



News and Information for TSA Employees from NTEU

May 6, 2009

First Amendment Rights

NTEU Secures Revisions to TSA Union Activities Policy

Thanks to NTEU's efforts, TSA has revised its policy on union activities to more fairly conform to the First Amendment rights of those involved in the union's ongoing TSA organizing campaign. The new policy modifies previous TSA guidance that unfairly restricted the free speech rights of TSA employees and NTEU organizers.

The overly restrictive policy, issued on Feb. 4, banned TSA employees from engaging in any union activities while in uniform, even immediately before and after their shifts—often the best time to discuss the benefits of union membership with a colleague. It also prohibited TSA employees from accepting **ANY** gifts from NTEU, even small trinkets like pens or lanyards. And, it contained an overly broad and vague prohibition on “pursuing” TSA employees who initially decline to join the union.

NTEU voiced its concerns about the matter in a letter sent to TSA and President Colleen M. Kelley discussed the misguided policy with DHS Secretary Janet Napolitano in a recent meeting. President Kelley followed those efforts up with a detailed letter seeking Secretary Napolitano's assistance in resolving the issue.

NTEU's efforts paid off as TSA recently issued two ***“Question and Answer”*** documents that address NTEU's concerns. Both documents are clear that TSA employees may pursue their colleagues to urge them to support NTEU so long as their efforts do not cross the line into harassment:

- The first ***“Question and Answer”*** document clarifies that TSA employees may accept gifts from NTEU like the lanyards or pens that NTEU has been giving out; and
- The second ***“Question and Answer”*** document provides that TSOs may engage in union activities while in uniform during times that they would otherwise be authorized to be in uniform, including on the way to and from work.

“I am pleased that NTEU was able to secure these changes to the overly restrictive union activities policy,” President Kelley said. “TSA employees deserve a full airing of the benefits of collective bargaining and of NTEU membership. NTEU will continue to make sure that TSA respects the First Amendment rights of its employees.”

NTEU hopes that these clarifications help to clear up any confusion about the rights of TSA employees to engage in union activities. For more, contact your local NTEU representative.