

# NTEU WORKING FOR YOU

TRANSPORTATION SECURITY ADMINISTRATION EMPLOYEES

Summer 2010

## You Protect Our Skies, We Protect Your Workplace

Dear TSA Officer:

You carry out critical work for our country. You protect our nation's transportation system which is vital to our economy and our way of life. In the dark days after 9/11 when the public was afraid to travel, it was the presence of TSA Officers at our airports that reassured Americans the skies were safe and got our country moving again.

But far too often your work is not appreciated and your voices are not heard.

Our job as your union is to ensure you have the tools, resources, recognition and respect you deserve in order to carry out the important work you do for our country. And NTEU will use every available tool—lobbying and legislation, litigation, media relations, negotiations, workplace representation—to fight for what you need in the workplace.

That is why NTEU is the right union for TSA.

NTEU already represents the Customs and Border Protection Officers at the airports, seaports and land border crossings. There was a time when they were not given the respect they deserve. Since NTEU began representing Customs Officers 30 years ago, their working conditions have vastly improved. Recently, we won enhanced law enforcement officer benefits for them and forced the agency to reinstate a bilingual award program we had won through legislation and bargaining.

When NTEU won the 2006 representation election—defeating AFGE by a margin of more than two to one—thousands of CBP employees, who were members of other unions, joined NTEU. They are now being united under one strong contract with expanded rights and benefits.

NTEU is 72 years strong, but we have never stopped growing. We have more members today than we have ever had in our history. In the past decade, new groups of federal employees that have chosen to be represented by NTEU include employees of the National Credit Union Administration, employees of the Securities and Exchange Commission, employees of the Office of the Comptroller of the

Currency and Treasury Departmental Offices.

These employees elected to have NTEU represent them because they saw the important difference between NTEU and any other federal union.

Our on-the-ground representation is unmatched. NTEU's structure is different from other unions. We have local chapters with officers that are elected by our members.

We train our local chapter leaders to represent employees in the workplace. But that's not all. We have seven field offices around the country staffed with attorneys and labor relations experts that step in to represent employees on a broad array of issues.

We have a topnotch Legal Department, a respected and experienced Legislative Department, an aggressive and innovative Communications Department and a forceful and skilled Negotiations Department that bargains the best contracts in the federal sector.

On top of that, NTEU is an independent union. We are independent because our members have chosen to devote our energies and resources to federal employee issues alone, where our expertise lies.

By becoming a part of NTEU, TSA Officers can join with your DHS colleagues in CBP and across the federal government to amplify your voices and call attention to the critical issues facing you in your workplace.

With NTEU by your side, you can focus on doing your job for our country while we focus on representing you. Thanks for all you do to protect our skies.



Colleen M. Kelley  
National President



## Why NTEU? Activists on the Front Lines Speak Out

That's the question we posed to NTEU leaders across the country from a number of the 31 federal agencies and departments where NTEU represents employees. Members are passionate about NTEU's communications efforts, lobbying efforts on Capitol Hill, on-the-

ground representation, and building respect for federal employees nationwide. Throughout this issue you will hear directly from NTEU members on why NTEU is the best choice for TSA Officers.



"NTEU has a very successful track record of improving the working conditions of employees and will make a difference."

Glenn Dockham, President  
Chapter 142 (CBP Vermont)  
pictured above, left, with Sen. Bernie Sanders (I-Vt.)

"NTEU will give TSA employees a chance to change their workplace."

Bob Bartz, President  
Chapter 323 (TSA Austin)  
pictured, right, with Rep. Lloyd Doggett (D-Texas)



"Our structure makes NTEU the most effective union in the federal sector. From work schedules to disciplinary actions to pay and leave issues, NTEU can and will assist TSA employees."

Duncan Giles, President, Chapter 49 (IRS Indiana)



## Have a Problem? How NTEU Can Help

No matter the issue—saving jobs, fighting management intimidation or battling for fair pay and promotions—TSA Officers know that NTEU is there for them, when they need us, making a difference in their work lives.

Since NTEU began representing TSA Officers, the union has successfully resolved an average of two to three workplace representation cases each month, resulting in hundreds of Officers at airports nationwide receiving quality, on-the-ground legal assistance from NTEU attorneys and representatives on a variety of issues. To the right are just a few of those issues.

### Why NTEU?

"We at Portland International Airport and many Officers within the state are very happy to be part of such a strong and committed union."



