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March 8, 2022

Via Email:
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Administrator David Pekoske
Transportation Security Administration

Senior Executive Resources Services (SERS)
Office of Personnel Management (OPM)
Qualifications Review Board (QRB)
Washington, DC

RE: Candidate Richard Altomare – SES Certification Board

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 Federal Air Marshal Service ("FAMS"), specifically in the Philadelphia Field Office ("PFO"). This letter is intended to advise Members of the SES Qualifications Review Board ("QRB") that Supervisory Air Marshal in Charge ("SAC") Richard Altomare is not performing his duties in accordance with the certification standards for members of Senior Executive Services ("SES"). As a result of SAC Altomare's failures in this role throughout his probationary period, we request that SES QRB consider these facts, review SAC Altomare's performance, and take this information into consideration in evaluating his candidacy for SES.

EXECUTIVE BRIEF

SAC Altomare lacks the ability to lead and displays a keen lack of respect for the workforce and his position as SAC. Below are only a few examples of SAC Altomare's failure to perform his role in accordance with the Executive Core Qualifications, including examples evidencing his failures to lead change, lead people, show results-driven accountability, build coalitions, and communicate effectively. His failures are reflected in actions and decisions throughout his short tenure as SAC and have been documented and reported to those acting in a supervisory capacity.

Titles 5 U.S.C. § 3393 and 5 CFR 359.402 provide SES-QRB the authority to review all information relative to the candidate and to make a final determination in the SES certification process. The QRB thus has authority to make merit-based decisions regarding SES certification and the authority to remove the employee for unacceptable performance. As succession planning plays a vital role in the success of government, the QRB's procedural evaluation of

candidates requires acute attention to detail in choosing and training likely successors. Furthermore, the QRB ultimately acts as the gatekeeper and sets baseline expectations for the leadership skills of candidate SES members. A key component in evaluation of candidates is the QRB's review of candidates' SES certification.

SAC Altomare's performance must be evaluated with such considerations, and it is evident that he lacks the necessary characteristics and performance required to maintain candidacy. As SAC, SES candidate Altomare has failed to lead the PFO, has not listened to employees' vocalized concerns, and has not maintained integrity with peers and staff. The effects of his poor performance are numerous, and include negative impacts on the reputation of the PFO, FAMS, and on the morale of staff in the PFO. We rely upon the SES-QRB to make the proper determination with respect to SAC Altomare's candidacy.

RICHARD ALTOMARE ASSIGNED TO PFO AS SAC

SAC Altomare began working in the PFO in 2002 as a Federal Air Marshal. He subsequently advanced to a managerial position in the FAMS National Training Center in Atlantic City, NJ and later returned as a manager in the PFO. Years later, Altomare was promoted between Houston and Detroit. He then was provided the opportunity to return to the PFO as a SES SAC. Because of his experience working in the PFO, Altomare has had prior experience with or introduction to virtually every FAM in the PFO, from either working with them as a peer or from managing them during their time in the FAMS National Training Center.

After several key management changes in PFO (including the HQ removal of the previous SAC), SAC Altomare took on this role, which required assisting the PFO in recovering from a litany of issues: decreasing and unusually poor morale; a scandal from previous leadership involving the use of discriminatory metrics for performance evaluations; multiple allegations of workplace retaliation by management; the sudden and immediate removal of two members of PFO Senior Leadership; and the turnover of five different SACs within a one-year period. Understandably, the PFO workforce has been operating in a volatile, unstable environment, which must now be recovered with renewed trust. Unfortunately, SAC Altomare has continuously failed to rise to the task.

ALTOMARE FAILS TO LEAD CHANGE, IGNORES THE WORKFORCE, AND DOES NOT IMPLEMENT SUGGESTED RECOMMENDATIONS PROVIDED BY THE OFFICE OF HUMAN CAPITAL

Requirements of the SES position: "They have External Awareness - Identifies and keeps up to date on key national and international policies and economic, political, and social trends that affect the organization. Flexibility - Is open to change and new information; adapts behavior and work methods in response to new information, changing conditions, or unexpected obstacles. Adjusts rapidly to new situations warranting attention and resolution."

SAC Altomare was selected as PFO SAC in April 2021. His first duties involved being briefed on PFO issues by both FAMs and managers. Through this process, SAC Altomare learned the PFO's Federal Employee Viewpoint Service ("FEVS") rating is severely low due to a lack of communication, trust and transparency with the previous management team.

