



Homeland
Security

September 25, 2025

MEMORANDUM FOR: Ha McNeill
Acting Administrator
Transportation Security Administration

FROM: Kristi Noem
Secretary of Homeland Security

SUBJECT: Eliminating Collective Bargaining at TSA Due to its
Incompatibility with TSA's National Security Mission and its
Adverse Impact on Resources, Flexibility, Mission Focus, Security
Effectiveness, and Traveler Experience

Introduction

The Transportation Security Administration (TSA) is a dynamic national security agency dedicated to safeguarding the nation's transportation systems. TSA provides front-line protection for air travel and works to ensure security in all modes of transportation, all while adversaries continue to try to exploit our transportation system to harm the United States. It is crucial that TSA's front-line screening workforce can meet this threat with requisite readiness, training, and skill. Facing a dynamic threat combined with ever-increasing passenger numbers demands that TSA has maximum flexibility to seamlessly adjust workforce priorities and procedures.

Under my leadership and the leadership of President Trump, TSA is working to usher in a new Golden Age of Travel for Americans. As part of that effort, the Agency is holistically reexamining all aspects of how it operates. In a time of record-breaking passenger numbers, TSA is seeking to prioritize modernization and enhancement of the travel experience across the nation's airports. For example, implementation of the REAL ID Act was finally realized in May of this year, and the Agency is improving the checkpoint experience by allowing travelers to keep their shoes on as they pass through the security screening process. TSA has also been thoroughly reviewing its labor relations framework and the Agency's experience with affording our screening officers¹ increasing collective bargaining and exclusive representation rights over the last 14 years. As part of that effort, the Agency surveyed its Federal Security Directors, the management officials with primary responsibility for overseeing security screening operations at the nation's airports, about how union representation and the current collective bargaining agreement have affected workforce readiness, resource allocation, and mission focus.

¹ In this document, screening officers include the full-and part-time non-supervisory personnel carrying out screening functions under 49 U.S.C. § 44901.

Following a comprehensive assessment of the impact of TSA's labor relations framework on taxpayer resources, mission focus, management flexibility, workforce readiness, security effectiveness, and traveler experience, I have concluded that continuing to allow collective bargaining and exclusive representation for screening officers is inconsistent with efficient stewardship of taxpayer dollars and this Administration's vision for the future of TSA, and is not compatible with ensuring that the Agency maintains the maximum agility required to secure the traveling public from constantly evolving threats. I therefore determine, pursuant to Section 111(d) of the Aviation and Transportation Security Act of 2001, and the authority of the Homeland Security Act of 2002,² that individuals carrying out the security screening function under 49 U.S.C. § 44901, in light of their national security responsibilities, shall not, as a condition of their employment, be entitled to engage in collective bargaining or be represented for the purpose of engaging in such bargaining, or for any other purpose, by any representative or organization.

Background

Since TSA's inception, various Administrators have exercised the authority granted by Congress to issue determinations concerning screening officers and collective bargaining. The legislation that established TSA explicitly excludes screening officers from the provisions of the Civil Service Reform Act that authorize and regulate collective bargaining or other labor-management relations matters. *See* Aviation and Transportation Security Act of 2001 (ATSA), Pub. Law No. 107-71, 115 Stat. 597. Instead, Section 111(d) of ATSA empowers TSA's Administrator to set the terms and conditions of employment for screening officers "notwithstanding any other provision of law." 115 Stat. at 616 (classified as a note to 49 U.S.C. § 44935).

The history of determinations on screening officers and collective bargaining includes several key decisions and modifications, reflecting evolving strategic priorities and policy judgments of various Administrators. The first determination, issued in 2003 by former Administrator James Loy, prohibited screening officers from engaging in collective bargaining or being represented for such purposes, emphasizing that TSA's screening workforce has "critical national security responsibilities."

That framework remained until the 2011 determination by former Administrator John Pistole, which endorsed union representation elections and limited exclusive union representation. Subsequent determinations in 2014, 2016, 2019, and 2022 further expanded the labor framework consistent with the judgments of leadership at the time. In February 2025, I issued a determination eliminating collective bargaining and exclusive representation. That determination was enjoined by a district court on June 2, 2025, and TSA has since been operating under the 2022 determination.