Sathanuman S. Khalsa, Interim President  
Chapter 333 (TSA Oregon)



## TSA Officers Nationwide Benefit From NTEU

✓ In the wake of NTEU objections, local management at Los Angeles International Airport has rescinded plans to institute an airport-wide "Summer Leave Blackout" and restrict Officers' sick leave usage through Sept. 1. In a recent memorandum, the airport's acting federal security director states that Officers at LAX will not be required to provide medical documentation for unscheduled sick leave absences lasting three days or less. This action came after NTEU President Colleen M. Kelley sent a letter to senior TSA officials in Washington, D.C., that raised several concerns about unfair AWOL charges and other unnecessary employee hardships that could have resulted from this change in policy. NTEU also successfully worked with California Reps. Laura Richardson (D), Grace Napolitano (D), Diane Watson (D) and Laura Sanchez (D) to sign a similar letter sent to Vera Adams, the acting federal security director at LAX.

### Why NTEU?

"NTEU is just like that big umbrella on a rainy day."

Thomas Cheng  
NTEU Supporter  
Dulles International Airport

✓ At Chapter 319 (TSA Port Columbus) an NTEU representative successfully challenged a proposed suspension notice when local TSA management accused a chapter member of allegedly abusing the agency's sick leave policy. When NTEU presented medical documentation of the Officer's illness during an oral reply, management quickly rescinded the notice and the Officer was returned to duty.



NTEU members at Port Columbus (Ohio) International Airport after a meeting with their local NTEU attorney.

✓ At Orlando International Airport (MCO), NTEU successfully represented Edgardo Burgos when the former dues-paying AFGE member was facing termination for alleged misconduct.

After NTEU representatives highlighted several mitigating factors in Burgos' defense, such as a spotless performance record, local TSA management reduced his proposed termination to a short suspension instead.

Afterward, Burgos called NTEU "the kind of union that TSA Officers need."

"I am a loyal person and since AFGE was at MCO first, I kept paying dues to them and trusted them to be there for me," Burgos said. "But, when my job was on the line and I needed help right away, I could not reach anyone at AFGE. When I called NTEU, my call was returned by a knowledgeable NTEU staff attorney within an hour."

✓ At Chapter 323 (TSA Austin), NTEU representatives successfully challenged an Officer's unfair AWOL charge that was given by a manager who was not on duty at the time of the alleged infraction. The Officer, who reported for work an hour late due to the daylight-saving time change, had an hour's worth of annual leave approved by the manager on duty that day. When the Officer's regular manager returned a few days later, the approved leave was revoked and the Officer was charged as AWOL instead. When chapter leaders and a local NTEU attorney contested the discipline—highlighting the Officer's good attendance record as well as management's conflicting actions—TSA officials at Austin-Bergstrom International Airport backed down and removed the charge from the Officer's personnel file.

# NTEU

President  
Colleen M. Kelley

Executive Vice President  
Frank D. Ferris

To organize federal employees to work together to ensure that every federal employee is treated with dignity and respect.

—NTEU Mission

For information about NTEU's efforts on behalf of TSA employees, call (866) 591-5735 or e-mail [TSA@nteu.org](mailto:TSA@nteu.org).



Follow us on Facebook! [Facebook.com/NTEUatTSA](https://www.facebook.com/NTEUatTSA). Sign up for NTEU's free e-newsletter, the TSA Update, at [www.TSAunion.org](http://www.TSAunion.org).

# What Happens in a Representation Election?

## Why is a union representation election necessary in TSA?

Federal law requires that before a labor organization can serve as the exclusive representative of a group of employees, those employees must vote on the question of whether they want a union, and, if so, which one.

## How does the process get started?

Under the law, a union wishing to serve as exclusive representative of a group of employees has to secure a showing that at least 30 percent of those employees want an opportunity to vote in a representation election. It then files a petition with the Federal Labor Relations Authority (FLRA) asking for a representation election.

## What is the Federal Labor Relations Authority?

The FLRA is an independent federal agency that oversees federal sector labor-management relations, including union representation elections. The FLRA would set the parameters for the election in TSA, including determining who is eligible to be represented by a union (who is in the bargaining unit) and who is not (and therefore who gets to vote in an election); when the election will be held; campaign rules, including a union's access to TSA's facilities to communicate with employees; and how employees will cast their votes. The FLRA counts the ballots and declares a winner; investigates any challenges to the election; and when these challenges are resolved, officially certifies the winner.

