



Stephanie K. Rawitt  
T (215) 640-8515  
Email:SRawitt@ClarkHill.com

Clark Hill  
Two Commerce Square  
2001 Market Street, Suite 2620  
Philadelphia, PA 19103  
T (215) 640-8500  
F (215) 640-8501

December 30, 2021

Via Email:

[David.Pekoske@tsa.dhs.gov](mailto:David.Pekoske@tsa.dhs.gov)

[Michael.Ondocin@tsa.dhs.gov](mailto:Michael.Ondocin@tsa.dhs.gov)

David Pekoske  
Administrator  
Transportation Security Administration

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

**RE: Philadelphia Field Office – SFAM Cope**

Clark Hill PLC is the legal representative of the Air Marshal Association ("AMA") and represents the majority of the Federal Air Marshals ("FAMs") in the Philadelphia Field Office ("PFO"). In the last several weeks, we have sent several letters, attached to this correspondence, to SAC Altomare. In these letters, we have identified numerous issues occurring in the FAMS Philadelphia Field Office (PFO). Unfortunately, despite these attempts to resolve several prevalent issues, SAC Altomare has failed to respond and engage these issues.

It is with this recent history in mind that we regret to inform you about the following issues occurring in the FAMS Philadelphia Field Office (PFO). The PFO is plagued with SAC Altomare's continued favoritism of management, his mockery and refusal to recognize and implement the recommendations from the Local Action Plan (LAP) committee, and the retaliatory climate which resulted in the removal of FAMS' ASAC Robbins and SAC Schaal.

As an example of this favoritism, in October 2019 SFAM Cope intentionally circumvented security while in an off-duty capacity and it was reported to the FAMS PFO by a law enforcement official as a potential "Insider Threat." SAC Schaal refused to officially report the incident despite being notified of the violation from our law firm on the below dates. SFAM Cope continues to receive special treatment from SAC Altomare, has met secretly and privately with Assistant Director Norman Robinson in Atlantic City, and comes and goes at his whim in the PFO. It is now apparent that this preferential treatment may be coming from the leadership at FAMS Headquarters.

Notice we have included other entities in this correspondence in order to provide due diligence in taking the proper actions, notifying and reporting serious violations even if committed by management officials. We request those entities consider the potential implications of these "Insider Threat" violations which resulted in the entity turning a blind eye. If a member of the TSA Screener workforce or a FAM had committed these serious policy violations, cameras would have been immediately reviewed by Investigators and the violator would have been stopped either in

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the terminal or at the arrival terminal. That didn't occur in this case. The problem with this violation is the coverup that ensued by Leadership. We request SFAM Cope's PHL SIDA credentials be suspended pending investigation.

In our prior correspondence to the Director, dated December 6, 2019, February 20, 2020, and August 4, 2020, we reported the incident from October 10, 2019. On that date, SFAM Cope utilized his Philadelphia Airport (PHL) Secured Identification Display Area (SIDA) badge in Terminal-D/E, while off-duty and in a non-mission status, in order to intentionally circumvent and conspicuously avoid security screening in the PHL Airport. The incident was noticed by a FAM who was assigned to the PHL Airport to spot unusual activity and potential "Insider Threats." Our correspondence relayed that SAC Schaal refused to report the incident and claimed he saw no policy violation. We requested SAC Schaal immediately report this incident despite his "feeling" that there was no policy violation. In support of our request for formal report, we cited to OLE-3426 (Access to Sterile and Secure Areas of the Airport), wherein this exact type of incident is clearly defined as a policy violation that rises to the level of a possible "Insider Threat."

Furthermore, in these letters, we have provided examples of the appearance of impropriety in the treatment of SFAM Cope and labeled former ASAC Robbins and SFAM Cope spearheads of workplace harassment and favoritism. The above correspondence was received via email by FAMS Director Kohl, FAMS Director Ondocin, Regional Director Stein, and FAMS Director of Investigations John Busch. These individuals are all complicit in the daily interactions occurring in the PFO. These reports of PFO management team members has since resulted in multiple other investigations of those who reported the potential "Insider Threat." The investigators from OOI are known to fraternize with the management staff in PFO, specifically SFAM Cope, ASAC Robbins and SAC Schaal – all three played a part in this investigation or the reporting of the violation.