Prior to SAC Altomare's assignment as PFO SAC, Director Ondocin, with the assistance of the Office of Human Capital ("OHC"), implemented the Local Action Plan ("LAP") with the objective of remedying these known issues within the PFO. The LAP is part of a process utilizing all PFO employees to determine the root causes of poor morale among the workforce. After

identifying these causes, the OHC facilitated a structured plan and made recommendations for PFO management to create an improved workplace, through the coordinated efforts of PFO employees, the LAP Committee, and PFO management. In furtherance of these efforts, the OHC and the LAP Committee undertook a one-year process to examine the issues and recommend changes for improvement and resolution. Below are documented examples contained in previous communication with TSA leadership of SAC Altomare's failure to implement these recommended reforms:

Example: *Altomare utilized no recommendations from the OHC/LAP after issues were identified as the result of a one-year project initiated by the FAMS Director. Altomare was quoted by multiple PFO managers and employees when he stated, "Those problems weren't caused by me and they don't relate to me." This sets the tone for Richard Altomare's way to conduct business – he is involved in his own agenda and has no interest in fixing the already broken parts of the PFO.*

Example: *Both the LAP and the Employee Performance Management Program ("EPMP") provided structured briefs to Richard Altomare on their progress, developments and their recommendations to reinstate trust in management and increase morale. Altomare cancels the LAP and its subcommittees and refuses to acknowledge the needs of the PFO employees. This sets a very poor tone for progress in the PFO, in fact, it appears to be continuing on the path laid by the previous management team.*

Example: *On December 23, 2021 we documented and relayed the information to TSA HQ how Richard Altomare has been targeting members of the PFO through harassment and retaliatory efforts; some of these FAMS are known to be whistleblowers who have reported previous PFO Senior Leadership for willful discrimination and use of Prohibited Personnel Practices in performance evaluations.*

FAILS TO LEAD PEOPLE

Requirements of the SES position: *"They must be able to apply "people skills" to motivate their employees, build partnerships, and communicate with their customers. Finally, they need solid management skills in order to produce optimum results with limited resources."*

SAC Altomare's actions toward Labor Associations and being asked questions are contrasted sharply to that of other TSA managerial officials. Specifically, TSA Administrator Pekoske and FAMS Director Ondocin have both recognized various Labor Associations, held regular labor workforce meetings and hosted workforce engagement meetings in TSA HQ. These meetings have formed the foundations of professional working relationships with the common goal to promote unity for the agency and the employees. SAC Altomare refuses to meet with any Labor Association. In fact, multiple employees who are vocal about Labor Associations have experienced retaliation and harassment by SAC Altomare and his management team for speaking out and asking questions in public forums. SAC Altomare has allowed his emotions to control his actions while attempting to lead the PFO.

As of March 1, 2022, SAC Altomare has been reported to the DHS-OIG for hostility and aggression as a manager. SAC Altomare has engaged in all of the following: publicly berated PFO employees; prematurely ending and later cancelled his public Town Hall meetings where

questions could be asked for the good of the workforce; expressed negative connotations about and has declined meeting with Labor Association representatives in the PFO; levied disciplinary charges and launched investigations against Labor Association representatives for frivolous reasons; and continued to utilize Prohibited Personnel Practices (PPP) which have led to the removal of others in PFO Senior Leadership. The below constitute examples of these behaviors, but are not an exhaustive list:

Example: On December 17, 2021 it was reported the PFO workforce has expressed concern showing SAC Altomare has continued the trend and utilized PPP similarly to the former Senior Leadership members who have been removed from the PFO. Multiple documents prove 2021 performance evaluations were "shaved or lowered" by managers and all have been approved by Richard Altomare. Policy expressly states management may not impose a forced rating or a quota for rating at any level.

Example: On December 17, 2021 it was reported an employee has produced a document showing a manager "lowered" a performance evaluation, stating the employee has, "placed his family before the mission." This was approved by SAC Altomare and this action is discriminatory against the FAM's protected marital and parental status.

Example: On March 1, 2021 it was reported an employee has reported Richard Altomare to DHS-OIG for hostility, aggression and unprofessional conduct by a management official during a meeting. This report is inclusive of specific examples and others are named as being in agreement and in attendance at this meeting; (complaint # HLCN1646163155864).

RESULTS-DRIVEN ACCOUNTABILITY

Requirements of the SES position: "Assures that effective controls are developed and maintained to ensure the integrity of the organization, holds self and others accountable for rules and responsibilities, acts with decisiveness and exercises good judgment by making sound and well-informed decisions."