Today, I rescind my determination, dated February 27, 2025, and issue this new determination based on the Agency's review of collective bargaining and exclusive representation that has been ongoing under Acting Administrator McNeill's leadership. Accordingly, I issue this determination to supersede and replace the 2022 Determination by former Administrator David

² "All functions of all officers, employees, and organizational units of the Department are vested in the Secretary." 6 U.S.C. § 112(a)(3).

Pekoske. My determination returns TSA to its original labor framework, in place for the first decade of the Agency's existence, in which collective bargaining and exclusive representation are not permitted. I am reaffirming that, because TSA screening officers carry out a critical national security mission in an ever-evolving threat landscape, the need for agility in managing the workforce is paramount. My determination also recommits TSA to ensuring that its resources, which are provided by American taxpayers, are used efficiently on mission-focused activities, and not spent on administering a complicated and operationally burdensome labor relations framework that detracts from the mission.

TSA's National Security Focus is Incompatible with Collective Bargaining

TSA's screening workforce executes a critical national security mission, and maximizing management flexibility is paramount. TSA's mission statement is "to protect the nation's transportation systems to ensure freedom of movement for people and commerce." That mission is firmly rooted in national security. TSA's screening workforce, which was born from Americans' resolve following the 9/11 terrorist attacks, protects the economic and productive strength of the nation by guarding against threats to the transportation sector that could catastrophically disrupt the freedom of movement for people and commerce. Screening officers screen an average of more than two million air travelers every day, and over three million on peak days—approaching 1% of the population of the United States.

Screening officers' national security function has been recognized since TSA's creation. At the signing of ATSA establishing the Agency, President George W. Bush said,

Today we take permanent and aggressive steps to improve the security of our airways...[We are] united to defend our country. And [we are] united to protect our people. For our airways, there is one supreme priority: security...Security comes first. The Federal Government will set high standards, and we will enforce them.³

In his 2003 Determination, former Administrator Loy described TSA's screening workforce as having "critical national security responsibilities." And former Administrator Pistole noted in his 2011 Determination that TSA's mission "to protect security systems is crucial to our national interests."

Today, I continue to emphasize TSA's mission to protect national security. Screening officers work to protect the American public from terrorists or others who seek to do harm to the United States by threatening the nation's transportation systems. That increasingly demanding responsibility cannot be encumbered by a labor-relations framework that diverts more and more resources and taxpayer dollars away from core mission-critical duties, burdens flexibility, distracts from mission focus, and adversely impacts workforce readiness, security effectiveness, and the traveler experience at checkpoints. In recognition of the costs and challenges inherent in permitting collective bargaining for a federal agency workforce, Congress empowered the TSA Administrator and the Secretary of Homeland Security to determine the terms and conditions of

³ President George W. Bush, Remarks on Signing the Aviation and Transportation Security Act Online by Gerhard Peters and John T. Woolley (Nov. 19, 2001), *in* THE AMERICAN PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/documents/remarks-signing-the-aviation-and-transportation-security-act>.

employment for screening officers, including, specifically, whether collective bargaining and exclusive representation should be available. I have found that TSA's experience with collective bargaining and exclusive representation demonstrates incompatibility with the Agency's national-security-focused mission. Thus, I have determined that the TSA screening workforce is not appropriate for collective bargaining or exclusive representation for any purpose. Moreover, even setting aside my concern for the Agency's ability to execute its national security mission, I conclude that eliminating the costs, burdens, and distractions of a collective bargaining framework is warranted, as explained below.

TSA's Experience with Collective Bargaining Demonstrates it is Inappropriate for the Screening Workforce

1. Collective Bargaining and Exclusive Representation Rights Divert Agency Resources and Burden Flexibility

As part of the federal government imbued with public trust, TSA must be a good steward of taxpayer dollars. Establishing and maintaining a labor relations framework involving collective bargaining and exclusive representation over the last 14 years has carried a significant cost, diverting limited resources away from critical mission-focused activities. Negotiating and administering collective bargaining agreements and affording representation rights to screening officers has burdened TSA with great expense both in terms of dollars and management and employee time.

Any framework, even a limited one, that allows an elected union comes with inherent costs that simply do not exist without one. For example, TSA has spent considerable resources on:

- Collective bargaining
- Impact and implementation bargaining
- Local bargaining
- Arbitrations
- A negotiated grievance process for claims that the Agency violated the collective bargaining agreement
- Allowances for employees to use official time to conduct union business, including union presence at formal discussions; union presence when employees are interviewed for potential misconduct; union requests for information; union representation during disciplinary and grievance proceedings; and union representation during arbitrations.

