

## Get The Facts...

### About What Collective Bargaining Would Mean to You

**“Collective Bargaining” is a phrase that Transportation Security Officers (TSOs) hear a lot about these days. We thought we would share some frequently-asked questions about the topic, as well as NTEU's answers:**

#### *What is collective bargaining?*

Generally, it is the process by which members of the labor force, operating through authorized union representatives, negotiate with their employers concerning working conditions. For federal employees, the right to organize and collectively bargain was enacted into law in 1978, and is found in Chapter 71 of Title 5 of the U.S Code.

#### *So why don't TSOs have collective bargaining rights now?*

When Congress passed the Aviation Transportation Security Act (ATSA) creating the Transportation Security Administration (TSA) in the wake of 9/11, that law gave TSA management broad ability to exempt the agency from personnel laws that apply to other federal workers, including the right to



CBP Officers at international airports nationwide have long had collective bargaining rights, which improve their worklives and do not compromise their ability to protect the nation.

engage in collective bargaining or to deny them those rights. Beginning with Admiral James Loy in 2003 and continuing through Kip Hawley, TSA leaders have always opted to deny TSOs the right to collectively bargain. NTEU contends there is no valid business reason to deny TSOs these fundamental rights. NTEU represents 24,000 Customs

and Border Protection officers (CBPOs) nationwide. CBPOs work side by side with TSOs in the international airports

protecting our country. These CBPOs have collective bargaining rights, resulting in better pay and working conditions. TSOs leave the agency in droves to go work for CBP, a sister agency in the Department of Homeland Security (DHS), to enjoy those benefits. Collective bargaining at TSA would benefit TSOs and TSA.

#### *How can TSOs get collective bargaining rights in the near future?*

There are three ways. NTEU has been working on all three:

- President Obama could sign an executive order requiring TSA to grant collective bargaining rights to TSOs.
- President Obama could appoint a TSA Administrator who could exercise his/her authority under the ATSA and grant TSOs collective bargaining rights.
- Congress could amend the ATSA and give TSOs the same union rights as other federal workers. The benefit of this approach is that it would be a statutory solution and not subject to review every time TSA management changed hands or the executive branch changed political parties.

#### *What is the current status of these paths to collective bargaining?*

NTEU continues to press for the administration to grant collective bargaining rights through an executive order or through a management directive. As for the TSA Administrator route, no Administrator has been identified by the Obama

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**“Collective bargaining plays a vital role in giving workers a voice in the work they do. When workers have a voice, they are able to increase productivity and reduce costs. At DHS, however, costs are not only monetary. When we fail to ensure workers have a voice and are making our government’s work as efficient as possible, we also compromise our national security.”**

Barack Obama, 2008, in response to an NTEU questionnaire

administration yet. That should occur in the near future. When a TSA Administrator is appointed and confirmed by the Senate, that person could exercise authority under the ATSA and grant collective bargaining rights. NTEU has drafted a TSA Management Directive for the Administrator, granting collective bargaining rights to TSOs as well as removing TSOs from PASS and placing them on the General Pay Schedule. (Read the draft Management Directive at [www.TSAunion.org](http://www.TSAunion.org).) All the Administrator has to do is sign it.

ing hard to move that bill. Currently there are more than 110 co-sponsors in the House, many who have signed on due to the efforts of TSOs working with NTEU lobbyists.

NTEU will continue working with and on behalf of TSOs to get this bill passed in the House and Senate and signed into law.

### ***How will collective bargaining help me?***

Collective bargaining will improve your work life in many ways. At the bargaining table, NTEU will work to improve performance appraisal, pay, and promotion systems, scheduling and create a fair grievance procedure that ends with an independent arbitrator issuing a binding decision, if necessary.

Thanks to NTEU’s efforts at the bargaining table and in Congress as the exclusive representative for CBP employees, CBP Officers work a scheduled eight-hour day with no split shifts; are paid on the General Schedule, the same pay system most other federal employees are on; have access to a foreign language awards program that pays a 5 percent differential for using a foreign language at a checkpoint; park for free at most airports and receive enhanced Law Enforcement Retirement benefits, among many other benefits.

### ***What can I do to help?***

Join NTEU. Help us start an NTEU Chapter at your airport and help bring change to TSA. We have many TSA airport chapters and are establishing more each month. Our members are writing and meeting with members of Congress to get H.R. 1881 passed. If you want to help, contact NTEU at (866) 591-5735 or e-mail us at [TSA@nteu.org](mailto:TSA@nteu.org)

NTEU President Colleen M. Kelley met with DHS Secretary Janet Napolitano in March and asked her to facilitate action on TSO collective bargaining rights. President Obama is on record as favoring these rights for TSOs. NTEU will continue pushing this option.

As for the collective bargaining law, H.R.1881, a bill granting collective bargaining rights to TSOs and moving them to the GS scale, has been introduced in the House. NTEU is work-



**TAKE ACTION!**

**H.R. 1881, a bill granting collective bargaining rights to TSOs, has been introduced in the House. Urge your member of Congress to support the bill. Visit [TSAunion.org](http://TSAunion.org) and click on the button that says “Collective Bargaining Rights for TSOs.”**

**For more information, contact NTEU at (866) 591-5735 or e-mail us at [TSA@nteu.org](mailto:TSA@nteu.org).**

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