



**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, Council 100**  
**Transportation Security Administration**  
**LMR Notes from 4/22/2020**  
**11:36EST – 12:24EST**

[Pat Bradshaw ran the call. All writing that is not in bold is from Pat Bradshaw unless otherwise indicated.]

Updates since we last spoke. We got HCAM rev. 5 out on Monday. The key provisions in this particular HCAM are the implementation of the emergency paid sick leave under FFCRA. As you know, the emergency paid sick leave for TSOs really only applies to TSOs under the law, but the administrator applied it to the entire workforce under his ATSA authority. It is also a difficult leave benefit, just in terms of its administration, because it does not pay at the full rate of everyday. So it's taken some time to get the administration in place. So today we are issuing the actual details with guidance to the field. So hopefully that will enable individuals to use it as they need it.

The HCAM also spells out what kind of documentation is required. When you read it, it looks onerous, but it's not ours – we just copied what the Department of Labor requires. So that's in the HCAM as well.

We've also released another round of Q and A that will further support the HCAM and other issues that we have received. The HCAM also revises the guidance regarding the return to work period. It references the new document about what is required to return to work, so that is referenced in the HCAM.

It also changes the extension time period from 7 days to 14 days. However, it still requires that management communicate with the employee to check in on them.

Of course, we still expect questions, and you're probably already thinking about a revision 6. We're expecting that too, but there's no timetable yet.

As of yesterday, we had 459 TSA employees who were confirmed positive for COVID-19. Of that, 390 are uniformed officers. As you are all very much aware, 4 TSA employees have passed away and we believe it was after contracting COVID 19. That was 2 BUEs and 2 non-uniformed employees.

### **Turning to the questions submitted by Council 100**

**Unfortunately, we do not have Gary Renfrow, so we will need to revisit those questions.**

**Hazardous Duty Pay?:** *We are very much open to HDP, however there is a "whole of the government approach," so we are waiting for that further direction or guidance. So we can't give you a date.*

**BUEs on an SLR are asked to provide medical documentation to substantiate each absence. Has this been waived?** *The short answer is “no,” and we don’t believe that a generic letter with any kind of guidance is appropriate. Right now, for the use of any specific type of leave we have available (WSL and excused absence, and EPSL), the requirements are very specific and those are the ones we are focusing on. If there is a situation where an employee has a non covid-related absence and they are on a sick leave restriction, our guidance in general is that they need to speak to local leadership to decide what the appropriate course of action is. Otherwise, our focus is on the covid cases and following that documentation.*

**Will the agency waive the use or lose annual leave rule?** *Once again, the answer is the same as two weeks ago – I was on a phone call with DHS yesterday. They continue to raise the question with OPM. Again, this is one of those policy issues that we are inclined to get in line with the “whole of government approach” which is being discussed at the OPM level with components.*

**Are there any BUEs on the Uniformed Advisory Group?** *Currently, our uniformed advisors are STSOs so they are not in the bargaining unit.*

**Will the agency put in writing its process for COVID-19 contact tracing?** *We do have a formal protocol that Dr. Czarnecki put together. It’s actually on its second revision. So it does describe the protocol and our lookback process. It’s out there for our FSDs and it’s what they follow, in concert with the guidance and Dr. Czarnecki.*

**Does eyewear have to be TSA issued?** *[Jill Seagraves] We prefer that employees wear the TSA-issued glasses. However, the FSDs may approve the eyewear that the individual brings in. We had situations where employees were bringing in eyewear that wasn’t appropriate for the front line, so we leave that question to the discretion of the FSD. But please know that the pairs were received and the warehouses are pushing them to the field.*

**Will the ADM consider waiving all return to duty training while social distancing measures remain in effect?** *Again, it’s a question for Gary, but I can share that employees are not currently being held to the return to duty training requirements. However, recognizing that this could keep going for a while, that’s just the current answer.*

**The ADM confirmed in January he approved the 1907 working group recommendations. When are they implemented?** *Judy Finklestein is implementing them. Per the Determination, the union will be given the opportunity to review and comment before it is finalized. COVID-19 slowed this process.*

## Telephone Live Questions and Answers

**Mac Johnson: I have a question, well two questions. First, referring to the HCAM rev. 5, would elder care be applicable under reason number 4?** *I thought that was reason number 5...either way, elder care is absolutely dependent care, and that is covered under the EPSL*

*provisions. If they're an elderly person, they're probably covered by the "high risk". Is it possible we can get a copy of this Q and A? Yeah you don't have it because I just approved it today. I'm sure Lisa will get it to you.*

**Chris Blessing:** Can we get a copy of revision 2 of the protocol for contact tracing you mentioned? *We'll look and see if it's releasable. If so, yes.*

**Johnny:** Regarding HCAM rev. 5. On page 17 regarding higher risk extensions. It says EEs who self-identified must follow return to duty guidelines. People are confused about. So if you have self-certified as high risk, then it is up to you to certify that you are able to come to work. In these cases, you took yourself out of work on your own volition, so you can put yourself back in on your own volition. So we expect the person in the HR office or firstline supervisor speaking with the employee to ask the employee a series of questions about their exposure and whether they've had symptoms for the last three days. That has come from CDC guidelines. So we do a verification about how they're feeling when they're ready to come back, and then they work it out with the supervisor on the timing. **I'm looking at the chart itself.** Ok well we'll take that under advisement. We haven't heard any confusion. [Martin Elam]: Just to clarify, the chart itself says there's no documentation, that it's not applicable. We're going to ask them if they're asymptomatic, once they've confirmed that, we're good.

