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Via Email  
[John.Schaal@tsa.dhs.gov](mailto:John.Schaal@tsa.dhs.gov)

Mr. John Schaal  
Supervisory Air Marshal in Charge  
Philadelphia Field Office  
Federal Air Marshal Service

**Re: Philadelphia Field Office ("PFO") Federal Air Marshals' Performance Evaluations**

Dear Mr. Schaal:

We have provided a fair amount of time for you to respond to our prior correspondence dated December 6, 2019 regarding the above-referenced issue. In that correspondence we requested: (1) a formal description of the methodology used by PFO management for the most recent rating period; (2) an explanation of why it is acceptable to penalize FAMs for using earned or accrued leave, for medical reasons, or for any reason whatsoever; and (3) a repeat of all PFO evaluations, inclusive of a comparison of those FAMs who received pay incentives and those who did not, for the most recent rating period by someone outside of PFO. We explained that PFO FAMs deserve a fair performance review conducted with metrics that were expected during the rating period. We further asked PFO to stop its illegal discrimination and retaliation against the workforce. We hereby renew our requests.

The methods utilized by PFO management included the use of the headquarter-driven metric of [REDACTED] fly days to determine the employees' performance rating for the rating period. We understand, for example, that if a FAM attained [REDACTED] mission fly days in that rating period then that FAM received a higher IPI award. As we stated in our prior correspondence regarding

this issue, this metric of [REDACTED] fly days per year has been lowered over time to ensure a better quality of life for FAMs. This number is also the maximum number of fly days to be attained by a flying FAM as per Headquarters' guidance. Furthermore, a FAM does not make his/her own flight schedule and the FAM does not choose their day-to-day assignments. For performance reviews, PFO management chose to not consider a scheduled recovery day as a fly day if they were not called upon to make a flight. Essentially, this day of official duty was/is not counted as such, and actually, if the FAM was assigned to recovery for a day and was not assigned to a flight, that day counted against the FAM's performance review because it did not factor into the [REDACTED] fly day metric.

We have also learned that many FAMs were told by their SFAMs during yearly performance reviews that they have received a lower score due to not attaining [REDACTED] fly days. Many FAMs explained to their supervisors that family illnesses, child care concerns, doctor appointments, use of approved leave and even official deployment to the border contributed to having lower mission fly day totals. FAMs who exceeded the [REDACTED] fly day metric received a higher score on their performance evaluations. It appears to PFO FAMs that utilization of this metric is limited to PFO. Thus, PFO FAMs are requesting further clarification of how this metric was utilized during the performance evaluation process.

After our prior correspondence on this issue, we were advised by PFO FAMs that you openly stated in a meeting with PFO staff during training days that "poor communication" contributed to this issue. What was the communication issue and what was it intended to be? Either PFO management used the metric or it did not.

We have been provided additional information indicating that PFO management did in fact use the [REDACTED] fly day metric to evaluate performance:

- Management (SFAMs and ASAC Clay Robbins) did not consider recovery days as a workday if the FAM on recovery did not receive a flight. Meaning, recovery days count against the FAMs' performance evaluation scores.
- Several FAMs report that after receiving a lower than normal performance evaluation score and questioning their SFAM why the score was so low, the SFAMs' collective response was that the FAM should have had more flight days.
- One FAM reports receiving a memorandum from the SFAM explaining the FAM would "most benefit with improvements in working toward increasing his FAMS core mission load." Mission load is interpreted by management as more mission fly days. The memorandum also includes his total mission fly days as below [REDACTED]
- Many PFO FAMs have reportedly received the lowest performance evaluation score of their career under the new metric used in this rating cycle.

- After FAMs received their scores from their SFAMs, many FAMs requested to speak with ASAC Robbins about their scores. ASAC Robbins told those FAMs, "If you do average work then you get an average score" and "Yes, the PFO will continue to use mission fly days for scores in the future as well."
- FAMs report receiving their lowest score in 18 years of flying as insulting and embarrassing to the FAM and the workforce especially because many of those FAMs are nearing retirement. One FAM received a \$[REDACTED] cash award from his SFAM in relation to his lower than normal evaluation score award (\$[REDACTED] after taxes). As a show of pride in his work, he returned the money in a personal check to the PFO. This FAM was forced to utilize approved leave and ground days to tend to his wife and daughters' medical conditions during this rating period. Thus, the FAM's performance evaluation score was lowered for not having a high number of mission fly days due to his need to care for his family.
- Several FAMs report that the SFAM conducting their performance appraisal verbally claimed ASAC Robbins lowered the score from the intended score. Several FAMs asked their SFAMs for a meeting with ASAC Robbins. The SFAMs sat in the meetings with the FAM and ASAC Robbins. In one meeting with ASAC Robbins, a FAM requested the reasoning behind ASAC Robbins lowering his score. ASAC Robbins' response included the following: "You don't fly enough and your fly days are lower than most in the office." This employee utilized three sick days and 180 hours of earned and approved annual leave. ASAC Robbins also made the point that scheduled recovery days do not count towards total fly days. At no point during the ratings period was that FAM ever advised that PFO would be using the [REDACTED] fly day metric or that recovery days do not count towards his total fly days.
- FAMs report that they asked ASAC Robbins during meetings about exactly how and why this new mission fly day metric appeared at the end of the ratings period and where it can be found in agency policy. ASAC Robbins refused to answer such questions.
- The performance scores for three FAMs were lowered because they volunteered for deployment to the border.

Our conclusion from this information is that PFO, under advisement from you and ASAC Robbins, used a discriminatory and retaliatory practice to affect many older PFO FAMs. The information we have collected is consistent and confirms our conclusion. You and ASAC Robbins are responsible for tarnishing otherwise exemplary employment records.

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As stated in our prior correspondence regarding this issue, the use of the fly day metric is unfair, vindictive, and retaliatory to FAMs high in seniority. The use of the fly day metric must be stopped immediately.

We look forward to receiving your response, which of course we will share with affected PFO FAMs.

Very truly yours,

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