeal to the MSPB if they receive an unfavorable OSC decision. MSPB also has jurisdiction over other cases including whistleblower activities and discrimination based on race, color, religion, sex, national origin, age, disability, marital status, or political affiliation. Currently, TSOs don't have these rights.

AFGE will continue to push for more reforms at TSA, including bargaining rights for TSOs.

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“It was very stressful,” she said. “I didn’t have any assistance.”

Across the border in Texas days later, Hurricane Ike smashed into the Houston area, driving millions of people out of their homes. Several days after the storm passed, the country’s fourth-largest city still was unlivable. More than one million people had no electricity. Telephone lines were down. Gas lines were miles long. Roads were blocked. Schools and day care centers were closed. As George Bush International and William P. Hobby airports were closed for only a few days, Houston TSOs struggled to take care of their families and serve the public at the same time.

“We are committed to our jobs, but we also are trying to put our lives back together,” said AFGE TSA Local 1039 President Willie Phlegm, who also was displaced by Ike. “But there is no way for us to piece our lives back together yet.”

At a time when there was little to feel good about, there was one bright spot amid the chaos. Immediately after Hurricane Gustav made landfall on Sept. 1, the American Federation of Government Employees quickly identified the New Orleans TSOs who had evacuated to Atlanta and might need help. The union found that five TSOs and their families were sent to Atlanta without any assistance. AFGE members and staff immediately stepped in, reaching into their own pockets and donating money to be used to purchase gas, grocery and restaurant cards for the displaced TSOs. AFGE National Vice President for District 5 Charlotte Flowers took the lead in making sure that funds were available for any other family that would have a need.

“It was a real hardship,” NVP Flowers said. “Some TSOs were put in hotels where they had to commute 50 or 60 miles one way, but they needed to get to work to keep their job.”

AFGE’s efforts didn’t go unnoticed.

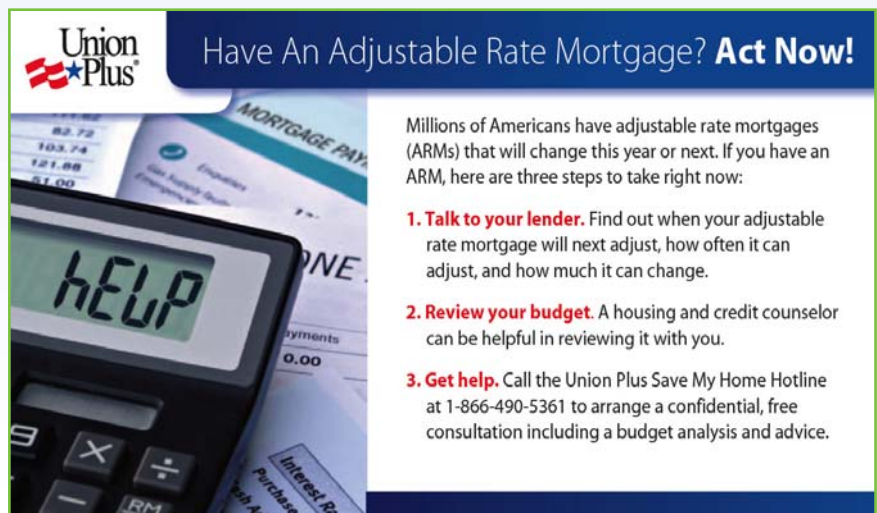
“I appreciate what AFGE has done for me and my family,” said Starks, who was given a much needed grocery card worth \$200, a \$150

gas card, and two \$20 Pizza Hut cards. “AFGE showed concern when I felt I was left out there by myself.”

In Houston, once the union learned that TSOs might have been in harm’s way as they were required to come to work while the rest of the city was recovering from Hurricane Ike, AFGE President John Gage called TSA Administrator Kip Hawley, who assured Gage that the workers would not be disciplined if they were not able to come to work because of the storm. The affected TSOs, Hawley said, would be put on administrative leave. AFGE also sent to Houston a team of union staffers, including an attorney specializing in TSA issues, to meet with TSOs. AFGE provided TSOs with gas cards, food, bottled water, blankets, and other basic necessities that they were left without. AFGE also asked TSOs who felt they had been disciplined as a result of the hurricane to immediately contact the union.

But the efforts didn’t stop there. AFGE members and activists will go to members’ homes and assist them in cleaning up and making minor repairs so their houses are livable until they can be repaired by a contractor. AFGE will set up a FEMA table for members to register online for assistance from FEMA and the Federal Employee Education and Assistance Fund, which provides a \$500 grant to federal employees affected by natural disasters.

“AFGE is more than a union,” Gage said. “We deeply appreciate what TSOs have been doing to defend our country, so whatever we can do to help those in need, we will do.”



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EEOC Rules TSA Has to Abide by Disability Law

The Equal Employment Opportunity Commission recently reversed a judge's ruling that the Transportation Security Administration did not have to abide by a 1973 law prohibiting disability discrimination.

Citing the Aviation and Transportation Security Act, which created and governs TSA, an administrative judge in 2004 ruled against a hearing-impaired job applicant who accused TSA of violating the Rehabilitation Act when the agency refused to accommodate him for his hearing impairment. The job applicant was about to take a test for a screening position and asked the test administrator to speak louder because he did not have his hearing aids, as they were being updated, but the test administrator refused.

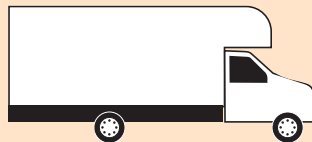
The judge ruled that the job applicant could not sue TSA on this ground because the law that created TSA exempted the agency from the rehab act. The EEOC, however, recently reversed the judge's ruling, saying

TSA has to abide by the rehab act when it doesn't conflict with ATSA's physical requirements for a TSO.

AFGE welcomes the EEOC's ruling as the union has long argued that ATSA does not pre-empt the rehab act. AFGE is representing a Dulles TSA employee who was removed from his job three years ago for using a cane. The employee was a TSA Approved Instructor, whose job was to provide training to new TSOs and schedule and administer tests. According to his immediate supervisors, he satisfactorily performed his duties despite the fact that he had a liver disease that caused him to need a cane for walking and standing. His removal came after management was observed wanting the man with the cane away from the exit door and out of public sight.

AFGE subsequently filed a complaint with the EEOC on his behalf, charging that TSA violated the rehab act and that the employee's physical limitation does not violate physical standards for a TAI as stated in ATSA. AFGE is awaiting the EEOC's ruling on the case.

**HAVE YOU
MOVED?**



Contact us at www.tsaunion.net and give us your new address.

AFGE is the best source for you to be up-to-date on issues which affect you as a federal employee and as a TSO. We have been sending out these important updates via weekly email communications and monthly news bulletin. Send your email address to tsahotline@afge.org to receive important news and information that will inform, engage and empower you.

AFGE
80 F Street, NW
Washington, DC 20001