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**COMMENTS OF THE TRANSPORTATION TRADES
DEPARTMENT, AFL-CIO**

**U.S. DEPARTMENT OF TRANSPORTATION
CERTIFICATION OF SCREENING COMPANIES
WASHINGTON, DC**

DOCKET NO. FAA-1999-6673 - 35

May 4, 2000

The Transportation Trades Department, AFL-CIO (TTD) is pleased to submit the following comments in response to the above captioned notice of proposed rulemaking (NPRM) published by the Federal Aviation Administration (FAA) on January 5, 2000. TTD represents 28 transportation unions whose millions of members include workers in the aviation, rail, transit, trucking, highway, longshore and related industries. The Service Employees International Union (SEIU) and the Air Line Pilots Association (ALPA) have also filed comments in response to this notice and we concur with their separate views expressed in this important proceeding.

In 1996, both the Congress and the White House called for improvements in aviation security. The White House Commission on Aviation Safety and Security (The Gore Commission) explicitly recommended certifying screening companies and improving screener performance. The Federal Aviation Administration Reauthorization Act of 1996 (P.L. 104-264) also included a directive to "certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards for providing security screening services."

TTD commends this Administration and specifically the U.S. Department of Transportation (DOT) for their commitment to aviation safety. Further, we are pleased that the FAA is moving ahead to address this vitally important matter of public policy. However, as reflected herein, we believe there are several areas which need to be further addressed in order to provide an adequate level of safety for those who rely on air travel and the workers who make transportation by air possible.

'Attached at I is a list of TTD's affiliated unions.



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Sonny Hall, President | Patricia Friend, Secretary-Treasurer
Edward Wytkind, Executive Director

In the NPRM, the FAA attributes poor screener performance to high turnover rates and inadequate attention to human factors. In recent testimony before Congress, the U.S. General Accounting Office (GAO) and the DOT Inspector General (IG) also cited these conditions as major factors contributing to screener performance problems.²

While the NPRM refers to turnover rates of 100 percent in many locations, GAO testified before both the Senate Commerce, Science and Transportation Committee and the House Aviation Subcommittee earlier this year of turnover rates near or above 400 percent. Such high turnover rates are unacceptable and, in fact, make retention of qualified and skilled screeners an almost impossible objective to achieve. High turnover rates significantly undercut the effectiveness and efficiency of airport security, and expose our aviation security system to unnecessary threats posed by our nation's over reliance and, frankly, acceptance of an understaffed and poorly trained screener workforce.

Despite their safety-sensitive duties and responsibilities, airport security screeners are among the most poorly compensated in the U.S. workforce. Generally security screeners earn a minimum wage and receive few if any benefits. Incredulously, it is common for starting wages at fast food restaurants in airports to be higher than regular screener pay. Because security screening is the responsibility of individual airlines, contracts with screening companies are typically determined by the bottom-line. In fact, a hearing before the House Aviation Subcommittee on March 16, 2000 revealed that air carriers choose a screening company based on the lowest bid the vast majority of the time.

Security screeners, along with airline passenger service and other ground personnel, are our last line of defense against terrorism and "air rage" in our skies. Every day, they are charged with protecting millions of passengers, workers, equipment and cargo. This is a burden for which they should be adequately compensated and a task for which they should be well trained. Recently, Los Angeles adopted a living wage ordinance to improve the wages and benefits of all workers on City property or performing City services. The ordinance was passed unanimously, largely due to the fact that screeners at Los Angeles International Airport (LAX) received only a minimum wage. Since the ordinance has taken effect, screener wages have risen from \$12,000 per year to more than \$18,000 and turnover has reduced.

In San Francisco, a quality standards program goes beyond wage issues to place additional requirements on companies involved in safety and security. The program builds on current FAA regulations for aviation workers by addressing training, hiring, compensation and equipment standards which the local airport authority believes will reduce security breaches and ensure the safety and welfare of the traveling public.

²DOT IG and GAO testimonies before the Subcommittee on Aviation, U.S. House of Representatives, March 16, 2000 and before the Commerce, Science and Transportation Committee, U.S. Senate, April 6, 2000.

These initiatives are a positive way to augment federal regulations based on needs specific to each community. It is clear that any federal preemption of local ordinances that would serve to make the FAA statute the ceiling for security rather than the floor must be rejected as it would fly counter to the collective goal of making airports safer. The federal standards the FAA is proposing should provide the *minimum* level of security for airports. As the FAA considers the proposed rule, TTD urges the Administration to bar any federal preemption proposal that would inhibit localities from moving beyond the minimum standards in order to compliment and strengthen these regulations.