After reviewing the retirement process for the FAMs assigned to the PFO, there is reason to believe SAC Altomare selects specific parts of policies to enforce and disregards others. For example, he has intentionally and systematically silenced the FAMs who choose to retire instead of acquiescing to his management style. Specifically, he does not want the retiring FAMs 'telling the truth about his management practices.' SAC Altomare has elected to use only parts of the policy that provide benefit to him and chooses to forego the remainder of the policy, particularly when it comes to the retirement process. This is concerning because all FAMS employees hold *Top Secret Security Clearances* and conduct *National Security Functions*. Surely, the retirement process is vital for this type of workforce.

The policy on Employee Exit Clearance; ISA MD 1100.30-10, Employee Exit Clearance, provides for an exit interview with a member of management. SAC Altomare has decided that he will not be the official to perform these interviews. This is disrespectful to the workforce and is a managerial weakness.

Additionally, under SAC Altomare, the PFO continues to be subject to a hostile working environment replete with disparaging treatment towards the flying FAMs. In previous letters, we

have provided examples of disparaging treatment, such as retaliation, discrimination and specific examples of management being held to a different standard and not being held accountable for failing to follow policy and/or violating policy. For example, SAC Altomare chose to "reward" a manager who was disciplined for a major security violation. The SFAM had been reported for circumventing security at the Philadelphia International Airport while off-duty and on personal travel. This manager was reported as circumventing security and being considered an "Insider Threat" by reporting law enforcement. This is a serious violation which can be grounds for removal from federal service. Rather than discipline this SFAM, SAC Altomare rewarded him with a new assignment at the Philadelphia International Airport where the SFAM is now the Assistant Federal Security Director and is responsible for the local "Insider Threat" program. Employees expressed concern and reported SAC Altomare to the Director for violating security protocol in the PFO. The complaint documented a violation of TSA MD 2800.18, Facilities Security and DHS Instruction Letter 121-01-007-01. Both documents articulate procedures for security and protection from unlawful acts and unlawful use of facility security equipment.

Example: *On January 14, 2022 we documented and advised the TSA Office of Investigations that Richard Altomare compromised his integrity when he approved undesignated and untrained managers to access TSA-controlled facility security cameras to gain evidence for a simple disciplinary action against a FAM.*

FAILS TO BUILD COALITIONS/COMMUNICATION

Requirements of the SES position: "Assures Influencing/Negotiating - Persuades others; builds consensus through give and take; gains cooperation from others to obtain information and accomplish goals; facilitates 'win-win' situations. Interpersonal Skills- Considers and responds appropriately to the needs, feelings, and capabilities of different people in different situations; is tactful, compassionate and sensitive, and treats others with respect."

On March 3, 2021, Richard Altomare sent an email to the PFO where he said he "will be leading the field office following three basic words: communication, collaboration and teamwork. Upon my arrival, I will be communicating with individuals at all levels. As a field office we will be collaborating on ideas to advance the field office to the next level. Finally, we will be working as one team on all levels." The words in Richard Altomare's email were what the PFO needed to hear in light of the recent shortcomings and internal failings of their Senior Leadership. However, those words were hollow and are not reflected in SAC Altomare's actions in the PFO.

The PFO has no trust in SAC Altomare and the common and prevailing themes are further division and continuation of harassment and retaliation by SAC Altomare and members of his management team. Members of the PFO have reported the drastic changes under SAC Altomare's PFO leadership, including use of leave categories and requirements for using leave, management positions, local policies and SOPs, Ground-Based Assignment opportunities, and procedures for selection and those that make FAMs' quality of life more challenging in their work-life balance.

Example: *On November 9, 2021 we documented and advised the TSA Administrator how Richard Altomare directs his managers to encourage FAMs to reschedule, change or alter medical appointments and surgeries so they won't conflict with preplanned flight schedules. This negatively affected one FAM who was undergoing treatments for cancer. This is documented in written communications.*

Attached are the prior letters written to SAC Altomare regarding the above-described issues. SAC Altomare has not responded to this correspondence. In light of his failures, the lack of trust and improvement in the PFO, and the above-referenced shortcomings, we expect the SES QRB will reconsider SAC Altomare's candidacy for SES membership. Permitting SAC Altomare to become a member of SES will have adverse consequences, with the above examples being only a fraction of what may come. SAC Altomare does not possess the qualities and required skills to be an effective and contributing SES member. Please consider this information when evaluating his candidacy, and contact the undersigned if you should have any questions.

