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Via Email

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David Pecoske
Administrator
Transportation Security Administration

Michael Ondocin
Executive Assistant Administrator
Law Enforcement/Federal Air Marshal
Service
Transportation Security Administration

Re: Federal Air Marshal Service's Philadelphia Field Office

Dear Mr. Pecoske and Mr. Ondocin:

We have sent several letters in the past regarding issues identified during John Schaal's tenure as the Supervisory Air Marshal in Charge ("SAC") of the Philadelphia Field Office ("PFO"). Philadelphia Federal Air Marshals ("FAM") and Supervisory Federal Air Marshals ("SFAM") brought numerous complaints and policy violations to SAC Schaal but he did nothing about those concerns or only acted after significant pressure. Indeed, toward the end of SAC Schaal's service, he was the SAC in name only. He allowed subordinates to spearhead harassment, retaliation and favoritism to run the Philadelphia Field Office. Although SAC Schaal eventually retired or was forced to resign, the problematic management officials in his chain of command were allowed to remain and the harassment, retaliation and favoritism continues. Acting SAC Robert Duerr has done nothing to alleviate or mitigate the rogue managers; even worse, he is totally hostile to FAMs who come forward with grievances and even goes so far as to imply that he will support these anti-employee tactics when he is once again a regional SAC.

In 2017, SAC Schaal received the award for SAC of the year due to the combined accomplishments and relationships of his Assistant Supervisory Air Marshals in Charge ("ASAC"), SFAMs, and FAMs. In 2018, the PFO received the highest Federal Employee Viewpoint Survey ("FEVS") score nationwide for the Federal Air Marshal in Charge. In this instance, Schaal's laissez-faire approach to management succeeded because of high caliber subordinates supporting the field office.

The departure of some ASACs and SFAMs, and the arrival of other supervisors (namely ASAC Clay Robbins) triggered a decline in office morale in 2019. In fact, the PFO's FEVS score plummeted to nearly the lowest in the agency. The decline was due to ASAC Robbins' (with approval by SAC Schaal) use of discriminatory flight metrics to measure the FAMs' performance over the fiscal year. The discriminatory practice was reported to former Director David Kohl and subsequently to Executive Assistant Administrator Michael Ondocin.

In 2020, Mr. Ondocin called PFO management to headquarters. A Local Action Plan ("LAP") was created as a remedy to improve morale and the FEVS score. As part of the LAP, the issues identifying low morale were to be identified and an action plan was to be created to address and fix those issues. While the creation of the LAP was appropriate, it has caused a roadblock from supervisors. One supervisor had to be removed from the LAP because he was impeding and disrupting the process. Many members of the LAP believe that there are retaliatory efforts in place to punish FAM participants. One FAM resigned from the LAP because of that. To be clear, it is not all PFO ASACs and SFAMs who are the problem. We have in fact been in contact with SFAMs who express a similar distaste of what is transpiring at PFO. The problem continues to be ASAC Robbins and several of his favored SFAMs who, when they do not agree with plans to improve morale, implement retaliatory and obstructive measures.

In addition to the disrespect and abuse received from ASAC Robbins, Acting SAC Duerr's performance has been substandard and hostile towards the flying FAM workforce. Acting SAC Duerr has not fostered an environment of unity and respect. It is his apparent belief that FAMs need to adhere to even stricter rules and measurements during a pandemic despite there not being any ongoing policy violations. Acting SAC Duerr is implementing significant policy changes that involve the mission exchange program, sick leave policy, medical leave duty status and scheduling (to name a few), all while merely being the Acting SAC. For example, one of his suggested implemented rules is that every time a FAM calls out sick or for a medical appointment, the FAM must tell his or her SFAM the specific details surrounding the illness or injury. That is overly intrusive and there is no basis to implement such a rule. The perception of PFO FAMs and SFAMs is that Acting SAC Duerr is steering away from Administrator Pekoske's strategic priority of being committed to the workforce.

The following is a typical exemplar of PFO management's disrespect and unprofessionalism.