## Why would the FLRA have to determine who is in the bargaining unit? Isn't every employee included in it?

Not every TSA employee will be a member of the bargaining unit. Supervisors are excluded because of their positions, as are some other employees—for example, management officials and others with access to confidential information. The FLRA makes the final determination on every position, after a hearing if necessary.

## We currently don't have collective bargaining rights. What good can a union do for us if it can't bargain a contract?

NTEU believes collective bargaining rights should be the first priority. But we filed our election petition to ensure that TSA Officers have a choice of representatives should an election be ordered even without collective bargaining rights. Even without collective bargaining rights, as NTEU's effective day-to-day workplace representation has shown, NTEU can make a difference in employees' work lives. Our staff attorneys and other labor relations professionals are in place across the country, serving TSA Officers where you work and when you need us.

## Still, it would be better if we had collective bargaining rights, wouldn't it?

Yes. And NTEU is leading the fight, both within the administration and in Congress, for your right to bargain a contract.

## What is the status of a representation election in TSA?

As NTEU expected, a regional director of the FLRA, following the precedent set in a 2003 FLRA decision, rejected the election petitions filed by NTEU and another union. NTEU will appeal that decision to the FLRA asking that in considering the petition for a representation election, the FLRA also clarify what exclusive representation would mean without collective bargaining rights.

The regional director's decision was one NTEU expected, based on a 2003 decision on the same matter. Back then, the other union filed an election petition, which was rejected by the FLRA because of the lack of collective bargaining rights in TSA. Nonetheless, NTEU filed a representation petition to ensure you would have a choice in an election, if one moves forward before you get the right to bargain collectively.

A bit of history might be informative here. The FLRA made its 2003 ruling on a 2-to-1 vote; NTEU's appeal will give the FLRA the chance to reconsider that decision.

There are now two new members from that time, so the decision on our appeal could generate a different result now—or not.

## What happens if TSA employees get collective bargaining rights in the meantime?

It is our hope that the administration will grant TSA employees collective bargaining rights before the FLRA rules on any petitions. Once that happens, it is possible that the unions can work with the FLRA to reach an agreement on how and when to conduct an election. Once the election is set, there would be time for both unions to campaign. Voting would then be scheduled for a specified time period and likely conducted electronically. NTEU is prepared to go immediately to the bargaining table once the election results are certified.

## Has there ever been an election of this size involving the same unions before?

Yes. In 2006, NTEU won an election representation for Customs and Border Protection employees by a margin of more than two to one over AFGE.



## Why NTEU?

"Winning cases takes time, but NTEU's overall track record is impressive. NTEU has profoundly and repeatedly improved the quality of life of CBP Officers nationwide."

Arthur David Marquis  
Chapter 138 (CBP Northern New York)  
(former AFGE member)



# www.TSAunion.org

## NTEU Seeks Hike in TSA Officer Uniform Allowance

President Colleen M. Kelley recently sent a letter to TSA then-Acting Administrator Gale D. Rossides calling for a substantial increase

to the annual uniform allowance that TSA Officers receive.

The current allowance of \$200, up from

\$150 in years past, is still too low, Kelley said, having not kept up with manufacturer cost increases. Each year, Officers at U.S. Customs and Border Protection receive an NTEU-negotiated \$800 for uniform

purchases—\$1,000 for first-year, new hires. The letter related accounts Kelley has received from Officers at airports nationwide who have to alternate their replacement uniform purchases each year because they cannot afford the entire cost all at once.

"TSA should base its annual uniform allowance on the actual costs for replacing those items, so that TSOs need not personally absorb uniform costs to avoid a threadbare appearance," Kelley said.

TSA Officers are highly visible, President Kelley added. "It is important that they have the ability to maintain a professional appearance," she said.

NTEU is also pursuing the issue in Congress.



# NTEU: Your Advocate on Capitol Hill

Successful lobbying on Capitol Hill on behalf of TSA Officers is a never-ending task requiring a level of skill, toughness, persuasion and dedication that only NTEU can match.

Whether it is helping to draft specific legislative language or contacting individual lawmakers to monitor their support for issues that directly impact the workplace, NTEU understands the role that Congress will play in ensuring that Officers' right to a voice at work is fully recognized.

For months, NTEU has pursued a dual-track approach toward collective bargaining at TSA—pressing the Obama administration to issue a directive allowing such rights and working with Congress to secure passage of H.R. 1881, pending legislation that would accomplish the same goal.

Behind the scenes or in public hearings, NTEU's extensive lobbying effort on behalf of collective bargaining at TSA has played out favorably in multiple venues on Capitol Hill, garnering the interest of several key lawmakers and congressional committee staff members.

