



*A bold voice for transportation workers*

## **REFORM THE TRANSPORTATION SECURITY ADMINISTRATION**

Created immediately after the horrific September 11, 2001, attacks on our country, the Transportation Security Administration (TSA) is charged with the difficult task of protecting our transportation network from those who still wish us harm. Nearly a decade and half into its existence, TSA has helped keep our skies and other transportation assets and systems safe. But if this success is to be sustained, the agency's employees must have the resources and support they need to do their jobs. In addition, TSA policies and regulations must be updated to guard against evolving threats.

By far the largest component of TSA, and the one the public most often sees, are the 45,000 dedicated Transportation Security Officers (TSOs) that screen passengers and baggage at almost 450 airports. While those with a sinister agenda too often malign these front-line professionals for simply implementing security directives outside their control, these working people protect millions of passengers and workers every day. In 2011, despite limited rights granted by then TSA Administrator John Pistole, the American Federation of Government Employees (AFGE), a TTD affiliate, negotiated an historic first contract with TSA that granted limited collective bargaining, representation and appeal rights for TSOs. Unfortunately, TSOs are still denied many of the basic rights and worker protections enjoyed by other federal workers, TSA managers and those in intelligence agencies. In February, 2014, the TTD Executive Committee urged the government to give full Title 5 federal employee rights to TSOs, including access to the Merit Systems Protection Board (MSPB) to appeal adverse personnel decisions. To date, TSOs still lack these basic rights. TTD calls upon the Administration to grant TSOs Title 5 rights and strongly urges Congress to pass legislation codifying those rights.

Unlike other federal employees covered by a collective bargaining agreement, TSA also prohibits TSOs from bargaining for official time. Qualified time allows paid time off from government duties to work on collaborative resolution of workplace disputes, coordination of meetings and workgroups, and negotiation and implementation of workplace conditions or new operating procedures. Despite representing a bargaining unit in excess of 45,000 spread across the U.S. and its territories, only two union officials are granted 100 percent official time by TSA – a tiny fraction of the amount granted in other federal agencies. The lack of adequate official time for TSOs reduces employee morale, and ultimately hurts the agency's ability to achieve its mission. Congress should enact legislation that grants TSOs the same rights and access to official time that is enjoyed by nearly every other federal worker.

When Congress passed the Whistleblower Protection Enhancement Act in 2012, it included language that extended coverage of the Rehabilitation Act (which incorporates the Americans with Disabilities Act) to TSOs. Despite the clear intent of Congress, however, TSA has cited the ATSA statutory footnote to weaken Rehabilitation Act protections and has removed TSOs from their jobs when the agency became aware of employees' medical condition without proving that the employees were unable to perform their job duties. The Rehabilitation Act and the Americans with

Disabilities Act long ago established that employers – including the federal government – could not discriminate against employees simply because they were diagnosed with a medical condition. Congress and federal courts should make it plain to TSA that the nation’s policy against discrimination based on disability – or gender, race, religion or national origin – fully applies to TSA and its workforce.

One major step that Congress and TSA could take to immediately improve the effectiveness of airport screening is to increase staffing. While the volume of passengers and baggage continues to increase, TSA has failed to fully staff checkpoints and baggage areas. Despite confirmed staffing shortages, TSA has not requested sufficient funding to hire and train the number of officers needed at checkpoints throughout the country. Staffing shortages cause TSOs to miss trainings sessions and miss assignment rotations designed to increase attentiveness and efficiency, and cause increased injury risks by requiring one employee to perform tasks that should safely be done by two or more.

