



CONGRESSIONAL TESTIMONY

STATEMENT BY

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BEFORE

SUBCOMMITTEE ON TRANSPORTATION SECURITY

HOUSE COMMITTEE ON HOMELAND SECURITY

ON

LONG LINES, SHORT PATIENCE: LOCAL PERSPECTIVES

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Mr. Chairman, Ranking Member Rice, and Members of the Subcommittee: My name is J. David Cox, Sr., and I am the National President of the American Federation of Government Employees, AFL-CIO (AFGE). On behalf of the more than 670,000 federal and District of Columbia workers our union represents, including over 42,000 Transportation Security Officers (TSOs) working to provide safe and secure travel for over two million passengers each day, I thank you for the opportunity to testify today on “Long Lines, Short Patience: Local Perspectives.” TSOs have always stood on the side of the flying public. Their job is to provide efficient screening to the best of their abilities to keep passengers safe when they fly. Even though TSOs did not create the conditions resulting in seemingly endless lines at airport checkpoints, they are ones who must deal directly with the shortsightedness of the Transportation Security Administration (TSA), the airlines, airport authorities, and the Congress. AFGE’s TSA members have much to offer as all parties begin to work together to resolve the challenges of long passenger wait times without sacrificing security.

The TSO workforce observes current conditions at checkpoint and also witnessed the emergence and growth of all the problems that are only recently the subject of news stories. These long lines were an inevitable consequence of decisions that have been made by TSA and Congress over the past five years. TSOs can point to four issues that have conspired to produce the acute situation we see today: 1) Decline in the size of the TSO workforce; 2) Diversion of the Security fee; 3) Emphasis on an array of non-federal personnel as a temporary “fix” to staffing issues; and 4) Second class treatment of the TSO workforce.

- 1. The TSO workforce was allowed deliberately to fall by attrition while passenger volume increased.** TSA admits that TSO staffing levels fell from 47,147 full-time employees to 42,525 between 2013 and 2016. Concurrent passenger volume rose 15 percent in this period. According to recent Congressional Statements, in 2014, TSA only hired 373 workers to replace the 4,644 who left the agency. The few employees hired during that period of time were disproportionately part-time TSOs who have a much higher attrition rate than the full-time TSO workforce. Congress cut the TSA budget for TSO compensation and benefits and continued a misguided cap on the number of full-time employees. TSA failed to request the funding needed to fully staff checkpoints or even hire up to the statutory cap. TSA’s staffing projections included passenger participation in PreCheck that never materialized. The Staffing Allocation Model (SAM) did not take into account these factors and clearly fell short of the deployments necessary to prevent long waits at checkpoint. The impact on the flying public is obvious: Wait times that are up to three hours long and missed flights have become a normal part of the flying experience for passengers. The impact on TSOs is less obvious: TSOs often do not rotate positions (a requirement to retain focus), miss trainings, meals, and rest breaks and for months have endured mandatory overtime and cancelled days off due to TSA’s operational needs. Female TSOs face an additional burden because of

the continuing inadequate male to female ratios at the airports. The current crisis was both foreseeable and preventable.

2. **Airline fees and distribution of the Security fee.** Two fees affect the checkpoint: airline fees for checked baggage and the diversion of .60 of every \$5.60 of the Security fee collected to deficit reduction instead of screening. Many passengers seek to avoid the checked baggage fee charged by airlines, which is typically \$25 for the first bag and \$35 for the second with carry-on bags. TSOs report the number of bags passengers screen as carry-ons has increased with the fees. Although Congress increased the Security fee in 2014, \$1.25 billion each year is diverted to deficit reduction. Airline checked bag fees have changed the behavior of the flying public while much of the Security fee needed to fund screening operations is currently beyond TSA's grasp.
3. **The patchwork of airline, airport and contract employees working around the checkpoint.** The use of airline and airport authority employees included in Department of Homeland Security Secretary Jeh Johnson's plan and individual decisions by airport authorities to hire contract workers undermine the ability to realize a permanent solution for current staffing shortages. The safety of the public required federalization of screening duties following the terrible events of September 11, 2001. Airports in the Screening Partnership Program (SPP) are also experiencing long lines and frustrated passengers. Private security companies are required to follow the same procedures and SAM as airports with federal TSOs. Airports in the Screening Partnership Program have serious problems. TSA ended the contracts at four Montana airports because the screening companies were unable to meet the agency's requirements for security. Multiple security breaches occurred after Orlando Sanford Airport privatized screening. There is a decline in workforce experience when airports privatize security screening. TSOs want to serve the public as government employees; they do not want their security mission compromised by the for-profit incentives of private contractors. AFGE also questions the provision in Secretary Johnson's 10 point plan that depends on airline and airport authority employees to "pitch-in" on "non-screening" duties. We are concerned about the definition of "non-screener duties," the rigor of background checks and training received by these employees, and the presence of individuals who are not TSA employees or passengers in the checkpoint area.
4. **Despite the importance of their work, TSOs receive second class treatment from their employer, the federal government.** As the economy improves and working conditions at TSA worsen, increasingly TSOs are voting with their feet and leaving TSA. Many former TSOs now work for other government agencies. TSOs do not have the same rights and protections as other federal workers, including those employed by other DHS agencies, because the agency is able to ignore the law. TSA has excused itself from

complying with the Federal Labor Standards Act and the Office of Personnel Management guidelines and rules governing leave, including the Family Medical Leave Act. TSOs do not have statutory Title VII protections against discrimination, and are not paid under the General Schedule. Starting wages for a TSO are about e \$15 per hour, even as we are reminded by recent world events that terrorists remain focused on attacking commercial aviation worldwide.

