



# TSA Action Report

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Stories by Tichakorn Hill

## Gage Meets with DHS Secretary Napolitano

**A**merican Federation of Government Employees National President John Gage sat down with Homeland Security Secretary Janet Napolitano Feb. 20 to discuss several issues including Border Patrol and Transportation Security Administration. Only a few days after the meeting, Napolitano told Congress she's looking into the issue of collective bargaining rights for Transportation Security Officers.

"Some of these jobs are very difficult jobs in difficult settings," Napolitano testified during a House Homeland Security Committee hearing on Feb. 25. "We are looking at [collective bargaining] right now from both a legal and a policy standpoint."



New DHS Secretary Janet Napolitano

Napolitano was responding to a question from Rep. Peter DeFazio, D-Ore., who met with AFGE members last month and expressed his support for TSO collective bargaining rights. At the hearing, DeFazio said granting these rights to TSOs would help fix morale problems.

The Secretary said her general counsel is looking into whether she has the legal authority to grant collective bargaining rights to TSOs.

Gage requested collective bargaining rights for TSOs during the meeting with Napolitano. He spoke to the Secretary about the unfair treatment and anti-union actions TSOs experience at many of the nation's airports. He stressed the urgent need for TSOs to be afforded collective bargaining rights—as pledged by President Obama in an October letter to AFGE.

"Secretary Napolitano clearly took AFGE's concerns to heart," Gage said. "It was a good meeting."

AFGE has approximately 10,000 TSO members at more than 100 airports across the country. The union currently has 24 TSA Locals and is in the process of chartering numerous others.



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

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## TSA: Injured on the Job? Good luck!

If you work for the Transportation Security Administration, don't be surprised if you're injured on the job and receive little help from the agency. TSA workers have long complained about how little information is given to them on the issue of workers' compensation and how unhelpful the agency is in assisting those suffering from work-related injuries or illnesses.

Transportation Security Officer Adriana Dufek\* learned firsthand how disheartening it is to get compensation for her on-the-job injury, even when the incident was captured on camera. Dufek, who

has been with TSA for six years with an impeccable work record, was screening luggage when she fell and injured her head and back on the slippery floor. It was an ugly fall for the 57-year-old, who was unconscious when the ambulance came and took her to the hospital. After three days in the hospital, she came home with back and wrist

injuries that required her to take three weeks of sick leave. Though not fully recovered, she went back to work on limited duty since she could not afford to go without pay. Dufek also cares for her handicapped mother.

It's been seven months and she has not received her workers' compensation even though she gave TSA all the documents and her claim has been approved by the Labor Department's Office of Workers' Compensation Programs (OWCP). As days go by, Dufek feels she's being harassed for the details of

the incident. The fact that she has to fight to get what she's entitled to under the law makes her feel cheated by her own country.

"I've never been so humiliated in my life," said the veteran TSO, her voice cracking. "I'm proud to be an American. My son went to Iraq. I can't believe what's happening to me. I did not fake my injury."

Milly Rodriguez, AFGE's health and safety specialist who is helping Dufek with her case, said TSOs should file a claim with OWCP directly if the agency refuses to process their claims. Rodriguez

has come across many cases in which TSA tries to stop workers from filing a claim instead of helping them as required under the law. The agency tells workers to submit the documents through the agency but doesn't always turn them in to OWCP, claiming certain information is missing, which may or may not be the case.

"TSA takes on a role that it is not supposed to take," Rodriguez

said. "It's the Department of Labor – not TSA – that decides if the claim should be approved or not."

Rodriguez said other federal agencies where employees have collective bargaining rights are more helpful to their workers than TSA, which in many cases doesn't even give TSOs the claim form. The agency also doesn't take the time to explain the process and what documents are needed. For example, many TSOs are not aware that they need to submit a new form to continue to get

### What you are entitled to if you have a work-related injury or illness

- Medical care
- Continuation of pay
- Wage loss compensation
- Compensation for loss of a body part or loss of use of a body part
- Vocational rehabilitation
- Death benefits for survivors
- Burial allowances

*See Injured, page 4*

## What to do when you have a work-related illness?

**Day 1** – Tell your supervisor immediately. If you need medical treatment, ask your supervisor to authorize medical treatment on Form CA-16. Your supervisor should complete the front of the form within four hours of the request. In an emergency, the agency may authorize medical treatment by phone and then forward the completed form to the medical facility within 48 hours.

