



CONGRESSIONAL TESTIMONY

STATEMENT FOR THE RECORD

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

**PROVIDED TO THE
HOUSE COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON OVERSIGHT, MANAGEMENT AND
ACCOUNTABILITY**

**HEARING ON
*SEVENTEEN YEARS LATER: WHY IS MORALE AT DHS STILL SO LOW***

JANUARY 14, 2020

Chairwoman Torres Small, Ranking Member Crenshaw and Members of the Subcommittee,

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents more than 700,000 federal and District of Columbia employees who serve the American people in 70 different agencies, including the nearly 100,000 employees at agencies within the Department of Homeland Security (DHS) who protect America every day, we appreciate the opportunity to submit a statement for the record on addressing morale at DHS.

Many of the DHS employees AFGE represents put their lives on the line at work every day. They also interact with the public during some of their most challenging and stressful moments. These factors make it essential that the management of DHS place a high priority on employee engagement and morale. And the best way to create engagement and high morale is to participate in effective, collaborative dispute resolution. The resultant improvement in morale would lead to excellence on the job, and a safer and more focused workforce. Every employee at DHS should go to work believing their employer has their back while they have America's back.

Unfortunately, workforce surveys have shown annually that DHS does not promote good morale, and it places a low priority on employee satisfaction or engagement.

While low morale and poor employee engagement plague DHS as a whole, there is variation among the components of the Department. Some agency specific concerns are described below.

Federal Emergency Management Agency (FEMA)

FEMA employees are hired through a rigorous, competitive, merit-based examination process that includes application of veteran's preference. The number of permanent full-time employees needed to carry out successful emergency management and preparedness cannot be short changed. Our employees are over-worked, under resourced, understaffed, and frequently deployed to disaster zones without adequate recuperation time. Permanent full-time employees are outnumbered at FEMA by non-permanent employees.

In 1988 the Stafford Act created two sets of non-permanent employees to be hired during disasters: these include (1) Cadre of On-Call Recovery/Response Employees (CORE) and (2) Disaster Response Workers (DRW) Temporary Workers. CORE and DRW employees are brought on using an expedited hiring process during disasters.

Stafford Act employees are used to supplement permanent employees, which too often results in vacancies for permanent full-time positions going unfilled for extensive periods of time. The agency keeps Stafford Act employees on for much longer than their two to four year contracts. Stafford Act employees should be deployed to disaster zones for a specified amount of time to respond to a specific disaster. These positions were not designed to work with or replace permanent full-time employees on non-disaster work; however, because there is such a need for permanent full-time employees at FEMA, it is not uncommon for Stafford Act employees to work outside of their job descriptions. Identifying permanent full-time vacancies

and filling them would help improve FEMA emergency management and preparedness and improve morale.

Transportation Security Administration (TSA)

The TSA Modernization Act, included in the Federal Aviation Authorization Act of 2018, required the TSA Administrator to convene a Working Group consisting of representatives of TSA and AFGE. Its charge was to recommend reforms to TSA's personnel management system, including appeals to the Merit Systems Protection Board (MSPB). The union made proposals regarding discipline, grievance, fitness for duty and pay in an agency with virtually no workforce protections. AFGE representatives proposed that a representative of the union take part in briefings on Discipline Reform Adverse Actions recommendations. TSA declined this recommendation for engagement, stating that the Working Group was the only forum for input on this matter. When addressing reforms to Fitness for Duty, the union proposed an independent medical examination to ensure transparency. TSA simply responded that it is not needed. Most notably, the agency did not give consideration to access to MSPB or any neutral third-party review of grievances in its personnel management system, which was specifically required in the law and would greatly improve employee morale.

Undermining morale within the TSO workforce is the fact that they are not governed by title 5 U.S.C., a code that applies to most of the federal workforce and specifies employee and management rights and responsibilities, including due process and a reasonable and fair grievance procedure. Congress should enact Chairman Thompson's H.R. 1140, the Rights for Transportation Security Officers Act, according title 5 rights to TSOs and placing them on the General Schedule (GS) pay system.