More must also be done to protect TSOs at check points that are often unguarded by airport or local law enforcement responsible for patrolling large areas of the airport. This leaves TSOs, passengers and other airport employees at greater risk in a situation such as the tragic shooting at the Los Angeles International Airport nearly two years ago that resulted in the death of TSO Gerardo Hernandez – the first TSO killed in the line of duty. In March, 2015, TSOs were attacked by a machete-wielding assailant at a checkpoint at Louis Armstrong International Airport in New Orleans. While these attacks have fortunately to this point been isolated incidents, TSOs are all too regularly assaulted or attacked by frustrated, disturbed or intoxicated passengers, simply for doing their jobs. In order to create a more secure environment at checkpoints, the government should create a Transportation Security Law Enforcement (TSLEO) pilot program at 50 airports to train and deploy armed law enforcement personnel, within the TSA structure, at protected podiums near each checkpoint. These trained and deputized officers would be responsible for the safety and security of checkpoints while allowing regular local and airport law enforcement to patrol the rest of the airport.

Finally, Congress must reject efforts by some special interests and their allies on Capitol Hill to privatize airport security screening operations. TSA was created after 9/11 with the belief that one federal agency is better equipped to oversee the security operations at our nation’s airports than the handful of private security firms that were in place throughout the country. Those who seek to expand the so-called Screening Partnership Program – a pilot program that makes it easier for private interests to take over screening operations – are looking to return to the pre-9/11 security model. At its core, this regime was reliant on private contractors exploiting a workforce that was poorly trained and received substandard pay and benefits, which resulted in alarmingly high turnover rates and weak security standards. Instead, Congress should be solidifying the federal government’s central role in ensuring the safety and security of our skies and airports.

From a regulatory and policy perspective, TSA must take steps to review and assess the potential security threats posed by the widespread use of new technology. The FCC is currently undertaking a rulemaking on whether to lift a decades-old ban on in-flight cell-phone voice calls and broadband wireless use. Congress should direct TSA, with other appropriate federal agencies, to conduct an extensive study on the current or future threats and vulnerabilities to national security of lifting

this ban. In particular, this study should assess the potential of terrorists using cell phone and broadband access to coordinate attacks both on board an aircraft and with conspirators on the ground, as well as the potential threat of using broadband access and electronic devices to breach aircraft software and hardware systems. Congress should also direct TSA to conduct a study on the potential security threat of unmanned aircraft systems (UAS) – or drones – being used to disrupt or attack commercial aircraft. There has been increasing pressure on the Department of Transportation (DOT) to implement rules and regulations for safely integrating UAS into the National Airspace System, but the DOT focus has been on safe operations, not on potential security threats. As drones become increasingly common, the security aspect of their widespread use cannot be overlooked.

While TSA has focused on the important task of keeping commercial passenger aviation safe, there remain potential cargo security inadequacies. Congress should require TSA to conduct a study on ways to enhance the security of cargo aircraft operations. This study should look at the need for fortified flight deck doors, enhanced vetting of non-crewmember jump-seaters, and other potential security weaknesses that could be exploited.

Screening of passengers and baggage at checkpoints is only the first step toward preventing attacks on the U.S. aviation system. Once a flight leaves the ground, flight crew members are responsible for the safety of the over 630 million passengers each year. Flight attendants in particular are responsible for preserving a safe and secure environment, and this depends on the ability of flight attendants to identify and respond to threats to passenger health and the safety and security of the aircraft cabin and flight deck. Congress should pass legislation requiring self-defense and security training for flight attendants to be conducted at a minimum on a biennial basis. Training should include both classroom and hands on training, and must consist of repetition and drills necessary to gain the appropriate intellectual, physical, and emotional responses needed to protect oneself, fellow crewmembers, passengers and the aircraft from acts of terrorism.

TSA has the massive and critical job of keeping the American traveling public and transportation workforce safe from internal and external threats to security. Our government – through legislative or executive action where appropriate – must make the necessary reforms to best achieve this mission. This includes creating a positive work environment for TSA employees that includes adequate resources and basic worker rights. The agency must also be proactive in defending against emerging threats from new technologies, and also provide the guidance and training necessary to ensure that frontline transportation workers are equipped to deal with threats and attacks.

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