



# CONGRESSIONAL TESTIMONY

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**PROVIDED TO THE**

**HOUSE COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON TRANSPORTATION AND MARITIME SECURITY**

**HEARING ON**

**“ON THE FRONTLINES IN TURBULENT TIMES: WORKFORCE PERSPECTIVES  
ON THE STATE OF TRANSPORTATION SECURITY”**

**NOVEMBER 16, 2021**

Chairwoman Watson Coleman, Chairman Gimenez, Chairman Thompson, Ranking Member Katko and Members of the Subcommittee:

The American Federation of Government Employees, AFL-CIO (AFGE), which represents 700,000 federal and District of Columbia employees in 70 agencies, including approximately 45,000 Transportation Security Officers (TSOs) at the Transportation Security Administration (TSA) thanks the Subcommittee for holding this important hearing today, “On the Frontlines in Turbulent Times: Workforce Perspectives on the State of Transportation Security.” I reflected on this title to the hearing for a few moments and wondered when times have not been turbulent for TSOs since the inception of TSA.

In recent years TSOs have worked on the frontlines through multiple government shutdowns, including the unprecedented 35-day shutdown in 2018-2019. Though TSOs are among the lowest-paid federal employees, they worked without pay over a span of three pay periods and some are still digging out from the financial consequences of having to go without paychecks for over a month. For someone working with low pay and few rights at work, having to borrow money or work temporary second and third jobs, and deal with not being able to pay rent, car payments, child support, or even groceries – that is the real definition of turbulent times.

### **Pandemic Threats to TSOs**

As the COVID-19 Pandemic spread across the country, TSOs remained on the job before safety protocols were approved. TSOs were among the first to call for masks, eye shields and hand sanitizer well before the agency approved safety measures for its workforce. We witnessed the spread of Covid among TSOs from those first three cases reported in San Jose, California in

early March of 2020 to well over 10,000 today. We called upon TSA to require masks and supply personal protective equipment at checkpoints and yet the agency delayed the requirement for many weeks before exercising its existing authority to protect its personnel, airport workers and they flying public with that simple measure. By that point TSOs had been required to wear masks for months, but they were face-to-face and conducting pat-downs of people who remained unmasked.

### **Violence and Abuse at Checkpoints**

Throughout TSA's 20 years in operation, TSOs have faced countless acts of violence and abuse at the hands of the public at security checkpoints. In a few cases, they have lost their lives. Following the point-blank shooting death of officer Gerardo Hernandez at the checkpoint at Los Angeles International Airport in November 2013, Congresswoman Julia Brownley (D-CA) introduced legislation, the "Honoring Our Fallen TSO Officers Act" to extend public safety officer death benefits to survivors of TSOs in such instances. She has reintroduced the legislation in every Congress since then, but efforts toward passage have faltered because of parochial interests who block its progress while survivors suffer.

Violence and threats toward TSOs and all personnel in airports should be met with zero tolerance. TSA supervisors should be trained to de-escalate erupting violence at checkpoints such as yelling, spitting, throwing of objects, shoving and other forms of altercation and they should have the authority to remove those individuals from the checkpoint. These are not isolated incidents – every day TSOs endure being spat upon for reminding passengers at checkpoints they must wear a mask, and shoved, berated and mocked for enforcing standard

procedures for carrying liquids, laptops and removing loafers. TSOs are put in a position where they must endure the abuse as they send a volatile person forward to impose their abusive behavior on other airport and airline personnel. In too many cases TSOs must either tolerate abuse or risk discipline that could include removal from their jobs. There is legislation in development that would impose limitations, potentially reaching the level of a no-fly list, for passengers who are abusive to TSOs and airline flight and ground personnel. We ask that this approach is given thoughtful consideration by this Subcommittee and the full Congress.

### **Abuse by Supervisory Personnel**

Too often, the perpetrators of the humiliation and intimidation against TSOs are the TSA supervisors themselves. TSA supervisors and managers on site at airports have allowed a culture of bullying and intimidation to flourish over the 20 years TSA has been in operation to the point almost every airport is a toxic work environment. As this Committee examines tumult in transportation security, it must thoroughly investigate and help to root out this dangerous work culture. I testified earlier this year that TSOs work under the threat they will be “written up” and bullied by supervisors when instead they should be trained in new standard operating procedures. At the direction of the Biden Administration, TSA has taken some administrative steps<sup>1</sup> to provide means of challenging discipline and appealing unfair decisions, but it will take a top-down commitment to eradicate this culture of abuse.