Additionally, TSA drastically changed the terms of health insurance coverage for part time TSOs to pro-rate the employee share of the premium. TSA was granted and widely uses its authority to have a large portion of its workforce on part-time status to maximize flexibility. Making the part-time TSO workforce pay much more for health care by increasing their share of the premium does not promote good staff morale or a professional workforce. This new policy should be reversed immediately.

U.S. Citizenship and Immigration Services (USCIS)

USCIS has grown at a rapid rate over the past seven years, resulting in management rushing through processes and policies often directed at short-term crises rather than long-term management needs. Even with growth, the agency has a large case backlog dating back to the 1990s, with managers requiring employees to meet higher performance numbers by working through lunch and breaks. Being rushed through their workload leads to stress among officers who feel their charge should be national security, not meeting arbitrary benchmarks.

The agency and the union are currently engaged in contract bargaining. Management repeatedly asserts that the 14,000 employees in the bargaining unit can be easily replaced and proposes arbitrary discipline measures up to the point of termination for even small infractions.

When Acting Director Cuccinelli was appointed, one of his first acts was to tell Asylum Officers they were approving too many applications. These employees were making determinations based on their professional training and the law. Serving as an Asylum Officer is a stressful job under the best of circumstances. Being undermined by top management is a poor strategy that does not serve the workforce, the nation's security or the underlying values of this country. When USCIS Local 1924 Vice President Charles Tjersland was asked in an NPR radio interview whether colleagues had quit as a result of working conditions said, "We're driving away some of the brightest minds, most motivated hearts." To improve employee morale, the agency should be properly resourced and fully authorized to carry out the provisions of the Immigration and Nationality Act without politically motivated interference.

U.S. Coast Guard (USCG)

Just last month, the full Committee heard testimony from a Coast Guard officer about the race and gender discrimination and sexual harassment she endured. She publicly acknowledged others in the room, including civilian workers at USCG represented by AFGC, who reported similar discrimination, harassment and retaliation. Fear of continued oppression and reprisal engenders the very opposite of morale in the workplace, and its reverberations are experienced throughout the agency. USCG, and the entire Department of Homeland Security should hold managers accountable for rooting out any sexual, gender or racial discrimination and enforce a no-tolerance policy in accordance with the law.

Federal Protective Service (FPS)

Federal Protective Service (FPS) agency staffing of uniformed, non-supervisory law enforcement officers is lower now than it has been since before 9/11/2001. There are only 500 operational, uniformed, non-supervisory Law Enforcement Officers in the field. This is not enough staff to effectively or safely carry out the mission of the agency. For example, in FPS Region 6, Western District, between 2015 and 2020 the number of fully trained inspectors decreased by 75 percent from sixteen to only four officers. This is not sufficient to carry out the job and risks the lives of officers and public safety. AFGC recommends an additional 400 operational, uniformed, non-supervisory Law Enforcement Officers be hired and stationed in the field to reach a total of at least 900 officers.

Instead of dedicating sufficient resources to staff the agency with uniformed, non-supervisory personnel, many new non-uniformed, non-law enforcement positions have been created since 2012. FPS should hire the uniformed, non-supervisory law enforcement officers needed to perform the mission of this law enforcement agency.

The Department of Homeland Security has serious failings in its management and leadership throughout its agencies, resulting in low employee morale. There are reports of sexual harassment complaints to managers; issues of low pay have not been addressed; staffing models need to be updated; hiring processes are inconsistent; unfair, unequal and inappropriate discipline is imposed; and managers engage in reprisals against those who seek relief. Moreover, they reject opportunities for greater employee engagement.

AFGE believes that Chairman Thompson's Department of Homeland Security Morale, Recognition, Learning and Engagement Act (DHS MORALE Act), H.R. 1433, would take significant steps to address the issues of low morale faced by the Department's workforce. Most importantly, the promotes employee involvement, including those represented by labor unions, in the decisions that affect their work, and in the case of DHS, sometimes their very lives. We commend Chairman Thompson for expressly including involvement of representatives of employee labor unions in productive employee engagement and improvement in the workplace.

AFGE hopes the Committee will advance H.R. 1433 and continue in its crucial oversight of the management of the DHS workforce.

Thank you for your consideration.