

**DEPARTMENT OF HOMELAND SECURITY**  
**Office of Inspector General**

**Transportation Security Administration's  
Efforts to Proactively Address Employee  
Concerns**





Homeland  
Security

May 28, 2008

Preface

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002 (Public Law 107-296)* by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report addresses the Transportation Security Administration's (TSA) efforts to proactively address employee workplace problems, issues, and concerns. It is based on interviews with TSA employees and officials, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. It is our hope that this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner  
Inspector General

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## Abbreviations

DHS	Department of Homeland Security
EEO	Equal Employment Opportunity
FSD	Federal Security Director
OIG	Office of Inspector General
TSA	Transportation Security Administration
TSO	Transportation Security Officer



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*Department of Homeland Security*  
*Office of Inspector General*

## **Executive Summary**

The Transportation Security Administration reports that a stable, mature, and experienced workforce is the most effective tool it has to meet its mission. Despite the value placed on the workforce, employees have expressed their concerns about how the agency operates by historically filing formal complaints at rates higher than other federal agencies of comparable size. Additionally, Transportation Security Administration employees at some airports have contacted the Congress, the Department of Homeland Security's Office of Inspector General, and the media to report their frustrations with local management's lack of resolution of ongoing workplace problems.

The Transportation Security Administration has taken proactive steps by establishing the Office of the Ombudsman, the Integrated Conflict Management System, and the National Advisory Council to help identify and address its employees' workplace concerns. Our overall audit objective was to evaluate the effectiveness of these initiatives. Despite the positive steps taken, the Transportation Security Administration could improve its initiatives by establishing more effective internal systems, processes, and controls. Specifically, the agency has not provided sufficient tools and guidance regarding the structures, authorities, and oversight responsibilities of each initiative, and has faced challenges in communicating the details of each to its workforce.

Low employee morale continues to be an issue at some airports, contributing to the Transportation Security Administration's 17% voluntary attrition rate. More than half of the employees we interviewed described the agency's efforts to educate them on the various initiatives available to address their workplace concerns as "inadequate." Accordingly, we are making six recommendations to the Assistant Secretary of the Transportation Security Administration to provide employees with sufficient tools, including clear guidance and better communication, on the structures, authorities, and oversight responsibilities of the initiatives we reviewed. The agency fully or partly concurred with five of the recommendations and has taken action to resolve four, which will remain open until implementation is completed. The agency did not provide sufficient information on its actions reported for one recommendation and did not concur with another. As such, both recommendations remain open and unresolved.

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## Background

During the 1990s, many federal agencies experienced a sharp increase in the number of discrimination complaints filed. Equal Employment Opportunity (EEO) programs and other similar, formal programs and structures have traditionally been used to protect federal employees and provide processes and venues to seek redress from prohibited personnel practices. However, federal agencies and employees have frequently criticized the formal processes and mechanisms for handling these complaints as ineffective, burdensome, time-consuming, costly, and unnecessarily adversarial.

As such, federal agencies have increasingly sought and adopted other, more flexible and more informal processes to assist with, replace, or augment the formal dispute resolution processes. For example, agencies may rely on a neutral third party to assist the disputants in reaching an amicable resolution through the use of various techniques, such as facilitative mediation. Such informal approaches help resolve workplace conflicts and improve communication and morale, while avoiding the cost, delay, and unpredictability of traditional adjudicatory processes.

Transportation Security Administration (TSA) employees have expressed their concerns about how the agency operates by historically filing formal complaints at rates significantly higher than other federal agencies of comparable size. Employees at some airports have contacted the Congress, the Department of Homeland Security (DHS) Office of Inspector General (OIG), and the media to report their frustrations with local management's lack of resolution of ongoing workplace problems. TSA employees, primarily Transportation Security Officers (TSOs, also known as airport screeners), have criticized the agency for discrimination, selective hiring practices, nepotism, management misconduct, and other questionable activities. Although TSA reports that a stable, mature, and experienced workforce is the most effective tool it has to meet its mission, the agency currently experiences a 17% voluntary attrition rate and low employee morale.

TSA currently relies on several internal action offices to receive and manage employees' formal complaints related to discrimination, disciplinary actions, and allegations of managerial misconduct. These offices include the Office of Civil Rights and Liberties; the Office of Inspection, Investigations Division; the Office of Security Operations, Management Inquiry Branch; and the Office of Human Capital. More information on these offices can be found in Appendix C.

Each TSA action office handles certain types of formal employee complaints, while the agency addresses informal employee concerns at the local level. For the purposes of this review, we defined an employee workplace concern as any expression of dissatisfaction regarding TSA operations that is within agency control, but not subject to existing internal administrative adjudication procedures, as a formal EEO complaint would be. Exhibit 1 shows some of the workplace concerns most frequently expressed by the TSA employees we interviewed.

**Exhibit 1: Prevalent Workplace Concerns of TSOs Interviewed**

- Inconsistent interpretation and implementation of TSA policies and procedures, such as operating procedures, leave policies, and overtime requirements
- Concerns with local management, such as lack of trust, fear of retaliation, authoritarian management style, mistreatment, and disrespect
- Poor communications and information sharing
- Insufficient time to complete all work-related responsibilities, such as training, collateral duties, and Performance Accountability and Standards System documentation
- Favoritism demonstrated through preferential scheduling and unfair promotion practices
- Insufficient staffing at passenger checkpoints

**TSA’s Initiatives**

To proactively assist employees in raising and addressing their workplace concerns before they become formal complaints, TSA established the following programs and initiatives.

1. Office of the Ombudsman

The TSA Office of the Ombudsman is a confidential advocate for fair processes, procedures, and programs for all agency employees. In January 2003, TSA created an “Organizational Ombudsman<sup>1</sup>” in response to congressional concerns about the lack of collective bargaining rights for its employees. As of October 2007, the TSA Office of the Ombudsman had nine employees and reported to the TSA Special Counselor. The TSA Ombudsman acts informally to:

- Answer inquiries and clarify policies;
- Facilitate open communication and collaborative problem-solving by bringing parties together for dialogue;

<sup>1</sup> According to *A Guide for Federal Employee Ombuds* issued by the American Bar Association, an “Organizational Ombuds” ordinarily addresses problems presented by members, employees, or contractors of an entity concerning its actions or policies. The Organizational Ombuds facilitates fair and equitable resolution of concerns that arise within an entity and is authorized to advocate for change within the entity. Unlike a Legislative or Executive Ombuds, an Organizational Ombuds does not have the authority to hold the parent entity accountable.

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- Serve as a channel for directing employee views, opinions, and feedback to TSA management;
  - Assist employees in identifying and evaluating options to resolve specific concerns and problems; and
  - When appropriate, directly resolve problems, using a variety of strategies and dispute resolution techniques.

TSA employees contact the Ombudsman for a variety of reasons, such as discussing workplace concerns or to obtain information or clarification on existing policies and procedures. The Ombudsman also conducts airport site visits to increase its visibility within the agency, acquaint field employees with its roles and functions, and respond to employee requests for its intervention in helping to resolve workplace conflicts.

## 2. Integrated Conflict Management System

In November 2003, TSA established the Model Workplace Program Initiative to improve the overall workplace environment. This effort is guided by TSA's Model Workplace Program Office and is accomplished through implementation of the Integrated Conflict Management System. In February 2007, TSA mandated implementation of the Integrated Conflict Management System at all federal airports. As a result of more than 3 years experience with voluntary implementation at the local level, TSA reported it is currently moving toward greater agency-wide Integrated Conflict Management System sustainability and standardization.

The Integrated Conflict Management System is designed to provide TSA employees with skills, structures, and support mechanisms to enhance communication, cooperative problem solving, and conflict management and prevention. TSA described the Integrated Conflict Management System as, "a key tool for creating an environment in which every TSA employee, at every location, and at every level, can raise issues, ideas, and concerns with confidence that they will be respectfully heard and responsibly addressed."

The Integrated Conflict Management System is not a separate program within the Model Workplace Program Office, but is rather a multidimensional approach pervasive throughout TSA. The Model Workplace Program Office helps foster, support, and integrate the design and local implementation of the Integrated Conflict Management System, and offers general guidance on the ways airports can provide employees with skills, structures, and organizational support that effectively promote model workplace values. The Model Workplace Program Office also maintains an online database of proven practices shared by local "Integrated Conflict Management System Coordinators," and has developed a five-stage "Maturity Model" that airports can use to assess progress in building a local Integrated Conflict Management

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System program and identifying any areas for improvement. More information on TSA's Integrated Conflict Management System Maturity Model can be found in Appendix D.

Local TSA management is responsible for Integrated Conflict Management System implementation at each airport. To implement the Integrated Conflict Management System, the airport's Federal Security Director (FSD) designates a local Coordinator to:

- Create local structures that provide employees with options for raising and resolving workplace issues, and managing conflicts;
- Track, analyze, and report on local workplace trends;
- Serve as a resource for interest-based, problem solving mediation;
- Provide regional Integrated Conflict Management System support to local airports; and
- Serve as an internal consultant to airport management on local workplace issues, as well as the airport's liaison with the Model Workplace Program Office and other internal TSA units, such as the Office of the Ombudsman and the Office of Civil Rights and Liberties.

### 3. National Advisory Council

In December 2005, the TSA Administrator announced to all FSDs the creation of the National Advisory Council as part of the Model Workplace Program Initiative. According to its charter, TSA created the National Advisory Council to promote greater job satisfaction, improve organizational effectiveness, and help lead widespread cultural change. Two main components constitute the current National Advisory Council structure:

- The Transportation Security Officer Advisory Council, which represents TSA's front-line screening workforce at the Nation's airports and has 34 members; and
- The Assistant Federal Security Director for Screening Advisory Council, which represents Assistant Federal Security Directors for Screening at the Nation's airports and has 21 members.

The National Advisory Council meets for a week each quarter to advise senior TSA leadership on current workplace issues specific to the national screening workforce. Through committees that address internal functions, the National Advisory Council recommends potential resolutions and actions. TSA's Administrator, his Deputy, and other members of the agency's senior leadership team spend considerable time with the National Advisory Council throughout the week, including participating at an out brief on the final day of the quarterly session. To sustain these efforts, dialogue among National



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Advisory Council members, the Administrator, and members of the senior leadership team continues via monthly conference calls between the quarterly National Advisory Council meetings. To facilitate communication between senior agency leadership and the entire TSA screening workforce, the National Advisory Council initiated the establishment of a national network of local airport points of contact, which TSA describes as a pivotal component of the National Advisory Council's external communication strategy for direct and unfiltered feedback from the field.

