

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-20-26

A RESOLUTION SUPPORTING FULL RIGHTS AND PROTECTIONS FOR TRANSPORTATION SECURITY OFFICERS

WHEREAS, on September 11th, 2001, the United States faced the deadliest terrorist attack in U.S. history, these acts were carried out by terrorists who attacked our nation's aviation security by hijacking and intentionally crashing four passenger airplanes into the twin towers of the World Trade Center in New York, the Pentagon in Virginia, and the fourth believed to target the U.S. Capitol Building in Washington, DC , and resulted in the loss of 2977 innocent lives and had a profound economic impact on the economy of the U.S.;

WHEREAS, failures of the patchwork of private contractors amounted to aviation security described as "permeable" by the 9/11 Commission, studies found that private screeners had inconsistent training and low pay and benefits leading to constant staff turnover;

WHEREAS, Congress acted on the public's demand for the federalizing of airport screening duties so that procedures, training, and personnel were consistent at airports across the U.S. by passing the Aviation and Transportation Security Act, (Public Law 107-71) and created the Transportation Security Administration (TSA) and federalized airport screening duties;

WHEREAS, over 44,000 Transportation Security Officers (TSOs) provide passenger and baggage screening at over 96% of U.S. commercial airports, TSOs are subject to background checks, undergo extensive continuous training, and are certified in their positions annually;

WHEREAS, the TSO workforce remained on the job, performing their duties and protecting the flying public for 35 days without a full pay paycheck during the partial government shutdown from December 2018 – January 2019;

WHEREAS, TSOs are our neighbors in the community and contribute to the local economy by patronizing local businesses and reliably investing their wages where they live;

WHEREAS, in 2018, TSOs discovered 4,239 firearms in carry-on bags at checkpoints, of which 86% were loaded a 7% increase over the previous year;

WHEREAS, the service, commitment, and professionalism of TSOs has prevented the reoccurrence of acts of aviation terrorism against the U.S. since airport screening duties were federalized in November 2001;

WHEREAS, TSA has used interpretations of a statutory footnote in the Aviation and Transportation Security Act (49 U.S.C. 44901) that allows the agency head to "employ, appoint, discipline, terminate, and fix the compensation," including the "terms and condition of employment" to exclude the TSO workforce from the rights and protections afforded most federal workers under Title 5 of the U.S. Code;

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WHEREAS, despite the important service TSOs provide to U.S. commercial aviation and the communities that rely on the integrity of air travel as part of the state and local economy, the average beginning wage for TSOs is about \$35,000, and many animal control workers can earn more than TSOs;

WHEREAS, the stress incurred by the TSO workforce, whose duties require them to quickly and pleasantly screen passengers with 100% accuracy at all times, is increased by low pay, a lack of rights and worker protections, and overwork;

WHEREAS, survey results have shown TSA employees to be among the federal agencies with the lowest morale, and in 2018, the Best Places to Work in the *Federal Government survey* ranked TSA 395th out of 415, and 410 out of 410 in pay;

WHEREAS, uniformed personnel of other Department of Homeland Security components, including Immigration and Customs Enforcement and Customs and Border Patrol officers perform their duties under the rights and protections of Title 5 of the U.S. Code;

WHEREAS, legislation introduced by Representatives Bennie Thompson and Nita Lowey during the 116th session Congress, H.R. 1140, the Rights for Transportation Security Officers Act of 2019 repeals the statutory footnote interpreted as granting the TSA Administrator authority to set the terms and conditions of employment for TSOs and places all workers at TSA under Title 5 of the U.S. Code, and

WHEREAS, a loss of rights to a group of workers is an affront to our entire community, which has prided itself by ensuring that all workers are equal under the law, and that federal TSOs provide the best defense against aviation terrorism.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports the dedicated men and women of the TSO workforce and urges the TSA Administrator to grant TSOs the same rights under Title 5 of the U.S. Code afforded other federal employees and calls on the U.S. Congress to pass legislation that would provide TSOs with the same rights and privileges of other federal employees; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Ronald L. Rice (NJ)

Committee of Jurisdiction: Labor and Workforce Development Policy Committee

Certified by Committee Co-Chair: Senator Ronald L. Rice (NJ)

Ratified in Plenary Session: Ratification Date is December 6, 2019

Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President