

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

June 3, 2021

MEMORANDUM FOR: David P. Pekoske, TSA Administrator
Senior Official Performing the Duties of the Deputy Secretary

Darby LaJoye, Senior Official Performing the Duties of the TSA Administrator

FROM: Alejandro N. Mayorkas
Secretary

SUBJECT: Supporting the TSA Workforce Through Improving the Transportation Security Officer Employment Experience

I am grateful for your leadership of TSA and the many improvements you have made, including improvements in the screening of passengers and baggage, the use of technology, customer service, and our relationship with industry. I am also grateful for the improvements you have made to Transportation Security Officer compensation and conditions of employment.

With respect to our outstanding TSA workforce, there are three areas in which we can achieve further improvements that will benefit the workforce and strengthen the organization. The three areas are:

- Expanding collective bargaining consistent with the policy set forth in President Biden's Executive Order 14025, *Worker Organizing and Empowerment*, to more closely mirror the rights and benefits that are provided to bargaining unit employees under Chapter 71 of Title 5 of the United States Code.
- Providing appeal rights to the Merit System Protection Board (MSPB) and judicial review of MSPB decisions before a United States Court of Appeals.
- Ensuring that TSA screeners are paid at a level that is no less than that of their counterparts on the General Schedule pay scale.

Building on the work that you already have undertaken and to achieve the opportunities for improvement in each of the three areas above, I direct the following administrative actions be taken:

1. TSA will expand the collective bargaining rights of TSO employees consistent with President Biden's Executive Order 14025. This will be accomplished through a revised *Determination on Transportation Security Officers and Collective Bargaining*. The new Determination should permit collective bargaining at the national level to the same extent as permitted under Chapter 71 of Title 5, U.S. Code. Please consult with the American Federation of Government Employees and present a draft *Determination* and proposed implementation timeline to me within sixty (60) days. Measures to address employee compensation are dependent upon future appropriations and therefore cannot be fully addressed in the *Determination*; compensation measures are addressed separately below.
2. TSA will review and evaluate whether its current standards and processes align with those afforded to personnel employed under Title 5 of the United States Code. Until such time that the screening workforce is afforded statutory MSPB appeal rights, the TSA system should afford similar protections to its employees. This system should adhere to the nine (9) Merit Systems Principles and protect against the fourteen (14) Prohibited Personnel Practices described in the MSPB publication, *The Merit System Principles – Keys to Managing the Federal Workforce*. Please provide a report to me, describing TSA's standards and processes and any proposed changes that are warranted, within ninety (90) days.
3. Appropriately compensating TSA employees, including TSOs and Coordination Center Officers, is required to improve the morale and retention of these essential employees. Increasing pay is also dependent upon the availability of future appropriations. In the interim and with the assistance of the Office of the Chief Financial Officer and the Office of the Chief Human Capital Officer, please prepare a plan to implement the appropriate compensation measures rapidly should funding become available. Please present the plan to me within ninety (90) days.

Thank you again for your leadership and for everything you have done and continue to do for TSA, its workforce, and our entire Department.

Cc: Joseph B. Maher, Acting General Counsel
Alexandra Carnes, Acting Assistant Secretary for Legislative Affairs
Randolph D. Alles, Acting Under Secretary for Management
Angela Bailey, Chief Human Capital Officer
Stacy Marcott, Acting Chief Financial Officer