On February 12, 2021 FAM Stephensen received a phone call from SFAM Bard requesting that he out-process for his pending retirement on February 16, 2021. FAM Stephensen's scheduled

separation date was February 27, 2021 and at the time of SFAM Bard's call Mr. Stephensen had been scheduled for sick leave for the remainder of his schedule due to COVID-19. On February 16, 2021 Mr. Stephensen arrived at PFO and he was told by SFAM Bard that he was not allowed to out-process unless he provided a doctor's note for his scheduled sick leave. Mr. Stephensen requested to speak with ASAC Robbins.

During his meeting with ASAC Robbins, Mr. Stephensen asked him if there was another alternative to using sick leave. ASAC Robbins explained that there was two options. The first option was to use administrative leave. The second option was for ASAC Robbins to give FAM Stephensen NMS days mixed with standby and/or REC days. Mr. Stephensen agreed to the second option. ASAC Robbins said he would advise Operations/SFAM Miller to take care of Mr. Stephensen by not calling him while he was out.

On February 19, 2021 Mr. Stephensen had his exit interview with Deputy Director Stevenson. During the interview, Mr. Stephensen told Deputy Director Stevenson about his conversation with ASAC Robbins and mentioned that he was taking care of him during his REC days.

On February 21, 2021 at approximately 8:03 p.m. Mr. Stephensen received a call from SFAM Cupo asking him if he could recover a RON mission. Mr. Stephensen explained to SFAM Cupo that he was about to retire and that he was advised that he could not use his government travel card so close to his separation date. SFAM Cupo disagreed and asked Mr. Stephensen if he was at the airport. Mr. Stephensen responded that he was not and that he was not home as well.

On February 24, 2021, or three days before his retirement, Mr. Stephensen was asked to draft a statement in response to an Incident Tracking Report that was created as a result of SFAM Cupo's February 21, 2021 phone call. Apparently, PFO management intended to charge Mr. Stephensen with a missed mission and/or AWOL charge as a retirement gift. Of note, Mr. Stephensen's federal service was discipline-free until this incident. When Mr. Stephenson followed up with upper PFO management, ASAC Robbins and Acting SAC Duerr took no accountability for the Incident Tracking Report and instead blamed each other for it.

Upon his retirement, neither ASAC Robbins nor Acting SAC Duerr acknowledged Mr. Stephensen's last day or issued him his retirement credentials. There was no official announcement of his retirement, though Acting SAC Duerr did announce the retirement of a secretary during a PFO town hall meeting. Fortunately, FAM Stephensen's SFAM gave him a proper send off as well his retirement credentials and LEOSA card.

Acting SAC Duerr, and ASAC Robbins and his cohorts, are deliberately making the FAMs' mission more difficult in the midst of a worldwide pandemic. In a time like this, the FAM workforce needs health and welfare support, not abuse and barriers. FAMs are currently experiencing 50 percent longer shifts and last-minute schedule changes which affect their quality of life. Couple those scheduling issues with the fact that Acting SAC Duerr is making deliberate, unnecessary policy changes and the workforce's anxiety is raised to an extremely dangerous level.

PFO decrease in FAMs' focus and an increase in anxiety is illustrated by the increased use of CIRP, EEOs, and the Ombudsman. Local management's actions effectively increase the likelihood of a FAM being more focused upon workplace harassment than on intervening in a security incident, thereby increasing the agency's exposure to liability.


This office has on multiple prior occasions reported to Agency management of various abusive management practices which has impacted the FAMs' mission, morale and sense of commitment. The current situation in PFO is no different, and in many respects is more egregious than in prior reporting. It is self-evident that when a field office supervisor or immediate subordinate engages in threatening, hostile and disrespectful behavior to the work force, performance will suffer. This is the precise situation which has occurred and continues to occur at PFO.

On behalf of the FAMs who have contacted our office and requested assistance with respect to correcting the path of PFO's management direction, we again request that either the Administrator or Executive Assistant Administrator schedule a visit to PFO in order to restore a sense of agency oversight and direction for management for the benefit of the FAMs stationed there. The consequences of doing nothing, and allowing the current situation to remain unfettered, will simply serve to continue to needlessly diminish the morale and performance of PFO.

We look forward to your response.

Very respectfully,

CLARK HILL PLLC



Nicholas M. Wiczorek
Jeremy J. Thompson

cc:

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