Sincerely,

CLARK HILL

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January 28, 2022

Via Email: David.Pekoske@tsa.dhs.gov

Administrator David Pekoske
Transportation Security Administration
Philadelphia Field Office

RE: PFO – Exit Interview Procedures

As you are aware from our prior letters, Clark Hill PLC is the legal representative of the Air Marshal Association and represents the majority of the Federal Air Marshals ("FAMs") in the Federal Air Marshal Service ("FAMS"), specifically those in the Philadelphia Field Office ("PFO"). This letter addresses the various policy violations during the course of PFO FAMs' retirement processes, brought on by systemic, disrespectful practices.

Since SAC Altomare took the role of SAC in May of 2020, the PFO has been a hostile working environment, wherein flying FAMs are subjected to disparaging treatment. We have identified examples of such treatment in previous letters, including retaliation, discrimination, and we have provided specific instances of management being treated more favorably and not being held accountable for failure to follow policy. In our letters, we have also requested redress of these mistreatments and violations, but have been met with silence.

Based on the retirement process as described in TSA MD 1100.30-10 (Employee Exit Clearance), LE/FAMS 1126 (Employee Exit Clearance Guidance), LE/FAMS Form 1126-3 (Employee Exit Interview), LE/FAMS Form F1126-1 (Employee Exit Checklist), and LE/FAMS F1126-2 (Employee Exit Clearance Checklist for Outstanding Debt), it has become apparent that SAC Altomare has been arbitrarily selecting and enforcing only portions of the processes for FAMs retiring from the PFO. Through these selections, SAC Altomare has systematically and intentionally silenced FAMs who choose retirement over remaining with the PFO due to SAC Altomare's management practices.

All FAMs hold Top Secret Security Clearances and conduct National Security Functions in their roles; as such, following the policy requirements for the retirement of such individuals is imperative. The workforce is unique, highly restricted, and the tasks thereof are confidential. As a result, certain components of the retirement process, specifically exit interviews, have an impact on the retiring FAM, the remaining FAMs, the PFO as a whole, and national security.

Multiple PFO FAMs who have completed or who are currently undergoing the retirement process have reported the following failures by SAC Altomare with respect to the procedure: (1) absence of an "exit interview" with SAC Altomare; (2) not having been provided the opportunity to recommend suggestions to improve the PFO; (3) not having the opportunity to describe why they are retiring from federal service; and (4) not having the opportunity to make any additional remarks for review by TSA Headquarters. All four of these opportunities are part of the LE/FAMS 1126 "Employee Exit Clearance Guidance", specifically Form 1126-3 regarding exit interviews. However, the process under SAC Altomare has been truncated, and employees are unclear what must be completed for retirement. Copies of the completed exit documents have not been provided to employees.

Many FAMs have retired during the COVID-19 pandemic and this may have contributed to the lack consistency in administering the retirement process. However, this is not an excuse for allowing the SAC to intentionally disregard policy and systematically silence the FAMs choosing to retire. Based on his actions, it seems likely that SAC Altomare avoids many of these exit procedures in order to prevent having to hear thoughts and feedback on his management practices. Further, it is probable that one of the suggestions which would have been made to improve the PFO would have been to remove SAC Altomare. It is more than likely that SAC Altomare is aware of this sentiment and has chosen to silence the workforce by not adhering to certain components of the Employee Exit Clearance process.

Retirement is intended to be an accomplishment wherein an employee is recognized by peers and members of management for their many years of service. In the PFO, there has been accelerated retirement planning since SAC Altomare arrived in May of 2021, specifically due to his management style and choices. PFO FAMs are choosing to leave federal employment due to the continuation of a hostile working environment, disrespectful and untrustworthy management, poor workforce morale, lower job satisfaction and extreme workloads. Furthermore, SAC Altomare has been accepting mission flights other offices are unable to fulfill and taking on additional projects to ensure his staff are busier than the workforce is able to reasonably support. These scheduling practices take a major toll on FAMs and come at a detriment to public safety. FAMs face exhaustion, high stress, little family time, and little time for physical and personal recoupment. As a result, public safety will suffer, as more FAMs retire due to this workload and management than can be replaced, and experienced FAMs are not retained.

