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Testimony Before the Federal Aviation
Administration Regarding the Proposed Rule on
Certification of Screening Companies

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My name is Shelley Kessler and I am the Executive Secretary-Treasurer of the San Mateo Central Labor Council and have served with the Labor Council for 14 years. Before that, I was a mechanic at Westinghouse Electric, where I used to build engines for aircraft carriers and Trident submarines.

I testify today on behalf of the San Mateo County Central Labor Council, AFL-CIO and the San Francisco Airport Labor Coalition. The San Mateo Central Labor Council is made of 75,000 members and their families at 110 locals. The Airport Labor Coalition (ALC), formed in 1975, is a group of unions that represent approximately 35,000 workers at San Francisco Airport. We represent public employees, custodians, concession workers, mechanics, fuelers, plane cleaners, baggage handlers, flight attendants, pilots, firefighters, police officers, airport staff and many of the building and construction trades workers, among others.

Over the years, both the San Mateo CLC and the ALC have worked on issues of importance to workers at the airport. These have, of course, included the bread and butter issues of wages, benefits, and job security. But they have also addressed such issues as:

- Trainings about health and safety on the job.
- Training on how to deal with AIDS in the workplace.
- The impact of airport noise in the community and on the job.
- Creating an extended-hour child care center that primarily serves airport employees whether they belong to a union or not -- PALCARE
- Working with airport staff to make sure employees are properly "badged," in response to an FAA review of airport security in 1999.
- Working with airport staff to ensure safety and security regarding access to secured areas of the airport.

In sum, labor unions have had a good working relationship with the San Francisco Airport on a variety of issues over the last 30 years, including issues of safety and security. I would like to now address another program we have been working on with the airport.

Quality Standards Program (QSP)

In November, 1999, the San Francisco Airport Commission adopted the Quality Standards Program that places additional requirements on companies involved in safety and security. By building on current FAA regulations, this program addresses training, hiring, equipment, and compensation standards that the airport felt would reduce security breaches and ensure the welfare of the traveling public. Labor and our allies fought hard for certain parts of that Quality Standards Program and we believe, on the whole, it represents a great improvement for workers and passengers.

The Quality Standards Program addresses a number of areas that will directly lead to safety and security improvements:

- Compensation – The program provides for a minimum hourly wage of \$9.00 with benefits or \$10.25 without benefits.
- Training -- The program requires initial and recurrent worker trainings and record retention guidelines.
- Equipment Standards – The program mandates each employer must have a preventive maintenance program in place, including radiation safety requirements.
- Management and Oversight – The program ensures that management has procedures in place to monitor, report, and correct problems.

The QSP covers all workers directly impacting safety and security, including security screeners, perimeter control personnel, ramp workers, and others who have access to planes and the ramp area. Only employers meeting its requirements will receive a certification allowing them to do business at the airport.

Until today, skycaps were excluded from this program. Through an on-going dialogue with the San Francisco Airport Commission and Airport staff concerning the security responsibilities of skycaps, I am happy to report that they too will now be covered by the provisions of this program.

Clearly, the San Francisco Airport is ahead of the game in addressing many of the same issues as your proposed rule. However, as you can see, the QSP clearly goes farther than you have proposed to do in some areas -- most specifically in terms of compensation for security personnel.

Addressing Turnover

The FAA, GAO, and members of Congress have highlighted the high turnover of security screeners as one of the most pressing problems in addressing improved safety and security. However, your proposed rule does not address the main cause of that turnover -- poor working conditions. What makes a workplace sub-standard is often a complex inter-relation of many factors, but I would like to touch on a few from my experience are common to most workplaces:

Wages: I can sum this up simply -- You get what you pay for. The GAO highlighted instances where screeners made less than fast food workers at the same airport. At San Francisco Airport, until the implementation of the Quality Standards Program, we had screeners making less than \$12,000 per year. This is an unacceptably low wage anywhere and it is disgraceful for the Bay Area where the cost of living is 74 percent higher than the national average. If we hope to have good safety and security in this country, poverty wages should not be allowed anywhere.

Workers will always have one foot out the door in that kind of situation. The QSP specifically addresses this area by raising wages to at least \$9.00 per hour with benefits or \$10.25 without.

The wage improvements are a key component of the **QSP**. I am told there has already been a reduction in turnover and an increase in job **applications** even though the wage component just took affect four days ago.

Benefits. The straight wage rate does not always indicate how a person is compensated. Family health insurance, pension, sick leave, vacation, and other benefits can make all the difference in the world to people trying to get by on low-pay. To encourage employers to address these types of benefits, the **QSP** provides for a reduced wage of **\$9.00** if benefits are provided, versus the **\$10.25** if not.

Staffing: The responsibilities that workers are expected to fulfill during a workday can have a dramatic impact on how they feel about their work. Examples of how staffing issues directly or indirectly affect work include how much time someone spends doing a repetitive task, the number and frequency of breaks they receive, and the level of responsibility they have. The FAA already-has some requirements in this area and the **QSP** has additional management and oversight requirements.

Job Security: The issue of **job** security comes in two forms. The first involves the protections workers have to speak up publicly about problems at work, be they safety or security or otherwise. While a union contract is probably the best protection workers have for being fired without cause, workers need regulatory protections as well. Security personnel are our front line of defense and when they see machinery that does not work, improper procedures being encouraged, or other safety and security problems, they need to have the protections to speak out. They also need a place to report their concerns that will ensure they have job protections. Whistle-blower type protections are very important, especially if security is at risk of being compromised.