The situation with SFAM Cope has been procedurally and professionally mishandled. Without your intervention and certainty of your review, this situation will continue to exemplify the disparate policy application which has continued to lower the morale and standards of the PFO.

As the above example of SFAM Cope's treatment illustrates, SAC Altomare continues to make poor decisions which affect PFO. He must be held accountable for causing the unusually low level of morale of the workforce; the opposite of the expected and desired outcome for a newly assigned individual in an SES position. We will now provide further example of SAC Altomare's poor decision-making and failure to take responsibility.

SAC Altomare arrived at the PFO in or around April or May of 2021. He handled business at the PFO for several months prior to his assignment. Prior to or near his start, RD Stein and Regional SAC Duerr should have provided briefs to SAC Altomare concerning the diminished workforce morale, the results of the Director-implemented LAP, a sharp increase in EEO and Harassment violations by PFO managers, the division of the entire PFO Management Team, and the poor decisions made by some of the PFO SFAMs (including the serious policy violation committed by SFAM Cope).

In or around November or December of 2021, despite his prior Insider Threat policy violation, SFAM Cope was believed to have been temporarily assigned by SAC Altomare as the Assistant Federal Security Director for Law Enforcement (AFSD-LE) at the Philadelphia International Airport (PHL). SFAM Cope violated the policy which is the most necessary component of this position – that of potential Insider Threats. Rewarding SFAM Cope for his serious disciplinary infraction reveals an abuse of authority and reveals poor decision-making. Surely, there were

better choices for SAC Altomare to make unless the opening for the temporary assignment was unannounced and others were not considered, thereby providing special favoritism to SFAM Cope. Unfortunately, the PFO FAMs and other SFAMs alike are the individuals who will continually be affected by SAC Altomare's decisions.

SAC Altomare has congratulated SFAM Cope for receiving the Federal Executive Board (FEB) award. The FEB's stated vision is "to be catalysts for better government" and they operate under the oversight of the US Office of Personnel Management (OPM), in accordance with 5 CFR 960. For the following reasons, the candor of anyone who would submit SFAM Cope for this award and supply the provided accomplishments is questionable; only a manager would know and provide these facts. OOI and OPM need to investigate this submission of fictitious information.

Furthermore, on May 12, 2021, Director Ondocin received an email with the subject "Director Email Cope Award," detailing SAC Altomare's public congratulations to SFAM Cope. SAC Altomare risks tarnishing the reputation of the PFO and the FAMS with this award and congratulations. The accomplishments were instead those of SFAM Miller, not of SFAM Cope. SFAM Cope was previously removed from Operations for deficient conduct by SAC Schaal.

On May 6, 2021, SAC Altomare wrote that SFAM Cope received the "Supervisory Achievement Award" from the 2020 FEB for the following list of accomplishments: "Maximizing employee quality of life while meeting new mission priorities," "Designing a structured day off rotation that provided consistency while dramatically increasing the number of flights covered," "The elimination of moving days off (common practice) to staff missions," and "An increase in covered priority missions by 400%."

In reality, SFAM Cope placed an emphasis on covering more flights, which in turn means a lesser quality of life for FAMs, as they are unable to achieve work-life balance. Additionally, SFAM Cope's developed system for a "day-off" rotation escalated the use of leave; this system required reversion to the previous system once he was removed from OPS. As to the statement that he eliminated moving days off, some schedules required encompassing dates across two different roster periods, and many volunteers asked to move their days off—these factors were blocked by SFAM Cope and negatively impacted the FAM workforce. Finally, the alleged increase in covered priority missions by "400%" is a fictitious number. Headquarters uses scheduling parameters to place a limit on the numbers of scheduled missions provided to a FAM per roster. As stated above, a higher rate of covered missions which is not accompanied by an increase in workforce results in a lower quality of life for the FAMs.