While these three proactive TSA initiatives are designed to assist employees with workplace concerns, each has its unique purpose or approach. The Office of the Ombudsman is a neutral third party that advocates fair processes and procedures for all agency employees, the Integrated Conflict Management System serves to keep local issues local, and the National Advisory Council addresses agency-wide issues of the screening workforce. In this context, our overall audit objective was to evaluate the effectiveness of TSA's efforts to proactively identify and address employee workplace problems, issues, and concerns. More specific information on our objectives, scope, and methodology can be found in Appendix A.

## **Results of Audit**

TSA could improve its current efforts to proactively identify and address employees' workplace concerns by establishing more effective internal systems, processes, and controls. Specifically, the agency has not provided sufficient tools and clear guidance on the structures, authorities, and oversight responsibilities of the three proactive initiatives we reviewed:

- Office of the Ombudsman;
- Integrated Conflict Management System; and
- National Advisory Council.

TSA also has faced challenges in effectively communicating the details of the various internal options currently available for employees to address their workplace concerns to its workforce. As a result, employees are underutilizing the initiatives, and longstanding workplace issues may be unresolved at some locations. This contributes to further employee workplace dissatisfaction and employee turnover, which could adversely affect the effectiveness of TSA's security screening function.

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## TSA's Office of the Ombudsman

TSA's Office of Ombudsman could improve in assisting employees with their workplace issues and concerns. Many employees are either unaware of or lack trust and confidence in the Ombudsman's functions. The Ombudsman's airport site visits also could be more effective in increasing its visibility within the agency, acquainting employees with its functions, and responding to requests for intervention. Further, the Ombudsman does not adequately track and analyze employee contact data to identify trends, assist in planning airport site visits, and report on the office's significant activities and accomplishments.

### **Employees Lack Awareness, Trust, and Confidence in the Ombudsman's Services**

TSA employees demonstrated limited knowledge and awareness of the Ombudsman's services. Employees we interviewed said that TSA could be more effective in educating the workforce about the Ombudsman's role in assisting with workplace concerns. For example:

- One-third of the employees were not aware of the Ombudsman's role, functions, and services.
- Nearly two-thirds of the employees believed the Office of the Ombudsman's education efforts were ineffective in communicating information about its functions and services.
- Nearly three-quarters of the employees believed the Ombudsman's education efforts were ineffective in providing information about other channels and procedures within TSA, apart from the Ombudsman, for addressing workplace problems, issues, and concerns.

Due to the size and complexity of the agency, TSA has faced challenges in communicating the Ombudsman's role and services to the workforce. Typically, airport management disseminates information about TSA's proactive programs and initiatives to the local workforce through such methods as mass emails, bulletin board postings, internal publications, and informal briefings. The Office of the Ombudsman also has recently taken steps to raise and maintain awareness of its services. For example, the Ombudsman distributed a supply of Ombudsman brochures to all FSDs accompanied by a message encouraging airports to place at least one poster advertising the Ombudsman services in a high employee traffic area. However, the approximately 43,000 passenger and baggage screeners who compose the majority of TSA's 50,000 employees are stationed at airport checkpoints without immediate access to the flow of automated and hard copy information. Employees absent from their local shift briefings also may not

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receive information on workplace initiatives, such as the Ombudsman's services, that are discussed.

Some employees described their fear of retaliation by local management if they presented issues to the Ombudsman. At every airport we visited, and also within TSA Headquarters, management regularly stressed that an employee's chain of command was the preferred first option for pursuing resolution of a workplace problem, issue, or concern. Employees we interviewed said that managers discouraged them from consulting the Ombudsman during airport site visits. Other employees believed local management was aware of employee communications with visitors and feared repercussions if they contacted the Ombudsman with their concerns. Employees also feared a lack of confidentiality at the Ombudsman's meetings. For example:

- At one airport, the FSD and a member of the airport's Human Resource staff reportedly reprimanded an employee for communicating with the Ombudsman about an issue. The employee reported the reprimand to the Ombudsman, who contacted the FSD to express displeasure with the FSD's action. The employee was allegedly reprimanded again for the second communication with the Ombudsman. The Ombudsman finally resolved the matter with the help of the airport's Area Director.
- At another airport, several employees reported that a screening manager was taking the names of employees as they entered focus group meetings. A screening manager also reportedly advised one employee being considered for a promotion that attending the Ombudsman's meeting "was a career move," implying that it could threaten the screener's advancement.
- The Ombudsman mentioned that some airport employees reported that they did not trust some of their co-workers present at the Ombudsman's meetings and were less likely to publicly voice their viewpoints, for fear the information and their identity would be relayed to management.

Further, at each airport we visited, employees expressed a lack of confidence in the Ombudsman's ability to help resolve their workplace issues. Two-thirds of the employees we interviewed, who had contacted the Ombudsman for assistance, said they were dissatisfied with the quality of service and outcomes. More than half of those respondents said that, based on their prior experiences and the lack of corrective actions to address their issues, they would not refer other TSA employees to the Ombudsman for help.

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## **Ombudsman is Hindered in Conducting Site Visits and Ensuring Results**

The Office of the Ombudsman has lacked the independence to conduct its site visits unhindered. Where visits have been carried out, the Ombudsman has not consistently documented or followed up to ensure implementation of recommended solutions to the problems identified.

Site visits are a critical tool for the Ombudsman to conduct outreach to employees and identify and address employee workplace concerns. However, senior TSA officials, Headquarters-based Area Directors, and some FSDs have interfered with some of the Ombudsman's airport site visit plans. For example, a TSA official said that, at times, Area Directors persuaded the agency to postpone the Ombudsman's site visits. Also, in July 2007, the Office of Special Counsel discontinued the Ombudsman's scheduled airport visits for the remainder of the calendar year. TSA officials said that, in addition to extra security concerns at the airports during peak summer months, airport visits by TSA's Ombudsman staff, the DHS OIG, and other entities were perceived by both TSA Headquarters and local airport management as disruptive to airport operations.

Similarly, employees at several airports reported that local management obstructed some of the Ombudsman's activities during site visits. For example, employees told the Ombudsman that managers gave them the wrong room number for Ombudsman meetings, informed them of the meetings at the last minute, and encouraged them not to attend some meetings.

In accomplishing its site visits, the Ombudsman has not consistently suggested corrective actions in trip reports as a means of making airport leadership accountable for addressing the issues identified. The Ombudsman typically concludes each site visit by conducting an out brief with the local FSD, providing an oral assessment of what the team observed, and discussing suggestions for problem resolution. Subsequently, the Ombudsman documents the results of the visit in a report within 15 days of the trip's completion. However, based on our review, only 2 of the 20 trip reports for the 8 airports we visited contained written recommendations for the FSDs' consideration. TSA officials said there has always been a struggle about the inclusion of the Ombudsman's recommendations in trip reports. The agency discontinued documenting suggested corrective actions to management in the reports because the documents are accessible to the public and may be used as support for removing an FSD.

Even where recommendations are documented, the Office of the Ombudsman does not consistently follow up to determine whether local management has responded to the concerns raised during its site visits. The Ombudsman reported conducting approximately 172 visits to airports since June 2003.

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Based on our review of 20 trip reports for the 8 airports we visited, as well as interviews with 320 TSA airport employees, local management rarely implemented change directly related to the Ombudsman's site visits and suggested corrective actions. Only 49% of the employees we interviewed were aware of the Ombudsman's previous visits to their airport, and just 12% of those believed that positive changes or corrective actions had resulted from those visits.

The Ombudsman's limited ability to conduct site visits and ensure that corrective actions are implemented can be attributed to the office's lack of authority and independence. According to *A Guide for Federal Employee Ombuds*, referred to herein as *The Guide*,<sup>2</sup> the independence of an Ombudsman is a fundamental prerequisite to effective operations. To ensure independence, the federal Ombudsman should, if possible, report and have direct access to the highest agency official. TSA has not established the Office of the Ombudsman independently with direct access to the highest agency official and therefore the status and authority to be effective. TSA's Ombudsman reports to the Office of Special Counselor, not the Assistant Administrator.

TSA's Ombudsman also does not have a charter or official document that describes its authority, roles, and responsibilities. According to the Guide, an entity establishing an Ombudsman should do so pursuant to a legislative enactment, or a publicly available written charter, which clearly sets forth its role and jurisdiction. The only written support the Ombudsman provided regarding the development of the office's roles, responsibilities, and authority was a press release from the Acting TSA Administrator introducing an agency Ombudsman to all employees. The press release did not provide details about the office's functions and services. TSA also could not provide documentation of the Ombudsman's authority to operate unfettered and ensure implementation of corrective actions recommended as a result of its site visits.

### **The Ombudsman Is Not Providing Useful Agency-wide Trends and Analysis**

TSA's Ombudsman does not sufficiently track and analyze incoming employee contact data to identify patterns and trends, assist in planning airport site visits, or produce useful reports highlighting significant activities and accomplishments. According to the *Standards for the Establishment and Operations of Ombuds Offices*, issued by the American Bar Association,

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<sup>2</sup> *A Guide for Federal Employee Ombuds*, developed by the Coalition of Federal Ombudsman and the Federal Interagency Alternative Dispute Resolution Working Group Steering Committee, builds upon the *Standards for the Establishment and Operations of Ombuds Offices* issued by the American Bar Association in February 2004.

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February 2004, the Office of the Ombudsman should be accountable for its activities and results, as well as identifying complaint patterns and trends.

TSA's Ombudsman does not have a single system to sufficiently track and analyze incoming employee contact data. Currently, the Ombudsman relies on the Inquiry Management System to collect employee contact data, which could potentially be valuable for the Ombudsman in identifying and analyzing employee workplace concerns. The Inquiry Management System database is cumbersome and does not have features to support the data analysis necessary to identify trends. In order to generate any useful trend analyses, a user must transfer data from the Inquiry Management System into other software and run the appropriate filters. According to the Ombudsman, this process is very time-consuming and requires specialized training and knowledge to use the software for additional analysis. At the time of our audit, the Program Assistant position responsible for manually manipulating and analyzing Inquiry Management System data had been vacant since December 2006.

The Ombudsman has not incorporated historical data in the Inquiry Management System to support its planning or provide a complete picture of its operational effectiveness over the years. Before TSA implemented the Inquiry Management System in April 2005, the Ombudsman maintained employee contact data in Microsoft Excel. The Ombudsman has not transferred all Excel data collected prior to April 2005 to the Inquiry Management System. The separate data files make a simple request for comprehensive employee contact data burdensome. We requested all employee contact data for Fiscal Years 2004 through 2007, which the Ombudsman provided in 42 different Excel spreadsheets. We had to manually merge and analyze the data to identify Ombudsman activities and trends for that timeframe. This exercise was very time-consuming and challenging, and yielded incomplete results.

