



U.S. Department of Homeland Security
Transportation Security Administration
6595 Springfield Center Drive
Springfield, Virginia 20598

February 19, 2021

Mr. Hydrick Thomas
President, Council 100
American Federation of
Government Employees, AFL-CIO
80 F Street NW
Washington, DC 20001

Dear Mr. Thomas,

Thank you for your letter of February 10, 2021 on behalf of Council 100, regarding the 2019 Determination on Transportation Security Officers and Collective Bargaining (Determination). Council 100 requests that TSA revise the Determination to: expand the issues subject to bargaining; rescind the provisions regarding dues deduction and allow bargaining over dues deduction; allow TSA and the American Federation of Government Employees (AFGE) to return to the bargaining table and reopen the current collective bargaining agreement; and rescind the restrictions on official time.

Today, I modified the Determination to revoke certain provisions as explained below, and to allow TSA and AFGE to resolve specific AFGE proposals that were not negotiable during the 2019 collective bargaining effort.¹ Consistent with Executive Order (E.O.) 14003, *Protecting the Federal Workforce*, I have revoked Section III.B.8.m of the Determination (which excluded from collective bargaining free or discounted use of government property or any other agency resource for union representatives). Additionally, consistent with E.O. 14003, I have revoked certain provisions in Section IV.A.7 that restricted the use of official time.² Further, in light of the concerns raised by AFGE and consistent with our ongoing collaboration efforts, I have revoked Section IV.D.9 (which addressed dues deduction) in its entirety.

Finally, I have modified the Determination to allow TSA and AFGE to mediate and reach a settlement on AFGE's proposals regarding union use of government property and/or any other agency resource (which were not negotiable during the 2019 collective bargaining effort). Additionally, AFGE's dues deduction proposals that were not negotiable during the 2019 collective bargaining effort may be mediated. The specific AFGE proposals that AFGE and TSA may mediate were taken from AFGE's January 6, 2020 grievance related to collective bargaining and are enclosed with this letter. It is my hope that TSA and AFGE will successfully reach agreement on these proposals at mediation.

¹ A copy of the Modification is enclosed with this letter.

² Section III.B.8.m and the certain provisions in Section IV.A.7 had been included in the Determination consistent with the now revoked Executive Order 13837, *Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use*.

TSA looks forward to continuing a collaborative and effective labor-management partnership with AFGE. Again, thank you for sharing your concerns with me.

Sincerely,

A handwritten signature in black ink, appearing to read 'DL', with a large, sweeping initial 'D' and a trailing flourish.

Darby LaJoye
Senior Official Performing the
Duties of the Administrator

Enclosures