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December 23, 2021

Via Email:  
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Richard Altomare, SAC  
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**RE: Philadelphia Field Office – Local Action Plan**

As you are aware, Clark Hill PLC is the legal representative of the Air Marshal Association and represents the majority of the Federal Air Marshals ("FAMs") in the Philadelphia Field Office ("PFO"). In 2019, the PFO ranked near the bottom of all FAMS offices. In 2018, the PFO was the top office. In a single year, the PFO fell from first to last in ranking.

In a series of actions in 2020, Director Ondocin informally recognized the issues contributing to this rapidly deteriorating rank of the PFO. For one, PFO management was called to headquarters in June 2020, after having been reported for discriminatory use of flight metrics in its performance evaluations in the Fiscal Year 2019 evaluations.

Director Ondocin also initiated the Local Action Plan ("LAP"), recognizing the issue of targeted harassment against LAP/EPMP members and the unusually poor morale therein. A portion of this LAP was discussed in our last letter of December 17, 2021, to which you have not responded. Additionally, ASAC Robbins and SFAM Cope were removed from their assignments in OPS. ASAC Robbins was then later removed from the PFO and reassigned, as a disciplinary measure against him. Finally, SAC Schaal was removed from his assignment as SAC as well, and upon transfer, he immediately retired.

Though the above measures clearly illustrate recognition of the PFO management's failures, workplace harassment has continued and requests for investigation have been willfully ignored. As a result of the LAP, the PFO received recommendations and results after its implementation in June 2020. These findings have yet to produce any results, as management has failed to even begin to address the findings and management abuses continue at various levels—including PFO SFAMS, PFO ASACs, PFO SAC, HQ Regional SAC, and HQ Regional Director.

SAC Duerr and RD Stein were both HQ staff assigned to the PFO for several months, during which time they permitted the harassment complaints to pile up, engaged in selective targeting, and allowed targeting by others to continue. Both have acknowledged the assigned SAC is required to make the changes as he feels are appropriate; yet, both are still assigned over the PFO and impose nearly impossible flight numbers on PFO FAMs. The PFO has been at 120% flight

coverage, resulting in numerous days off being converted into working days. Such standards exacerbate a reduction in morale and create a danger to the public and the individual FAMs.

You were briefed by both LAP and EPMP on the findings after a year of work, making you aware of identified issues severely affecting the workforce. You have since ignored the recommendations in favor of supporting disparaging treatment of the PFO workforce. Morale continues to decline. While performance evaluations remain the root cause of low morale, the PFO membership entitlement has been reporting targeted harassment and discrimination by management in response to their question to performance evaluation scores and other management decisions.

During the implementation of the LAP, Acting SAC Dyer helped clear schedules for LAP members and provided NMS days to complete necessary duty-required tasks so the LAP team could meet. Acting SAC Duerr then took over for Acting SAC Dyer and removed scheduled NMS days, as well as changing schedules so as to impede progress. This transition began the onset of disparaging treatment toward LAP members.

The following are some of the reasons LAP/EPMP members are now being targeted:

- Reporting PFO Senior Leadership to Director Ondocin for using 'flight numbers metrics' in issuing performance evaluations in FY-2019, which is a PPP, as stated in the EPMP manual.
- Using established LAP bylaws, the LAP/EPMP removed SFAM Hooper from the EPMP Committee with a unanimous vote of "no confidence."
- Reporting former ASAC Robbins' "Mud-List" to RD Stein.
- Reporting Acting SAC Duerr for enabling further harassment during an open/active investigation for retaliation.
- Reporting SFAM Cope for circumventing PHL Airport security while off-duty.
- Reporting SFAM Cope for threatening a FAM's employment and removing him from his assignment.
- Filing a grievance against SFAM Cope after a FAM disagreed with a performance appraisal provided by SFAM Cope because the narrative did not match the rating.
- Reporting a manager for retaliation (resulting in that specific FAM receiving an ITR for reportedly "not following directions").

More than just the above reports of harassment, there has been obvious targeting of LAP and EPMP members in particular. LAP members have been targeted in many different ways. For example,

- Headquarters Leadership has received LAP briefs and has placed barriers to progress.
- Management has created a hostile meeting environment during LAP meetings by creating fear and division.

- LAP members have been subjected to over-the-top criticism for use of Mission Exchange (MEX) to help maintain a work-life balance.
- LAP members have been placed on ASAC Robbins' "Mud-List", which was constantly discussed with management from both the PFO and Headquarters by AMA Delegates; headquarters has never investigated these complaints despite the reports.
- LAP Members noted a lack of progress and endured harsh treatment in their annual evaluations, causing them to quit the LAP to reduce the personal stress on their lives.
- Most LAP members have received ITRs for questionable allegations made against them. One such allegation involves a civil rights violation against him in a "Phantom Mission" entrapment scheme. This FAM was in the process of retiring. The SFAM was attempting to manipulate FAM statements with a questionable IACT deadline for the reports to be submitted.
- A LAP member was subjected to a questionable computer forensics examination of the agency-issued laptop utilized to document the LAP actions and LAP Meeting minutes.
- LAP SFAMS were overtly threatened by superiors and subsequently withdrew from participation and conversation during scheduled LAP meetings.
- An EPMP member learned that SFAM Clodfelter attempted to dissuade certain requested LAP/EPMP activities.