Without good historical data and analysis, the Office of the Ombudsman has been unable to prepare an annual business plan or report on its significant activities and accomplishments to demonstrate success in proactively resolving employees' workplace concerns. The *Standards for the Establishment and Operations of Ombuds Offices* advises that an Ombudsman should issue and publish periodic reports summarizing its findings and activities to demonstrate accountability. Reports may include statistical information about the contacts with the Ombudsman, subjects the Ombudsman addressed, or evaluation by complainants, and may be developed annually, bi-annually, or more frequently.

Although the Ombudsman produces monthly and quarterly reports based on Inquiry Management System data, these reports do not describe the Ombudsman's primary activities, particularly the types of employee contacts

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that were resolved, and the number of formal complaints that were prevented. The Ombudsman recently initiated an anonymous survey mechanism to collect feedback from individuals who contacted the office about their level of satisfaction with the services offered and provided. However, the survey is not mandatory, is inconsistently administered, and therefore does not fully reflect employee views of the Ombudsman's services.

## **Implementation of the Integrated Conflict Management System**

Although TSA has taken a significant step toward improving its workplace environment by adopting the Model Workplace Program Initiative and developing the Integrated Conflict Management System for agency-wide implementation, TSA does not support effective local Integrated Conflict Management System implementation. The agency does not currently ensure that airports use the range of Integrated Conflict Management System components available to help address employees' workplace concerns. Furthermore, TSA does not adequately promote local Integrated Conflict Management System options to its workforce. As a result, TSA employees may not have access to effective local opportunities to raise and address their workplace concerns and obtain the full benefits of a model workplace culture nationwide.

### **TSA Does Not Ensure Effective Local Integrated Conflict Management System Implementation**

TSA management at the eight airports we visited demonstrated different degrees of commitment to local Integrated Conflict Management System implementation, which may not effectively support the program. TSA is building the Integrated Conflict Management System both locally and nationally to create an organizational culture in which every employee can raise issues, ideas, and concerns with confidence that they will be respectfully heard and addressed. However, some local managers implement the Integrated Conflict Management System at varying levels, based on the time and personnel resources they are willing to devote to this effort.

Management at some of the locations we visited said that local Integrated Conflict Management System implementation represents an additional administrative burden, which airports may not have the personnel to support. Local managers said that TSA directed airports to designate a local Integrated Conflict Management System Coordinator without providing specific tools or authorizing a dedicated position to perform the associated functions. Therefore, some managers have chosen to assign a full-time TSO or administrative employee to serve collateral duty as the local Integrated

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Conflict Management System Coordinator to meet TSA's implementation mandate. For example:

- At two airports visited, the collateral duty Integrated Conflict Management System Coordinators said they did not have sufficient time during regular work hours to perform the key Integrated Conflict Management System-related duties, such as tracking the status of employees' workplace issues, conducting workforce outreach, or regularly participating in monthly Integrated Conflict Management System Coordinator conference calls.
- At one large airport, current management downgraded its full-time Integrated Conflict Management System Coordinator position to a part-time, collateral duty assignment. The assigned individual is currently employed full-time in an administrative position with two other collateral duty assignments.

TSA does not provide sufficient tools and guidance to ensure airport management devotes adequate support for the implementation and assessment local Integrated Conflict Management System programs. Although the Model Workplace Program Office provides general guidance on setting goals and achieving outcomes, actual implementation of the Integrated Conflict Management System, including the dedication of program resources, is the responsibility of local airport management. The Model Workplace Program Office has no authority, such as that provided in a TSA management directive, over how local Integrated Conflict Management System programs are structured and implemented. Because it is outside of the Integrated Conflict Management System Coordinators' chain of command, the Model Workplace Program Office does not conduct site visits to assess the status of airports' local Integrated Conflict Management System programs and is unable to compel local coordinators to participate in any of the Integrated Conflict Management System-related activities it sponsors, such as monthly conference calls.

Further, TSA does not ensure that airports track and report the number or status of the workplace issues raised through the Integrated Conflict Management System to determine whether local management is timely and appropriately responding to its employees' concerns. Among the Integrated Conflict Management System Coordinators' duties and responsibilities are tracking, analyzing, advising, and reporting workplace trends to leadership, and providing information on organizational and local workplace issues. Only three of the eight airports we visited were able to provide sufficient evidence that they were actively tracking the status of issues raised by their employees using a database or other internal system. The local Integrated Conflict Management System Coordinator was responsible for maintaining the local



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tracking system at two of these locations, while the local employee council maintained this system at the third location.

A lack of commitment to the Integrated Conflict Management System by leadership at any level can present a serious challenge to the agency’s efforts to establish a model workplace culture nationwide. To improve local airport leadership’s understanding of and support for model workplace concepts, Model Workplace Program Office staff facilitated a 2-day interactive workshop on “Building a High Performing Workplace” as part of a 4-week “FSD Academy” for new incoming FSDs, launched by TSA’s Office of Security Operations in October 2007. Although 20 new FSDs attended this inaugural program, which included a section on the Integrated Conflict Management System structure, TSA provided no documented evidence to support the agency’s intent to require current FSDs to participate in the entire program or at least in the Model Workplace Program Office’s workshop.

**TSA Should Ensure Effective Local Use of Integrated Conflict Management System Components**

Local TSA managers do not make effective use of Integrated Conflict Management System skills, structures, and support mechanisms available to enhance communication and cooperative problem solving. As shown in Exhibit 2, the Model Workplace Program Office encourages airports to use an array of mechanisms for employees to raise and address their workplace concerns locally through the Integrated Conflict Management System. However, airports may not be using these components as much or as effectively as possible to assist employees with problem resolution. For example:

- Employee Advisory Councils: Some airports have not established formal employee advisory councils to assist in addressing employee concerns. Model Workplace Program Office guidance notes the importance of developing a charter for local employee councils and explains that a charter helps establish the council as a continuing part of an airport’s conflict management system rather than a temporary result of management action.

<b>Exhibit 2: Available Integrated Conflict Management System Elements</b>
<ul style="list-style-type: none"><li>• Employee advisory councils</li><li>• Employee concern forms/suggestion box programs</li><li>• Peer conflict coaching</li><li>• Training in conflict management and cooperative problem solving</li><li>• Safety action teams</li><li>• Group “Town Hall” meetings with airport leadership</li><li>• Hardship and scheduling committees</li><li>• Promotion boards</li></ul>

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Although all eight airports in our sample had some form of local employee council, two were operating without a formal charter documenting their scope of responsibilities, composition, meeting schedule, and other internal guidelines. Similarly, a recent TSA survey of FSDs showed that 93% of all responding locations used employee councils, but only 76% of those had formal charters.

- Concern Forms: Airports do not always use concern forms to effectively assist with soliciting and responding to workforce issues as intended. The Model Workplace Program Office advises that concern forms be used as an Integrated Conflict Management System tool for TSA employees to raise both individual and organizational workplace issues. It further suggests that concern forms be designed so that employees can be confident that their submissions will be read, researched, and addressed. Only five of the eight locations we visited made such forms available to solicit employee feedback. TSA's survey of airport FSDs showed that only 52% of all responding airports were using concern forms.

Some TSA employees may be reluctant to use concern forms because they are not comfortable with the manner in which they are handled. Some employees we interviewed said the individual designated to respond to concern forms did not sufficiently address the issues raised, was too closely connected to management, or sometimes failed to handle the forms confidentially. For example, employees at one airport said that concern forms, even when marked confidential, were discussed in meetings and shared with the workforce.

- Peer Conflict Coaching: TSA does not ensure that qualified conflict coaches are made available at field locations, even though the Model Workplace Program Office recommends that airports include peer conflict coaching as another key component of a local Integrated Conflict Management System program. Among other important roles, conflict coaches are specially trained, collateral duty TSA employees who provide confidential guidance and information to their peers regarding local conflict management options. Only three of the airports we visited were actively using qualified conflict coaches as part of their Integrated Conflict Management System programs. At a fourth airport, employees were being trained as conflict coaches, but the program was not yet implemented. At a fifth airport, employees were trained as conflict coaches, but the airport never implemented such coaching as a component of its local Integrated Conflict Management System.

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- **Training:** Airport management is not ensuring that required Integrated Conflict Management System training is provided to its employees. Although Model Workplace Program Office staff said that participation in the *Conflict Management Essentials* course is mandatory for the entire TSA workforce, more than 20% of the employees we interviewed said they had not taken this training. The Model Workplace Program Office also sponsors *Cooperative Problem Solving for Managers*, which is an interactive course to help TSA management personnel build proactive, practical, and usable skills in cooperative problem solving and conflict management. Only 37% of all airports responding to TSA's recent survey said that all of their security managers had received this training.

Although we observed wide variations regarding how airports were implementing the Integrated Conflict Management System, we identified one location where the Integrated Conflict Management System program incorporated many of the elements advocated by the Model Workplace Program Office to support a more robust model workplace culture. Among other components, this airport's Integrated Conflict Management System consists of a chartered employee advisory council, concern forms, Town Hall meetings with the FSD, a suggestion box program, and peer conflict coaching. Furthermore, the full-time Integrated Conflict Management System Coordinator is actively supported by airport management, has a written implementation plan to guide future Integrated Conflict Management System development, and ensures that all new employees receive *Conflict Management Essentials* training during orientation. The Integrated Conflict Management System Coordinator also uses an internal system to track the status of workplace issues raised by local employees, and publishes a monthly newsletter to support the broad dissemination of outcomes to the workforce.

The differences we identified can be attributed to the fact that local Integrated Conflict Management System activities are at the discretion of airport management. Also, Integrated Conflict Management System implementation currently lacks an appropriate degree of oversight and accountability beyond the FSD level, and the Model Workplace Program Office has not yet established performance metrics by which TSA can measure the effectiveness of all local Integrated Conflict Management System programs.

### **TSA Does Not Ensure Employee Awareness and Use of the Integrated Conflict Management System Locally**

As with the Ombudsman, TSA employees we interviewed had limited awareness of, engagement with, and confidence in current Integrated Conflict Management System concepts and practices as a local option available to help address their workplace concerns. While most of the employees had some

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knowledge of the purpose, goals, and elements of TSA's Integrated Conflict Management System, nearly half said their airports' efforts to provide them with this information were ineffective.

Although half of the employees we interviewed expressed an overall dissatisfaction with their current work environment, more than 80% said they had never initiated any direct contact with their local Integrated Conflict Management System Coordinators to discuss or resolve a workplace problem, issue, or concern. Underscoring their lack of awareness, only 41% of the employees were able to correctly identify their airport's current Integrated Conflict Management System Coordinator by name.

Not all of the Integrated Conflict Management System Coordinators we interviewed were conducting effective outreach to their local workforce, which contributed to the lack of employee engagement. Although most coordinators we interviewed said that they communicate information about the Integrated Conflict Management System to employees through newsletters, emails, bulletin boards, or employee councils, only three of the eight claimed to be actively introducing the Integrated Conflict Management System as part of orientation for new hires. Further, none provided documented evidence that they currently follow a formal plan for conducting employee outreach. Three Integrated Conflict Management System Coordinators explicitly recognized the need to improve their efforts to increase Integrated Conflict Management System awareness among the local workforce.