Additionally, SFAM Cope has mismanaged the PFO. For example, SFAM Cope was previously removed from supervising his squad and was made a supervisor over the administrative section, thereby minimizing his contact with a team of FAMs due to personality conflicts. SFAM Cope's management style in the administrative section subsequently negatively impacted a female employee with a documented chronic illness, to the point where she resigned.

Eventually, SFAM Cope was placed in OPS and SAC Schaal subsequently removed SFAM Cope from OPS in December of 2019, reportedly related to SAC Cope's performance. SFAM Cope also committed Prohibited Personnel Practice (PPP) violations during the 2020 Fiscal Year performance evaluations process, including telling employees they needed to sacrifice family time in order to receive higher performance ratings and that their scores were shaved or lowered across the board by Headquarters.

SFAM Cope reportedly remains inattentive to his squad. He uses excessive leave, making him seldom available to his squad. He is believed to have been completing his SFAM duties while traveling to and from Florida. It is not clear whether SFAM Cope is utilizing his accrued leave or if he completes his travels while "working from home." SFAM Cope's arbitrary use of work hours or leave coincides with SAC Altomare's strict use of the leave guidelines for scheduling for the FAM workforce. Despite his strict implementation with FAMS, SAC Altomare has not imposed the same severity in the use of leave by SFAMs in the PFO. Does SFAM Cope's use of leave go unchecked, or will his inattention to his squad be overlooked as a further example of the favoritism shown to PFO management?

Furthermore, SFAM Cope's inattentiveness to his squad results in increased work for other FAMS. Reportedly, there is a delay in SFAM Cope approving leave requests for FAMS. This requires considerable efforts for OPS staff when SFAM Cope's late request is received. It further results in the FAM requesting leave to remain unanswered when SFAM Cope does not answer the calls from his squad.

Ironically, SFAM Cope is known to have told the FAMS in his squad that they need to reduce family time and accept more work opportunities, including deployments, to improve their performance evaluations and receive higher ratings. SAC Altomare approved the performance scores for these FAMS, which included SFAM comments relating to the scores. We are aware that several FAMS met with you to discuss their disagreement with the provided scores. These conversations included that the FAMS were not physically seeing SFAM Cope, and there has been a lag in responsiveness from him to his squad members. In telling his FAMS to "be more available," SFAM Cope is putting an unrealistic standard on his FAMS, which he himself is not meeting.

SAC Altomare clearly treats SFAM Cope differently and with less deference to the rules than the other SFAMs and the FAM workforce. Favoritism to management staff has been a problem since before SAC Altomare was assigned as the SAC of PFO. We trust that you do not support this continued behavior.

We also understand there have been restrictions on the PFO during the COVID-19 pandemic where the PFO has limited the number of FAMS and management staff physically available within the PFO. While understandably to limit the potential for widespread exposure to the virus, during this time period SFAMs were ordered to be "available" for an immediate response if required by the FAMS. SFAM Cope is believed to have been frequently traveling out of state and while scheduled to be "working from home." Does the permissibility of these actions indicate that SAC Altomare may allow SFAMs to complete their duties without consideration of their responsiveness?

SAC Altomare has submitted ITRs on Flying FAMS for not being available and for being in the wrong place during their work hours. How is it possible for SFAM Cope to be out of the state and "working from home" without maintaining availability to immediately respond to the PFO or PHL if required? This is not allowed for all SFAMs. Why should SAC Altomare hold Flying FAMS to a higher standard but hold the management team to a very flexible standard? SAC Altomare, by appearance and action, is obviously providing SFAM Cope special treatment and special privileges.

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We propose the immediate transfer of SFAM Cope and the immediate addition of another year of SES probation be issued to SAC Altomare. The decisions made by both are not becoming of a TSA or a Law Enforcement professional. They are risking the reputation and the character of the TSA and FAMS. We ask that you take these actions and provide a response to the contents of this correspondence within seven days of your receipt thereof.