In spite of the goals of these programs, the individuals associated therewith have now become the subject of targeted harassment; for example, the below shows a sample of events endured by the PFO LAP Team:

- An individual who spoke about the character of a LAP group leader was subjected to an unusually low performance evaluation for "low flight numbers" due to caring for a family member. He left the LAP group.
- An individual filed an EEOC Charge due to a verbal threat from SFAM Cope, after which the individual was relieved from the OPS assignment.
- An individual chose to retire after being subjected to the first disciplinary action of his career in his final week of work, which included an "unusual" request for duty when the individual was not supposed to fly while closing out his government credit card balance.
- An individual filed an AHP Complaint and EEOC Charge for retaliation, such as receiving the lowest performance evaluation in the PFO, which did not correspond with his performance, as well as undergoing a frivolous investigation after reporting SFAM Cope for circumventing security at the PHL Airport while off-duty. This incident was reported as a possible Insider Threat by a member of PFO Management.
- An individual filed multiple AHP Complaints and an EEOC Charge for retaliation prior to quitting the LAP.

EPMP Members have likewise been targeted. Through its research, the Committee has discovered that the PFO has been engaged in Prohibited Personnel Practices (PPP) since the approved Evaluation criteria were published, as delineated in former Director Kohl's 06/24/2019 Letter No. LE/FAMS 1101 and LE/FAMS 1110. These criteria were not followed as established in TSA MD 1100.43-3: Employee Performance Management Program (EPMP) and the accompanying Handbook, as explained on pages 40 and 46 of the Managers Guide:

**"Leading for Excellence - A Guide to the Employee Performance Management Program (EPMP) for Supervisors and Managers"**

The following actions are prohibited:

- you may not impose a forced rating distribution or quotas for ratings at any level. Each employee must receive the rating he or she earns, based on his or her performance, and not on an arbitrary distribution model.
- You may not lower ratings because an employee was on an approved absence from work...

Moreover, the eighth PPP essentially protects whistleblowing. The EPMP Committee acts as agency-encouraged whistleblowers and disclosed information it reasonably believed provided evidence of violations of policy and law. Management's actions violate MSPB law according to *Schmittling v. Department of Army* and other case authority.

The LAP Team appointed the EPMP after soliciting the PFO for interested FAMs. Below is a small sample of events these selected FAMs endured:

- The performance evaluation provided to one FAM kept this individual in a lower rating category of performance after the FAM demonstrated the elements of a higher rating. This same FAM also received an ITR for "not following directions" after he reported allegations of retaliation by management.
- Another FAM received a low performance evaluation and the SFAM comments do not match the FAM's provided score. This individual is being targeted by SFAM Cope for disagreeing with Cope's provided score and his lack of using the established EPMP process in providing a score. SFAM Cope required the FAM to meet with SAC/ASAC in an intimidation-style meeting to discuss the performance evaluation process.
- After volunteering for the EPMP and completing tasks outside his required duties, one FAM did not receive a cash award in the awards process. This type of notoriety and this type of assignment typically is rewarded with a cash award.

Director Ondocin's LAP program has been left to be labeled a fruitless effort; you refuse to abide by the recommendations made by the LAP and EPMP. The continuing trend of unfair and threatening treatment of the PFO FAMs workforce has created an unreasonable, discriminatory, and harassing environment.

In sum, it is impossible for your poor decision-making and the perpetuation of a work environment riddled with harassment to be interpreted as anything but willful ignorance of the changes which must be made at the PFO. You have refused to acknowledge the recommendations made by the LAP/EPMP; you have failed to implement preventative safety

when making decisions for flying FAMs; you have perpetuated the poor treatment of your workforce; you have supported the lack of transparency within management; you have continued to permit unfair performance evaluations including PPP, as discussed in the December 17 letter; you have bent your ear to those who instigate the harassment, such as Cope, Duerr, and Hooper; you have failed to address workforce concerns, in favor of "leading" through threats and intimidation; and, you have refused to respond to reply to our prior communications regarding these violations.

To even begin resolving the above-identified issues, we recommend you support anti-harassment programs and provide official education to the PFO workforce on reporting harassment. Failure to implement these suggestions or similar to resolve the harassment issue will be considered further non-compliance and disregard of the LAP findings. If you intend to implement education and anti-harassment programs, please notify us in writing within seven days of the date of this letter.

Sincerely,

CLARK HILL

***Stephanie K. Rawitt***

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