

76981 Los Angeles World Airports

Memorandum

FAA-99-6673-16

To: Federal Aviation Administration
From: Miguel Contreras
RE: Proposed Regulations on Security Screening
Date: April 4, 2000

Due to a regularly scheduled meeting of the LAWA Airport Commission in Los Angeles, I am unable to attend today's hearing in person. I have asked Eddie Iny, my Executive Assistant for Airport Affairs, to read my testimony into the record. Thank you for this opportunity to present comments on the proposed regulations.

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Richard J. Riordan,
Mayor

Board of Airport
Commissioners

John J. Agoglia
President

Patricia Mary Schnegg
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Lidia H. Kennard
Interim Executive Director

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ADMINISTRATION

Los Angeles World Airports

Good morning. My name is Miguel Contreras. I am a Commissioner for the Los Angeles World Airports (LAWA). LAWA has jurisdiction over four Los Angeles area airports including LAX and Ontario. I am also the Secretary-Treasurer for the L.A County Federation of Labor. The Federation represents over 800,000 workers in 350 unions in the Los Angeles region.

Airport security is of the utmost importance to all of the Commissioners at LAX. Over the past two years we have had a number of serious security breaches at the airport that have resulted in the evacuation of thousands of passengers and cancellations many of flights. These breaches reflect poorly on the airport and the City, they undermine the confidence of the traveling public, and most importantly, they could have unnecessarily endangered airline passengers and employees.

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Based on our experiences at LAX, I believe that one of the weakest links in the security system is the inadequate compensation and poor working conditions experienced by our airports security screeners. Screeners have long been recognized as the “front line” in our battle to ensure the safety and security of airline passengers and employees, yet their concerns of low-pay, poor training, understaffing, and employer mismanagement have remained largely unaddressed.

I would like to applaud the FAA’s efforts to address some of these issues as part of the proposed rulemaking on certification of screening companies. However, I believe that we must go further, and have outlined some recommendations, which I will discuss shortly. In order to understand the enormity of the problem, I would first encourage this panel, if you have not done so already, to spend some time talking with the screeners themselves. While the airlines and the subcontractors are regularly consulted on how to improve passenger safety and security, screeners who do the work are never consulted about how to improve the safety and security of airline passengers. I urge you to ask them, as I have, what they need in order to do their jobs better.

As you may be aware, the majority of screeners at LAX have been organizing for a union ~~for~~ the past 18 months. Their efforts have met with fierce employer resistance and I have attempted to assist them in both of my capacities as head of the County Federation of Labor and an Airport Commissioner. Through these efforts, I have had the opportunity to work closely with pre-board screeners at LAX and have found that most screeners take their security responsibilities very seriously. Many have personally stopped guns; knives and other dangerous weapons from entering secure areas. Their essential work is undertaken in an extremely stressful environment. Screeners frequently must contend with a high volume of passengers, many of who are in a hurry and consider the screening process as an unwanted obstacle to reaching their gates. Passengers are often rude, and frequently uncooperative. Security companies **often** exacerbate this situation by not providing enough staffing. not

rotating x-ray monitors in a timely fashion, or simply by treating their employees rudely when they raise concerns. The tremendous amount asked of these employees, coupled with the fact that many must work two jobs in order to survive on poverty wages has lead us to the point where we are today. It is no wonder then that the turnover rates among screeners at our nation's airports are as high as they are.

In Los Angeles, the City Council has addressed some of these more pressing issues by adopting Ordinances that lift standards and retain experienced workers at our airports:

1. **Living Wage Ordinance: Reducing turnover with higher pay.** In 1998 the Los Angeles City Council adopted a "Living Wage Ordinance" to improve the wages and benefits of all workers on City property or doing City services. The Ordinance was adopted unanimously by the City Council, with many Councilmembers citing low wages for LAX security screeners as a key factor for their vote. The Living Wage Ordinance raised the wages of pre-board screeners from minimum wage, or less than \$12,000 a year to over \$18,000 a year.

Increasing pay is one of the single most effective ways to reduce turnover. Since adoption of the Living Wage Ordinance at LAX the rates of turnover for pre-board screeners has declined. According to preliminary findings by the LAWA airport office of badging, there has been a significant decrease in the number of new hires for security screeners since the Living Wage went into effect at LAX. In airports around the world where pre-board screening is considered a career, and screeners earn a decent living and turnover rates are also much lower. In Manchester, England screeners make more than twice the salary of their minimum wage US counterparts, along with full benefits and have only a 1 percent annual turnover. ("*The Manchester Method: English airport's approach draws U.S. attention;*" Newday.com).

According to testimony from the US. General Accounting Office, turnover among our airport's screeners reaches 400% in some airports. These high turnover rates severely undercut the effectiveness and efficiency of our airport security. Every time a screener leaves their job to find a better one, there is one more worker that must be retrained. High turnover rates mean that we are constantly losing qualified individuals who have benefited from on-the-job training, and we lose the transfer of knowledge that is passed on from one worker to another.

2. **Retaining Qualified Workers When Contractors Change: LA's Worker Retention Ordinance.** Another essential mechanism for ensuring that experienced workers remain on the job is to protect the jobs of qualified workers jobs when airlines switch security contractors. The City of Los Angeles passed the Worker Retention Ordinance in 1998 with this in mind. The Ordinance

requires the incoming sub-contractor to offer work to all qualified employees of the incumbent firm.

