

# NTEU WORKING FOR YOU

TRANSPORTATION SECURITY ADMINISTRATION EMPLOYEES

May 2009

## Join Us and Make a Difference

Dear TSO,

NTEU continues to grow, establishing TSA chapters around the country. Soon, we will have more than 16 NTEU TSA chapters at airports nationwide where NTEU is providing on-the-ground representation to TSOs. With this expansion of our presence in TSA, I wanted to write to you to share NTEU's vision and plans for the TSO workforce.

Shortly after chartering our first TSA chapters, NTEU announced our national agenda, a five-point plan for TSA representation: winning collective bargaining rights; ending PASS and moving you to the General Schedule; a fair shift-scheduling system and adequate staffing; revisions to the current TSA training and recertification system and whistleblower rights for TSOs.

At the national level, we are working to give TSOs a strong unified voice with Congress, the administration, the media and the public by advancing a national agenda that would put you on an even keel with other federal employees.

In airports where NTEU has signed up a significant number of employees, we have formed local chapters and are actively and aggressively representing TSOs in the workplace every day. In these local chapters, NTEU is representing employees in grievances on the use of leave, appraisals, promotions, PASS and other working conditions. We have had unfair discipline overturned or mitigated, employees returned to work, and assisted employees who were injured on the job. If we can do all this now, imagine what we can accomplish with collective bargaining rights!

NTEU has been providing TSOs with job site representation since 2006 and has been on your side since DHS was created. NTEU actively fought for collective bargaining rights for TSA employees when Congress created the agency in 2001. NTEU has worked continually to educate members of Congress and the public about the need for better working conditions since the agency stood up.

We are working hard to make that a reality.

In February, I met with Department of Homeland Security (DHS) Secretary Janet Napolitano to discuss the urgent need for collective bargaining rights and other workplace improvements at TSA that would put people first. I testified about the need for collective bargaining rights in March before a House Homeland Security subcommittee and met with House Committee on Homeland Security Chairman Bennie Thompson (D-Miss.), Rep. Nita Lowey (D-N.Y.) and Rep. Sheila Jackson Lee (D-Texas) to help craft collective bargaining legislation.

Thanks to those efforts, Rep. Lowey introduced legislation—H.R. 1881, the Transportation Security Workforce Enhancement Act of 2009—that would end TSA's PASS (Performance and Accountability Standards System) merit pay program, and provide TSOs with full collective bargaining rights. Reps. Thompson and Jackson Lee cosponsored the bill.

Now we have launched a campaign to have the bill passed and we are pursuing a similar change with the administration.

Once TSA employees are granted collective bargaining rights, you will have the chance to choose your representative in an election. I believe NTEU is the best union to represent you.



National President  
Colleen M. Kelley

When you think about which union to join, remember this:

- NTEU is an independent union solely dedicated to representing federal employees. And, while we are an independent union, we work well and effectively with other unions on important issues. NTEU was the lead union on a lawsuit against the DHS's illegal personnel regulations, which would have, among other things, established a PASS-like pay system. NTEU's lawyers conceived, argued and won that case on behalf of NTEU and four other unions, including AFGE. AFGE filed a similar lawsuit against the Department of Defense but lost.
- NTEU is known for bargaining the best contracts in the federal sector. We look forward to the day when we can sit down to negotiate tangible, enforceable rights and benefits for you.
- NTEU has represented the Customs and Border Protection Officers (CBPOs) who work side by side with TSA employees at all the international airports. Their missions are similar. The working conditions of CBPOs are the product of many years of effective NTEU effort. NTEU believes TSOs deserve a workplace environment like that enjoyed by CBP employees, and we believe we are the union to bring about that change. In 2006, we defeated AFGE in the largest federal union election for representation of the CBP workforce by a margin of more than 2 to 1.
- CBP employees know that NTEU has an unmatched record of delivering workplace rights and benefits and defending

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**"... to ensure that every federal employee is treated with dignity and respect."**

# Get the Facts About NTEU

NTEU is well known as an aggressive union that never takes “no” for an answer and uses every tool at its disposal to prevent and resolve workplace disputes.