According to the GAO, the FAA has made efforts to address the human factors problem: of screeners at our nation's airports.³ However, the progress has been slow. Screening responsibilities require intense monitoring and repetitive tasks. The job is stressful and tedious and it is rare for a dangerous object to be observed. Yet screeners must be well trained and prepared for such an occurrence, thereby making adequate training and supervision essential. §111.215(b) in the NPRM requires a substantial increase in on the job training. TTD supports additional and recurrent training requirements and supervisory regulations.

The work environment must also be conducive for optimal performance. Regular rotation, especially of x-ray equipment, is necessary. Proposed § 111.203(d) of the NPRM requires that screening companies comply with x-ray operator duty time limitations. Adequate staffing is another concern as overworked screeners at understaffed locations are a clear threat to security. TTD believes that adequate staffing and duty time limitations are critical.

It is our view that the most efficient means to retain high quality, skilled workers is to provide them with the resources they need to do their jobs effectively, including adequate training and supervision, a positive working environment, and up to date, functioning equipment. Furthermore, we must compensate them justly by adjusting screener pay to more adequately reflect the importance of their job and provide benefits that ensure a true living wage.

TTD believes that if the Administration is serious about raising safety and performance standards among airport security screeners, then the rights of these workers to freely choose union representation and to bargaining collectively offer the best method to achieving the desired outcome. Screeners must have the explicit right to organize and bargain collectively without illegal threats or intimidation, a problem that drew attention at a recent hearing before the FAA in San Francisco, California.⁴ In a clear illustration of the length to which screening employers will go to deny their employees the right to collective bargaining and union representation, last year the National Labor Relations Board upheld the right of the Service Employees International Union, Local 1877 to strike Argenbright Security, Inc. which had argued, unsuccessfully, that Local 1877 had engaged in unfair labor practices.

³Testimony before the Commerce, Science and Transportation Committee, U.S. Senate, April 6, 2000.

⁴Testimony of Stacey Pitts, a security screener employed by Argenbright, a screening contractor for Delta Airlines at Los Angeles International Airport, before the Federal Aviation Administration, San Francisco, California, April 4, 2000.

Whistleblower protection is another issue that must be considered by the FAA in this proceeding. Union representation is a critical link in giving workers the confidence that they can speak out on unsafe working conditions or breaches in security without the fear of employer reprisal. When a worker such as a screener witnesses or even detects a violation of safety or security rules, he or she must step forward with the knowledge that vigilance will be met with swift action, not a reprimand. Without a measure of protection in place assuring that speaking out will not jeopardize job security, workers may remain silent, having potentially dire consequences for the traveling public. To that end, TTD supports the inclusion of whistleblower protections for airport security screeners.

Recently, the FAA charged two separate security companies with serious security violations.⁵ At Philadelphia International Airport, a screening company allowed untrained employees, some with alleged criminal backgrounds, to staff security screening locations. A screening company operating at Miami International Airport was fined and placed on probation for failing to perform the proper background checks and to complete employment verification forms for workers “at least 70 times in 1998.” It is clear from these two incidents that screening companies are more interested in profits than safety and that simply tightening federal standards will not accomplish our shared objective of improving safety standards at airports.

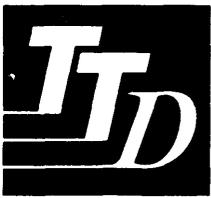
Perhaps the federal government should consider taking responsibility for screening out of the hands of private enterprise and to vest the responsibilities in a public entity such as the airport authorities or the FAA itself. Security screening in most other countries is the responsibility of the government or airport, not the airlines.⁶ While we have a larger, more complex aviation system than most other countries, our security systems are not up to par. Clearly a step toward the federalization of our airport security screeners would necessitate additional review; however, consideration of such a proposal is warranted.

Reports of screening companies in violation of FAA training and background check regulations, high rates of turnover and a lack of adequate training of security screeners lead to increasing concern about the safety and security of our nation’s airports and those who rely on air travel. Security screeners are a critical safety and security link in our very sophisticated aviation system. We must provide them with more tools to do their jobs effectively and we must compensate them justly for the grave responsibilities with which they are charged. TTD is convinced that living wages, additional and improved training, adequate staffing and employee protections including collective bargaining rights are steps in the right direction to making our airports and our skies safer.