Given the above practices and failures, we request a review and an investigation pertinent to the practices in place during the course of a PFO FAMs retirement process. Specifically, SAC Altomare must be held accountable for exhibiting weak leadership, including disallowing comments from the workforce, disrespecting the workforce, being a barrier for recommendations on ways to improve the organization, arbitrarily selecting parts of policy [TSA MD 1100.30-10] to follow, and effectively causing a mass of expedited retirement during his first year assigned to the PFO. Previously, we have requested FAMS Director Ondocin to implement a single-additional year of SES training for SAC Altomare; we now request the immediate *removal* of SAC Altomare for placing undue strain and burden on remaining PFO staff and creating

negative implications in public safety. Please respond to this letter within seven (7) days providing your plan to implement the requested review and investigation.

Sincerely,

CLARK HILL

Stephanie K. Rawitt

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January 14, 2022

Via Email: David.Pekoske@tsa.dhs.gov

Administrator David Pekoske
Transportation Security Administration
Philadelphia Field Office

RE: Violation of Security Protocol in the PFO – Unauthorized Access to TSA-Facility Camera Systems

As you are aware from our last several letters, including the most recent from January 7, 2022, Clark Hill PLC is the legal representative of the Air Marshal Association and represents the majority of the Federal Air Marshals ("FAMs") in the Federal Air Marshal Service ("FAMS"), specifically those in the Philadelphia Field Office ("PFO"). This letter addresses SAC Altomare's unauthorized use of the Security Camera System in the PFO in violation of TSA and DHS policy.

The following two directives provide the policies of the Transportation Security Administration ("TSA") and Department of Homeland Security ("DHS") with respect to the use of the Security Camera System:

- TSA MD 2800.18, Facilities Security: This directive articulates TSA policy and procedures for securing TSA-controlled facilities nationwide and protecting TSA personnel, facilities and assets from unlawful acts. The term TSA-controlled facility encompasses the components assigned to that facility, including Security Cameras.
- DHS Instruction 121-01-007-01 (Revision 01): This directive provides comprehensive standards articulated by the Department of Homeland Security ("DHS") with respect to personnel security, suitability, and fitness program. Specifically, in Chapter 2, Personnel Security Program Standards, item #10, outlines the "Use of Technology" as follows: "Information technologies implemented to support personnel security processes utilize the proper technical safeguards, user training and assessments (e.g., privacy, certification and accreditation) to ensure adequate protection of personnel security related information."

Based on the above standards and definitions, there is reason to believe that SAC Altomare has compromised his own integrity, as well as that of the PFO and TSA, by violating these procedures and policies. In light of this and based on the following information, we request a review and investigation of SAC Altomare for his actions. Further, the violation involves a member of management, SFAM Cope, who has already been reported in a potential "Insider Threat"

security violation. Other involved parties include SFAM Cupo, SFAM Bard, Acting ASAC Clodfelter, ASAC Robbins, and a FAM. The incident described herein has been reported to the TSA and PFO as a violation of policy. Each of the seven above employees was involved in the incident and should be investigated with respect thereto in accordance with OOI procedures. Failure to do so exemplifies the TSA's and the PFO's complacency with respect to managerial policy violations, even where security is at issue.

SAC Altomare approved undesignated and untrained managers to access the TSA-controlled facility with Security Cameras, and utilize the federal government security cameras in order to gather evidence for cause in a disciplinary action against a FAM. Per policy, only a Facility Security Manager (FSM) who accesses and uses this equipment is an authorized user. Unauthorized users represent a serious violation of the above policies and create a security risk or potential unlawful use. Based on the below facts, it is likely the individual who accessed the Security Cameras and viewed the video footage for this disciplinary action was not the FSM.

Additionally, if anyone other than the FSM has the system password and/or has organized the viewing of the video footage, such action is a violation of security protocol as an unauthorized use of an established password for the security system. The incident does not involve potential security breaches which would require camera review, nor is there a named investigation of the affected FAM, commission of a crime, or any other potential threat which would create the need to verify the presence of an employee by viewing the camera footage.

This incident began on May 31, 2021. On May 31, 2021, a FAM complained about a schedule change which was outside the FAM's scheduled duty times. The change affected the child care functions for the FAM. On June 10, 2021, SFAM Cope wrote a "Letter of Guidance and Direction" to the FAM for complaining about the schedule change. In the letter, SFAM Cope details what he apparently interpreted to be the FAM "yelling" and "berating" a supervisor, stating, "Each of these instances warrant an Incident Tracking Report ("ITR") for misconduct; however, SAC Altomare directed that no ITRs were to be submitted, and for this letter to be issued to you." This FAM began their career in 2002, and no other FAMs have seen the FAM exhibit behavior such as what SFAM Cope described during the entirety of the FAM's career. After receiving this letter, the FAM sought assistance and placed the Letter of Guidance and Direction in several mailboxes in the Field Office bullpen, which is a public space shared by the FAMs.