Our interviews revealed that some TSA employees were reluctant to use the Integrated Conflict Management System as a local option for raising and addressing their workplace concerns. At every airport we visited, and within TSA Headquarters, management regularly stressed that an employee's chain of command is the preferred first option for pursuing resolution of a workplace problem, issue, or concern, discouraging the use of alternative procedures, such as the Integrated Conflict Management System. Of the employees we interviewed who had previously initiated contact with their local Integrated Conflict Management System Coordinator to address workplace concerns, 41% were dissatisfied with the quality of services provided. Some employees were not confident that their local Integrated Conflict Management System programs were yielding positive outcomes. Others questioned their Integrated Conflict Management System programs' independence from airport management and suggested that a lack of confidentiality inherent in the Integrated Conflict Management System contributed to their reluctance to bring any workplace concerns forward.

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## Implementation of the National Advisory Council

The National Advisory Council could be more effective in identifying and communicating agency-wide workforce issues to senior leadership. TSA has not effectively communicated the National Advisory Council's mission, purpose, and outcomes to National Advisory Council members, points of contact, and the screening workforce to ensure that all employees are fully represented and benefit from its efforts. TSA employees, including some National Advisory Council members, were insufficiently aware of, or lacked confidence in the National Advisory Council. More than half of the employees we interviewed said that they were not aware of the overall mission, functions, and goals of the National Advisory Council. More than half of the employees also said that the National Advisory Council was ineffective in promoting greater job satisfaction and improving organizational effectiveness. For example, three Assistant FSD for Screening Advisory Council field points of contact did not view the National Advisory Council as a useful channel for raising their workplace issues to TSA leadership and said they used other, more direct avenues within TSA for bringing their issues to the attention of Headquarters' leadership.

Although the National Advisory Council has contributed to major developments in areas having considerable impact on frontline employees, such as wages, performance measurement, training, and standard operating procedures, the National Advisory Council's field support structure has not been sufficiently developed to effectively accomplish its mission. TSA relies on airport employees to constitute a national network of field points of contact to supplement the TSO Advisory Council and Assistant FSD for Screening Advisory Council; however, the network is still not complete. Based on our review of TSA records, 16 of 136 TSO Advisory Council field points of contact positions, and 17 of 126 Assistant FSD for Screening Advisory Council field points of contact positions remained vacant. According to TSA officials, the National Advisory Council is still in the process of testing and establishing how to create and best utilize the extensive network given the challenges of staffing, connectivity, and 24-hour-per-day operations in the field.

TSA also has not ensured that field points of contact understand their roles and are sufficiently engaged in supporting the initiative. Most National Advisory Council field points of contact at the airports we visited demonstrated insufficient knowledge of their National Advisory Council-related roles and responsibilities. As such, most points of contact were not actively engaged in raising local employee concerns to their National Advisory Council members for consideration, or in communicating information from their National Advisory Council members to the local workforce. For example:

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- At five of the eight airports visited, TSO Advisory Council field points of contact reported a lack of awareness of the National Advisory Council's activities and mission, as well as their roles and responsibilities as points of contact.
  - Some field points of contact explained that their TSO Advisory Council members never provided them guidance on the National Advisory Council's mission or their own expected roles and responsibilities.
  - Two points of contact did not know the Assistant FSD for Screening Advisory Council members with whom they were to coordinate on employee workplace issues.
  - One point of contact reported never having received any information from his Assistant FSD for Screening Advisory Council member on the outcomes of the quarterly meetings or their accomplishments.
  - Another employee was appointed as a field point of contact more than 1 year prior to our visit, but still had not been contacted by his TSO Advisory Council member for input on workforce concerns.

In addition to providing insufficient guidance, TSA has not ensured that National Advisory Council members and field points of contact are provided adequate time to fulfill their National Advisory Council roles. According to the TSO Advisory Council charter, members are to gain input, ideas, and concerns from the TSA workforce while keeping employees informed of the National Advisory Council's activities, such as quarterly meetings and their outcomes. Although TSA encourages airport FSDs to allow members 4 hours per week to perform National Advisory Council-related duties, most of the TSO Advisory Council members we interviewed said that the amount of time they were provided was not enough to fulfill this role. Some said they used personal time or switched shifts to carry out their National Advisory Council responsibilities. One point of contact competed for the use of a limited number of computers with Internet access at his location to accomplish his duties.

The points of contact are to facilitate communication between the National Advisory Council members and the local employees; however, TSA does not ensure that National Advisory Council members and the field points of contact effectively coordinate with local Integrated Conflict Management System initiatives, such as employee councils. Although TSA stresses the importance of integrated communication and cross-functional approaches to problem solving to achieve organizational success, only three of the eight National Advisory Council field points of contact we interviewed are either members of their airports' local employee councils or regularly interact with their local Integrated Conflict Management System Coordinators. One point of contact, who is also a member of his airport's local employee council, confirmed the benefit of his dual roles by explaining that he briefs the local

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employee council on agency-wide issues that the National Advisory Council is working on so the local employee council can focus its time and efforts on addressing more localized issues.

### **Initiatives Are Not Fully Providing Intended Benefits**

Because TSA has not effectively communicated or provided sufficient tools and guidance regarding the three initiatives reviewed, employees are not fully benefiting from these options to assist them with their workplace concerns. Where the initiatives were used, employees at times expressed dissatisfaction with outcomes and a lack of confidence in their ability to help resolve their workplace issues. As such, employees are underutilizing the programs, allowing longstanding concerns to remain among the workforce at some locations. For example,

- Some employees at one airport said that ongoing workplace issues, such as a hostile work environment and the inconsistent application of TSA's standard operating procedures, were a major contributing factor to low employee morale, despite reporting these concerns to the Ombudsman during a prior site visit.
- The Ombudsman visited another airport in 2005 and 2006, and reported low employee morale, insufficient time allowed for employees to meet TSA's weekly training requirement, fear of managerial retaliation, and favoritism in promotion practices and disciplinary matters. During our visit to this airport in 2007, employees said these same issues remained a significant distraction.
- Some employees said that their local Integrated Conflict Management System was ineffective in resolving ongoing workplace concerns.
- One National Advisory Council point of contact said that there was not a strong National Advisory Council presence at his airport and did not believe that common "types" of complaints and issues are always addressed through this council. Without a strong National Advisory Council presence, the agency may be missing opportunities to identify and bring important employee concerns to the attention of senior agency leadership.

By not successfully addressing such longstanding workplace issues, these proactive programs may provide false hope and have the unanticipated effects of heightening employee dissatisfaction and further undermining morale. Given their frustration, employees may be distracted and less focused on their security and screening responsibilities. These factors could in turn adversely affect TSA's overall transportation security mission by increasing turnover and decreasing workforce stability.

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## Recommendations

We recommend that the Assistant Secretary of the Transportation Security Administration:

- **Recommendation #1:** Realign the Office of the Ombudsman so that it reports directly to the Assistant Secretary, thus better ensuring its independence within the organization.
- **Recommendation #2:** Establish an explicit policy or “charter” that clearly sets forth the Office of the Ombudsman’s role, authority, responsibility, and jurisdiction. This should include discussion of the authorities provided to the Ombudsman to:
  - Plan and execute all necessary activities, including site visits, free from interference;
  - Suggest corrective actions to airports and Area Directors as a result of its activities; and
  - Follow up with Transportation Security Administration officials responsible for airport operations to ensure that corrective actions are implemented.
- **Recommendation #3:** Ensure that the agency:
  - Improves the Inquiry Management System or acquires a system capable of performing the necessary data manipulation and analysis needed to track issues, identify trends, and generate value-added management reports; and
  - Provides Federal Security Directors with useful Ombudsman data for their respective airports.
- **Recommendation #4:** Issue a Management Directive that clearly sets forth the purpose, responsibilities, policies, and procedures for consistently implementing and assessing the Integrated Conflict Management System to ensure that:
  - Sufficient resources are made available to effectively and more consistently implement the Integrated Conflict Management System locally. Accordingly, local management should consider the size of the workforce, the nature of the designated Integrated Conflict Management System Coordinator’s full-time responsibilities, and any existing collateral duty assignments when deciding how to structure, position, and fill this critical position within the local organization;



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- The Model Workplace Program Office establishes performance metrics to identify and assess the effectiveness of the program and potential areas for improvement; and
  - The Integrated Conflict Management System Coordinators develop and use internal systems to track the status of employee concerns, analyze the data to identify workforce trends, and regularly report the results to provide information on local workplace issues to local leadership and Transportation Security Administration Headquarters.
- **Recommendation #5:** Issue a Management Directive or revise the National Advisory Council's charters to ensure that:
    - TSA fills all points of contact positions nationwide;
    - Points of contact are provided specific guidance to better understand their roles and responsibilities for obtaining feedback on workplace issues and concerns from the local workforce and communicating that information to their designated National Advisory Council members;
    - National Advisory Council members and points of contact at the airports are allowed adequate time to fulfill assigned roles in the National Advisory Council;
    - National Advisory Council members routinely contact their designated field points of contact to facilitate a continued exchange of information on agency-wide workplace issues; and
    - National Advisory Council members and the field points of contact effectively coordinate with local Integrated Conflict Management System initiatives, such as employee councils, to provide integrated communication and cross-functional approaches to problem solving and achieve organizational success.
  - **Recommendation #6:** Ensure that appropriate actions are taken to use all available options to better publicize and effectively inform the workforce of the services available from the Office of the Ombudsman, the Model Workplace Program initiative and Integrated Conflict Management System, and the National Advisory Council. For example, the agency could strengthen its efforts by including information on these initiatives in communications emanating from related programs, providing reminders on every employee's paycheck, and delivering details using the agency's Online Learning Center for current and incoming employees.

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## Management Comments and OIG Analysis

TSA generally concurred with the recommendations in the report. TSA did not concur with the OIG conclusion that the Office of the Ombudsman would be a more effective resource to employees if independently structured in the organization.

TSA's response provided many details of how the agency has made significant progress in building the foundation for a more positive and stable workplace environment through both formal and informal means. We recognize TSA's current proactive initiatives represent an agency-wide system that is still maturing to provide diverse informal avenues for employees to address their workplace concerns. TSA further noted the implementation of additional formal channels for resolving problems in the workplace, including the new Peer Review grievance process and the Alternative Resolution to Conflict Program of the Office of Civil Rights and Liberties.