Sincerely,

CLARK HILL

*Stephanie K. Rawitt*

Stephanie K. Rawitt

cc:

Michael Ondocin, FAMS Director

[Michael.ondocin@tsa.dhs.gov](mailto:Michael.ondocin@tsa.dhs.gov)

Richard Stein, FAMS Regional Director

[Richard.stein@tsa.dhs.gov](mailto:Richard.stein@tsa.dhs.gov)

Richard Altomare, SAC Philadelphia Field Office

[Richard.altomare@tsa.dhs.gov](mailto:Richard.altomare@tsa.dhs.gov)

Jason Sankey, PHL Division of Aviation

[Jason.sankey@phl.org](mailto:Jason.sankey@phl.org)

Lisa Makosewski, FEB Executive Director

[Lisa.makosewski@gsa.gov](mailto:Lisa.makosewski@gsa.gov)

Gerardo Spero, Federal Security Director PHL Airport

[Gerardo.Spero@tsa.dhs.gov](mailto:Gerardo.Spero@tsa.dhs.gov)

Philadelphia District Attorney Office

[justice@phila.gov](mailto:justice@phila.gov)

[Legal@airmarshal.org](mailto:Legal@airmarshal.org)



Stephanie K. Rawitt  
T (215) 640-8515  
Email:SRawitt@ClarkHill.com

Clark Hill  
Two Commerce Square  
2001 Market Street, Suite 2620  
Philadelphia, PA 19103  
T (215) 640-8500  
F (215) 640-8501

November 9, 2021

Via Email:  
[Richard.altomare@tsa.dhs.gov](mailto:Richard.altomare@tsa.dhs.gov)

Richard Altomare, SAC  
Supervisory Air Marshal in Charge  
Philadelphia Field Office

**RE: Philadelphia Field Office - Use of Earned Sick Leave**

This law firm is the legal representative of the Air Marshal Association and, resultingly, we represent the majority of the Federal Air Marshals ("FAM") in the Philadelphia Field Office. By this letter, we bring to your attention the workforce's concerns regarding FAM use of earned sick leave for medical appointments and/or surgeries. There is a particular concern that FAMs are being instructed to reschedule, change or alter existing medical appointments and surgeries so that they will not conflict with preplanned flight schedules.

While our client understands that FAMs should attempt to schedule routine, preventative medical appointments for when they are not scheduled to work, there are times where medical appointments and surgeries cannot be planned and using earned sick leave is a necessity. The directive issued in this regard during an October 22, 2021 Town Hall conference call was concerning as it was inferred to be a blanket directive and seemingly suggested that FAMs should forego necessary medical appointments and surgeries if they interfere with schedule. Clearly, this directive was not well received, and it sent an unambiguous message to the FAMs that the Philadelphia Field Office does not care about its workforce.

According to our client, this directive has not only been issued to FAMs during the October 22 meeting, but it was implemented by the management team. For example, two managers were reported to have requested that a FAM change his scheduled surgery date to a date in the future when he could be removed from the flight scheduling process so that his flight change would not be counted against the daily flight numbers for the Field Office. The surgery at issue was related to cancer treatment. Given that this FAM was taking earned time off to have surgery for a serious health condition, the actions of these managers is not only deplorable but unlawful.

As you are aware, agency policy and regulations provide that managers must grant an employee sick leave when he or she requires medical, dental or optical examination or treatment. The discretion to deny such requests is limited.

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We request that you reiterate to FAMs on the next Field Office conference call that employees are encouraged and entitled to utilize sick leave for medical appointments and surgeries. Please advise management to support FAMs in this regard. If you agree with the proffered solution, we will not be required to take further action on this issue.

