



**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, Council 100
Transportation Security Administration
LMR and Executive Director Meeting; Week of 4/19/21
Kim Walton leading call
Call began at 3:05; call ended at 3:57**

Over the last couple of months, steady increase in number of TSOs who have received the vaccination. TSA leadership will soon remove the mandate to wear the face shield for any TSO who is fully vaccinated. Proof of full vaccination will be fully required. Face masks will continue to be required. If a TSO wants to wear a face shield or any other eye covering provided, they can continue to do so. So, face shields will remain in TSA's PPE inventory.

Time and attendance guidance – On April 15, TSA issued a notice to all employees (“Time and Attendance Guidance for COVID vaccinations”) that said: employees may be provided with scheduled duty time for travel to and from the vaccination, and time spent from the appointment. The Administrator has also determined that vaccination and travel is mission critical, so employees will be entitled to reimbursement, including per diem where applicable. Where available, should be scheduled during employee’s regularly scheduled work week. WSL is part of the regularly scheduled workweek, and where possible, should do it on one of those days. If can’t be done on employee’s regularly scheduled work week, management should consider a schedule adjustment. Where no other option exists, management can consider overtime. (see the April 15 notice for exact language, including how much time is available based on location of vaccination in relation to employee).

Side effects – fever, chills, headaches. If an employee becomes too ill to work, management may grant administrative leave, excused absence, for the remainder of the day and for two additional days following the day of the vaccine dose. Documentation other than showing receipt of the vaccine is not required for this administrative leave.

7,634 employees tested positive. 7,286 have recovered. 14 deaths.

1. In early-February 2021, several states, including Arkansas, Louisiana, Mississippi, Oklahoma, and Texas experienced natural disasters, (e.g., extreme cold weather, snow, and massive power outages). In addition to the hazardous road conditions, there were issues with childcare and drinking/running water which would have caused employees to call off or miss work. This is a weather and safety leave issue, yet Local Union leaders have met with their respective FSDs without resolve. Therefore, we are requesting these matters be looked into and hopefully

rectified.

Pat Bradshaw: As a reminder, we do have a TSA MD on dismissals and closures and a handbook that speaks to delayed arrivals, unscheduled leave, etc., in the event of severe weather events or other localized emergencies. An emergency employee who is unable to report for duty during severe weather conditions or a localized weather emergency is required to notify management following established procedures. Determinations are made on a case-by-case basis, and management is expected to consider the nature of the conditions and emergency, as well as other factors included in the policy.

Paul Leyh: Please understand that there are several sides to each of these issues, which is why each call-in is done on a case-by-case basis.

2. During the COVID-19 pandemic, we have noticed funerals, funeral planning, and related matters have been postponed or otherwise complicated. Has there been discussion from TSA to increase the number of hours employees are allowed to take for bereavement purposes, upon request? Death, and as an extension, bereavement leave, whether COVID related or not, directly affect the process by which typical services are held. For example, a family member passes away, the employee takes three days leave for mourning. However, two months later, the funeral finally occurs. As such, the Union believes that employees should be allotted additional time for the funeral and other related matters, even after the initial bereavement was taken, e.g.: intermittently.

Pat Bradshaw: Starting point is absence and leave MD. The MD provides that, generally, sick leave for bereavement purposes is limited to a maximum of 3 workdays. But management on a case-by-case basis may provide additional use of sick leave for bereavement (up to 13 full-time days). As you've noted, the death and the funeral may be several months apart, so note that bereavement does not need to be used all at once.

3. Terminated Trial Period Employees (TPEs) currently have no process to challenge those actions. There needs to be a standard process created that affords TPEs fair and adequate due process. This could be a one-step removal process, by which certain officials (e.g., Executive Directors) can at least review the action. Or, at the Local level, there could be a review committee set up.

What the Union has found is that sometimes there are no legitimate reasons provided for removals, or the reasons are so dismal as not to warrant removals, other than the employees' serving a trial period. Many of these employees have been employed for one or more year(s), which causes financial and training burdens on the agency.

Pat Bradshaw: As you've noted, management may initiate termination at any time during basic trial period where performance is unacceptable. But employee cannot be terminated during 2nd year of trial period for quantity of approved absences without management first

considering corrective action that will provide opportunity to improve. The notice must also be in writing and include a description of the reason for the underlying action and must be signed by a J-band or above with FSD in title. All letters must also be reviewed by HC Employee Relations.

4. New Hire Orientations – New hire employees tell us that local management is telling them that “the Union cannot help them as trial period employees” and that, as a result, “they should not join the union.” This anti-union activity is flatly incorrect (there is, of course, more to union representation than challenging disciplinary and adverse actions), and we are asking for your assistance in stopping it.