The duties of a TSO require adherence to a number of different screening procedures that must be performed quickly, with no room for error, unpredictable hours due to staffing shortages, and do so while treating passengers with friendly respect. AFGE is particularly concerned that staffing shortages have placed an unnecessary burden on female TSOs. Although over one-half of all passengers are female, women comprise less than 40% of the TSO workforce. The disparity in numbers has resulted in female TSOs being denied the ability to bid for shift or positions due to a shortage of women at the checkpoint. All TSOs bear the burden of disciplinary review procedures created by TSA with no ability to appeal adverse personnel actions to a neutral third party like the Merit Systems Protection Board or a negotiated grievance procedure. The denial of fundamental workplace rights has nothing to do with security and does not make the country safer.

From the perspective of TSOs, their job is to screen passengers and bags effectively and efficiently. Their first priority is to keep the flying public safe, and to do so as proficiently as possible. Here are their ideas:

- 1. Return the workforce to 2011 levels.** The continued practice of starving TSA screening operations of necessary funding must stop immediately. As enacted, the proceeds of the Passenger, or the September 11 Security Fee, only captured 36% of TSA's costs to provide aviation security. In 2014, fee increases were partially diverted to address the deficit and are deposited in the general fund of the Treasury. Despite rising passenger volume, Congress only increased the TSA budget by less than one percent between FY 2015 and FY 2016. Even with knowledge of the gaps between passenger growth and staffing, the FY 2017 budget request for TSA asked to fund a staffing request for an additional paltry 323 positions. Congress should pass emergency legislation to ensure funding to fully staff TSA checkpoints. TSA should face no obstacle in applying fee proceeds to TSO staffing as necessary. Congress must finally end the arbitrary and severe cap on full time TSOs. Like other agencies in the Department of Homeland Security, TSA should be able to hire the number of full time TSOs required to fulfill its mission.
- 2. Dedicate the proceeds of the Security Fee to TSA.** Perhaps the most obvious solution to funding problems at TSA is to utilize the Security fee for the reason it was intended: To finance the mission of the agency.

3. Increase efforts to retain the current TSO workforce. It is well within the authority of both Congress and TSA to address the issues set forth in this testimony. The TSO workforce is not a footnote to the agency's goal of effectively and efficiently screening passengers. The work of TSA falls greatly on the shoulders of the TSO workforce. Their common sense solutions address both current understaffing and prevent a future reoccurrence. We urge lawmakers to direct Administrator Neffenger to apply title 5 rights protections to the TSO workforce. AFGE strongly supports H.R. 4488, the Rights for Transportation Security Officers Act, introduced by Representatives Bennie Thompson and Nita Lowey. The bill requires TSA to follow the same workplace rules as the majority of agencies in the federal government. TSA consistently receives the lowest rating from its employees when surveyed, including the current Best Places to Work in the Federal Government survey, where TSA ranked 313th out of 320 agencies. AFGE believes TSA's low ratings are attributable to TSA's unique ability to choose which rights and protections apply to the workforce.

In addition, TSA should provide TSOs who have been on the job two years or longer with an immediate 5% longevity pay increase to finally adjust their wages to match the 5% wage increase paid to employees of less than two years in 2015. Protections and rights under title 5 and fair compensation for their work will finally provide the TSO workforce with the respect and stability appropriate to their position in the framework of homeland security with the added benefit of supporting the retention of an experienced TSO workforce.

4. Private sector employees are a diversion from the permanent Federal staffing solution required at checkpoint. AFGE does not support the provision of Secretary Johnson's plan allowing airport and airline employees to be assigned duties around the checkpoint to "free-up" TSOs for screening duties. The Aviation and Transportation Security Act, Public Law 107-71 at Section 44901 states:

The Under Secretary of Transportation for Security shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. In the case of flights and flight segments originating in the United States, the screening shall take place before boarding and shall be carried out by a Federal Government employee (as defined in section 2105 of title 5, United States Code), except as otherwise provided in section 44919 or 44920 and except for identifying passengers and baggage for screening under the CAPPs

and known shipper programs and conducting positive bag-match programs.

Airline and airport employees have no experience performing these duties and have not received the hours of training TSOs are required to complete. It is not clear that these employees were vetted by their employer to the same extent as the TSO workforce. Instead of diverting resources by inserting employees who do not work for TSA into the framework of aviation security, AFGE calls on Congress to provide the funding to fully staff airport checkpoints.

Transportation Security Officers do all they can to detect any person or anything moving through checkpoints that might cause harm to passengers. It should not be so hard for them to simply do their jobs. AFGE pledges to work with TSA, Congress, and the public on solutions that address the agency's problems in a manner that improves passenger experiences and the ability of TSOs to carry out their duties. Thank you for the opportunity to appear before you at this hearing, and I look forward to responding to any questions you might have regarding my testimony.