As an initial matter, the cost of collective bargaining is significant, regardless of whether the Agency allows for limited bargaining, like it did from 2011 to 2022, or more fulsome bargaining, like what occurred in 2022. TSA estimates that each collective bargaining effort costs tens of thousands of hours of official time and management time.⁴ Specifically, TSA estimates:

⁴ "Official time" refers to paid work hours that TSA employees use for activities on behalf of the union rather than performing the jobs they were hired to do. "Management time" refers to paid work hours that TSA employees such as senior officials, human resources specialists, and attorneys use on effort related to collective bargaining or union matters rather than on other matters.

- Over 8,100 hours of official time were spent negotiating the 2012 collective bargaining agreement.
- Over 8,100 hours of official time and over 17,000 hours of management time were spent negotiating the 2016 collective bargaining agreement.
- Over 5,900 hours of official time and over 8,800 hours of management time were spent negotiating the 2020 collective bargaining agreement.
- Over 7,300 hours of official time and over 12,800 hours of management time were spent negotiating the 2024 collective bargaining agreement.

In total, TSA estimates that it has spent more than \$700,000 to pay for over 29,000 hours of official time used to negotiate collective bargaining agreements. That money and time was diverted from supporting mission-critical functions. In addition, more than 38,600 management hours were also spent to negotiate collective bargaining agreements. Moreover, TSA also had to bear significant travel costs associated with negotiations. For example, TSA estimates that in 2019 it paid approximately \$215,000 in travel expenses for union negotiators and over \$170,000 for Agency negotiators working to reach the 2020 collective bargaining agreement. And in 2023, TSA paid over \$60,000 in travel expenses for union negotiators and \$48,000 for Agency negotiators working to reach the 2024 collective bargaining agreement.

With regard to allowing screening officers to use official time for union matters separate from collective bargaining activities, TSA has determined that the cost exceeded \$7.2 million in fiscal year 2024. Regarding arbitrations, the union has invoked over 1,200 total cases since the first collective bargaining agreement in 2012, and over 400 have proceeded through resolution, at a cost of more than \$850,000 paid for arbitrator fees and transcription services. Moreover, TSA estimates that it has spent over 7,200 attorney hours and over 2,300 witness hours on routine arbitration matters, litigating low-level misconduct underlying Letters of Reprimand or short suspensions. In addition, the Agency has faced the burden of 10 extremely resource-intensive national-level arbitration matters. Almost all of those matters required more than one year to reach resolution, carried a very large cost in attorney time, and demanded sustained involvement of senior management officials, further diverting them from their ordinary mission-focused duties. For example, the most recent national-level arbitration took nineteen months to reach resolution, and TSA estimates a cost to the Agency of nearly 7,000 attorney hours and more than twenty-five full days of senior management official time.

President Trump's Administration is focused on eliminating waste, fraud, and abuse in the federal government. It is my assessment that the costs of administering a collective bargaining and exclusive representation framework have been wasteful, and the Agency—and the American people—would be better served by redirecting resources to mission-focused duties.

While it is true that past TSA leaders expressed high hopes that collective bargaining and union representation would bring mutual benefits to screening officers and the Agency, my assessment is that meaningful benefits have not been realized. TSA's survey of Federal Security Directors asked for identification of any strengths of the 2024 collective bargaining agreement. Based on a review of the responses, I concluded that the positive aspects reported were either not substantiated, were not actually the result of collective bargaining (for example, a reported strength of standardization of processes across airports could be achieved through national TSA

policy rather than a collective bargaining agreement), or were so minor as to be certainly outweighed by the administrative costs discussed above (for example, it was reported that an advantage of the collective bargaining agreement is that it conveniently consolidates many different workplace rules and procedures into a single document when they might otherwise be set forth in multiple policy documents).

In addition to imposing significant costs, the collective bargaining framework and various collective bargaining agreements have burdened TSA's operational flexibility. TSA must remain agile to address all manner of threats to the transportation sector, including physical security threats, cybersecurity threats, and threats of terrorism. The diversion of manpower through official time used on union matters results in the loss of skilled officers during peak hours, limiting the capacity to open additional screening lanes or to operate complex screening systems efficiently. While local TSA managers try to mitigate operational impacts, use of official time on union matters still reduces available resources.

