

Pocket Guide to TSO Rights



American Federation of
Government Employees,
AFL-CIO

80 F Street, N.W., Washington, DC 20001
www.afge.org or www.tsaunion.net
AFGE's toll-free TSO HOTLINE
(866) 392-6832



American Federation of Government Employees, AFL-CIO
80 F Street, N.W., Washington, DC 20001
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For More Information and to Get Involved

Visit the AFGE Web site at www.afge.org or www.tsaunion.net

- ✓ Refer to the AFGE Handbook on Representation of TSOs
- ✓ Visit AFGE's website at www.tsaunion.net
- ✓ Call AFGE's TSO Hotline at (866) 392-6832 to become a member of AFGE
- ✓ Sign up for the TSA Voice email
- ✓ Send us your email address
- ✓ Contribute to the AFGE PAC
- ✓ Send an email, write a letter, or send an Action Fax from home to your congressional Representative and Senators
- ✓ Share information on issues that affect TSOs with your friends, family, and co-workers
- ✓ Enjoy AFGE member benefits especially designed with TSA employees in mind

Important AFGE Contacts

Airport Rep: _____

NVP: _____

National Rep: _____

National Organizer: _____

Pocket Guide to

TSO Rights



IMPORTANT: This pocket guide provides the **first steps** in addressing workplace-related issues. Your job is to be informed about how the process works. Requests for assistance from AFGE are made through AFGE's toll-free TSO Hotline at (866) 392-6832. Once a request for assistance is received by AFGE, a staff member will determine whether or not the case meets AFGE's criteria for representation. Until you are notified of acceptance of representation, you should neither expect nor assume that AFGE is assisting you with your issue. You are still responsible for meeting all deadlines and timeframes established in the Transportation Security Administration's Management Directives.

Examples of serious health conditions include:

- asthma
- Diabetes
- kidney disease requiring dialysis
- back conditions that require extensive therapy or surgery
- complications or illness related to pregnancy

FMLA Process

FMLA has to be invoked and it is your responsibility to apply for the leave at least 30 days in advance of taking it, or as soon as practical. If you apply less than 30 days in advance, TSA may require you to wait until 30 days before using FMLA leave.

You must submit medical certification with your application, and TSA is allowed to ask for additional medical information. TSA can ask for recertification, but only at the end of the approved period. TSA can only contact your doctor with your permission.

You do not have to take all your FMLA leave as unpaid leave; you may substitute your sick leave or annual leave.

**AFGE Members: Call AFGE's TSO Hotline
at (866) 392-6832 for assistance**

Family Medical Leave Act Requests

General Information

Under the Family and Medical Leave Act of 1993, known as FMLA, you are entitled to take up to 12 weeks of unpaid leave within a 12-month period for medical reasons of your own or to take care of the medical needs of your family members. You must have worked with TSA for 12 months, but they do not have to be consecutive or recent.

You can take leave for a block of time within the 12 weeks or you can take the leave intermittently, for example, if you have to go to treatment every morning or once a week.

Reasons for Leave Under FMLA

You can use FMLA leave for the following reasons:

- The birth of a child and the care of the newborn
- The adoption or foster care of a child
- The care of a spouse, child or parent with a serious health condition
- Your own serious health condition that keeps you from being able to do your regular job duties

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General Information

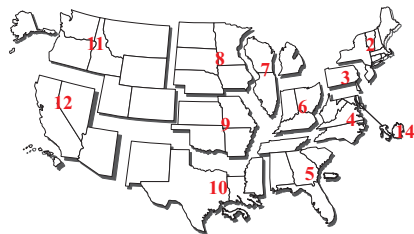
What is AFGE?

The American Federation of Government Employees, AFL-CIO (AFGE) is the only union that has fought on behalf of Transportation Security Officers since the creation of TSA. The union has been working to get collective bargaining rights for TSOs so they can bargain over workplace rules to get, for example, fair work schedules, fair promotion criteria, and better benefits.