Very truly yours,

CLARK HILL

*Stephanie K. Rawitt*

Stephanie K. Rawitt

SKR:djs

cc: Michael Ondocin  
[michael.ondocin@tsa.dhs.gov](mailto:michael.ondocin@tsa.dhs.gov)

Richard Stein  
[richard.stein@tsa.dhs.gov](mailto:richard.stein@tsa.dhs.gov)



Stephanie K. Rawitt  
T (215) 640-8515  
Email:SRawitt@ClarkHill.com

Clark Hill  
Two Commerce Square  
2001 Market Street, Suite 2620  
Philadelphia, PA 19103  
T (215) 640-8500  
F (215) 640-8501

December 17, 2021

Via Email:  
[Richard.altomare@tsa.dhs.gov](mailto:Richard.altomare@tsa.dhs.gov)

Richard Altomare, SAC  
Supervisory Air Marshal in Charge  
Philadelphia Field Office

**RE: Philadelphia Field Office – Prohibited Personnel Practices**

Clark Hill PLC is the legal representative of the Air Marshal Association and, as a result, represents the majority of the Federal Air Marshals ("FAMs") in the Philadelphia Field Office ("PFO"). Since on or around July 2020, the PFO has implemented a Local Action Plan (LAP), orchestrated by FAMS Director Ondocin. This LAP lasted for approximately one year, and centered around the continuously decreasing results in PFO on the Federal Employee Viewpoint Survey (FEVS). The FEVS results measured employee perceptions and the decrease in morale accompanying decisions of PFO management.

With these results, the Office of Human Capital (OHC) assisted the local workforce in identifying the PFO deficiencies and the cause of decreased morale. The following three issues were identified: Performance Evaluations, Merit System Principles, and Collaborative Management. The assigned LAP team, comprised of a group of eight FAMs and two SFAMs, were peer-selected to be the voice of the PFO. The LAP team then organized a sub-committee, called the Employee Performance Management Program (EPMP) Committee. The Committee specialized in evaluating the Performance Evaluations as a source of decreased morale. The EPMP Committee worked in tandem with the OHC, bringing several discrepancies to your attention.

In this letter, we again bring to your attention the workforce's concerns regarding the use of Prohibited Personnel Practices (PPP), specifically in Fiscal Year 2021 Performance Evaluations.<sup>1</sup> As you know, TSA MD 1100.43-3 (May 30, 2014) expressly provides the following: "EPMP is intended to promote a culture of high performance and accountability, and to ensure that each employee knows what is required to successfully accomplish his or her work in order to help TSA accomplish its mission."

FAMS Director Ondocin directed the implementation of these programs in PFO, but despite the EPMP and LAP's identification of issues in the workforce, you have failed to implement the

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<sup>1</sup> Improper management practices is a continuing concern in the PFO. See our prior letter to you dated November 9, 2021 concerning improper restrictions on use of earned sick leave.



required corrective changes based on the results of the program. In or around April of 2021, you were provided a brief from the EPMP Committee regarding the issues it identified in the Performance Evaluation process. More specifically, these issues include: training for SFAMs on EPMP guidance; coaching and feedback for FAMs by SFAMs; instructing SFAMs and FAMs regarding their roles in EPMP; instructing SFAMs and FAMs regarding performance expectations; and instructing the EPMP Coordinator on the duties of this role. The EPMP Committee recognized these basic requirements of Performance Evaluations, yet no change has been made to correct the discriminatory and unfair methods presently in place and these identified issues persist.

Rather than resolve these issues when brought to your attention, you allowed these practices to continue just as your predecessors did. As a result, you are complicit and accountable for the following three Prohibited Personnel Practices which have persisted:

