



DeMint Opposes Unionized TSA

Democrats are attacking Republican Senator John DeMint (S.C.) for placing a hold on the confirmation of Erroll Southers to be head of the TSA (Transportation Security Administration). The heart of the controversy is the insistence by Republicans, dating back to the establishment of the office of Homeland Security, that employees of TSA should not be allowed to unionize. DeMint raised this issue by letter almost three months ago.



On October 8, 2009, DeMint by letter asked Southers about the need that Congress saw for a flexible management system for the TSA Administrator, granting broad management discretion. He quoted in his letter from the Aviation Transport and Security Act:

(d) **SCREENER PERSONNEL.**—Notwithstanding any other provision of law, the Under Secretary of Transportation for Security may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.

Senator DeMint went on to point out that prior administrators of TSA have determined that screening personnel fell under this provision and that, consequently, screeners could not unionize. Southers is placed in a strange position. If he finds that screeners may be unionized, then he loses a great deal of authority in the operation of this federal agency. Southers could not manage the agency the way he felt best. Employees who were lazy, rude, incompetent, or dishonest could not be transferred, demoted, or fired by Southers. Instead, all normal management actions would have to comply with negotiated collective bargaining agreements. This would make Southers, largely, unaccountable to the people and to their representatives because he had given much of his authority over agency personnel to a labor union.

What if, as an example, investigation determines that the Nigerian would-be airliner bomber was passed through security by an incompetent screener? At the present time, because the TSA Administrator can hire and fire TSA screeners with relative ease, the administrator can be held to account for his subordinates. Now assume that all screeners were part of a union with a collective bargaining agreement. The TSA Administrator would have to go through a number of procedural steps in order to remove an incompetent or malicious employee. This process could take a long time, and the Administrator could easily lose such an action. In other words, the TSA Administrator could be on record as considering the screener who let Umar Farouk Abdulmutallab through security as a lazy,



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incompetent, or disloyal employee.

The national security implications of union control of screeners should be obvious, particularly in cases when strikes are called. Moreover, unionizing TSA would open the door for unionizing all parts of our national security. But one issue overlooked in the current controversy is whether screeners in airports across the country should have been federalized in the first place.

Photo: Sen. John DeMint



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