**Mac:** On April 20, OMB released a document about aligning agencies for reopening America. Is TSA following this document? For example, we know the governor in Georgia is opening a lot of businesses this week. *Because this has become a very front and center topic as you can appreciate as the president released the guidelines last week. In fact, Ms. Walton is with leadership today and this is exactly what they're talking about. The DHS term is "reconstitution" (because we were never closed), and what will be the general guidelines coming out of DHS, and what will be the local component discretion, and how do we consider the local and state jurisdictional situation? I believe it will be a combination of the DHS task force that was just put together this week, and each component working with representatives on the task force to determine what the framework, guidelines, tactical execution will look like. Certainly, a major consideration will be what is going on in the local jurisdiction. So, it will very much be a "coordinated dance" not only from the whole of government, but from DHS down to the airport. [Martin from TSA]: As Ms. Bradshaw mentioned, we didn't shutdown—well we shutdown some small airports—but when you talk about, for example Georgia, the Atlanta airport never ceased operations. So when you say reopen what do you mean specifically?*

**Mac:** well, I'm fully aware it's still functioning. Let me use the word "normalize". Meaning, right now, there's a staffing cap. The governor in Georgia, he wants to normalize everything next week. So does TSA stop staffing caps in Georgia next week? *So "normalize" for us is more than just the local rules opening up. It's also about passenger throughput and how many flights we have. Our staffing caps are driven by passenger load. [Martin: to clarify, the staffing cap is designed to reduce exposure. So, as passenger demand increases, our staffing levels will increase accordingly. But for the time being, there won't be a switch that's turned on. This will be a long and gradual approach.] To Martin's point, we are still trying to reduce exposure. When*

do we declare victory on the coronavirus? We don't know. So "normalize" for us I think is a function of many things – the local jurisdiction and the rules they put in place, as well as the demand for travel.

**Hydrick: Our staffing cap question. Is Mr. Renfrow going to send us the answer to that question, or do we have to wait until the next call?** We'll go back to Gary – Lisa will take it back to Gary, and we'll see what information we can provide to you. **Ok so that will be sent to us.** Yeah you know sometimes it's not a simple answer in writing, sometimes it needs an explanation. But Lisa get that for you. [Martin: Remember, those caps are evolving as throughput changes. So, even if those numbers are provided, they can change. So you might need to clarify why you need those numbers]. **Airports aren't doing the same thing. Some airports are just keeping people standing around. That's why.**

**Hydrick: And so what about the eyewear, where it's not there yet?** So we ordered the safety glasses, and they were shipped. So they're ordering it to get pushed out to the airport. So if there's an airport you're aware of that isn't getting the eyewear, let me know. I can even give you the status of who has received it. **I would appreciate that, thanks.**

**Johnny Jones: Thanks again for taking my question. There have been several discussions between local presidents and FSDs regarding a bid where they're removing the availability of a night differential.** I would tell you that we are trying to adjust schedules so that we can have employees where we need them the most, and that is during the daytime. Because when you're on weather and safety leave for operational purposes, you can be called back in when we need you, and we need you during the day. So that's the motive here. **Ok so say they're scheduling to work 0400 to 1230. They might be moved to 0600 to 1430...?** Johnny you're talking over my head now. All I know is that the objective here is placement of TSOs when we need them available, and that is during the day. And all the trainings, other non-screening things a TSO may do, etc., take place during the day, so that's another reason.

**Mac: Regarding STIs and training** if they are needed at the airport and they are doing training, that's the FSDs discretion. WSL is for when you don't have anything for people to do. But when it's appropriate and there's a training element, the FSD has the discretion.

**I am certain there are several STIs nationwide who are eligible for EPSL, so that should not be an issue.** Correct, EPSL is available to all TSA employees, so that should not be an issue. [Martin: just to clarify. Those are two separate things. EPSL is something the employee can invoke or ask for at their discretion based on their individual needs. WSL is based on operational needs, where management is placing the employee on that leave. If people are able to catch up on training and the airport can get this done while still respecting all the social distancing rules, that's certainly acceptable and it's something we're encouraging].

Mac I'm going to get back to you – I'm sure we didn't use the term elder care – but I'm going to find it and get back to you. That word is not used, but I will tell you that under category 4 it says "you are caring for someone who has been advised by a healthcare provider who has been advised to quarantine", so our interpretation of that would be that if someone is elderly or in high risk, that would fit in under category number 4.