We appreciate this opportunity to present our views and urge the FAA to incorporate these comments and those submitted separately by TTD member unions when crafting a rule to certify screening companies and improve screener performance.

⁵Attached at II are news articles by the *Associated Press*, *Miami Herald*, *Philadelphia Inquirer*, *Philadelphia Daily News* and the *Journal of Commerce*.

⁶Statements by Reps. James Oberstar (D-MN) and William Lipinski (D-IL) at a hearing. of the Subcommittee on Aviation, U.S. House of Representatives, March 16, 2000.



TTD AFFILIATES

The following labor organizations are members of and represented by the TTD:

*Air Line Pilots Association
Amalgamated Transit Union
American Federation of State, County and Municipal Employees
American Federation of Teachers
Association of Flight Attendants
American Train Dispatchers Department
Brotherhood of Locomotive Engineers
Brotherhood of Maintenance of Way **Employes**
Brotherhood of Railroad Signalmen
Communications Workers of America
Hotel Employees and Restaurant Employees Union
International Association of Fire Fighters
International Association of Machinists and Aerospace Workers
International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers
International Brotherhood of Electrical Workers
International Brotherhood of Teamsters
International Longshoremen's and **Warehousemen's** Union
International Union of Operating Engineers
Marine Engineers Beneficial Association
National Air **Traffic** Controllers Association
Professional Airways Systems Specialists
Retail, Wholesale and Department Store Union
Service Employees International Union
Sheet **Metal** Workers International Association
Transportation • Communications International Union
Transport Workers Union of America
United Mine Workers of America
United Steelworkers of America*

March 2000

Associated Press

March 28, 2000

Airport security company pleads guilty

MIAMI (AP) — An airport security firm was sentenced Monday to two years' probation and **\$110,000** in fines and restitution for failing to do background checks and complete employment forms for personnel at Miami International Airport.

Aviation Safeguards of Florida Inc. agreed to a plea bargain in December. The company could have faced up to **\$500,000** in fines and five years' probation if convicted.

According to court records, Aviation Safeguards failed to complete employment verifications, including criminal history checks, at least **70** times in **1998**, then lied about the lapses to federal regulators.

In some cases, the employment applications and verifications weren't completed until after employees had been given access to secure airport areas.

The charges stemmed from the actions of the company's former general manager in Miami, **Guillermo Blanco**, who pleaded guilty last year to **22** counts of giving false statements to the Federal Aviation Administration.

Aviation Safeguards provides security personnel, wheelchair operators, luggage screeners and scanners to small airlines that do not have their own.

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On the Net: Federal Aviation Administration: <http://www.faa.gov/>

Miami International Airport: <http://www.miami-airport.com/>

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Miami Herald
March 28, 2000

Supervisor's acts cost airport firm over \$100,000

Herald staff report

An aviation company was sentenced Monday to two years' probation and **\$110,000** in fines and restitution for the actions of a renegade supervisor at Miami International Airport.

Aviation Safeguards of Florida's former general manager allowed at least **22** employees into secure areas of the airport without required background checks and then lied to authorities, federal prosecutors said.

When the charges against Aviation Safeguards were announced last month, authorities said the case raised "serious implications" about the safety of passengers at Miami International. There is no evidence, however, that any flights were endangered.

The sentence issued by U.S. District Court Judge Patricia A. **Seitz** followed the recommendations of a settlement agreement between the U.S. attorney's **office** and company lawyers.

The sentence included a restitution payment of **\$100,000** to Miami-Dade Aviation Department's identification section, which will help pay for procedures and equipment to protect the public. The company also had to pay a **\$10,000** fine and develop a compliance program to ensure it is following Federal Aviation Administration regulations.

"Their program completely revamps the training of their employees and imposes corporate sanctions for violating even their own rules -- it has some teeth to it," said First Assistant U.S. Attorney Guy Lewis. "They've spent about **\$175,000** so far on this program, and we're very pleased with their turnaround."

Aviation Safeguards, a New York corporation, provides security personnel, wheelchair operators, luggage screeners and scanners to some of the smaller airlines that do not have their own security staff, authorities said.

The charges stem from the actions of the company's former general manager in Miami, **Guillermo Blanco**, now serving more than five years in federal prison after pleading guilty in January **1999** to **22** felony counts of giving false statements about background checks to the FAA.