We commend TSA for implementing various formal options for employees to address their workplace issues, problems, and concerns. Due to resource and scope limitations, our audit could not address the full range of TSA's efforts in this area. As such, our report noted that TSA relies on several internal "action offices" to receive and manage employees' formal complaints. We defined an employee workplace concern as any expression of dissatisfaction regarding TSA operations within agency control but not subject to existing administrative adjudication procedures, such as an EEO complaint or an employee grievance. As such, any discussion of formal channels of resolution, regardless of their impact on the TSA workforce, would have been misplaced in this report.

In citing TSA's self-reported attrition rate in this report, we offer no opinion on the acceptability or appropriateness of the statistic. We merely assert that low employee morale is a factor contributing to employee turnover, a relationship that was confirmed during our interviews with more than 300 security screeners. Our findings suggest that increasing the effectiveness of the three initiatives reviewed will help reduce workplace conflict and employee dissatisfaction, thereby improving individual and collective morale among the screening workforce.

The report provides background on the frequency with which TSA employees have filed formal complaints relative to other federal agencies in order to help establish the historical scope of TSA's challenges in this area. This information was provided for context to support the importance of the agency's efforts to address the concerns of its workforce through informal means. It was not relevant to include statistics or the results of other agencies' activities to address formal workplace complaints in a report that exclusively

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focused on TSA's unique efforts to proactively address its employees' workplace concerns through informal means.

Finally, because of limited time and resources, it was not possible for us to interview a larger sample of screeners at more locations so that the project results could be statistically applicable to the entire TSA screening workforce. We selected and visited airports to determine the extent to which long-standing workforce concerns previously reported to the TSA Ombudsman, the Congress, the DHS OIG, and the media had been resolved. Given the level of attention the selected airports received during the past several years, we expected to identify and report more favorable conditions at these locations.

**Management Comments to Recommendation 1:**

TSA does not concur and believes the current structure and placement of its Office of Ombudsman is appropriate given its role as an informal avenue for employees to address their workplace concerns. TSA chose not to follow the suggestion of the American Bar Association's *Guide for Federal Employee Ombuds – A Supplement to and Annotation of the Standards for the Establishment and Operations of Ombuds Offices*, that its Ombudsman report and have direct access to the highest agency official. Instead, TSA uses an organizational ombudsman that reports directly to the TSA Special Counselor, an Assistant Administrator equivalent position who has direct access to the Assistant Secretary. Through this organizational structure, TSA asserts that the Office of Special Counselor is able to raise employee issues received through the Office of Ombudsman to senior agency leadership.

**OIG Evaluation:** We would like TSA to reconsider implementing our recommendation. We disagree that the Ombudsman's current alignment ensures that it is not unduly influenced by other organizational components. Evidence obtained during our audit supports our conclusion that TSA's Ombudsman has experienced a progressively diminished role within the agency, which has rendered it a less proactive and effective employee resource. We determined that other internal TSA interests have exercised an inappropriate level of influence over the planning and execution of a number of critical Ombudsman activities. These actions have compromised the Ombudsman's effectiveness in conducting outreach to TSA employees and helping address their workplace concerns. Furthermore, such activity is relieving local management from some degree of accountability for implementing the Ombudsman's suggested corrective actions for improving their workplace environments. This recommendation is unresolved and will remain open until TSA can provide more assurance that the Ombudsman's activities are free from interference to provide the most effective services to the workforce.

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### **Management Comments to Recommendation 2:**

TSA concurs and plans to clearly set forth the role, authority, responsibilities, and jurisdiction of its Ombudsman within its organizational context as an informal avenue for addressing employee workplace concerns. TSA plans to issue a Management Directive in this regard by the end of calendar year 2008. The Management Directive will clearly identify steps to take when allegations are made of retaliatory actions toward individuals who choose to use this or another option for raising issues or concerns to management. The Office of the Ombudsman will continue to suggest corrective actions to local management and will follow-up with appropriate officials on those recommendations in an informal, collaborative, problem-solving manner.

**OIG Evaluation:** TSA's proposed Management Directive will help improve the effectiveness of the Office of Ombudsman by identifying its role, authority, responsibilities, and jurisdiction. The Ombudsman's practice of suggesting corrective actions without ensuring their implementation impedes the effectiveness of its services and does not ensure accountability. This recommendation is resolved, but will remain open until we have the opportunity to review the final Management Directive. For accountability purposes, we would also like further justification for the lack of documentation of the Ombudsman's recommendations to local management.

### **Management Comments to Recommendation 3:**

TSA concurs and noted that it is improving the reporting activities of the Ombudsman to ensure more responsive data and trend analyses. TSA plans to provide individualized reports to specific airports when the employee contact volume is at such a level that it will not compromise the confidential nature of the contacts. The agency plans to make specific improvements to the Inquiry Management System as they are identified, as long as they are cost effective and properly funded. In the longer term, TSA will consider reporting needs and requirements of the Office of Ombudsman in the agency's development of an enterprise-wide case management solution. TSA included this solution in the Office of the Special Counselor's 2009-2014 Strategic Plan and is scheduled to deploy it to the Office of the Ombudsman in coordination with agency priorities.

**OIG Evaluation:** TSA's proposed actions will help improve the effectiveness of the Ombudsman by instituting more robust and strategic reporting and data analysis activities. Individualized Ombudsman reports for specific airports will help local management address trends in workforce concerns exclusive to each location. Improvements to the Inquiry Management System will further enhance the Ombudsman's ability to track the status of employees' individual concerns. This recommendation is resolved, but will remain open until we have the opportunity to review an

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action plan and details to support TSA's proposed improvements, including the individualized reports.

**Management Comments to Recommendation 4:**

TSA concurs in part and plans to issue a Management Directive addressing the implementation of Integrated Conflict Management System Standards by the end of calendar year 2008. The Integrated Conflict Management System Standards specifically address the positioning, role, and responsibilities of the Integrated Conflict Management System Coordinator. The Model Workplace Program Office is working with the Office of Security Operations to ensure the duties of Integrated Conflict Management System Coordinators and the resource requirements for employee engagement are factored into developing local staffing models. The Integrated Conflict Management System Standards are also being integrated into job competencies, performance plans, training, hiring, rewards and recognition, and existing systems of accountability, such as performance metrics, performance management, and site assessments. TSA has allocated additional resources to the Model Workplace Program Office to further enhance competency development, support the National Advisory Council point of contact network, and establish a greater presence in the field for hands-on guidance and support to local efforts in meeting Integrated Conflict Management System Standards.

**OIG Evaluation:** TSA's actions to develop Integrated Conflict Management System Standards and its efforts to issue a Management Directive will add a critical element of consistency in how the local Integrated Conflict Management System is structured, implemented, and evaluated. These actions will help ensure that local management and Integrated Conflict Management System Coordinators understand their respective roles and responsibilities and will allow their performance, and the ultimate effectiveness of their local systems, to be measured according to defined criteria. This recommendation is resolved, but will remain open until we have the opportunity to review the Integrated Conflict Management System Standards and Management Directive.

**Management Comments to Recommendation 5:**

TSA concurs and plans to codify the National Advisory Council point of contact network's roles, responsibilities, and resource requirements in the National Advisory Council Charter. TSA is also working with the Model Workplace Program Office to firmly establish the points of contact network to ensure it is a robust tool linking employees at all airports with senior TSA leadership. The National Advisory Council network will be implemented by the end of calendar year 2008 to consist of National Advisory Council Alumni and local points of contact. Once fully established, either a National Advisory Council member or local point of contact will represent each airport. Points of contact will also be members of local employee councils and will partner

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with their Integrated Conflict Management System Coordinators to ensure issues of national significance that emerge from any segment of the workforce are forwarded to the National Advisory Council for consideration. TSA will keep FSDs and the entire workforce fully informed of these roles, responsibilities, and requirements and two new Model Workplace Program Office staff members would be dedicated to ensuring the accessibility and full potential of the network.

**OIG Evaluation:** TSA's plans to keep employees informed and achieve greater representation of workforce issues through an expanded and more engaged national point of contact network will improve the overall effectiveness of the National Advisory Council. This recommendation is resolved, but will remain open until we review the revised National Advisory Council Charter, the National Advisory Council member and points of contact roster, and documented evidence of the outreach provided to the workforce.

**Management Comments to Recommendation 6:**

TSA concurs and will continue to engage in multiple efforts to raise employee awareness of options and services through a variety of avenues. TSA indicated the Ombudsman was successful in distributing a message about its services in leave and earnings statements issued to all TSA employees in December 2007. This method of communication will be repeated on a regular basis. Furthermore, TSA will continue to use weekly electronic newsletters, leadership webcasts, leave and earnings statement messages, the TSA Intranet, and regular broadcast emails to all employees from TSA leadership.

**OIG Evaluation:** Although TSA concurs with this recommendation, its actions do not satisfactorily address its intent. Specifically, TSA's response only addresses the promotion of the Ombudsman but does not specifically indicate that the other two proactive initiatives available to employees will be similarly promoted. The response also does not specify the level of detail the agency will provide to ensure employees know and understand all of the options available to raise concerns appropriately. This recommendation is unresolved and will remain open until TSA provides additional detail on the extent of information disseminated to the workforce.

## Appendix A

### Purpose, Scope, and Methodology

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Our audit objective was to determine the effectiveness of TSA's efforts to proactively identify and address employee workplace problems, issues, and concerns. Specifically, we assessed whether TSA's:

- Office of the Ombudsman is effectively organized and has implemented effective systems and procedures to address employee concerns and issues;
- Model Workplace Program initiative has been implemented effectively to assist employees with constructively raising issues, solving problems, and avoiding the formal complaint process through the agency's implementation of the Integrated Conflict Management System; and
- National Advisory Council has been effectively structured and implemented to identify agency-wide employee workplace problems, issues, and concerns and propose appropriate solutions.

We reviewed applicable federal laws, directives, regulations, and prior audit reports. We interviewed personnel at TSA Headquarters and visited eight airports (five Category X, two Category I, and one Category II<sup>3</sup>). We selected eight airports where TSA employees alerted congressional representatives, the DHS OIG, the media, and TSA's Office of the Ombudsman of concerns about how the agency operates at their locations. The airports we visited were Albany International Airport, Austin Straubel International Airport, Baltimore Washington International Thurgood Marshall Airport, Houston-Hobby Airport, Boston Logan International Airport, Philadelphia International Airport, Ronald Reagan Washington National Airport, and Seattle-Tacoma International Airport.

At each airport, we interviewed a judgmental sample of approximately 40 TSOs (320 total), selected from duty rosters provided by TSA, and then analyzed their comments. We conducted these interviews at the employees' respective airports to assess their awareness and opinions of the agency's programs and initiatives under review by the OIG. Each interview was conducted privately and specifically addressed the three programs reviewed and the local management's efforts to create awareness. Employees often shared other relevant, unsolicited concerns during these interviews.