Collective bargaining further hinders agility by requiring TSA to negotiate with the union over changes to Agency policy and procedures, which detracts from rapid implementation in this continually developing national security landscape. Often these advance-notice requirements can delay implementation and impede Agency flexibility. For example, TSA recently made changes to processing Family and Medical Leave Act usage to ensure that employees only receive the appropriate hours for their medical needs and to allow management to require additional medical documentation when employees exceed the frequency and duration of their purported needs. Rather than implementing these changes immediately, during the peak of summer travel when the Agency's personnel needs are greatest, management faced weeks of delay to allow for impact and implementation bargaining with the union.

2. Collective Bargaining and Representation Activities Distract from Mission Focus and Security Effectiveness

Creating an extensive labor relations infrastructure and expanding the Agency's labor framework has distracted from TSA's operations. In response to the Agency's survey about the impacts of union representation and the current collective bargaining agreement, Federal Security Directors reported that time spent on administering the current collective bargaining agreement has taken time away from the security mission. I take these concerns very seriously. It is clear that understanding and implementing the nuances of a collective bargaining agreement stretching to 187 pages and facilitating union representation for all manner of formal meetings and discussions with employees has required TSA front-line management personnel to divert attention away from the mission. For example, personnel must focus on other business beyond the business of national security when:

- Front-line supervisors are diverted from screening duties to coordinate schedules so as to allow for union presence at formal discussions and interviews concerning potential misconduct.
- Management personnel are removed from screening duties to engage in arbitrations of disciplinary actions as well as cumbersome two-step grievances challenging TSA policies and practices. Federal Security Directors reported that the grievance process is inefficient,

wasteful, and duplicative, and that increased grievances have substantially increased the number of hours spent away from operational needs. Additionally, following the grievance process, an employee may elect to go to arbitration. Each arbitration requires witnesses to be diverted from the checkpoint to prepare for testimony, sacrifice duty time to wait to testify, and then actually testify. Arbitrations can last several days and necessitate testimony from several witnesses just to litigate low-level or non-controversial disciplinary matters, such as a Letter of Reprimand for a uniform violation.

- Managers must comply with procedures mandated in the collective bargaining agreement to address instances of poor performance, which requires placing poor performing employees on performance improvement plans with extended timeframes of a minimum of sixty days, which is inconsistent with Executive Order (EO) 13839, *Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles*, issued by the President Trump in 2018.⁵ Furthermore, complying with those requirements of the collective bargaining agreement hinders the Agency's ability to swiftly address poor performers and ensure competent screeners man the checkpoints.

3. Collective Bargaining and Representation Activities Adversely Impact Workforce Readiness and Traveler Experience at Checkpoints

TSA's experience with collective bargaining has shown that operating in this environment negatively impacts workforce readiness by contributing to an increase in unscheduled absences. This is due, at least in part, to the current collective bargaining agreement's terms generally requiring management to approve self-certified sick leave requests for three days or less without seeking additional information to confirm the need. By contrast, TSA's preferred policy that was in place while the collective bargaining agreement was rescinded provides that management may choose to ask an employee requesting unscheduled sick leave to provide medical documentation. Unscheduled absences pose an operational challenge for an agency that must maintain sufficient staffing to ensure effective security at all times.

The cascading effects of unscheduled absences quickly produce significant adverse impacts for the airline industry and the traveling public it serves. High call-out rates necessitate closing or short staffing screening lanes, which increases wait times and causes airport congestion that can present security risks. Short staffing checkpoints also increases the potential for missed bag checks, screener error, and the possibility of highly disruptive security incidents requiring terminal closures with canine sweeps, reverse screening, and ground stops. Increased waits in turn cause passengers to miss flights, resulting in inefficiencies for airlines.

During the year immediately preceding the effective date of the most recent collective bargaining agreement—from May 24, 2023, through May 23, 2024—the average daily rate of unscheduled absence across the Agency was 4.09%. This is extremely significant when considered in the context of an operation spanning approximately 43,000 employees; 4.09% is approximately

⁵ After President Trump issued Executive Order 14171 *Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce*, the Office of Personnel Management directed agencies to restore and return to the policies instituted to implement EO 13839. See Memorandum from the Acting Director of the Office of Personnel Management to the Heads and Acting Heads of Departments and Agencies, Re: Guidance on Revocation of Executive Order 14003, Feb. 7, 2025.