Authorities believe **Blanco** hired whomever he pleased, didn't do the required and sometimes costly background checks, and then said he did. There is no evidence that company executives either knew of or condoned **Blanco's** activity. But since the company benefited, prosecutors charged the company criminally.

Blanco, a former Miami-Dade Police officer, left his nine-year career in **1986** under the weight of **28** allegations investigated by internal affairs in which he was accused of drinking with and taking inappropriate photos of teenage boys he supervised in the Police Explorer program.

He was also accused of strip-searching a motorist and making inappropriate advances on one male driver he pulled over while in his personal car.

In **1998**, federal authorities charged **Blanco** with five interstate commerce violations for taking a **14-year-old** boy across state lines for sex.

Blanco pleaded guilty to those charges along with the false statements about background checks.

Philadelphia Inquirer

April 18, 2000

Airport security firm is charged

The company and 3 workers at Phila. International are accused of faking training and background checks.

**By Joseph A. Slobodzian
INQUIRER STAFF WRITER**

The company that handles **predeparture** security checkpoints at Philadelphia International Airport will plead guilty to federal fraud charges and pay a **\$1.2 million fine** for falsifying training and background information on some workers, officials said yesterday.

Argenbright Holdings Limited, of Atlanta, issued a statement as U.S. Attorney Michael R. Stiles announced criminal charges against the company and three former managers in Philadelphia.

There was no evidence that the scheme, which ran **from 1995** through last year, caused personal injury to airline passengers or harmed airline equipment or facilities, Stiles said at a Center City news conference.

Nevertheless, Stiles said, the decision by **Argenbright's** managers not to conduct criminal history and background checks resulted in many individuals being hired for security jobs who would have been barred by law. Among those, the criminal charges allege, was a person hired in **1999** with felony convictions for forgery, burglary and aggravated robbery, as well as prior arrests (but not convictions) on charges of attempted murder, assault and **firearms** violations.

"We all tolerate the lines and inconvenience and delays," said Stiles, who added that he hoped the prosecution reassured the flying public. "We believe the safety regulations of the FAA [Federal Aviation Administration] should be taken seriously."

Todd **Zinser**, assistant inspector general for the U.S. Department of Transportation, said the FAA had spent **\$550 million** nationwide to improve airport security since **1997** but added that "all of that money and all that equipment . . . relies on the integrity of the human beings involved."

In addition to falsely certifying training and background checks of about 4 percent of **Argenbright's 1,300** employees at Philadelphia, Stiles said, the three managers overbilled Delta, United, American and Northwest Airlines by a total of **\$220,000** for services never provided. In addition to staffing security magnetometers and X-ray machines, the company provides skycap and cargo-handling workers.

Edwin **R. Mellett**, vice chairman and co-chief executive officer for **Argenbright's** parent, **AHL Services Inc.**, said the company also would reimburse **\$350,000** to the four airlines at the Philadelphia airport.

Mellett said the criminal behavior was limited to the three former employees at Philadelphia. The company cooperated in the investigation.

The company faces two counts of making false statements to the FAA. In addition, three former employees were charged yesterday by the U.S. Attorney's Office in the criminal information. They are:

Steven E. Saffer, 49, of Newark, Del., **Argenbright's** Philadelphia district manager, who is charged with conspiracy to make false statements to the FAA, making false statements to the FAA, conspiracy to commit mail and wire fraud, mail fraud, and obstruction of an FAA investigation.

Sandra H. Lawrence, 61, of Ridley Park, **Argenbright's** administrative manager in Philadelphia, who is charged in the two conspiracy counts, making false statements to the FAA, and mail fraud.

Helen Fields, 56, of Southwest Philadelphia, **Argenbright's** local personnel manager and recruiter, who is charged with conspiracy to make false statements to the FAA.

Lawrence's attorney, **Saul H. Segan**, said she began cooperating with authorities when first confronted and would plead guilty. "She was under a lot of pressure from her supervisors. Sometimes people get caught in a web and get deeper and deeper before they realize the significance," **Segan** added.

Lawyers for **Saffer** and **Fields** could not be reached for comment.

Philadelphia Daily News

April 18, 2000

Airport security here was less than secure

*by John F. Morrison
Daily News Staff Writer*

The airport that brings you faulty radar, high prices, long delays and an occasional flock of geese heading for your plane's jets now turns out to have been harboring a bunch of untrained and criminally suspect people working in its security.