We’re aware of this now, and if you can reach out to Lisa with specific information of where this is happening, we’ll address it.

5. In at least two airports in California, employees have been informed that their uniform orders from September, October, and November 2020 are being cancelled, and that such funds are not being refunded. One issue with this is, as you all are aware, uniform pricing has increased significantly, so previous pricing has been replaced with current pricing and uniforms, which would have been received are not going to be received.

Paul Leyh: We need more info on this. But generally, the USMCA impacted TSA like it impacted many things, and a new supplier was identified, and the transition caused some shipping delays. Orders for cargo pants were most heavily impacted. Regarding those backlogs, it should be resolved by June.

6. The Council understands that there may be limitations to the Executive Directors’ abilities in making decisions based on official time as a whole. However, the Council believes that at least some input and support of official time for Council officers, from the current Executive Directors, would go a long way in both fortifying our relations and allowing the Council to assist TSA in its attempt of making this a better workplace for all bargaining unit employees.

Paul Leyh: TSA policy governs use of official time by BUEs. It’s considered on a case-by-case basis and in conjunction with operational needs, and managers are expected to follow TSA policy.

7. Representatives are being denied official time for grievance-related matters based on operational needs without any further explanation. “Operational needs” continues to be used as a blanket statement to deny Union Representatives official time. We ask that management be required to articulate the operational need if it is going to deny an official time request on that basis.

Management’s primary role is to ensure available personnel to meet the needs of the operation. So, sometimes, official time will have to be denied for that reason. Reach out to labor relations with specific concerns that can be looked into.

8. While the 2017 CBA required BUEs to remain at their new duty location for at least 12 months prior to seeking a transfer to another airport through the National Transfer Program, the 2020 CBA requires only 6 months. See Art. 6 § E.13. iShare, however, is not allowing employees whose last transfer was between 6 and 12 months earlier to apply, and we ask that this be promptly corrected to reflect the new CBA.

Paul Leyh: TSA and Security Ops is working with IT to make the system changes to comply with the 2020 CBA, which would allow employees to transfer after 6 months. In the meantime, if an employee is unable to submit it electronically for this reason, they should contact the local HR specialist who can assist in processing the request.

9. Kona Airport has sought these mats for a while; yet, Kona has failed to receive any mats to date. For background, this matter was already addressed with EA Leyh without satisfactory resolution.

Paul Leyh: Thanks for your patience on this one. The bottom line is that Kona now has the mats which are at the checkpoints.

Open Discussion

Becky: Pat and Paul had answered the question about WSL. You said to try to resolve it at the lowest issue, which is what we tried to do. Different FSDs were giving different replies for why WSL was not granted. Some answers were “WSL is only for COVID”, some told us that even though the MD allows it on a case-by-case basis, they wouldn’t do it because they thought it wasn’t fair.

Pat: Second-guessing what our FSDs do is not something we would like to endorse. That WSL is only for COVID is obviously incorrectly. So, we also can’t second-guess what people were told, but we have to trust that FSDs are properly using their discretion. In the future, maybe we could try to get a better word out to Security Ops.

Martin Elam: This forum isn’t really intended to express grievances; we shouldn’t use it as an opportunity for answer shopping. If the union believes that there was a violation of policy, the right thing to do is file a grievance.

Mac Johnson: ARPA Section 7104, can we get a status update?

Pat: We’re now waiting on OMB for the money. OMB tells us we cannot roll it out until the money has been apportioned to us. OMB says that could take up to ten days, which as of when we received that note would be later on the week of 4/19. Remember, it’s retroactive. You can take leave now and request a time and attendance correction.

Mac: Are there any other things after OMB that we’re waiting on? First we were told OPM.

Pat: Our understanding is OMB is the last step to get the money.

John Hubert: With the Administrative Directive regarding face masks, and the Screening Notice 10 that came out. Does the Screening Notice replace the AD? Some people think the two are contradictory.

Lisa: We don't have either of them in front of us, so let us look into that and follow up.

Joe: We had a guy who got a terrible reaction to the COVID shot. I thought I remember you saying the 2 days of leave provided in those situations could be extended. Is that right?

Pat: No formal guidance on extensions, but the emergency paid leave that will be accessible soon would cover this kind of situation.

Mac: What about pre-March 11?

Pat: I don't want to speculate.

Paul Ross: Those reactions are pretty rare, but remember the employee could also submit a WC claim for something like that. We haven't had major side effects that we had to address on a national scale.

Hydrick: The goal is to fix things at the lowest level. We're not looking to file grievances immediately if we can resolve it before it gets to that.

No more questions