

THE TSO VOICE

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO • June 6, 2014

TSO WINS FIRST EXPEDITED ARBITRATION VICTORY

A TSO from Palm Beach International Airport was issued a six-day suspension for failing to follow instructions and failing to exercise courtesy and tact. The TSO's supervisor had instructed him to perform bag checks in a manner that violated Standard Operating Procedures (SOP), and the TSO voiced his objection before ultimately doing what the supervisor asked him to do. In addition to charging the TSO with failing to follow instructions, TSA management charged him with failing to exercise courtesy and tact because of the alleged way he spoke to the supervisor. AFGE invoked expedited arbitration on the TSO's behalf. The case was referred for arbitration by TSA's National Resolution Center, and an arbitrator was mutually selected by AFGE and the NRC.

Shortly after scheduling the arbitration hearing, TSA alleged that the grievance was not arbitrable because it was allegedly settled in an EEOC settlement agreement last year. AFGE argued that the grievance was not incorporated in the settlement agreement, but the NRC dismissed the case without allowing AFGE to present their arguments before a neutral third party. AFGE disputed the agency's ability to unilaterally close cases after an arbitrator had been selected, and the arbitrator agreed that the issue of whether or not the grievance was arbitrable should be raised at the hearing. Instead of presenting their arguments before the arbitrator, TSA elected not to appear at the hearing. The arbitrator heard the union's argument, and promptly issued a decision in which he held in favor of the TSO. The decision holds that the grievance was, in fact, arbitrable and orders that the six-day suspension is reversed.

RDU TSO'S REMOVAL OVERTURNED, THANKS TO AFGE

A TSA appeal board recently mitigated a TSO's removal to a letter of reprimand, thanks to outstanding representation by AFGE. TSA earlier this year removed the TSO at Raleigh/Durham International Airport for receiving two alcohol related offenses after he was charged with Driving While Impaired in October. AFGE successfully argued that the TSO was not guilty of the first alcohol related incident in December 2007 when he was pulled over for speeding. When questioned by the police officer who allegedly smelled alcohol, the TSO took a Breathalyzer test and blew zero twice. The officer didn't believe the results and took the TSO to the police station to take another Breathalyzer test. The TSO again blew a zero. Only then the TSO was taken before a magistrate who entered a verdict of No Probable Cause for DWI. Somehow TSA thought this incident should count as an alcohol related incident and used it against him when he was charged with DWI in 2013.

TSA's Office of Professional Responsibility Appellate Board earlier this year denied the TSO's appeal. But AFGE filed a request for reconsideration as the union believed the board misinterpreted the facts and misapplied TSA policy. Upon further review, the board agreed with our assessment and overturned the first alcohol related offense.

TSA DROPS "PARTNERSHIP" FROM ITS NAME

AFGE knew it all along that there was never a real "partnership" between TSA and the union, and now TSA has confirmed it. The agency recently dropped the word "partnership" from the office that handles workers' issues – TSA's Partnership Office – and renamed it "TSA Labor-Management Relations." The agency did not reach out to AFGE before it changed the office's name, nor explain to us why it did so, further demonstrating that the agency had no interest in partnership.

MEET AFGE'S SUPER RECRUITER – PHILADELPHIA LOCAL PRESIDENT JOE SHUKER



AFGE Local 333 President
Joe Shuker

AFGE Local 333 President **Joe Shuker** has spoken at about 10 New Employees Orientations (NEOs). So far he has gotten nearly 100% of all new officers to sign up, missing only three. That's a pretty good record considering the fact that he has only 10 minutes with the new employees in each class. What is his secret? "I pretty much tell them how valuable union membership is, how they wouldn't buy car insurance after an accident. This is pretty much like job insurance," Shuker said. He also talks about union history and how we work with lawmakers to introduce bills that benefit TSA employees, how we help employees who are facing unfair disciplinary actions, retaliation, or harassment.

Shuker usually takes his vice president with him to these NEOs. As they have only 10 minutes to speak, the Local holds a Lunch and Learn right after that so they could spend more time with the new hires and answer any questions they might have.

