



# CONGRESSIONAL TESTIMONY

*STATEMENT FOR THE RECORD*

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

PROVIDED TO THE

HOUSE COMMITTEE ON HOMELAND SECURITY

HEARING ON

**“20 YEARS AFTER 9/11: THE STATE OF THE TRANSPORTATION SECURITY ADMINISTRATION”**

**SEPTEMBER 29, 2021**

Chairman Thompson, Ranking Member Katko and Members of the Committee:

The American Federation of Government Employees, AFL-CIO (AFGE), which represents 700,000 federal and District of Columbia employees in 70 agencies, including approximately 45,000 Transportation Security Officers (TSOs) at the Transportation Security Administration (TSA) thanks the Committee for holding this important hearing today, “20 Years After 9/11: The State of the Transportation Security Administration.” Indeed, by some measures the agency has experienced tremendous progress in the past 20 years, but when it comes to fair pay and due process, it has left its most crucial resource – the Transportation Security Officer workforce – back in the 20<sup>th</sup> century.

When this Committee held a hearing in May of this year, “Twenty Years of Workforce Challenges: The Need for H.R. 903, the *Rights for the TSA Workforce Act of 2021*,” AFGE testified that full rights under title 5 of the U.S. Code, as other federal employees are accorded, would directly improve the ability of TSA to provide the flying public the highest level of aviation security. We also testified to the low morale and toxic work environment that two decades of TSA Administrators have allowed to fester and consume the TSA work culture.

AFGE urges the Committee to continue to explore the impact of the toxic work culture as it is juxtaposed against the many demands placed on the TSO workforce as TSA has grown and changed over 20 years. Over two decades, TSOs have gone from operating hand wands and walk-through metal detectors to utilizing Advanced Imaging Technology machines and pat-downs. As TSA has invested in new technologies, TSOs have taken training on new equipment nearly every year.

It is clear that investment in advanced technology has contributed to 20 years of aviation security. But we ask, where is the investment in the workforce? Where has TSA leadership been as supervisors fostered work cultures that forced many TSOs to resign or endure harassment, humiliation and undue discipline?

The TSO workforce has been on the job throughout the longest government shutdown in American history and the COVID-19 Pandemic. Over 10,000 TSA employees, mostly those in the screening workforce, have contracted COVID-19 and 29 have tragically lost their lives. TSA reported earlier this month that with the imposition of checkpoint mask mandates, there have been more than 4,000 “mask related incidents” and the agency is pursuing penalties in 126 cases.<sup>1</sup> That number is likely higher as many TSOs endure punishing treatment by the flying public they are working to protect rather than report or respond when they sustain abusive behavior at the checkpoint. Even a cross tone toward an unruly passenger could result in a disciplinary action where the TSO has little or no recourse to explain mitigating factors.

Fair treatment of the TSO workforce is a goal that should have been a priority from day one and from the top down, but it was not. In the aftermath of the September 11, 2001 terrorist attacks on American soil, Congress granted the TSA Administrator unusually broad authority to develop a separate personnel management system. Congress did not grant this authority to allow mistreatment against the TSO workforce. Now that 20 years have passed, it is time to bring personnel management under regular order and make the rights and compensation of the TSO workforce a priority. This Committee has favorably reported the “Rights for the TSA Workforce

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<sup>1</sup> “More than 4,000 face-mask incidents have been reported to the TSA,” The Washington Post, September 10, 2021

Act” and AFGE hopes to work with the Committee to achieve passage in the full House in the coming weeks.

Turnover in the screening workforce has been a persistent problem. With very low pay and little reward for experience many TSOs go on to other agencies where they work under the more reliable and market-based general schedule (GS) pay scale. Elsewhere in the federal government, they are guaranteed due process in disciplinary matters, whistleblower protections and reasonable and consistent agency action when they experience harassment and discrimination. This Committee has examined the March, 2019 Office of Inspector General Report, “TSA Needs to Improve Efforts to Retain, Hire, and Train Its Transportation Security Officers” which attributed the high attrition among TSOs to low pay and fairness of pay and found TSOs’ “dissatisfaction with their supervisors included management’s competence, communication, promotion of negative work environment, disrespect, lack of trust, lack of appreciation or recognition, and unfair practices in appraisal, discipline, and advancement.”<sup>2</sup> While we do not believe the OIG’s recommendations went far enough to remedy these pay and management failures, it is important they were identified and brought forward. In the context of the 20-year anniversary of TSA, it is time to enact legislation that will address these intrinsic inequities.

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<sup>2</sup> Department of Homeland Security Office of Inspector General Report, “TSA Needs to Improve Efforts to Retain, Hire, and Train Its Transportation Security Officers” March 28, 2019, OIG-119-35

We raise our questions and concerns not to chide the Administrator or former administrators for personnel management failures, but to ensure that human beings who perform essential homeland security functions are not left behind in the calculation of securing the homeland but are front and center when this agency addresses crises in the future and sets the vision for the TSA the American public deserves 20 years from now. AFGE looks forward to working with the Committee and with TSA to achieve a better workplace and a more successful agency.