Contractor turnover is probably only second to compensation in terms of impacting turnover. In the turbulent world of contract labor, screening companies can be replaced on 30-days notice. The often overlooked impact of this is the thousands of workers who lose their job for no good reason. The approach of “throwing the baby out with the bathwater” is very counterproductive and targets **workers** as scapegoats when they may not be the problem.

In the introduction to the proposed rule, the FAA expresses concern “about situations in which incoming companies use the same equipment and hire the same employees from the unsatisfactory companies and make no real change in the quality of screening.” This could be read to infer that new screening companies should **replace** the old workers. I would strongly oppose this view. Good management, new equipment, better compensation and a host of other variables can make all the difference in a working environment. Workers should not be replaced without clear proof that quality problems are directly related to their individual performance. I would encourage the FAA to require incoming screener companies to retain the current workforce and only if a worker does not meet a new company’s legitimate expectations after a trial period should a worker be replaced. Replacing workers without cause is wrong from a safety standpoint and wrong **from** a human standpoint.

Management: While probably an area that is harder for the FAA to address, management's skills are probably one of the most overlooked elements of job satisfaction and of safety and security operations. Arbitrary decisions, favoritism, and outright mismanagement are some of the most demoralizing problems workers face on a day to day basis. Mismanagement is, in my opinion, the most common reason for security breaches and other safety and security problems. I have heard too many stories **from** workers about how mismanagement has led to safety and security problems and outright violations of the law. In my mind, workers organizing for a voice on the job often best addresses this issue, but it is also an area where the FAA should look into playing a more active role. This is another reason to strengthen whistle blower protection rights and regulatory enforcement. Workers are the best source of identifying poor management and they need a system for reporting and following up on violations.

As the FAA moves forward with this proposed rule and beyond, I urge you to keep these areas in mind because they are the root causes of turnover. When I talk to workers who raise these concerns, I tell them: join a union. With a union, workers can have a voice to raise these concerns without the fear of retribution hanging over them.

However, workers cannot do this alone. The FAA and the San Francisco Airport have a responsibility to do whatever they can to improve safety and security. I believe that the best way to do that is to create a higher standard with which every company must comply. In other words -
- Raise the Floor. The labor unions that represent workers at San Francisco Airport realize that businesses operate in a competitive environment. Because the burden of airport security in this country falls on the airlines and not on a public authority, profits and not security, tend to be the primary focus. One company cannot institute significantly higher training standards or higher compensation packages without incurring higher costs. Unfortunately, in the overly competitive world of contract labor this usually means that companies lose accounts and workers lose their jobs when they try to make improvements. Nobody wins in that situation.

For that reason, it is vitally important that the FAA do what it can to raise the standards for all screening companies and support the Quality Standards Program and other programs like it. The federal government, has long made provisions to protect workers from irresponsible government contractors through the Davis-Bacon Act, the Service Contract Act, and other laws. Many states, including California, have instituted similar legislation.

Recommendations

Improving the oversight and regulation of screening companies is the next step in addressing what truly is a weak link in the security net. However, I would like to emphasize a number of points where I feel the proposed rules fall short or need clarification.

First, the FAA should clarify that the current proposed rule should be seen as establishing a floor, not a ceiling. I am aware that you have received testimony calling for federal preemption of all local ordinances which attempt to regulate in this arena. While it is clearly under the purview of the FAA to have national oversight of safety and security, I urge you to make it clear for the record that you are not trying to discourage airports and other local authorities from continuing to

make airports safer. Airports need to have the ability to address the particular populations they serve and market forces in which they operate. The will to take initiatives in this area should be applauded, not stopped.

Secondarily, I would also make the following suggestions to the proposed rule

- While we support increased **FAA** oversight of screening companies, it is important to emphasize that they are still sub-contractors of airlines. Airlines can typically replace screener companies on short notice. Screening companies must go through a competitive bidding process with the airlines and more often than not, the airlines reward the low bidder. An airline that forces contractors to skimp on staffing in order to drive down labor costs is irresponsible and creates security breaches. I urge you to continue to hold airlines fully responsible for violations by their screening contractors.
- If the **FAA** will not address wage rates in their rule, I want to reemphasize the FAA should clarify that this rule would not preempt local ordinances which make improvements to the working conditions of security personnel. The current federal minimum wage of **\$5.15** per hour is clearly too low and individual airport authorities should have the right to address this.
- I strongly urge that you consider adding worker retention language to the Rule in order to ensure that we do not lose qualified, experienced security personnel for no reason. Many localities have adopted worker retention language that requires new contractors to put workers from a previous contractor on a priority list for new hires. These workers' performance must meet any new standards, but unnecessary turnover is avoided. Without worker retention, too many qualified workers are lost for no reason. This has terrible social impacts, increased retraining costs, and hurts safety and security.
- I urge you to make all information regarding inspections and certifications of screening companies available to the public. These certifications should include a review of the company's compliance with all state and local laws. **Full disclosure** should be made of violations of health and safety, wage and labor laws. These are clear indicators of company mismanagement, which could lead to problems with safety and security. Obviously, the FAA should consider these factors as part of their certification process for screening companies.
- Finally I urge the FAA to promptly investigate complaints, by employees who have an inside view of operations and protect their right to do so. Too often workers will not speak out for fear of retaliation, insufficient knowledge of how to report violations, or belief that their concerns will not be addressed. I urge the FAA to protect the rights of employees who make a complaint. Furthermore, the results of all investigations should be made public as soon as possible.

I would like to thank the FAA for their efforts to address the safety and security problems

connected to third party contractors responsible for security at airports. For too long we have ignored the working conditions of the employees **who** are probably most responsible for our safety and security. Please make sure you consider the human beings who operate on the front lines of airport security in your rulemaking efforts.