



**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, Council 100
Transportation Security Administration
LMR Call Week of August 17, 2020
Kim Walton running call
2:18 PM – 3:10 PM**

1671 TSA employees tested positive, 1553 uniformed. 6 dead.

Revised HCAM 6 provides updates on WSL, administrative leave, and excused absence. High-risk WSL discontinued. Personal needs WSL limited to 24 hours plus 24-hour extension (48 hours total).

Follow-up questions addressed

Mac raised sick leave request denials from employees no longer getting high-risk WSL. Employees were advised of the ability to request approval to use appropriate personal leave (Annual, SICK, COMP, LWOP, EPSL, etc.). However, if the reason for requesting sick leave is not consistent with TSA policy, that request will be denied.

Gary Renfrow (Gary) update on ability of screeners to refuse screening in dangerous conditions: When a pat-down is required, and the passenger refuses to wear a mask, and the TSO has a legitimate health concern, the TSO should raise it to management and “let them handle that.” There will be incidents where a screener refuses and can’t articulate the reason why and the agency can hold them accountable, but it shouldn’t get to that and make it a discussion between the supervisor and the officer.

Written Questions

- 1. On July 31, 2020, Council 100 sent the Administrator a letter urging him to reimplement Weather and Safety Leave for high-risk employees. Will the Agency reimplement WSL for high-risk employees?**

We have the letter. We anticipate that the Administrator will respond to AFGE within a week or two...it’s working its way through the process.

- 2. The Agency has said that employees who are unable to work because of COVID must use their own leave balances. What is the Agency’s solution for employees who have**

already exhausted those balances, assuming the 2 weeks of EPSL has also been exhausted?

If an employee has exhausted everything, they may request LWOP or other leave programs consistent with TSA policy.

3. On the last call on July 29, 2020, Dr. Czarnecki said that 6 feet would protect an employee against most—probably 99%+—of the droplets, and the surgical mask would protect the employee from the aerosol. Did we understand that correctly?

Reading from CDC: The virus is thought to spread mainly from person to person, with people in close proximity, usually within six feet. [Kept reading from CDC]. Face shield, eye wear, and gloves may provide additional protection as well.

4. Assuming an employee promptly submits all requested documentation, about how long should an employee expect to wait for a decision on their request for reasonable accommodation relating to negative side effects of wearing PPE? Given the urgency, is this process being expedited?

It's complicated, because every request is dealt with on a case-by-case basis. So, the decisions are moving as quickly as possible given that we've seen an increased volume of those requests. Pat Bradshaw to elaborate. A lot of the delay is employee-side certification to support the request for reasonable accommodation. We are looking for alternatives to expedite the process should we anticipate additional delay.

5. Can an employee receive provisional approval for the type of reasonable accommodation described in question #4 while their request is pending?

Pat: We've taken this suggestion under advisement. You can help us to encourage employees to get the documentation in as soon as possible, as that's the biggest delay.

6. HCAM rev. 6 lifts the requirement that airports/offices notify Personnel Security Section (PerSec) when employees start or return to duty after an extended absence as required under Section 7.A of TSA MD 1100.30-34 when the reason for the absence from work is due to the on-going COVID-19 outbreak. Will this be retroactive for employees who have already been referred to PerSec for the same reason? Why wouldn't this apply to other employees who have had the same extended absence over the same period of time when that absence was not COVID-19-related?

Notifications made prior to the HCAM rev. 6 that are still pending review, "the same standard will apply." The requirements separate from COVID-19 have not changed. PerSec is still required to monitor and evaluate those absences, and this is an exception specific to COVID-

19. (Chris perspective) I understood this to mean that it is retroactive.

7. At least some airports, including JFK, officers who are currently working under an administrative available work schedule (e.g., working 3 days at the airport, 2 days under administrative available leave, and 2 RDOs), are being treated differently from other officers when they call out sick. Specifically, when the officer returns from sick leave the terminal managers will have the employee work a full schedule (e.g., 5 days and 2 RDOs) for the entire pay period. Once the officer has completed the entire pay period, the terminal manager will place the officer back on their administrative available work schedule. We are asking that you help intervene in this practice which discourages employees from utilizing their earned benefit.

Gary: I need more information on this. If you have other airports with the same concerns, pass them on to LMR (Follow Up and more Airports that similar issue).

Open Discussion

Chris: First part isn't so much a question as a comment. We had asked what solution the agency had for high-risk employees called back into work who have exhausted their leave, and what we just heard was that they could use LWOP or look to other leave programs consistent with TSA policy. Being required to take LWOP is the problem we're highlighting, not the solution, so just know that that's an unsatisfactory response for us.

Chris: Regarding requesting sick leave specifically because you're a high-risk employee, we were told that the employee can do it if it's consistent with TSA policy. So, more specifically, does TSA policy allow a high-risk employee to request sick leave based solely on that underlying risk?

I have to find the specific language we sent out. I thought we had clarified this (Chris note: NOPE). If they have a serious underlying medical condition, they can request sick leave based on that medical condition. Chris: So...that wouldn't cover the elderly or the pregnant or nursing, right? **I'll have to check and get back with you for clarity.**

Hydrick: Administrator made shield mandatory across the country. We've got several airports where employees are having trouble with those shields.

Mac: Are all reasonable accommodation requests...the delays rather, attributed to those requests for FFDs?

I'm not aware of any reasonable accommodation request to date that is pending that also has a FFD element to it on the COVID side.

Johnny Jones: Two questions. First in reference to surgical mask. Complaints from officers... a solution we were working on with our local was to try to provide officers with blue ear extenders. We got some good feedback from that. Could the agency consider procuring enough

of these extenders so that the officers could request them? Maybe this is for Jill Segraves.

Jill: Different FSD designees have asked for us to take a look at them. When they've come in we've approved them. I can check to see what we could do on a national basis. Not sure if we want to put it in the warehouse and distribute it from there, but any time someone has asked for those, we've approved them. Usually the airport's finance specialist comes to us with the request.

Johnny Jones: Going back to the face shield issue. A couple areas, like Hawaii and Pacific areas, they have been sending home officers because they forgot their face shields. I know you've encouraged them not to do that, but we've had that happening. **Renfrow: Do you know if they're repeat offenders, or is this the first time it's happened?** No, the ones in Hawaii were not first ones. **Renfrow: I'll reach out to them up again, thanks.**

Joe Shuker With school starting up any plan help to the TSO with school age children and virtual learning? Gary and Pat Bradshaw: They really don't have a formal plan and are looking for suggestions.