



**Transportation
Security
Administration**

December 9, 2008

Danielle Brian
Executive Director
Project On Government Oversight
666 11th Street, NW, Suite 900
Washington, DC 20001-4542

Dear Ms. Brian:

This is in response to your recent correspondence concerning the Office of Law Enforcement/Federal Air Marshal Service (OLE/FAMS). While your letter and report are well intentioned, the Project on Government Oversight relied on information provided by a small group of current and former FAMS employees to support its conclusions. The handful of Federal Air Marshals (FAMs) cited in your report dated November 25th, 2008, represents a very small number of our workforce. In fact, these few individuals represent less than a thousandth of a percent of the 11,132 complaints and disciplinary cases your report states were processed by the Office of Special Council between 2002 and 2007. The rarity of the incidents cited in the report is hardly indicative of a systemic breakdown in communications the report claims exists within FAMS. In addition, your report failed to cite the instances involving these claimants where the MSPB and Federal Courts ruled in favor of FAMS.

Our record in reaching out to our workforce to resolve issues is exemplary. To date, hundreds of FAMs have come forward to help facilitate positive change within the agency via established processes available to communicate with senior managers, such as:

- **A web-based anonymous suggestion forum to provide direct input to senior OLE/FAMS leadership.** Hundreds of issues have been raised and reviewed through the forum.
- **The opportunity to provide input and/or to participate in 36 OLE/FAMS workplace issue-resolution working groups.** Over 300 participants have been actively involved in the workgroups. In addition to working group member input, over 500 suggestions have been received from the workforce via the "Director's Working-group Suggestion Inbox."
- **Ombudsman program services.** Since November 2006, a FAM assigned full-time to the Ombudsman program has fielded employee and managerial questions and concerns in a confidential and neutral manner as the OLE/FAMS' Liaison to the TSA Ombudsman.

- **OLE/FAMS field office focus groups in all OLE/FAMS worksites.** The issues raised by employees, and resolutions offered by local management, are shared with all worksite employees and OLE/FAMS headquarters for review.
- **OLE/FAMS headquarters listening sessions;** to date, dozens of sessions have been held involving field and headquarters personnel.
- **“Dinner/Breakfast with the Director”** listening sessions that provide mission status FAMS the opportunity to interact directly with the Director of OLE/FAMS.
- **Formal Field Office Visits.** As of December 2007, all OLE/FAMS field offices will have received visits by senior OLE/FAMS leadership for the purpose of hosting open-forum discussions with the local workforce.
- **The Integrated Conflict Management System** which encourages informal resolutions to common workplace problems.
- The ability to contact the **TSA Office of Inspections, Department of Homeland Security Office of Inspector General and U.S. Office of Special Counsel.**

In a recently completed 20-month audit of FAMS, the U.S. Government Accountability Office reviewed the agency’s ongoing efforts to address workforce issues. The report concluded that “FAMS, to its credit, has established a number of processes and initiatives - including a workforce satisfaction survey - to address various operational and quality-of-life issues that affect the ability of air marshals and other FAMS personnel to perform their aviation-security mission.” Following interviews with dozens of FAMS assigned to field offices nationwide, the GAO report found that:

- The revised dress code and hotel policies adequately addressed the anonymity concerns of FAMS.
- FAMS were generally satisfied with changes to the mission scheduling system; changes which allowed for: Increased rest periods between missions, consistent start times between work days, minimum rest periods during days off, and the ability of individual air marshals to exchange missions.
- The FAMS voluntary lateral transfer program has allowed more than 200 FAMS to transfer to field offices of their choosing since the programs inception in 2006.
- FAMS is in the process of establishing an agency-wide national advisory council (NAC), with representatives from headquarters and all field offices, to further enhance communication and outreach efforts, promote greater job satisfaction, and improve organizational effectiveness through cooperative problem solving and replication of best practices. (This council is modeled after the successful rollout of the TSA NAC in 2006.)

As recently as October 2008, FAMS hosted the Equal Employment Opportunity Commission’s (EEOC) “EEO Training for Managers and Supervisors” course for over 100 FAMS supervisors. In addition to EEOC’s two day course, FAMS supervisors received a full day of training from the FAMS Policy Compliance Unit, TSA’s Office of Chief Counsel, and Human Capital/Employee Relations personnel on FAMS specific policies and procedures, including whistleblower protections. This training is intended to serve as a resource for FAMS supervisors faced with conduct and disciplinary issues and to ensure both consistency and fairness when proposing penalties in these cases.


Your website also disclosed a recent email to Mr. Richard Hoskins from a senior FAMS management official. Managing the flow of information is crucial to the efficient operation of any large organization with a complex mission. Unfortunately, POGO chose to characterize this management process as an impediment to employee outreach and good management. Every organization has a process to manage the massive flow of information; few however engage their employees in a manner similar to that of FAMS.

Today's FAMS are law enforcement professionals dedicated to making the nation's transportation infrastructure safer than ever before. While our core mission will always be the protection of passengers and crew members aboard commercial aircraft, federal air marshals have seen their mission evolve over the years to include other modes of transportation. FAMS has become one of the most mobile, flexible, and vigilant federal law enforcement agencies in the nation.

To maintain these open channels of communication FAMS policy is clear. Any employee who in good faith reports waste, fraud, abuse, mismanagement or a violation of law or agency policy shall not be subjected to any form of harassment, adverse employment consequences or other form of retaliation. Additionally, employees are encouraged to bring any concerns, complaints, or violations to the attention of their managing officials via the many established processes available to them.

FAMS takes all allegations of workplace retaliation against its employees seriously. FAMS has in the past and continues to fully cooperate with the U.S. Office of Special Council, TSA Office of Inspection, DHS Office of the Inspector General, the U.S. Government Accountability Office, Congressional inquires, and the independent Merit Systems Protection Board to investigate and resolve any allegation of workplace retaliation.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. S. Bray', written in a cursive style.

Robert S. Bray
Assistant Administrator/Director