1,760 employees unexpectedly unavailable for work on a daily basis. While the collective bargaining agreement was in effect—from May 24, 2024, through February 27, 2025—the average daily rate of unscheduled absence increased significantly to 4.75% or approximately 2,043 employees. These call-outs acutely impacted certain airports, such as Atlanta Hartsfield-Jackson International Airport and Phoenix SkyHarbor International Airport. Following my February 2025 Determination rescinding the collective bargaining agreement, the average daily rate of unscheduled absence nationwide decreased to 3.93% or approximately 1,690 employees for the period from February 28, 2025, through June 2, 2025. And once the Agency returned to implementation of the collective bargaining agreement as required by a court order, the rate increased again to 4.35% or approximately 1,871 employees from June 3, 2025, to July 31, 2025. This data demonstrates that the leave procedures in the most recent collective bargaining agreement contribute to unacceptable rates of unscheduled absences and undermine mission readiness.

Under TSA's staffing model, depending on checkpoint technologies, it generally takes between 10 and 12 employees to adequately staff a screening lane at a checkpoint. Understaffing significantly impacts the operation. In order to keep up with passenger volume, airports have to re-allocate employees (including through the imposition of mandatory overtime requirements) or understaff lanes to keep up with the volume of passengers, which increases risks of operational errors, increases wait times for passengers, and impacts airport operations.

Phoenix SkyHarbor International Airport, one of the top thirteen busiest airports by passenger volume, serves to illustrate the dramatic change TSA experienced when screening officers switched between using sick leave procedures specified in the collective bargaining agreement and management's preferred procedures established in Agency policy. While the collective bargaining agreement was in effect, the overall average daily unscheduled absence rate was 7.41%. At times, the rate was even higher. For example, in December 2024, the average daily unscheduled absence rate was 10.1%, resulting in nearly 2,000 employee shifts that needed coverage over the course of the month. This averages to approximately 64 employee shifts needing coverage, per day. After my February 2025 Determination rescinded the collective bargaining agreement, the rate decreased sharply to 5.23%.

Similarly, the unscheduled absence rate at Hartsfield-Jackson Atlanta International Airport, the world's busiest airport, improved with rescission of the collective bargaining agreement. While the agreement was in effect, the average daily unscheduled absence rate was 7.45%. After the agreement was rescinded, the rate decreased to 6.86%. Yet another example is Seattle-Tacoma International Airport. Under the collective bargaining agreement, the average daily unscheduled absence rate was 8.11%. Without the agreement, the rate decreased to 5.05%.

Decreased manpower at TSA checkpoints can result in long lines, stress, crowds, and missed flights. More importantly, however, decreased manpower can create a risk to transportation security. Congestion, a stressed environment, and the prospect of mandatory overtime are distractions from what must be the singular focus of our workforce: security.

Transition and Implementation

Pursuant to the authority vested in the Under Secretary of Transportation for Security under Section 111(d) of the Aviation and Transportation Security Act of 2001, Pub. Law No. 107-71, 115 Stat. 596, 616 (classified as a note to 49 U.S.C. § 44935) and the authority of the Homeland Security Act of 2002 (6 U.S.C. § 112(a)(3)), I hereby determine that individuals performing security screening functions under 49 U.S.C. § 44901 have a primary function of national security and shall not engage in collective bargaining or be represented for any purposes by any representative or organization.

Effective immediately, the following will occur:

- All prior determinations are rescinded.
- Because the 2022 Determination is rescinded, the 2024 Collective Bargaining Agreement negotiated pursuant to that determination is terminated.
- TSA shall rescind any existing or pending TSA policy, provision, or guidance inconsistent with this determination.
- TSA policy will govern and control and shall be implemented to address any working conditions described in the 2024 Collective Bargaining Agreement.
- TSA shall immediately cancel all voluntary dues deductions through payroll.
- TSA shall cancel all grievances and arbitrations. However, arbitrators will be paid for any work already performed.
- TSA Screening officers shall not have the right to elect an exclusive representative for the purpose of collective bargaining or for any other purpose.
- TSA Screening officers may have the right to a personal representative following the policy and procedures outlined in TSA policy.