**Since the creation of TSA in 2001, NTEU has continually worked to educate members of Congress and the American public on the need for improved TSO working conditions.**

NTEU has a department of experienced professionals who work closely with elected leaders on the full range of issues affecting federal employees, and *two lobbyists specifically dedicated to Department of Homeland Security (DHS) issues.*

NTEU is highly regarded in Congress for its professionalism and persistence in seeking workplace improvements for its members.

**As the representative of some 150,000 employees in 31 federal agencies and departments, including more than 30 years spent representing U.S. Customs personnel, NTEU is uniquely qualified to represent TSA.**

TSOs are *free to join any union* of their choice. No federal union is currently recognized as the exclusive representative of TSA employees.

In 2006, NTEU won the largest union election in federal sector history when your airport colleagues at U.S. Customs and Border Protection (CBP) voted in favor of NTEU representation by a 2 to 1 margin over AFGE. NTEU then went on to secure Law Enforcement Officer (LEO) enhanced retirement benefits for CBP Officers.

**NTEU will not hesitate to provide job site representation to TSOs and has successfully grieved a variety of matters for TSOs at airports nationwide.**

NTEU will provide *free legal representation* for all dues-paying members in every setting—from local arbitration of workplace disputes to national litigation on matters of broad impact.

In all of our TSA chapters, NTEU is positioned with *local staff attorneys* and *labor relations experts* who have already successfully represented dozens of TSA employees on key workplace issues such as promotions, disciplinary actions, shift bidding, overtime, performance appraisals, leave issues and work schedules and hours, as well as job site accommodations and other EEO matters.

**Finally, as the largest, fastest-growing independent union in the federal sector, NTEU works diligently to provide the latest news through special web sites and free electronic publications.**

Subscribe to the *TSA Update* and get the latest news about NTEU’s efforts to improve the work lives of all TSA personnel.

Check out NTEU’s web sites, [www.nteu.org](http://www.nteu.org) and [www.TSAunion.org](http://www.TSAunion.org), for updated announcements, news, photos and video of all things TSA.



TSOs from several NTEU chapters took to the halls of Congress during NTEU’s annual legislative conference, bringing TSA workplace concerns directly to lawmakers.

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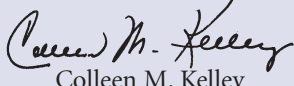
their interests with management. NTEU recently won an enhanced Law Enforcement Officer retirement benefit for CBP Officers. CBPOs work a straight eight-hour day, are paid on the GS scale, can earn up to \$35,000 annually in overtime and have access to a pay differential if they speak a foreign language for their job.

The difference between NTEU and the other union is we don’t take your dues money and give you an 800 number to call. We assign an NTEU staff attorney from one of our seven regional offices to represent you. In all 31 agencies where NTEU represents federal employees, we use the same winning model: a powerful national voice and presence with a clear and bold national agenda combined with a strong local presence

backed by local NTEU-staff attorneys and trained local leaders.

With the formation of an NTEU chapter, NTEU is there in the workplace with you listening to your concerns and fighting for your rights. You work hard every day to protect our skies and our citizens. You have the right to the best union representation in the federal sector, and I know you will get that with NTEU.

If you would like to learn more about NTEU representation e-mail us at [TSA@nteu.org](mailto:TSA@nteu.org) or call toll-free (866) 591-5735.

  
Colleen M. Kelley  
NTEU National President

# How Collective Bargaining Rights Benefit You

“TSOs deserve to have a say in the day-to-day work they do. Without these rights, management gets to unilaterally decide what the rules will be and how and when to enforce them.”

NTEU President Colleen M. Kelley

Plain and simple: collective bargaining rights are your workplace voice.

When TSA was created in late 2001, agency leadership did not grant TSA employees collective bargaining rights, claiming such rights would limit management authority in case of an emergency. These concerns have been completely discredited by the record of employees at other agencies within DHS, all of whom have collective bargaining rights.

Collective bargaining rights would allow TSOs to speak up effectively about job site issues as critical as:

- Training and certification;
- Performance appraisals;
- Promotions;
- Hours of work;
- Overtime;
- Shift bidding and schedule rotations;
- Workplace health and safety accommodations;
- Parking and transit subsidies.