Go to the doctor and take Form CA-16 and OWCP-1500 (the health insurance claim form) with you. Submit medical bills promptly to OWCP.

**Day 2** – Fill out and submit Form CA-1 to your supervisor immediately or as soon as possible. If you cannot fill out the form yourself, have someone else fill it out for you.

- Make sure to select Continuation of Pay (COP) on Form CA-1 instead of sick leave or leave without pay. Your COP lasts for up to 45 calendar days after the injury.
- Give your supervisor medical evidence of the injury within 10 work days of submitting the CA-1. No particular form is required; however, you may want to use a CA-20 (attending physician's report).

**Day 8** – Make sure your employer completed the agency portion of Form CA-1 and turned it in to OWCP within 10 work days after receiving the form from you. After your agency filled out the form, you should be given a copy of the Receipt of Notice and both sides of Form CA-1.

**Day 30** – If you believe you won't be able to go back to work after 45 days, ask for a CA-7 (claim for compensation) from your supervisor on the 30th calendar day of your COP. Submit the form along with a CA-20, fully completed by your doctor, to OWCP by Day 35, or at least 10 days before your COP ends. If you turn in the form to your employer and not OWCP directly, the employer has no more than five work days to submit it to OWCP.

All the forms, except for CA-16, can be found on DOL's Web site at

<http://www.dol.gov/esa/owcp/dfec/regs/compliance/forms.htm>

Contact TSA for a CA-16, or visit [www.tsaunion.net](http://www.tsaunion.net) for a copy. The form must be completed by TSA.

## What to do when you have a work-related illness?

- Tell your supervisor as soon as you realize you have a job-related illness and fill out and submit Form CA-2 to your supervisor. If you cannot do it yourself, have someone else fill it out for you.
- Make sure your agency completed the agency portion of the CA-2 and turned in the form to OWCP. Your agency has no more than 10 work days to turn it in and give you a copy of the Receipt of Notice and both sides of the CA-2.
- Your employer is supposed to give you copies of the checklist for the disease claimed (Form CA-35a-h, which is Evidence Required in Support of a Claim for Occupational Disease.)
- No CA-16 is issued in occupational disease claims. If you get medical treatment before the claim is adjudicated, your doctor will have to submit medical bills to OWCP. If you have to pay your doctor yourself, OWCP will reimburse you. Once your claim is accepted, medical bills can go directly to OWCP.
- Continuation of Pay is not authorized for occupational illnesses.
- If your doctor says you cannot work because of your illness, file a CA-7 within 10 days after your pay stops.
- If you used your sick leave or annual leave (which is not advised) while the claim was being adjudicated, you can buy back your leave.

### Have You Seen This?

The second in a series of five videos detailing AFGE's role at TSA is now available on AFGE's TSA Web site at [www.tsaunion.net](http://www.tsaunion.net) and YouTube.com (search for AFGE's Fight for TSOs to Unionize). The first video (AFGE's Fight to Federalize TSA) was released Feb. 11 and already has been viewed on YouTube alone more than 600 times. The next videos will be released every two weeks

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paid if they still cannot go back to work after 45 days. They find that out only after the checks stop coming.

Dufek's case is not uncommon. TSOs across the country have told Rodriguez about how unhelpful TSA is when it comes to work-related injuries. The most recent example involves the formaldehyde-laced uniforms that have sent a number of TSOs to the hospital. The toxic uniforms were made public by AFGE last year, but as of today, TSOs still are reporting that the uniforms cause severe rashes.

Managers also discourage TSOs from filing a workers' compensation claim, saying they are "working on the problem."

Rodriguez said it is important that TSOs know exactly what to do when they are injured on the job because there are deadlines to be met and forms to be filled out, not including other complications that might delay the whole process.

TSOs must also know what their rights are in order to make an informed decision. TSA, for example, will tell employees to take sick leave when they are injured on the job just in case their workers' compensation claims are not approved. AFGE, however, suggests TSOs elect "Continuation of Pay" on Form CA-1 instead of sick leave or leave without pay. That way, employees are not wasting their sick leave when they are entitled to the compensation.

*\* Name has been changed to protect the individual's privacy.*



AFGE President John Gage and TSOs meet with House Speaker Nancy Pelosi at AFGE's legislative reception in Washington, D.C. on Feb. 10.

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