An airport security company said yesterday it has agreed to pay \$1.2 million in fines and investigative costs to settle charges that it allowed untrained employees, some with criminal backgrounds, to operate checkpoints at Philadelphia International Airport.

U.S. Attorney Michael R. Stiles said no harm to planes or passengers resulted, but the violations of Federal Aviation Administration regulations posed "a significant potential for that type of tragedy."

Argenbright Holdings Ltd. and three former employees faced felony charges relating to inadequate training, testing and background checks of employees who staffed magnetometers and airport security checkpoints at the airport, Stiles said.

The company said it had dismissed Steven E. Saffir, 49, of Newark, Del., former district manager of the Philadelphia office; Sandra H. Lawrence, 61, of Ridley Park, former administrative manager; and Helen Fields, 56, of Philadelphia, former personnel manager. They were charged with conspiracy to make false statements and provide false certifications that the company had complied with FAA regulations.

Stiles said Lawrence and Fields created phony general equivalency diploma certificates for six employees' files, falsified test scores for at least two dozen applicants and hired at least 14 security screeners who had criminal records that included aggravated assault, burglary, drug and firearms possession convictions.

Airport spokesman Mark Pesce said the airport was not directly involved in the case because **Argenbright** is not employed by the airport.

"They're a contract service by the airlines," he said.

"We cooperated fully. We wanted to make sure the safety and security of our passengers was maintained at all times," Pesce said.

He said the alleged irregularities took place over a three- to four-year period but the official investigation by the FAA took place in January 1999.

Argenbright replaced the employees with questionable training and criminal records and retrained all of its Philadelphia International Airport screeners in January and February of 1999, the federal investigators said.

Though Stiles said he could not state the motive of **Argenbright** Holdings' **Argenbright** Security Inc. subsidiary in the Philadelphia case, he said avoiding compliance with FAA regulations would have saved the company money.

The airport's **40-year-old** radar system has faltered occasionally, the latest incident occurred March **10** when part of the radar display in the control tower flicked on and off for **20** minutes, vaporizing the tags that normally show air traffic controllers the altitude, speed and identification of each plane.

The problem delayed four arrivals and **36** departures. There were two similar failures last May.

Officials insisted there were no safety concerns, but U.S. **Sen. Arlen** Specter, R-Pa., has urged action on the problem "before something disastrous happens."

The rate of arrival and departure delays jumped **85** percent between **1997** and **1999**, with **14,516** out of **480,279** delayed last year.

And geese and gulls along the Delaware River, which borders the airport, occasionally clash with a plane and could take out a jet engine. ■

Daily News wire services contributed to this report.

PHILADELPHIA
AIRPORT

Security company fined' \$1 million

FAA charged firm let
untrained employees
operate checkpoints

Associated Press

PHILADELPHIA — AN AIR-
port security company has
agreed to pay \$1.2 million
in fines and cost's to settle charges
that it allowed untrained **em-
ployees**, some with criminal
backgrounds, to operate check-
points at Philadelphia **Interna-
tional** Airport.

U.S. **Attorney** Michael R.
Stiles had announced the charges
Monday, saying no harm to
planes or passengers resulted but
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Argenbright Holdings Ltd. and
three former **employees** faced fel-
ony charges **relating** to **inade-
quate training, testing** and back-
ground checks of employees who
staffed the airport's security
checkpoints, Stiles said.

Edwin R **Mellett**, vice chair-
man and co-chief executive of
Argenbright Holdings' parent
company, Atlanta-based **AHL**
Services Inc., said the company
fired the accused employees and
cooperated with the investigators.

AHL provides security and
other services at more than 50
U.S. airports and 26 European
airports. **Mellett** said an FM au-
dit showed that the violations
"were isolated to a small group
in Philadelphia."

The three employees were
charged with **conspiracy** to make
false statements and provide
false certifications that the com-
pany had complied with FAA
regulations.

Two of the employees created
phony diploma certificates for six
employees, falsified test scores
for at least two dozen applicants
and hired at least 14 security
screeners who had criminal con-
victions for aggravated assault,
burglary, drug and firearms pos-
session, Stiles said.

The three employees face
maximum sentences of 25 years
if convicted. Though Stiles said
he could not state the motive of
the **Argenbright** employees, he
said avoiding **compliance** with
FAA regulations would have
saved money.

Argenbright replaced the em-
ployees with questionable train-
ing and criminal records and re-
trained all of its Philadelphia
airport screeners in **January** and
February of 1999, investigators
said.