AFGE Membership

To obtain representation from AFGE a TSO must be an AFGE member. You can join AFGE very easily, simply by filling out an 1158 form that is located on AFGE's website at www.tsaunion.net.

AFGE District Breakdown



District 2	District 3	District 4	District 5	District 6	District 7
NY VT NJ MA CT NH ME RI	DE PA	MD NC VA WV	AL SC FL TN GA Puerto Rico Virgin Islands	IN KY OH	IL MI WI
Office Telephone Number					
District 2 (732) 828-9449			District 5 (770) 907-2055		
District 3 (610) 660-0316			District 6 (317) 542-0428		
District 4 (410) 480-1820			District 7 (312) 421-6245		

Worker's Compensation Process

IF YOU ARE INJURED ON THE JOB

1. Notify your supervisor immediately.
2. Get prompt medical care. You have the right to choose your own doctor. TSA should give you a CA-16 authorizing medical care.
3. Complete the appropriate form: a CA-1 for an injury or a CA-2 for an illness. If you will miss work, you also should get a CA-7. TSA must provide you with the forms you need, but if it does not, call AFGE right away.
4. Know your rights! Request counseling on rights, benefits and leave choices. Get help if you need it. Talk to your union representative or call AFGE's TSO Hotline.
5. Keep copies of all forms and attachments you submit to TSA and/or OWCP.

AFGE Members: Call AFGE's TSO Hotline at (866) 392-6832 for assistance

Workers' Compensation Claims

General Information

If you have a job-related injury or illness, you are covered by the Federal Employees' Compensation Act. (FECA) is administered by the Department of Labor's Office of Workers' Compensation Programs. OWCP, not TSA, decides if you have a compensable injury or illness and what benefits you are entitled to under FECA.

Workers' Compensation Benefits

- Medical care
- Continuation of pay
- Wage loss compensation
- Schedule awards
- Vocational rehabilitation
- Death benefits
- Burial allowances

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Overview of Rights

TSOs have few employment rights. For the most part, federal employment laws do not apply to TSOs. TSOs do not yet have collective bargaining, but AFGE continues to lead the fight for these rights.

Right to Join a Union

In a letter to all Federal Security Directors and TSA employees dated 12/9/2005, TSA made clear that **“employees have the right to participate in union activities without fear of retaliation or discrimination. It is every manager's and supervisor's responsibility to protect that right....The expression 'union activities' includes discussing union issues (both pro-union and anti-union), organizing and attending meetings, distributing and reading literature, and signing petitions.”**

The next page contains **TSA's guidelines** for union activity.

District 8	District 9	District 10	District 11	District 12	District 14
IA MN NE ND SD	AR KS MO OK	LA MS TX NM Panama	AK WA ID CO MT UT OR WY Okinawa Guam	NV AZ HI CA	DC metro area (Europe) Germany Italy
District 8 (952) 854-3216		District 11 (360) 253-2616		District 12 (760) 233-7600	
District 9 (405) 670-2656		District 10 (210) 735-8900		District 14 (202) 639-6447	

TSA's Guidelines for Transportation Security Officers What they can and cannot do

CAN	CANNOT
<p>Join unions and contribute to a union through payroll deductions</p> <p>Engage in union activities when they are off duty, including when they are on breaks, provided they do not disturb employees who are on duty and do not harass employees who do not wish to engage in such activities</p>	<p>Disturb those on duty or engage in union activities while on duty</p> <p>Harass employees who do not wish to engage in such activities</p> <p>Conduct union activities at the checkpoint, either by employees or union representatives</p> <p>Access any sterile or non-public area if they are union representatives who are not TSA employees just as any unauthorized persons are not entitled to such access</p> <p>Engage in discussions with TSOs while they are on duty, either by employees or union representatives</p> <p>Engage in strikes or other work-related collaborative activities</p>

AFGE Members: Call AFGE's TSO Hotline at (866) 392-6832 for assistance

EEO Process

The complaint process is divided into four stages:

1. Informal
2. Investigation
3. Hearing
4. Appeal

Filing a Complaint

A TSO who believes that he or she has been discriminated against must consult with an EEO counselor. The initial contact with the counselor must take place within 45 calendar days of the date of the alleged discrimination.

