



**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, Council 100  
Transportation Security Administration  
LMR/ED Meeting Week of 9/20/21**

**Call being led by Pat Bradshaw**

**Answers in bold are from Pat Bradshaw unless otherwise noted. These notes are not a transcript and should not be quoted or relied on as such.**

**On September 9, President Biden issued an executive order requiring a COVID vaccination for federal employees. All federal employees (including TSA) must be fully vaccinated by November 22, 2021, unless there is a legally required exception to the requirement. This means the second dose of the 2-dose vaccines, or the only dose of the one-dose vaccine, must be completed on or before November 8. TSA is waiting for additional guidance on specific policies related to the exceptions.**

**Employees should still update the vaccination status system as they receive their shot. Additional guidance on providing proof of vaccination documentation is forthcoming. The executive order provides that the agency should pursue disciplinary actions “up to and including the removal” for employees who fail to comply with the vaccination requirement.**

**Regarding the additional day off provided by Sec. Mayorkas: employees should use this additional day off by following normal leave requesting procedures. Coding instructions for the field have been issued (basically, it’s being treated as an administrative day).**

**Emergency Paid Leave balance update: PP 17, balance is \$4,836,000. As of now, EPL under this fund is set to expire September 30, 2021.**

**10,311 employees have tested positive. 9,803 have recovered. 28 have died.**

1. Are TSOs on the National Deployment Force able to discontinue or reject deployment to an area that they consider too high a risk of contracting COVID-19?

**Caroline: Officers on the NDF make a one-year commitment. There is an expectation that they are to deploy based on the national deployment office (NDO) orders. However, there is a process if an NDF officer wishes to be released**

**from participation prior to the 1-year process ending, the officer can submit a written request for voluntary leave and the NDO reviews those requests on a case-by-case basis.**

2. What details can TSA provide about its plan to implement President Biden's requirement that all employees be vaccinated against COVID-19 (including anticipated timelines)?

**See above, generally. The most important date is November 22, which is when federal employees must be fully vaccinated.**

3. Will TSA provide information to its bargaining unit employees on how to request reasonable accommodations based on disability or religious belief in anticipation of the vaccine mandate?

**TSA will issue policy regarding how to request a reasonable accommodation relating to the vaccine.**

4. Will TSA increase staffing of personnel in order to process reasonable accommodation requests given the anticipated increase of those requests that will follow the mandate.

**The simple answer is yes.**

5. Local management at JFK airport said they received guidance from headquarters that probationary employees being terminated should be informed of their removal at the terminal and escorted away (instead of, for example, being brought to HR). Is this accurate?

**None of us is familiar with this scenario so we need more information. If Hydrick could have someone provide that information to Lisa, we will follow up.**

6. Secretary Mayorkas announced an additional day off for federal employees on or about September 3, 2021. When and how will officers be able to use this day off?

**See above, generally. Remember the day must be used by December 31 or it will be lost. No carryover.**

7. Will TSA consider revising its quarantine policy so that vaccinated officers must quarantine following exposure to COVID-19?

**At present, TSA policy aligns with current CDC recommendations.**

8. If a BUE accepts a transfer and then later withdraws their acceptance, the National Transfer Program (NTP) Online Automated System is making that

BUE wait a year before being able to submit another request for transfer (see Attachment 1). The current CBA limits that prohibition to three months. See Article 7 Section E.4 of the CBA. Can this be updated as soon as possible?

**Caroline: We are aware of this issue. It's a simple fix, but it's a manual one. We are trying to fix it.**

9. A BUE who transfers under the NTP must remain at their new duty location for at least six months prior to seeking a transfer to another airport through the NTP. See Article 7 Section E.13 of the CBA. The OSO NTP website says that the employee must remain at their new duty location for at least one year (see Attachment 2 at #10 of the NTP process). Can this (and any other sections that were not updated from the previous CBA) be updated as soon as possible?