Each of these issues would be covered under a written contract reached jointly between NTEU and TSA management that would also include a negotiated grievance procedure mandating binding arbitration by a neutral third party; not the in-house process and Peer Review Panel that TSA currently uses.

With high hopes for a new Congress, NTEU strongly supports H.R. 1881, the Transportation Security Workforce Enhancement Act of 2009. Now pending in the U.S. House of Representatives, this bill would provide collective bargaining rights to TSA employees nationwide for

the first time. NTEU is also working with the Obama administration to secure collective bargaining rights through executive action.

Visit [www.TSAunion.org](http://www.TSAunion.org) and learn how you can contact your congressional representatives and seek their support as a co-sponsor of H.R. 1881. For more information about collective bargaining rights, contact your local NTEU representative, call NTEU toll free at (866) 591-5735 or e-mail [TSA@nteu.org](mailto:TSA@nteu.org).

NTEU-represented employees at U.S. Customs and Border Protection (CBP) have a long history of successful collective bargaining. Here are just a few examples:

*Access to a comprehensive foreign language awards program (FLAP); the ability to swap shifts, days off and even duty stations upon request; and a compensation system that incorporates overtime earnings into retirement annuities earnings.*



President Kelley (center) meets with Customs and Border Protection Officers at JFK Airport, where NTEU also represents TSOs.



## NTEU @ TSA

Thousands of TSA Officers at airports across the country have chosen NTEU representation. If you are already a member, NTEU thanks you for your support. If you are not yet a member, consider making the best choice for your work life and join NTEU! Call toll-free (866) 591-5735 or e-mail [TSA@nteu.org](mailto:TSA@nteu.org).

Maine: Bangor  
Portland

New York: JFK  
LaGuardia

Florida: Fort Lauderdale-Hollywood  
Miami  
Tampa

Texas: Austin  
Dallas/Fort Worth  
El Paso  
Lubbock  
Midland

Other airports: Hartsfield-Jackson Atlanta, GA  
John Wayne Airport, CA  
Lambert-St. Louis, MO  
Memphis, TN  
Philadelphia, PA  
Port Columbus, OH

**and more to come!**

# NTEU: On the Ground, Working for You

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At airports across the country, NTEU's skilled local attorneys and other professionals are hard at work successfully representing TSOs in a variety of job site issues.

- A TSO at Chicago's O'Hare Airport promptly contacted NTEU when a manager told him to retire or be fired because he was "too old" to do a good job. NTEU was preparing to attack that illegal TSA behavior; but when management learned that NTEU was involved, it quickly backed off its demand to the employee.
- NTEU presented effective representation during a TSO's oral reply in the face of claimed attendance issues at Atlanta's Hartsfield-Jackson. The TSO came to NTEU after another union failed to help him in any way; with NTEU at work, the employee was quickly returned to passenger screening duties with a chance at a clear performance record.
- At Midland (Texas) Airport, five TSOs received leave restriction letters for failing to maintain a minimum balance of leave. That severely limited the sick and annual leave hours available to them. They sought NTEU help, and the letters were rescinded when NTEU proved to TSA that its own policy contained no required minimum number of hours of leave employees had to maintain.
- At Fort Lauderdale-Hollywood Airport, an NTEU chapter officer fought a violation of TSO rights by refusing to change his time sheet to show he had been 15 minutes late. In fact, he had been only seven minutes late reporting. TSA docked him the full 15 minutes. He contacted NTEU, which persuaded management to drop an AWOL charge and compensate him for the eight minutes of time he had earned on the job.
- At LaGuardia Airport, an NTEU chapter officer was threatened with AWOL for not signing up for voluntary training sessions occurring on his scheduled days off. Within hours of NTEU contacting senior TSA officials at the airport, the agency reversed course, dropping its threat of disciplinary action.
- At Dallas-Fort Worth, an NTEU chapter officer wouldn't take 'no' for an answer when he wanted to post union literature on break room bulletin boards. He quoted the agency's own directive addressing that subject, showing management the language protecting employee rights. The agency quickly designated separate common area bulletin boards, including for union literature and other employee materials.

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*"I am extremely grateful to NTEU for helping to save my job. They understand the struggles that TSA management can present to an effective work environment and are willing to go to bat for TSOs every day."*

NTEU Chapter 311 member  
(TSA LaGuardia)



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