"Our goal is to make sure that employee voices are always taken into consideration by congressional lawmakers," President Colleen M. Kelley said. "No one has better insight into working conditions at airports nationwide than frontline workers, so we do everything we can to ensure that their viewpoints are heard, considered and respected."

## Why NTEU?

"If you have an issue, concern or question, you can call NTEU and they are there for you."



Lourdes Sierra, Chapter 304 (TSA JFK)

"NTEU is adept at creating and maintaining constructive positive working relationships with lawmakers that reap positive results for our membership," Kelley added, noting the extensive contacts the union's lobbyists keep with critical players—including chairmen and ranking members—of both the House and Senate Homeland Security committees, as well as the Senate Commerce Committee, all of which have jurisdiction over TSA issues.

Maintaining those relationships was part of the motive behind a recent letter from President Kelley to Sen. John Rockefeller (D-W.Va.), chairman of the Senate Commerce Committee, highlighting important legislative language that NTEU would like included in the fiscal year 2011 TSA Authorization bill. In the letter, NTEU advocated for full collective bargaining rights, as well as language that would end local privatization efforts and boost Officers' annual uniform allowances to \$800—\$1,000 for first-year Officers.

NTEU's open lines of communication with Capitol Hill also proved useful when snowstorms shut down several airports across the mid-Atlantic region earlier this year. Congressional staff members on the House Homeland Security Committee were instrumental in helping Officers at Washington Dulles International Airport receive proper

compensation after successfully battling unfair AWOL charges. NTEU has also urged individual lawmakers to meet one-on-one with Officers to learn firsthand about the issues that continuously trouble the TSA workforce. At NTEU's invitation, Rep. Mike Doyle (D-Pa.) recently met with Officers at Pittsburgh International Airport to get feedback on various issues, including their lack of a true workplace voice.

NTEU's message of a strong workplace voice for TSA Officers was repeated in May testimony to the Senate Homeland Security and Governmental Affairs Subcommittee on the Federal Workforce, where President Kelley called for the introduction of a companion bill to H.R. 1881. The panel was reviewing steps that can be taken to help federal agencies effectively retain and enable their employees. Kelley's testimony focused on the importance that a strong workplace voice can have in helping employees achieve a proper work-life balance.

"Employees who have a voice in their workplace feel invested in the success of that organization," President Kelley said. "Collective bargaining helps to develop fair, credible and transparent processes without interfering with management rights to accomplish agency missions."

Finally, NTEU has often noted the impact that individual voices can have in lobbying Congress and the Obama administration for workplace rights and protections. During the union's annual legislative conference, several NTEU TSA leaders from airports nationwide traveled to Washington, D.C., to garner support from lawmakers in both the House and Senate for legislation that would provide full collective bargaining at TSA. These leaders even got to hear from Rep. Nita Lowey (D-N.Y.)—the author of H.R. 1881—who praised TSA Officers' dedication and professionalism during her address at the conference's opening session.

Individual employee voices were also heard in June when NTEU delivered petitions to the White House signed by thousands of TSA Officers from over 125 airports, each of them calling on President Obama to grant them collective bargaining rights through administrative action. This petition drive followed NTEU's support of a letter-writing campaign by Rep. Peter DeFazio (D-Ore.) that resulted in dozens of House lawmakers sending letters to the administration urging a similar course of action.

"NTEU's influence in the halls of Congress reaches far and wide," Kelley said. "Until Officers' rights are fully realized, NTEU will remain a vigilant advocate for the workplace protections they need and deserve."



President Kelley with Sen. Daniel K. Akaka (D-Hawaii), chairman of the Homeland Security and Governmental Affairs Subcommittee on the Federal Workforce.



## Pistole Confirmed to Administrator Post



As the Senate was preparing to confirm John Pistole to be the next administrator of the Transportation Security Administration (TSA), NTEU President Colleen M. Kelley requested a meeting with him to discuss workplace issues and collective bargaining rights for TSA Officers nationwide.

During his confirmation hearings, Pistole said he would solicit the opinions of all agency stakeholders before charting a course of action—including a decision about allowing collective bargaining rights for TSA Officers.

"I am convinced that any serious review of the issue would definitely show that collective bargaining rights do not impede agency actions and, in fact, would help to strengthen the agency," President Kelley said. NTEU has been a continuous leader in the fight to secure Officers' full collective bargaining rights by administrative directive or congressional statute.

**NTEU**  
The National Treasury Employees Union

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