

IMPORTANT: This information should not be downloaded using government equipment, read during duty time or sent to others using government equipment, because it suggests action to be taken in support of or against legislation. Do not use your government email address or government phone in contacting your Member of Congress.



The American Federation of Government Employees (AFGE) represents more than 750,000 federal and D.C. government employees. Of those, approximately 45,000 are Transportation Security Officers (TSOs) within TSA.

AFGE Council 100's number one priority is to secure full Title 5 collective bargaining rights and the General Schedule pay system in law. Please become an original cosponsor.

Title 5 provides the framework for both employee and employer rights. It defines the roles and responsibilities for management, the workforce and their unions and provides for an apolitical civil service that is not beholden to or made to change with the whims of electoral politics. It allows for due process at work and a means of reporting unsafe working conditions.

Federal employees do not bargain pay or benefits and cannot strike. Title 5 rights are about having a fair shake when bargaining working conditions, including health and safety measures and having due process in grievance and disciplinary matters.

Collective bargaining rights, including exclusive representative elections, are subject to oversight by the Federal Labor Relations Authority.

Important considerations:

- Most employees in the federal government, including virtually all other employees at the Department of Homeland Security have title 5 rights. This includes border patrol agents, customs agents, ICE agents, federal law enforcement and at the Justice Department, federal corrections employees.
- Title 5 rights do not inhibit the assignment of work by supervisors; it is and will remain the responsibility of the TSA Administrator and his/her assigned management to determine where and how aviation security will be carried out. We do not bargain whether or when a checkpoint will be staffed; we seek to bargain how shifts are bid and how mandatory or voluntary overtime eligibility is determined.
- Having title 5 rights increases retention and reduces turnover. A well-trained professional workforce ensuring aviation security will be stronger with title 5 rights.



We support this legislation which:

- Provides pay under the General Schedule (GS) system, including overtime and night differential pay. This is the fairest and least discriminatory or arbitrary pay system.
- Follows title 5 law with consistent grading and classification of positions based on job duties.
- Provides worker protections under the Family and Medical Leave Act and the Fair Labor Standards Act.
- Allows the right to appeal adverse personnel actions to the Merit Systems Protection Board (MSPB).
- Establishes a list of prohibited personnel practices (including discrimination based on age, race, national origin, religion, marital status, enforcement of legal recourse, political affiliation, or retaliation for filing a discrimination, work safety complaint, or whistleblower disclosure) as well as mechanisms to correct violations.

AFGE asks you to become an original cosponsor of this legislation

What is different about this bill from the bill considered in the 117th Congress?

- 1** Being under title 5 means being on the GS pay scale, but it is no longer a new cost – the agency has shifted to a GS-like scale because they recognized they need it for recruitment and retention; it is important that it be in law rather than just an administrative initiative. The funds for this change were included in the FY23 omnibus appropriations bill and implemented on July 2, 2023.
- 2** The “Determination” referenced in the bill is a new determination and led to a new contract, ratified in March 2024 and pending final agency head review. We seek to codify what is now in practice. To implement these changes, both management and bargaining unit are getting significant training on implementation.

What stays the same?

- 1** No special treatment for TSA personnel – they can be fired for performance or conduct – and fired immediately if they pose a national security threat, just like any other employee of DHS under title 5;
- 2** No right to strike; no bargaining of pay, benefits or how national security is carried out;
- 3** Federal Air Marshal provisions remain intact.