



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

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April 28, 2009

Gale D. Rossides
Acting Administrator, Transportation Security Administration
U.S. Department of Homeland Security
601 S. 12th St.
Arlington, VA 22202

Dear Ms. Rossides:

I am writing you to inform you of the serious concerns the Transportation Security Officer (TSO) membership of the American Federation of Government Employees, AFL-CIO (AFGE), have brought to the attention of our staff regarding safety precautions to protect both the TSOs and the flying public from the spread of the swine flu virus. In the past AFGE has worked with former TSA Administrator Hawley to intervene on behalf of TSOs who faced leave-related disciplinary actions following deadly Category 4 Hurricane Ike in September 2008; and most recently on the reasonable accommodations of TSOs who were suffering from allergic reactions to the new uniform. AFGE seeks the same collaboration with the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) to ensure that TSOs have all they need to protect themselves and their families from infection.

On April 27, 2009, Office of Personnel Management (OPM) Director John Berry issued a memorandum entitled "Advice to Federal Employees and Agencies on Preventing the Spread of the Current Flu and Maintaining Readiness to Use HR Flexibilities if Necessary". The memo directs "federal employees who work in locations in which they may come in contact with people carrying the swine flu virus"--such as TSOs--to follow precautions such as separating a traveler who appears unwell to an area away from workers and the public and providing the ill traveler with a surgical mask. Berry further recommends: "*a distance of six feet be maintained between all employees and someone who appears ill and the use of N95 respirators is suggested if an employee must maintain closer contact than the six feet of distance.*"

The Centers for Disease Control and Prevention's (CDC) "Interim Recommendations for Facemask and Respirator Use in Certain Community Settings Where Swine Influenza A (H₁N₁) Virus Transmission Has Been Detected" mandates that the time spent in crowded settings should be as short as possible and that facemasks should be considered for use by individuals who



enter crowded settings both to protect their nose and mouth from other people's coughs and to reduce the wearers' likelihood of coughing on others.

AFGE estimates that a TSO at a category X or 1 airport might come into contact with anywhere between 500 – 2000 people during a workday often in closer proximity than six feet, particularly if a passenger is subject to secondary screening. We believe that the well being of TSOs (particularly those at checkpoints) requires a policy that makes respirators, gloves and hand sanitizers readily available to TSOs and grants flexibility for TSOs to wash their hands frequently to prevent the spread of the swine flu virus to the TSO workforce, other airport personnel and their families.

Although you stated during the April 25, 2009 White House press conference that DHS would "emphasize universal health measures like hand-washing and gloves, and that at TSA many of the similar measures are being implemented at airports" we have learned that TSA management at U.S. airports are denying the use of respirators and gloves to TSOs under most circumstances. TSOs have been told that they cannot wear respirators because doing so would alarm the public. Given the publicity the swine flu pandemic has received over the past few days (including a doubling of reported cases from 20 to 40 by the CDC yesterday), it is hard to imagine that a TSO wearing a face mask would unduly add to the public's concern about this matter.

At Dallas Forth Worth Airport, TSA management provided TSOs working in baggage screening face masks and gloves and allowed them to sanitize their hands frequently, but denied the same protections to TSOs working checkpoint. TSA management at Miami International Airport informed TSOs that anyone who became ill with the flu would be required to use sick leave instead of administrative leave because there is "no way to prove that they caught it on the job". Because of TSA's overly-restrictive sick leave policies, TSOs who are sick with swine flu may be reluctant to file a CA-2 form or report the illness. This can only make a public health emergency worse for both the TSO workforce and the public they serve. TSOs at Reagan National airport report that management told them to wear gloves while on duty, provided additional alcohol to wipe down duty stations and told them that any TSO calling-in sick with symptoms of the swine flu must have a doctor's note stating they are free of symptoms before returning to work. Not only are these standards inconsistent with each other, they are inconsistent with the steps you outlined during the White House press conference, CDC's interim guidelines and OPM's guidance.

On behalf of the entire workforce, including our 10,000-plus AFGE members, I request the following measures be implemented to protect TSOs and the flying public:

- That a respirator, gloves, disinfectant, and hand sanitizer be provided any TSO who requests them;

- That TSOs be issued an N-95 respirator as prescribed by OPM Director John Berry in his April 27, 2009 memorandum;
- That shifts during the pandemic be rotated so that TSOs can wash their hands on a recurrent basis;
- That testing for the swine flu virus be made available for TSOs who must escort suspected infectious people to isolated areas or otherwise come in close contact (within six feet) of such passengers;
- That any TSO diagnosed with infection of the swine flu through their exposure to the virus while on duty be provided a CA-2 form by TSA management;
- That any TSO infected with the swine flu virus be allocated administrative leave to reduce the spread of the disease to the workforce and the public; and
- That TSOs be afforded the same “human resources policies and flexibilities” as other federal workers if they become ill with the swine flu or must care for sick family members or children in the event of the closure of the child’s school or child care center as set forth in OPM Director Berry’s April 27, 2009 memorandum.

TSOs are dedicated to their mission as the first line of defense against air terrorism and want to do all that they can to ensure the continuity of government operations. AFGE believes that the seven steps outlined above will protect both TSOs and the public they encounter from further spread of the swine flu and better enable TSOs to keep their minds on the important job of protecting the public. AFGE pledges to work with you and the Obama Administration to accomplish both.

Sincerely,


John Gage

cc:

Art Macias

The Honorable Bennie Thompson

The Honorable Joseph Lieberman