To determine whether TSA's Office of the Ombudsman is effectively organized and has implemented effective systems and procedures to address employee concerns and issues, we interviewed the Office of the Ombudsman's staff, TSA Special Counselor, and a sample of TSOs selected at each airport. We directly observed and documented work-related processes and procedures conducted by the Office of the Ombudsman's staff. Also, we interviewed TSA senior management at airports in order to determine

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<sup>3</sup> TSA classifies commercial airports in the United States into one of five security risk categories (X, I, II, III, and IV) based on various factors, such as the total number of takeoffs and landings annually, and other security considerations. In general, Category X airports have the highest number of passenger boarding and Category IV have the lowest.

## Appendix A

### Purpose, Scope, and Methodology

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their responsiveness to observations and suggested corrective actions identified as a result of Office of the Ombudsman's site visit reports.

To determine if the Integrated Conflict Management System has been implemented effectively, we interviewed Model Workplace Program Office personnel, local program officials responsible for the administration of the Integrated Conflict Management System, and a sample of TSOs from selected airports. We administered a questionnaire to each airport's Integrated Conflict Management System Coordinator to determine their technical backgrounds and how local programs are structured and communicated with TSA Headquarters personnel. We also reviewed Model Workplace Program Initiative documentation, including the *Coordinators Guide to Integrated Conflict Management System Implementation*, and an Integrated Conflict Management System mandate to FSDs, issued in February 2007.

To evaluate whether the National Advisory Council has been effectively implemented to identify employee workplace problems, issues, and concerns, and assist TSA leadership with corrective actions, we interviewed National Advisory Council committee members, airport points of contact for both the TSO Advisory Council and the Assistant FSD for Screening Advisory Council, and a sample of TSOs at selected airports. Additionally, we attended one of the National Advisory Council's quarterly presentations to the TSA Administrator to directly observe its activities, outcomes, and presentation of employee issues to TSA senior leadership.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. We conducted fieldwork between July 2007 and December 2007 under the authority of the *Inspector General Act of 1978*, as amended.



Appendix B  
Management Comments to the Draft Report

Office of the Assistant Secretary

U.S. Department of Homeland Security  
601 South 12th Street  
Arlington, VA 22202-4220

APR 28 2008



Transportation  
Security  
Administration

INFORMATION

MEMORANDUM FOR: Richard L. Skinner  
Inspector General  
Department of Homeland Security

FROM: Kip Hawley *KH*  
Assistant Secretary

SUBJECT: Transportation Security Administration's (TSA) Response  
Department of Homeland Security (DHS) Office of  
Inspector General (OIG) Draft Report Titled  
*Transportation Security Administration's Efforts to  
Proactively Address Employee Concerns*, March 2008

Purpose

This memorandum constitutes TSA's response to the OIG's draft report titled *Transportation Security Administration's Efforts to Proactively Address Employee Concerns*, dated March 2008. TSA expresses its thanks to the OIG for acknowledging TSA's proactive efforts in this regard and for the recommendations contained in its report. While TSA concurs with some of the draft report's recommendations on how to improve and continue maturing the employee engagement options reviewed by the OIG, TSA disagrees with some of the broad conclusions reached with regard to the effectiveness of these options.

Background

From July 2007 through December 2007, OIG conducted an audit to determine the effectiveness of TSA's efforts to proactively identify and address employee workplace problems, issues, and concerns. Specifically, the OIG assessed the effectiveness of TSA's Office of the Ombudsman; the Model Workplace Program Office through the Agency's implementation of the Integrated Conflict Management System; the National Advisory Council; and their respective roles in helping identify and address employees' workplace concerns. The OIG interviewed personnel at TSA headquarters and visited eight airports. At each airport, interviews were conducted with a judgmental sample of approximately 40 Transportation Security Officers (TSOs), for a total of 320 TSOs, selected from duty rosters provided by TSA. The OIG found that despite the positive steps taken, TSA could improve its initiatives by establishing more effective internal systems, processes, and controls. Specifically, the OIG alleges that TSA has not

## Appendix B Management Comments to the Draft Report

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provided sufficient tools and guidance regarding the structures, authorities, and oversight responsibilities of each initiative reviewed, and the Agency has faced challenges in communicating details of these internal options to its workforce.

### Discussion

TSA is taking a systems approach that includes skills, structure, and support to build a values-based culture, which encompasses conflict management competency, innovation, communication, collaboration, and employee engagement. The OIG report has failed to recognize the scale, depth, and leading-edge quality of what TSA has undertaken: becoming a model that other agencies are benchmarking, providing multiple places and ways that individuals can raise and obtain assistance in resolving concerns, and making considerable progress in laying the foundation for the maturation of the system.

The OIG report errs by focusing exclusively on the Model Workplace Program Office (MWPO) and the Office of the Ombudsman as avenues to address employee concerns or for employee engagement. The OIG report views TSA's approach as a dispute resolution "*program*" (consistent with the paradigm followed by other agencies) rather than as the unique proactive systems approach that it is. TSA considers this system to be mission-critical, as it will enable information sharing throughout the organization and give TSA access to the perspectives and ideas of everyone; enable full engagement, especially and including its frontline employees; build a stable, high-performing workforce; and reduce the distraction, disruption, and drain on resources of unaddressed conflict. While it is necessarily a work in progress, TSA has developed, implemented, and is maturing an effective system that allows substantial and varied opportunity to proactively address employee concerns and encourage employee engagement.

With regard to the scope, methodology, and supporting data identified in the report, there is bias inherent in the OIG's criteria for selecting the small sample of airports examined by the audit and a lack of factual or analytical support for a number of the report's key conclusions. This results in flawed conclusions and understatement of the positive impact of those employee options for addressing workplace concerns.

The report's findings are based on interviews with 40 TSOs at each of eight airports. TSA employs approximately 45,000 TSOs at 450 airports. Moreover, the eight airports chosen by the OIG, by the report's admission, came to the OIG's attention because of complaints raised with Congressional representatives, the OIG itself, the media, or the TSA Office of Ombudsman. There is no apparent basis, therefore, for concluding that the report's characterization of this sample of airports is representative of TSA as a whole or that the responses and issues of the small sample of 320 TSOs interviewed is statistically significant.

The report states that TSA employees express their concerns by "filing formal complaints at rates significantly higher than other Federal agencies of comparable size." However, no time frame for this "historical" comparison is given, and there is no indication of whether these unnamed agencies are comparable in anything but size. Likewise, the

## Appendix B Management Comments to the Draft Report

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universe of “formal” complaints compared is not identified; so it is not possible to assess whether the comparison is probative of employee satisfaction or the ability to resolve complaints by informal means. Even assuming a smaller number of *comparable* formal complaints, the audit does not assert or establish that employees at the comparator agencies have resolved their complaints by other means, or resolved them at all, much less that these employees enjoy higher morale.

In addition to traditional approaches, TSA has elected to take a systemic approach to building capacity within the organization for managing conflict at the earliest opportunity. The approach covers the full range of conflicts that affect individual employees, operational units, or the organization as a whole. This is being done through the development of an Integrated Conflict Management System (ICMS), an overall approach to creating a respectful environment that supports collaboration, communication, cooperative problem solving, and employee engagement at all levels of the organization. The focus of TSA’s ICMS is on individual responsibility for managing conflict and, therefore, on building competency at all levels for dealing with conflict and the organizational support that will enable employees to use these skills. *TSA has mandated and unequivocally supports effective local ICMS implementation.*

The fact that TSA has elected to expand its focus beyond merely developing dispute resolution processes should not be misinterpreted to mean that TSA has in any sense neglected the requirements of developing such processes. The Aviation and Transportation Security Act of 2001 (ATSA) provided TSA with significant flexibility in this area. Most Federal personnel laws in Title 5 of the U.S. Code are not applicable to TSA, and Section 111(d) of ATSA provides that, notwithstanding any other provision of law, the TSA Administrator may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment for the TSOs. Using this flexibility, TSA has taken a proactive approach to create a dynamic, innovative personnel system, supporting the core values of TSA, and introducing employee-focused programs and procedures. For example, during its first 18 months, TSA took the initiative to develop and agree to a Memorandum of Understanding with the United States Office of Special Counsel, providing the Office of Special Counsel the authority to receive, investigate, and recommend resolution regarding TSO complaints of reprisal for whistleblowing disclosures.<sup>1</sup> In addition, TSA established policies that confer rights and responsibilities in TSA personnel processes, establish a grievance procedure,<sup>2</sup> and afford TSOs internal

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<sup>1</sup> More recently, TSA and the Merit Systems Protection Board (MSPB) entered into a Memorandum of Agreement to provide for MSPB adjudication of complaints of reprisal for whistleblowing disclosures filed by TSOs with the MSPB.

<sup>2</sup> Since July 2007, Peer Review has been an option for TSOs, Leads and Supervisors in the grievance process at 13 pilot site airports. Employees at these airports may choose to have covered grievances heard through this process, or may choose other available grievance or appeal processes. The Peer Review Panel, made up of three peers and two managers, has the authority to review and decide these grievances. Panels cannot change policy, but they do ensure that policies are applied properly and consistently. Peer Panel decisions are binding, and the process is confidential. Based on the success of this pilot, TSA plans to expand Peer Review starting with CAT X and CAT 1 airports.

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appeal rights outside their airport to a Disciplinary Review Board (DRB) at TSA headquarters to adjudicate serious disciplinary actions.<sup>3</sup>

TSA's Alternative Resolutions to Conflict (ARC) Program within the Office of Civil Rights and Liberties has also been extremely effective in proactively resolving complaints through Alternative Dispute Resolution (ADR) techniques. In fact, it is one of the premier ADR programs throughout the entire Federal Government as demonstrated by benchmark setting ADR participation rates (the rate at which the parties participate in ADR) and ADR resolution rates (the rate at which the parties resolve a dispute or complaint). With respect to ADR resolution rates, ARC achieved a resolution rate of 82 percent in fiscal year (FY) 2007 and 83 percent in FY 2006, significantly higher than the average Government-wide resolution rate of 50 percent. By any measure, this mediation program would be considered a successful, proactive way of addressing employee issues, and yet it was not considered in this audit.

Further, in January 2003, TSA added a feature that is not often found in Government agencies, an Office of the Ombudsman. TSA's Office of the Ombudsman has responded to more than 21,000 TSA employee inquiries from 80 percent of all TSA-staffed airports since its inception in 2003. The Office of the Ombudsman achieved full or partial resolution of nearly three-quarters of the 2,040 complaints closed in FY 2007. Moreover, the average score received by the Ombudsman's Office on its client satisfaction survey from over 800 survey respondents demonstrates high satisfaction with responsiveness and quality of service.