**Carline: The change to six months...the fix for that is expected to be released by Mid-November 2021. It will require a software update.**

#### OPEN DISCUSSION

Mac Johnson: My understanding is that if someone tested positive for COVID, they cannot take the vaccine for 90 days. Is this accurate? If so, how does that align with the vaccine mandate?

**Dr. Czarnecki: This generally is not correct. You shouldn't get the vaccine if you have COVID-19 because you're contagious, but something like ten days after is fine. If someone is being treated with antibody treatment, they should wait 90 days. Those people should seek a temporary accommodation.**

Hydrick Thomas: For JFK with the removal, the employee worked the shift. She was brought to the manager's office, they took her ID, shield, and SIDA badge, and told her she was terminated. It was very embarrassing to do that in front of the coworkers, and then escort her out the door. It was Michael Laxton among other people.

**If you could send some specifics to Lisa, we will look into it.**

Johnny Jones: What do you think the processing timeline will be for these reasonable accommodation requests?

**I can't promise a timeline right now, but as mentioned we are upping staff and working on it.**

Johnny: What process should BUEs follow for filing that request. Where should the request go?

**We're working on that right now and are reviewing our current process, including**

**what kind of modifications or alterations we need.**

Chris Blessing: How will employees be treated while their request to be exempted from the vaccine mandate is being reviewed?

**Still working on the specific language. Looking at what the options would be for the exception. Perhaps it would be a requirement for regular testing in addition to the mask and other PPE already required. But we can't say for sure right now what the alternative will be while the process is pending.**

Chris: Can we get guarantee that this guidance will be out before the vaccination process must begin?

**We don't want to put something out only to find out that it's wrong because of something government-wide, and this is bigger than TSA for the most part. We're looking to get it out as soon as we can.**

Chris: If I could get a quick clarification on the MSPB MOA. It says that it applies to actions effected on or after September 26, but the new HCAM says that pending OPRAB cases can be transferred. Can you reconcile that? It seems contradictory.

**Paul Ross: We're repairing a template right now for actions already effected that are being appealed that fixes this. Say an employee with an indefinite suspension is in front of the OAB, we will rescind that indefinite suspension and reissue it (with an effective date of September 26 or later). That way the employee will have the right to pick which forum to go to**

Chris: Schools in Philly are having a tough time transporting kids to school because of a driver shortage, which is requiring officers to have to drive them. Can this be addressed under EPL or go into the next HCAM so that officers have a leave flexibility for it?

**I wasn't aware of that issue, so we'll look into it and get back to you.**

Joe: To follow up on the Philly thing, would that be considered under "other" for the EPL? Because the school's not closing, it's not working under the school closure part of EPL. It's a major problem right now.

**We will definitely take that back, look at it, and follow up.**

Joe: A lot of people are taking a stand against this vaccination mandate, even in this area which usually leans pretty left. I'm genuinely concerned about employment and staffing levels.

**Pat: This is still a pandemic, right. And so we are going to make sure this mandate is understood. It's the policy of the president and we aren't able to make exceptions beyond what the President wrote. And hiring might be an issue. It kind of is what it is, and I think**

**you'll find that employees who leave TSA as a result of this and try to find other employment are going to find that the new job they're looking at will probably have the same requirement. So maybe employees just need to be reminded of that, that it's not just TSA or even federal government.**

Johnny: For new hires, how are they being informed of the vaccine mandate?

**We're notifying new hires of the mandate as they come in. We will also be putting this information on our job vacancy announcements and likely job offer letters.**

Johnny: for employees seeking an exception to the vaccine mandate, how will this affect fitness for duty examinations? Will a request trigger an FFD?

**Paul Ross: If somebody comes in with medical documentation that conflicts with the medical guidelines, yeah it could be a fitness for duty issue. But generally speaking, no.**

Johnny: regarding the MSPB, will official time be provided to train people on the process?

**Paul: I don't know but I doubt it. It's an external process.**

Mac Johnson: When do you anticipate releasing revision 12?

**Pat: It's coming in for my signature in the next day or so. So it will be out very shortly.**