AFGE Members: Call AFGE's TSO Hotline at (866) 392-6832 for assistance

Equal Employment Opportunity Process

EEO Laws Applicable to TSOs

- Title VII of the Civil Rights Act (42 U.S.C. 2000e et seq.)
- Age Discrimination in Employment Act (29 U.S.C. 621)
- Rehabilitation Act (29 U.S.C. 791)
- Equal Pay Act (29 U.S.C. 206)

Protected Status Pursuant to Statute

- Race
- Color
- Religion
- Sex
 - Sexual harassment
 - Pregnancy
- National Origin
- Age
- Disability
- Reprisal (based on civil rights activity)

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Disability Rights

TSA's position is that the agency is not required to accommodate disabled employees who are unable to meet the physical/medical requirements of the TSO position. If there is no conflict between the TSA-mandated job qualifications and a TSO's disability, then that TSO is protected by the Rehabilitation Act; if there is a conflict, then TSA's position trumps the disability claim.

HIPAA/Privacy Rights

These laws do not exist to protect your medical/personal information from your employer, particularly if you are asking for FMLA, extended sick leave, or special consideration due to a medical/personal condition. You will have to release relevant medical information to your employer if you want this protection. If TSA releases this information without your consent to other co-workers or people without a valid reason to know the information, then you might have a case.

Whistleblower Rights

TSOs can file a whistleblower complaint with Office of Special Counsel using the same form as all other federal employees. The decision of the OSC can be appealed to the Merit System Protection Board.

www.osc.gov/

AFGE Members: Call AFGE's TSO Hotline at (866) 392-6832 for assistance

3-1-1 on TSO Discipline

3-1-1: 3 deep breaths; 1 calm response; 1 call to AFGE

When confronted with a disciplinary action at work, the most important thing you can do is react professionally and calmly.

TSA MD No. 1100.75-3, **Addressing Performance and Conduct Problems**, governs all disciplinary actions. There are five main types of disciplinary action:

- 1) Letter of Reprimand
- 2) Suspension
- 3) Indefinite Suspension
- 4) Demotion
- 5) Removal

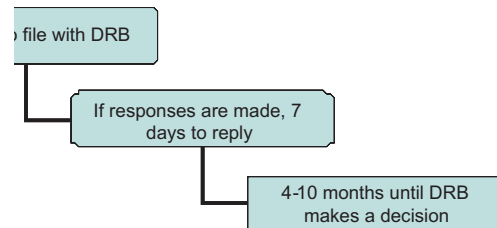
Most disciplinary actions are based on alleged violations of TSA MD No. 1100.73-5, **Employee Responsibilities and Conduct**, and/or TSA MD No. 1100.73-2, **TSO Dress and Appearance Responsibilities**.

Non-adverse Actions: Challenge with a Grievance	Suspensions of 14 days or less and Letters of Reprimand
Adverse Actions: Challenge with an Appeal to the Disciplinary Review Board	Suspensions of 15 days or more, Indefinite Suspensions, Demotions, and Removals

AFGE Members: Call AFGE's TSO Hotline at (866) 392-6832 for assistance

Probationary employees cannot appeal removal actions. DRB appeals must be filed within 30 calendar days of the effective date of the action.