1. Scores have been "shaved," "lowered" or "adjusted" by SFAMs, and during employee performance reviews the SFAMs further explain that you personally lowered the scores.
  - o This practice violates EPMP Policy as stated on page 40 of "Leading for Excellence – A Guide to the Employee Performance Management Program (EPMP) for Supervisors and Managers," which explains that lowering scores is a prohibited action. More specifically, "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."
2. SFAM Cope—and presumably other managers—were permitted to advise a FAM his score was being "lowered" because the FAM "placed his family before the mission." At its core, this action is discriminatory against the FAM's protected marital and parental status, which have resulted in a cumulative amount of less pay; such action and result is violative of federal law. This particular FAM reportedly has no prior issues with leave and utilized leave as an approved absence from work when it was needed.
  - o This practice violates EPMP Policy as stated on page 40 of "Leading for Excellence – A Guide to the Employee Performance Management Program (EPMP) for Supervisors and Managers," which explains that lowering scores is a prohibited action. More specifically, "you may not lower ratings because an employee was on an approved absence from work."
3. Disagreement with performance evaluations and ratings provided by the SFAM has been communicated to the workforce as being unwelcome. Recently, one FAM voiced concern how his/her rating is strikingly different to the narrative drafted by the SFAM; the narrative indicated the FAM excels, while the rating indicates the FAM has "earned" a lower-than-average score. In contrast to the rating, the SFAM provided no coaching during the rating period and the SFAM could not provide any examples of under-performance when the FAM asked. The FAM also requested suggestions on how to achieve a higher rating. The SFAM's response was that the FAM should change his/her home and work/life balance and volunteer more often. The FAM's record indicates that he/she has been at work or on approved absence, with no record of unapproved absence. Once again, this action and conversation indicates discrimination against the

FAM on the basis of family-related status, in violation of federal law. The SFAM explained the SAC and agency want the ratings to be more in line among the FAM population.

- o This practice violates EPMP Policy as stated on page 46 of "Leading for Excellence – A Guide to the Employee Performance Management Program (EPMP) for Supervisors and Managers," which explains that lowering scores is a prohibited action. More specifically, "[k]eep in mind that merely disagreeing with the facts as presented is not necessarily hostile behavior on the part of the employee."
- o This practice also violates EPMP Policy as stated on page 40 of "Leading for Excellence – A Guide to the Employee Performance Management Program (EPMP) for Supervisors and Managers," which explains that lowering scores is a prohibited action and "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."

Our first recommendation is that Director Ondocin reinstate LAP for you and PFO, in order to hold you accountable for neglecting your duties to reinstate the previous LAP Committee results. We further request that you review the FY-2021 Performance Evaluations completed for all PFO FAMs and recalculate the rates to assign employees their earned scores prior to you lowering these. Finally, we recommend you be placed on probation for an additional year before receiving SES certification. Your behavior and policy-violating decisions exhibit the opposite of those required for a tenured SES professional. You need additional time to learn how to properly run a Field Office and respect and listen to supervisees. Your actions and failures have resulted in decreased morale, as FAMs have endured discriminatory and baseless Performance Evaluations which constitute Prohibited Personnel Practices. The copied recipients of this letter are requested to take immediate action in this regard.

Do you intend to implement these recommendations? If you agree with the proffered solution, please advise us within the next seven calendar days. Otherwise we will be required to take further action on these issues.

Very truly yours,

CLARK HILL

*Stephanie K. Rawitt*

Stephanie K. Rawitt

SKR:djs

cc: Michael Ondocin  
[michael.ondocin@tsa.dhs.gov](mailto:michael.ondocin@tsa.dhs.gov)

Richard Stein  
[richard.stein@tsa.dhs.gov](mailto:richard.stein@tsa.dhs.gov)



Stephanie K. Rowitt  
T (215) 640-8515  
Email:SRowitt@ClarkHill.com

Clark Hill  
Two Commerce Square  
2001 Market Street, Suite 2620  
Philadelphia, PA 19103  
T (215) 640-8500  
F (215) 640-8501

December 23, 2021

Via Email:  
[Richard.altomare@tsa.dhs.gov](mailto:Richard.altomare@tsa.dhs.gov)

Richard Altomare, SAC  
Supervisory Air Marshal in Charge  
Philadelphia Field Office

**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*

Stephanie K. Rawitt

cc: Michael Ondocin  
[Michael.ondocin@tsa.dhs.gov](mailto:Michael.ondocin@tsa.dhs.gov)

Richard Stein  
[Richard.stein@tsa.dhs.gov](mailto:Richard.stein@tsa.dhs.gov)