"One of the most important organizing tools we've got in the contract is the ability to talk to new hires at a new employee orientation," he said of the AFGE-initiated provision in the contract that took effect in December 2012. "If you can buy them lunch after that, that's great. It works for me."

Shuker is very passionate about the union and what it does, having been a union rep for a post office union for 15 years before joining TSA in 2003. Since he became local president four years ago, membership at his Local went up from 125 to 500. AFGE commends Local 333 for a job well done and encourages all Locals to do the same.

AFGE RENEWS CALL FOR CREATION OF ARMED UNIT WITHIN TSA

AFGE National President **J. David Cox, Sr.** was recently in Los Angeles to renew the union's call for the creation of a new armed law enforcement unit within TSA. Speaking at a field hearing held by the House Subcommittee on Transportation Security at Los Angeles International Airport, Cox reiterated the need to create an armed Transportation Security Law Enforcement Officer (TS-LEO) position that is assigned to protect TSOs and passengers at airport checkpoints and other key locations within airports. The hearing comes as lawmakers are looking for ways to prepare for and respond to emergencies at airports in the wake of last year's shooting at LAX that killed Officer **Gerardo Hernandez** and wounded three others including two TSA officers.

"As we have learned since November 1st, current airport law enforcement operations have gaps and inconsistencies that leave TSOs and passengers vulnerable," Cox testified. "Deployment of duly trained and certified TS-LEOs would establish a consistent standard of protection."

This kind of consistency is badly needed as hundreds of airports have no armed law enforcement officers stationed at or in the airport. Even when law enforcement is present inside the airport, different decisions about police tactics, staffing, and deployment have left many checkpoints, like LAX, without an armed law enforcement officer permanently stationed there to provide security for our unarmed TSOs.

AFGE TSA Council 100 President **Hydrick Thomas** said TSOs are already routinely verbally and physically assaulted while performing their duties. That's why it is deeply disturbing to learn that the man who shot and killed Officer Hernandez carried with him a letter addressed to TSA employees that said he wanted to "instill fear in your traitorous minds" and that he had made a "conscious decision to kill" TSA officers. Unprotected and exposed, TSA officers will continue to be easy targets for someone with an irrational hatred of TSA and specifically TSA officers. TSA needs to do a lot more than just relying on the current patchwork of local law enforcement agencies. The Social Security Administration, for example, created its own law enforcement unit to protect employees and the American public at SSA offices nationwide following the 1995 Oklahoma City bombing.

Thomas noted one largely overlooked fact during the LAX shooting. Despite the imminent threat to their lives, TSOs ran through the terminal alerting passengers and airport staff of a live shooter and to take cover. Behavioral Detection Officer **Tony Grigsby**, one of the two wounded officers, was shot twice while helping an elderly passenger to safety.

Besides the creation of the armed unit within TSA, AFGE has also proposed several key recommendations to improve airport security, including the installation of raised platforms to increase officer visibility and provide a deterrent to potential wrongdoers, an expansion and improvement of the BDO program, active shooter training for TSOs, and upgraded coordination between airport and local first responders.

BILL INTRODUCED TO GIVE TSA EMPLOYEES DEATH BENEFITS

An AFGE-backed bill has been introduced to give TSA employees killed in the line of duty the same death benefits other first responders receive. The Honoring Our Fallen TSA Officers Act recognizes that TSOs are the first line of defense against transportation terrorism and perform a very important public safety role for the country. The bill, H.R. 4026, would grant TSOs public safety officer status for duties that protect our nation's transportation systems.

The bill was introduced by Rep. **Julia Brownley** of California in response to the death of TSO **Gerardo Hernandez** who was shot and killed at Los Angeles International Airport (LAX) on Friday, November 1, 2013. The bill currently has 33 cosponsors. If it's approved by the House and the Senate, the family of Officer Hernandez would be eligible for the death benefits retroactively.

For more information about AFGE representation, go to www.tsaunion.com or call AFGE TSA help line at (866) 392-6832. American Federation of Government Employees, AFL-CIO 80 F Street, N.W., Washington, D.C. 20001 | Tel. (202) 737-8700 | Fax (202) 639-6492 | www.afge.org