

Key Findings From the HSGAC Hearing on TSA Unionization

On Monday, March 5, 2007, the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, held a hearing to examine the current personnel rules in place at the Transportation Security Administration, as well as the proposal to give its employees collective bargaining rights. The following are selected quotes and findings from the hearing.

Quotes

- “The job of a TSO [Transportation Security Officer] is one in which you don’t know whether you had an emergency until it’s over – and in the aviation business that is too late.”
- **The Honorable Kip Hawley**, Administrator of TSA, on why TSO’s should not collectively bargain despite the ability of Capitol Police officers to do so.
- “[There are] a bedeviling array of dots out there and we have the responsibility to make sure that not one of them is allowed to progress and become an attack on the United States. And so we constantly try to move and adjust – you cannot be sure until it’s too late that you’ve had an emergency. You do not get an advanced warning.” – **Mr. Kip Hawley**
- **Senator Akaka to Mr. Hawley**, regarding TSA’s collaboration with employees on the decision to double the amount of bonus money that would be made available: “Did you invite any union representatives to the initial development efforts?” **Mr. Hawley**: “No, sir, our employees did not have to pay union dues to get that service.”
- “[Under a collective bargaining arrangement] I have grave concerns about our ability to move and sustain our security strategy.” – **Mr. Kip Hawley**
- **Sen. Coburn**: “[TSA employees] are not going to negotiate over wages, but they’re going to negotiate everything else that has to do with running security at the airport on an [emergency] basis all the time?” **Mr. Hawley**: “Yes, sir.” **Sen. Coburn**: “I think the case is closed.”
- “This is an emergency. We know of terrorist interests in attacking U.S. aviation, we know of attack planning, we know of attack training, and we know of terrorists moving, coming in our direction. In an unclassified environment, I don’t know how to say it any clearer.” – **Mr. Kip Hawley**
- **John Gage**, National President, American Federation of Government Employees, on collective bargaining: “Senator [Coburn], these are rights. They should not be taken away lightly; in fact, I think these workers should receive the benefit of the doubt . . . I don’t think you can just say that they’ve made some improvements, [and that] there’s [sic] some of these **big national security concerns** or issues.”

Findings

- **TSA is one of the only federal agencies that is able to extend full-time benefits to part-time workers** because it has a flexible personnel system. While this would not be ideal at all agencies, it proves that flexibility in work rules often can and does lead to a higher quality of benefits for workers than under the representation of unions. Under S. 4, that would be stripped away and no longer available.
- Collective bargaining for TSA employees would **not include bargaining over wages**, but would include bargaining over all other aspects of the work experience. That means that the only things that **TSA employees will bargain over are those things that directly affect national security**, such as work hours, locations, and job descriptions.
- According to TSA, the McCaskill amendment would preclude TSA from keeping its successful pay-for-performance system, but would have to revert to the old policy of uniform raises for all levels of performance.
- There has been only **one whistleblower case** by a TSA employee in the history of the agency, which was later investigated by the Office of Special Counsel.
- Since 2003, there has been a 62% drop in EEO complaints without any union representation. **There is a lower rate of EEO complaints at TSA than at the Departments of Education, Labor, HUD, USPS** and others, all of which are unionized.
- By stripping away TSA's current personnel system, employees would **lose the right to negotiate directly or to communicate directly with their management**. Under the current arrangement, managers and employees are allowed to interact without the intervention of a union steward.
- Even under a collective bargaining arrangement that involved "after-the-fact" bargaining, the agency would not be able to make a fair case to an arbitrator because it would not be able to divulge classified information. This puts the agency at a decided disadvantage in moving its people to where security needs are greatest.
- TSA has one of the **lowest levels of voluntary attrition** in the federal government for entry-level positions. It averages 12% per year compared with a government-wide total of 17%.