Additionally, with regard to the "Results of Audit Findings," TSA takes exception to the following:

- As evidence of low employee morale, the report cites a 17 percent voluntary attrition rate. However, the 17 percent voluntary attrition rate for TSOs is comparable to that of the "transportation, warehousing and utilities" segment in the private sector (17.5 percent) and lower than the private sector overall (25.9 percent), according to U. S. Department of Labor statistics. Note also that attrition for screeners employed by air carriers before 9/11 ranged as high as 100 to 400 percent annually at some airports.

Moreover, in response to the variable nature of flight schedules, TSA management has developed an optimized staff scheduling model that increased the percentage of part-time TSOs. Part-time TSOs traditionally have a higher attrition rate than full-time TSOs. Even so, when viewed separately, the attrition rates for both full-time and part-time TSOs have declined for the third straight year.

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<sup>3</sup> The decisions of this appeal board are posted on TSA's internal website and provide detailed rationale for decisions. The DRB is empowered to reverse airport management's action or mitigate the penalty. The DRB has the authority to order back pay and other remedial action necessary to implement its decision.

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- In summarizing the results of the audit, the report states that “[e]mployees are underusing [sic] the initiatives, and as a result, longstanding workplace issues *may* be unresolved at these locations. This contributes to further employee workplace dissatisfaction and employee turnover, which *could* adversely affect the effectiveness of TSA’s security screening function.” (Emphasis added.) The significance of this statement is unclear given the qualifiers that the authors found necessary to include, the lack of foundation for the characterization of these processes as underutilized, and the lack of any basis for concluding that this purported underutilization is a cause of workplace dissatisfaction or employee turnover.
- The report draws sweeping and erroneous conclusions, with no supporting data provided, with respect to the National Advisory Council (NAC), which in fact, is a tremendously effective body of TSOs, Lead and Supervisory TSOs, and Assistant Federal Security Directors (AFSDs) for Screening that advises TSA leadership on national issues.<sup>4</sup> For example, the report states that the NAC could be more effective in identifying and communicating Agency-wide workforce issues to senior leadership. However, there is no data in the report with respect to how the NAC communicates with senior leadership. Similarly, the report’s conclusions regarding the NAC are distorted by its focus on the limitations, at the time of the audit, of the NAC Points of Contact (POC) network. At the time the audit was conducted, NAC I itself had identified a need for a more robust network linking the NAC to all the airports and all the employees. This network is actively being established under NAC II. Therefore, by focusing on the lack of full implementation of the POC network before actions to accomplish it in a structured way had come to fruition, the report gives a false impression of the NAC and its work.
- The report is not correct in suggesting that the MWPO itself should hold sites accountable for ICMS implementation. While the MWPO has responsibility for helping to foster development and integration of the ICMS, the ICMS is not a “program” residing within the MWPO. The ICMS requires that cooperative problem solving, respectful communication, and conflict management become *integrated* into the fabric of the organization and manifested in everyday practices and behavior. Accordingly, as set forth in response to recommendation Number 4, TSA is presently in the process of building ICMS standards into performance plans, including Federal Security Director (FSD) performance plans, rewards and recognition, hiring, training, and the usual channels of accountability for individual performance measurement and site assessment.
- Similarly, the report misconstrues the role of the ICMS Coordinator. The role of the Coordinator is to support local leadership in implementing the ICMS.

<sup>4</sup> NAC I members completed their 2-year terms in December 2007. NAC II was expanded to include Airport Security Managers and the size was expanded from 55 members to 61. NAC II members met for the first time in January 2008.

Coordinators themselves, or teams they support, coordinate the building and maintenance of the overall system, including local ICMS skills building; creation and maintenance of local structural options for raising issues such as employee councils, other work groups, and concern forums; and local communication, integration, and assessment of the ICMS for continuous improvement. Coordinators often facilitate local employee advisory councils and other work groups engaged to address workplace issues, provide a source of unfiltered feedback to their Federal Security Directors (FSD) and, with others, help ensure that issues raised through the system are properly routed to ensure a response and, where possible, resolution. However, while Coordinators help foster and support the system, the Coordinator is not the issue resolver.

- Two minor clerical errors, both in Appendix D, should be noted: a) the correct title of the office is Office of Inspection (not Inspections) and b) under the Office of Human Capital, the second main bullet (referencing the Administrative Appeals and Review Officer, (AARO)) is redundant inasmuch as the AARO is chair of the Professional Review Board and Disciplinary Review Board (referenced in the prior bullet), and it is in this capacity that the AARO reviews only these disciplinary actions, not all disciplinary actions throughout the Agency.

#### **TSA Response to Recommendations**

**Recommendation 1: Realign the Office of the Ombudsman so that it reports directly to the Assistant Secretary, thus better ensuring its independence within the organization.**

**TSA does not concur.** The current structure and placement of the Office of the Ombudsman is appropriate, given its role as an *informal* avenue for resolution of workplace concerns. That very informality is a strength that the Ombudsman uses effectively and is not diminished by its location in the TSA structure. The Ombudsman guides parties through the resolution process in a manner that facilitates collaboration, diffusing tension and eliminating an adversarial environment that may otherwise arise. By working issues informally, the Ombudsman reduces the volume of problems that may reach significantly more costly formal processes. In FY 2007, the Ombudsman achieved full or partial resolution to nearly 75 percent of the complaints brought to its attention. It can be concluded that the Ombudsman has successfully averted formal processes on a significant number of individual inquiries.

The Ombudsman reports to the Office of the Special Counselor (OSC), an Assistant Administrator-equivalent position, who in turn has direct access to the Assistant Secretary and other senior leaders to raise employee issues and concerns that come directly to its Ombudsman, Privacy, and Civil Rights and Liberties offices. In its current

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alignment, the TSA Ombudsman, like other offices within OSC, is separate from the “operational” components of the Agency, thereby ensuring it is not unduly influenced by the interests of those organizational components. Furthermore, realignment would not change the responsibilities of the Ombudsman’s office.

The OIG report references the American Bar Association’s (ABA) *A Guide for Federal Employee Ombuds – A Supplement to and Annotation of the Standards for the Establishment and Operations of Ombuds Offices* to support its position of having the Ombudsman directly report to the Assistant Secretary. This ABA document is a guide; multiple Ombudsman offices in the Federal Government are organized so that they are not required to report directly to the head of their organizations. The report also contains a singular view as to how an Ombudsman should function. TSA uses an organizational ombudsman model, which is consistent with how other Federal Ombudsman offices operate, and evidence was not set forth in the OIG report to convince TSA that a different Ombudsman model would be more effective.

**Recommendation 2: Establish an explicit policy or “charter” that clearly sets forth the Office of the Ombudsman’s role, authority, responsibility, and jurisdiction. This should include discussion of the authorities provided to the Ombudsman to:**

- **plan and execute all necessary activities, including site visits, free from interference;**
- **suggest corrective actions to airports and Area Directors as a result of its activities; and**
- **follow up with Transportation Security Administration officials responsible for airport operations to ensure that corrective actions are implemented.**

**TSA concurs.** TSA concurs in general with the recommendation to clearly set forth the role, authority, responsibilities, and jurisdiction of the Office of the Ombudsman; however, this will be accomplished in the manner and context of the office as an informal avenue for resolution of workplace concerns. It is important to first note that the responsibilities of the OSC and its Office of the Ombudsman are defined in TSA Management Directive (MD) 100.0-1, OSC Roles and Responsibilities. One of the primary responsibilities of OSC as stated in this MD is “ensuring that employees and the traveling public are treated in a fair and lawful manner.” In support of this responsibility, the Ombudsman’s office is charged in this MD with “(1) providing neutral, informal and confidential problem resolution services to employees and the public for issues, concerns, and conflicts involving TSA policies or personnel; (2) providing information to TSA leadership and program offices about the types of inquiries the Office receives, and recommendations for resolution; and (3) conducting trend, policy, and program analysis, and implementing outreach and education activities for TSA managers and staff.” TSA will develop an MD that describes in more specific detail the purpose, roles, and responsibilities of the Office of the Ombudsman. This MD has been drafted; additional

changes will be made to more clearly identify actions that will be taken when allegations are made of retaliatory action toward individuals who choose to use this or any option for raising issues or concerns. With respect to site visits, mission-critical operations will be taken into account with regard to the timing of the visit and/or scope of the site activities. The Office of the Ombudsman does and will continue to suggest corrective actions and will follow-up with appropriate officials on those recommendations in an informal collaborative problem solving manner. The MD will address this follow-up process. This MD is expected to be completed and vetted within TSA by the end of calendar year 2008.

**Recommendation 3: Ensure that the agency:**

- **improves the Inquiry Management System or acquire a system capable of performing the necessary data manipulation and analysis needed to track issues, identify trends, and generate value-added management reports; and**
- **provides Federal Security Directors with useful Ombudsman data for their respective airports.**

**TSA concurs.** TSA is addressing improvements to the reporting activities of the Ombudsman so that its reports contain responsive data and trend analysis. Efforts will also be made to provide individualized reports to specific airports when the employee contact volume is at such a level that it will not compromise the confidential nature of its contacts.

Specific improvements to the Inquiry Management System will also be made as they are identified, determined to be cost-effective, and properly funded. In the longer term, reporting needs and requirements for the Office of the Ombudsman will be included as the agency leverages existing technologies and will be deployed to the Office of the Ombudsman on a schedule that is prepared in consideration of all Agency priorities.

**Recommendation 4: Issue a Management Directive that clearly sets forth the purpose, responsibilities, policies, and procedures for consistently implementing and assessing the Integrated Conflict Management System to ensure that:**

- **Sufficient resources are made available to effectively and more consistently implement the Integrated Conflict Management System locally. Accordingly, local management should consider the size of the workforce, the nature of the designated Integrated Conflict Management System Coordinator's full-time responsibilities, and any existing collateral duty assignments when deciding how to structure, position, and fill this critical position within the local organization;**
- **The Model Workplace Program Office establishes performance metrics to identify and assess the effectiveness of the program and potential areas for improvement; and**



- **The Integrated Conflict Management System Coordinators develop and use internal systems to track the status of employee concerns, analyze the data to identify workforce trends, and regularly report the results to provide information on local workplace issues to local leadership and Transportation Security Administration Headquarters.**

**TSA concurs in part.** The ICMS Standards, with milestones and target dates, are a significant step toward standardization and accountability. In February 2007, TSA leadership announced that the ICMS is mandatory at all airports. A cross-functional ICMS Standards Committee with field and headquarter representatives has developed ICMS standards for Level 1 and 2 outcomes on the ICMS Maturity Model (Appendix E) and will complete standards for Level 3 by the end of the third quarter of FY 2008. All airports are required to achieve Level 1 and 2 standards by September 30, 2008; assure mandatory training for Federal Security Directors (FSD) and appropriate staff is in place; and ensure performance plans are being modified to include the effective implementation of ICMS. These Level 1 and 2 Standards constitute the minimum requirement; many sites have already achieved Level 2 and are progressing into and through the range that constitutes Level 3. Sites will be expected to enter Level 3 in FY 2009.<sup>5</sup>

TSA plans to issue an ICMS MD by the end of calendar year 2008. The MD will be developed from the valuable experience gained through implementation and the groundbreaking work of the ICMS Standards Committee in articulating attributes, appropriate expectations, and measures for the first three levels of ICMS maturity.