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<sup>1</sup> Executive Order 14025 April 26, 2021: Worker Organizing and Empowerment; Department of Homeland Security and Memorandum June 3, 2021: Supporting the TSA Workforce Through Improving the Transportation Security Officer Employee Experience

Despite these important measures, I have testified before and will tell you again, our TSOs need full collective bargaining rights in statute. This Committee has backed legislation to achieve this goal and we hope you will work with us to get it passed in both the full House and in the Senate.

### **Stable government funding**

I need not remind you that the continuing resolution under which the federal government operates is set to expire on December 3, 2021, in the middle of the peak holiday travel season. The single most important thing Congress can do to ensure a turbulence-free season is to ensure that there no government shutdown on December 3 or a looming shutdown through December and early January. I already mentioned the personal financial havoc the last shutdown caused; continued threats of future shutdowns create stress and uncertainty at TSA and throughout the federal government that has bearing on morale, mental health, productivity and national security.

### **Planning for adequate staffing**

TSA has hired many new TSOs this year as Americans have begun to travel more, but many are still in training. During the holidays, some will be experiencing air travel for the first time since the COVID-19 Pandemic significantly reduced air travel over the past 18 months<sup>2</sup>. It is incumbent upon TSA to not only remind passengers to arrive early and expect long lines, but also to prepare its supervisors and TSOs for the holiday rush. Since this Subcommittee is concerned with the smooth operation of passenger travel through the holiday season, it should urge TSA to fully prepare for staffing levels and address the potential for long lines and disruptive passengers. Doing so now is key to a safe and healthy traveling season.

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<sup>2</sup> TSA passenger throughput data <https://www.tsa.gov/coronavirus/passenger-throughput>

## **Covid Threat and Vaccination**

I know this Subcommittee is concerned with what the Covid-19 vaccine mandate for federal employees may mean for travel during the holiday rush season. AFGE has strongly encouraged our members and our own employees to get vaccinated to protect themselves, their families, coworkers and the public. On November 4, 2021 the Biden Administration announced that it was extending the vaccine mandate deadline for federal contractors until January 4<sup>th</sup>, 2022. Federal contractor employees work alongside federal employees throughout the federal government. We have called on the Administration to provide parity with federal employees by changing the deadline to January 4<sup>th</sup> for federal employees as well. It is inexcusable that contractors are being given the entire holiday season to meet the mandates, while federal employees continue to be subject to the November 22 deadline. The effect upon morale of federal employees being subject to possible discipline at this time of year cannot be overstated. I share the administration's goal of beating the pandemic and appreciate the vital role of vaccination in this effort but setting different compliance deadlines for employees and contractors is both harmful to morale and substantively unjustified. TSOs should be focused on protecting the flying public during this peak holiday travel season, not on the threat of discipline that could result in losing their jobs.

## **Still on the job**

The point I want to make most clearly is: TSOs protect the flying public and keep our skies safe. They show up and do their jobs in the most trying of circumstances and have done so time and time again over the 20 years TSA has been in operation. They have been there through poverty,

panic and now a pandemic. They are a proud, enduring and resilient workforce. We count on TSOs to do an essential job for our security and now is a time for TSOs to count on the support of their government to provide them a safe, respectful and fully-funded place of work.

## **Recommendations**

This Committee can take direct action and/or direct of the Administration to take action by:

- Passing a full-year appropriations bill before December 3 to keep the government fully functional an allay future threats of looming shutdowns;
- Employing zero tolerance of violence and abuse and checkpoints;
- Extending zero tolerance to supervisors – step up training, de-escalation of potentially violent situations and retrain to discipline supervisors who rein over their airports and checkpoints through systems of bullying and intimidation;
- Planning for adequate peak schedule staffing to minimize lines and reduce the risk of violent and abusive behavior at checkpoints;
- Providing parity in the implementation of vaccine mandates with government contractors by extending the deadline to January 4th;
- Passing legislation to guarantee full collective bargaining rights and pay to TSOs.

These are practical steps that will result in less turbulence, ensure passenger and employee safety, and allow the traveling public to focus on the good of the holiday season.

AFGE looks forward to working with the Committee and with TSA to achieve a safe, efficient and positive experience for the flying public as well as those charged with carrying out the mission of airport security.