Timelines



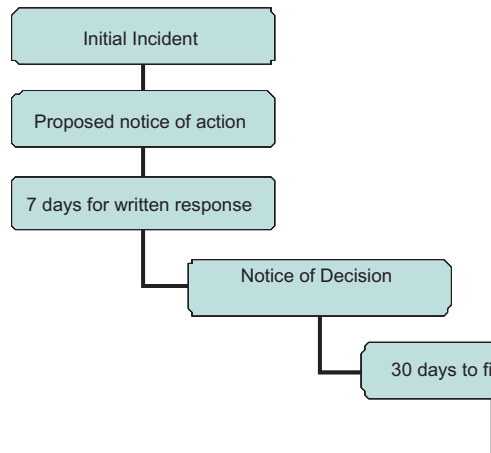
1 AFGE's TSO Hotline 32 for assistance

Disciplinary Review Board Process

General Information

Certain disciplinary actions may be appealed to the TSA Disciplinary Review Board (DRB) pursuant to TSA MD 1100.77-1, **Disciplinary Review Board**. The following actions are appealable:

- Suspensions of 15 days or more
- Indefinite Suspensions
- Demotions
- Removals



AFGE Members: Call
at (866) 392-683

Investigations

Pre-decisional Meeting

TSA Management Directive No 1100.75-3, **Addressing Performance and Conduct Problems**, states that “[p]rior to taking any disciplinary action, management must follow these steps:

1. Assess the incident or allegations;
2. Engage in relevant fact-finding to the extent necessary to make an informed decision (obtain related evidence, witness statements, etc.);
3. Review all relevant evidence to ensure that the action meets standards of proof;
4. Meet and discuss the matter with the employee, advise the employee of the allegation and possible consequences, and provide the employee an opportunity to respond orally and/or in writing; and
5. After meeting with the employee, management must determine if corrective and/or disciplinary action will be taken.”

Investigation

TSA policy requires TSOs to comply with the investigation process; refusing to meet or discuss the incident at all can result in further specifications against you. When writing statements or giving oral testimony, your response should be specific to the charge or allegation. Extra information can lead to additional charges, even if you were not the subject of the investigation.

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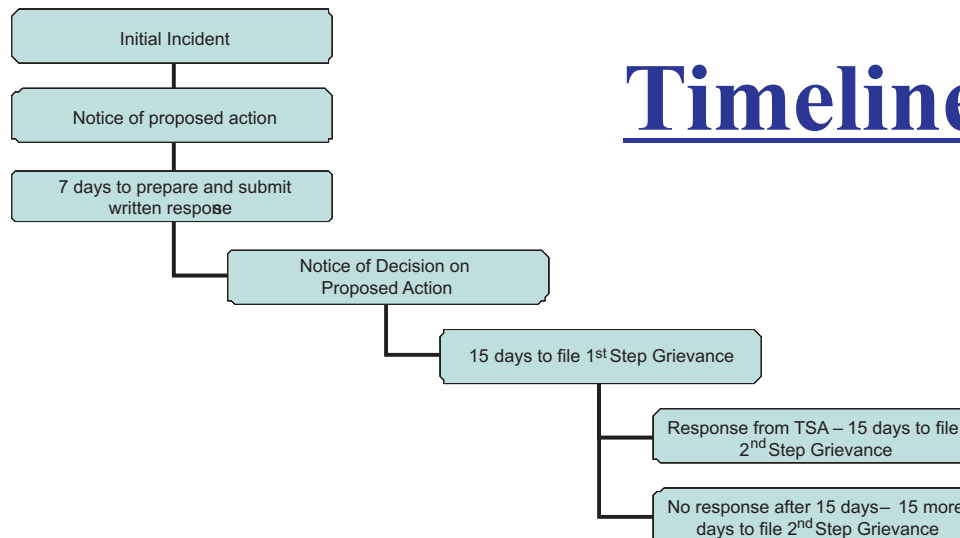
Grievance Process

General Information

Employees can grieve agency actions pursuant to TSA MD No. 1100.77-2, **Grievance Procedures**. Employees have 15 days from discovery of the contested decision or action to file a written grievance with the first-step official. After a second step decision is final, there is no further right to appeal.

The following actions may be grieved:

- Suspensions of 14 days or less
- Letter of Reprimand
- Leave Restriction



Timelines

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