The ICMS Standards specifically address the positioning, role, and responsibilities of the ICMS Coordinator; and the MWPO is working with the Office of Security Operations to ensure that the duties of ICMS Coordinators and the resource requirements for employee engagement are factored into developing local staffing models. Additionally, the MWPO has received additional resources to enable it to further enhance competency development, support the NAC Network, and establish a greater presence in the field for hands-on guidance and support to sites in their efforts to meet ICMS Standards.

While the Directive will and the Standards do articulate roles, responsibilities, principles, and safeguards, they place accountability squarely with local management and within existing operations management and accountability systems rather than the MWPO. ICMS standards are being integrated into job competencies, performance plans, training, hiring, rewards and recognition, and existing systems of accountability—performance metrics, performance management, and site assessments.

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<sup>5</sup> The audit asserts that TSA “does not ensure that qualified conflict coaches are made available at field locations.” In fact, while conflict management coaching has received positive written evaluations from nearly all those employees who have used it, in the course of test-driving this innovative initiative, the MWPO has determined that coaching is most likely to flourish in those airports that have achieved a certain maturity level in ICMS development. Accordingly, to maximize the return on resources needed to train and qualify coaches, presently there are strict requirements for sites to accomplish before they add conflict management coaching to their local menu of options and for individuals to become coaches. It follows that conflict management coaching has not been and continues not to be mandated at airports.

Under the ICMS Standards, ICMS Coordinators, along with others, help ensure that local issues raised through the local system are properly routed to obtain a response and, where possible, resolution. If necessary, these issues will be brought to the attention of local leadership. The ICMS Coordinators, however, are not expected to supplant existing national systems for identifying workforce trends, the work of the NAC, or the developing NAC Network as a means for elevating issues of national significance to TSA leadership.

**Recommendation 5: Issue a Management Directive or revise the National Advisory Council's charters to ensure that:**

- **TSA fills all points of contact positions nationwide;**
- **Points of Contact are provided specific guidance to better understand their roles and responsibilities for obtaining feedback on workplace issues and concerns from the local workforce and communicating that information to their designated National Advisory Council members;**
- **National Advisory Council members and Points of Contact at the airports are allowed adequate time to fulfill assigned roles in the National Advisory Council;**
- **National Advisory Council members routinely contact their designated field Points of Contact to facilitate a continued exchange of information on agency-wide workplace issues; and**
- **National Advisory Council members and the field POCs effectively coordinate with local Integrated Conflict Management System initiatives, such as employee councils, to provide integrated communication and cross-functional approaches to problem solving and achieve organizational success.**

**TSA concurs.** TSA will codify the roles, responsibilities, and requirements, including resource requirements, of the NAC Network in the NAC Charter. NAC II is working with the MWPO to firmly establish the NAC Network proposed by NAC I. The goal is to ensure that the Network is a robust tool linking employees at all airports with Senior TSA leadership through the NAC, to clarify roles and responsibilities, and to standardize resources allocated to NAC Network members by local management.

The NAC Network will consist of NAC I Alumni and NAC Points of Contact (POCs). Once fully established, every airport will be covered by either a NAC member or a POC. POCs will be members of local employee councils and will partner with ICMS Coordinators to ensure that issues of national significance, which emerge from any segment of the workforce, are forwarded to the NAC for consideration. The Network will be implemented by the end of calendar year 2008. FSDs and the entire workforce will be fully informed of these roles, responsibilities, and requirements, and MWPO staff members will be dedicated to ensuring the accessibility and full potential of the network.

**Recommendation 6: Ensure that appropriate actions are taken to use all available options to better publicize and effectively inform the workforce of the services available from the Office of the Ombudsman, the Model Workplace Program**

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**initiative and Integrated Conflict Management System, and the National Advisory Council. For example, the agency could strengthen its efforts by including information on these initiatives in communications emanating from related programs, providing reminders on every employee's paycheck, and delivering details using the agency's Online Learning Center for current and incoming employees.**

**TSA concurs.** TSA has and will continue to engage in multiple efforts to raise employee awareness of its options and services through a variety of venues. Specific to the recommendation, the Ombudsman was successful in distributing a message about its service via employee Leave and Earnings Statements issued to all TSA employees in December 2007. This mass distribution will be repeated on a regular basis.

On the national level, TSA has a large and growing array of communication vehicles, including a weekly electronic newsletter, leadership webcasts discussing issues of current interest to the workforce that can be downloaded locally, Leave and Earnings Statement messages, extensive use of the TSA intranet, and regular broadcast e-mails to all employees from TSA leadership.

**Appendix C**  
**TSA Internal Action Offices Designated to Address Complaints**

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**Major Duties and Responsibilities Related to Employee Concerns and Complaints**

*Office of Civil Rights and Liberties*

- The Office of Civil Rights and Liberties addresses Equal Employment Opportunity complaints filed by TSA employees and applicants for TSA employment who feel they were subject to discriminatory employment practices, unlawful harassment, or retaliation.
- Process involves informal counseling to complainant and an attempt to resolve the issue through the Office of Civil Rights and Liberties' Informal/Alternative Resolutions to Conflict Division.

*Office of Inspection, Investigations Division*

- The Office of Inspection investigates criminal and noncriminal misconduct by TSA employees, mismanagement, violations of TSA's security directives, and allegations of sexual harassment involving an FSD or other executive level management officials.
- The Office of Inspection is obligated to report certain matters to the DHS OIG first for a determination of whether the OIG or TSA will conduct the investigation.

*Office of Security Operations, Management Inquiry Branch*

- Office of Security Operation's Management Inquiry Branch was established in May 2006 to provide an avenue to report misconduct or mismanagement without fear of reprisal. The scope of its authority is limited to investigating misconduct or mismanagement of a noncriminal nature involving only senior level TSA employees: FSDs, Assistant Federal Security Directors, or other executive level management officials.
- The Management Inquiry Branch investigations include: time and leave abuse/fraud, offensive emails, nepotism, intimidation, hostile work environment, inappropriate comments, and poor judgment.
- The Management Inquiry Branch also has an administrative function to review "referral" cases for closure and provide information to the FSDs at those airports where the referrals originated.

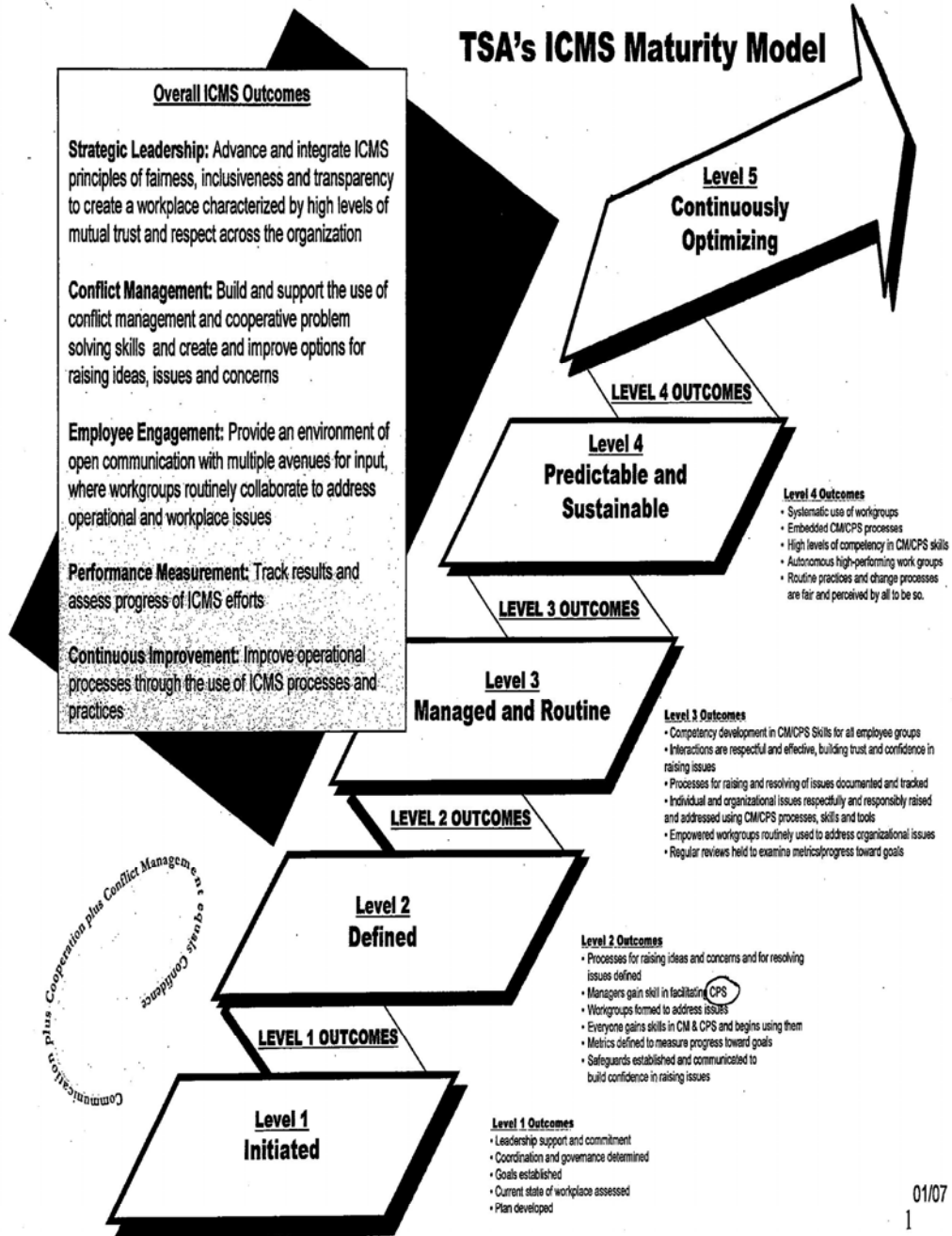
*Office of Human Capital*

- The Office of Human Capital has a number of sub-offices that deal with specific types of employee complaints and allegations:
  - Professional Review Board
  - Disciplinary Review Board
  - Services and Consultation Division
  - Diversity and Reasonable Accommodation Office
  - Employee Relations Office.

**Appendix D**

**TSA's Integrated Conflict Management System Maturity Model**

Source: TSA's Model Workplace Program Office



**Appendix E**  
**Major Contributors to this Report**

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