In passing the Ordinance, the City Council acknowledged that workers have useful knowledge that can only be gained through on the job experience, including invaluable knowledge of workplace rules, practices, the needs of airline clients and more experience in performing their tasks. Replacing these workers with inexperienced workers decreases the efficiency and effectiveness of the screeners by replacing a seasoned crew with a less experienced group of workers. Finally, screeners who fear being replaced if an airline decides to change contractors will be less likely to act as whistle-blowers because doing so would jeopardize their employment with the subsequent firm.

San Francisco recently passed a “Quality Standards Program” that addresses many of the training, hiring, management and oversight issues that we are concerned about in Los Angeles. I am currently reviewing this program and considering ways in which we might adopt some of the key elements for our Los Angeles airports.

Initiatives like those adopted by the cities of Los Angeles and San Francisco are essential to raising the standards for screening companies at our airports and are a positive way to augment the regulations under consideration by the FAA today. I understand that there has been testimony calling for federal preemption of local ordinances. As an Airport Commissioner, I am totally opposed to federal preemption. I do believe that federal standards must be strong and provide minimum levels so that local initiatives can not go below the standards set by the FAA, however, we must have the ability to improve on the standards by enacting and enforcing local ordinances which fit the particular needs of the local situation better. Creating a rigid federal preemption, would unnecessarily prevent local authorities from enacting such innovative initiatives as discussed above or from experimenting with more stringent standards.

Additionally, the role that screening companies play in providing access control to City-owned airport properties necessitates some degree of City oversight of these security operations. The City and the airport must continue to be allowed to ensure that security and screening contractors maintain the highest possible security standards. I urge the FAA to continue to allow local authorities to innovate and enhance security at local airports by explicitly protecting this right as part of the new regulations.

In response to the proposed rulemaking, I have some recommendations as to how the proposed rules could be enhanced, based on our experiences at LAX:

1. **Increased wages.** As discussed previously, wage increases for screeners must be incorporated into any program designed to reduce turnover. The Living Wage Ordinance is an example of a local regulation that the FAA should clarify would

not be preempted.

2. **Right to organize unions.** The rulemaking should explicitly protect screener's right to organize unions and penalize companies that violate labor laws. Unions are the best way for screeners to address many of the wage and working condition issues that undermine our aviation security programs. At LAX, screeners who have attempted to organize into unions have been illegally intimidated, threatened, and suspended by the security company management. Companies that willingly violate the law have no business managing airport security.
3. **Whistle-blower protection.** Screeners need to be able to speak out without fear of retribution when they see supervisors or managers who violate safety and security regulations.
4. **Improved and increased training.** Screeners at LAX complain that the training they receive is inadequate to meet all of the inter-personal, regulatory, and technical demands of their jobs. They need training that is both comprehensive and recurrent to ensure that they are able to handle any security situation in a competent and professional manner.
5. **Adequate staffing.** Ensure adequate staffing levels and pursue understaffing violations vigilantly. Screeners at LAX have complained that their security check points are staffed with the bare number of employees required to complete their work in an effective and comprehensive manner. Additionally, workers have reported that sometimes security companies do not replace workers who do not show up for work, leaving the checkpoints understaffed.

At times of high passenger traffic, screeners are under extreme pressure to move people through security while completely inspecting each passenger and their luggage. Short staffing can result in long lines and missed flights for passengers as they get backed up at screening check points. At worst, it could result in passengers being able to sneak past overburdened checkpoints.

6. **Timely rotation for x-ray monitors.** Ensure that x-ray monitors are rotated every 30 minutes. After thirty minutes, screeners have complained that they experience blurry vision, headaches, and a loss of concentration. Although it is common practice for screeners to be rotated after 30 minutes, screeners at LAX have reported that they often have to stay at the x-ray machine for over 90 minutes. An **Argenbright** screener with United reported to City Council, "Workers have been left at the monitor for almost two hours. After 30 minutes, our vision gets blurry, we get headaches and it is hard to concentrate. We need to be able to make sure that these supervisors rotate us every thirty minutes and we need someone to talk to when the supervisors refuse."

- 7 **Standardized screener participation in safety and security programs.**
Screeners need a formal and ongoing process for involvement in the issues of passenger safety and security. Last year, over 60 screeners at LAX signed a petition to the FAA raising many of the issues discussed previously. Ultimately, they were able to secure a meeting with a FAA official; however, they never received any follow-up. We need to take screeners' concerns seriously.

- 8 **Retain the ability of local airport or municipal authorities to enact their own ordinances and initiatives.** As discussed previously, we have been successful in Los Angeles and in San Francisco at enacting ordinances that enhance our security systems. By lifting wages, increasing training, and lowering turnover rates we are able to build upon the standards and regulations adopted by the FAA to govern this industry. Furthermore, cities and local airport authorities have a clear proprietary interest in monitoring and regulating security companies that control access to City-owned airport property. It is essential that any new FAA rules do not unnecessarily infringe upon these obligations and opportunities to fortify security at our nation's airports. Rather, FAA regulations should serve as a minimum standard by which all screening companies must abide, while explicitly protecting the ability of cities like Los Angeles and San Francisco to enact regulations that compliment and strengthen these regulations.

I appreciate this opportunity to speak today before this panel and am happy to answer any additional questions. Thank you for your time.

Miguel Contreras
Airport Commissioner, Los Angeles World Airports
Secretary-Treasurer, Los Angeles County Federation of Labor

April 4, 2000