On or around June 23, 2021, SAC Altomare mandated the FAM to report to his office after the FAM's scheduled duty ended. Such mandate exhibits that a FAM can be re-called before and after scheduled duty times and embodies the expectation that a FAM accept mission hours prior to their scheduled duty times. The FAM attended the meeting, wherein management, including the SAC, explained that it had received a complaint from another FAM about the letter having been placed in their mailbox. The identity of the FAM was not revealed. Management went on to explain that the FAM had been captured on PFO security camera footage putting letters, which were found to be copies of the letter written by SFAM Cope, into several mailboxes in the PFO bullpen. It is this statement which we find alarming.

Each Field Office is required to implement a Facility Security Plan. This Plan is a document establishing how the TSA facility is being kept secure, and includes specified TSA-required elements to protect the facility, as well as specific procedures and response plans established for identified incidents. PFO members have relayed that SFAM Bard is the assigned FSM for the PFO. SFAM Bard most likely has received specialized training and certification for this role and is required to maintain accountability of the camera system as part of his function as FSM. As a result, SFAM Bard controls the security cameras, access to the TSA-controlled space wherein the camera systems

are stored, monitors the sign-in procedures for viewing the cameras, and is trained in situations requiring use of the systems.

Generally, camera systems have limited access and sign-in procedures in order to preserve footage, and viewing and use of the system is documented. Management has notified the FAM that the cameras were utilized to view the FAM placing the letters in the bullpen mailboxes. We interpret this use of the camera system as a violation of policy per the DHS intended purposes.

For May and June of 2021, the Designated Official (DO) in charge of the PFO is and was at all relevant times SAC Altomare. SAC Altomare in his capacity thereby appointed the FSM, who coordinates all security, emergency, and safety policies, guidelines, and protocols for the facility. Pursuant to TSA MD 2800.18, SAC Altomare is also required to ensure that personnel comply with standards and requirements as set forth in this directive and in supplemental guidance. SAC Altomare is further required to ensure that access to the TSA-controlled facility is limited to only those individuals designated to access TSA-controlled components, in order to minimize potential for security breaches. Namely, if a person other than an assigned FSM accesses the Security Camera footage, records of the access will be documented.

In order to ensure security, there are standardized access and control requirements to promote Physical Security; FSMs and SAC Altomare do not have the unilateral authority to arbitrarily ignore and enforce these policies, regardless of the factual background. As SAC of the PFO, SAC Altomare must be held to the highest standard with respect to these policies. SAC Altomare and a small group of malcontent managers have created opportunities for disciplinary action on flying FAMs in the PFO. As in the above incident, SAC Altomare uses his position of authority to violate DHS and TSA policy in pursuit of this goal. Further, this abuse of power may result in a negative outcome from both the DHS and TSA, since one of the managers involved has already been reported for violation of policy created a potential Insider Threat. This example is a second violation of security protocol by SFAM Cope, and despite knowledge of this, SAC Altomare remains complicit. SAC Altomare is thus effectively lowering the security and efficiency of federal government service and must be held accountable for his actions.

This policy violation has been reported in the FAMS Director's Anonymous Suggestion Box as well as to DHS-OIG, with reference number [HLCN1626278922046](#). On July 21, 2021, in response to the DHS-OIG complaint, the TSA Investigations Hotline Complaint Program responded as receiving this DHS-OIG complaint and stated, "they are reviewing the concerns submitted to the DHS-OIG regarding a PHL FO Security Camera Violation." The violation was also reported to the TSA, the reference number for which is [HL21-01659](#).

SAC Altomare was assigned to be the PFO SAC about nine months ago. Senior Leadership at FAMS Headquarters have failed to address workforce complaints and have neglected to intervene in the following reported issues: decreasing morale, Prohibited Personnel Practices, harassment and retaliation, targeting of the members of the Local Action Plan (LAP), and occurrences of allowing COVID-19 positive FAMs to fly on domestic flights. Added to this list is failing to investigate and intervene in severe violations of security policy and processes in order to create cause for discipline.

FAMS Senior Leadership is sending a clear message to the PFO workforce by allowing SAC Altomare and management to continue to tarnish the PFO's reputation. The message being broadcasted is the FAMS Senior Leadership will continue to foster and protect management officials who violate and ignore policy, target and retaliate against the workforce, decrease FAM

January 14, 2022

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quality of life, and commit Prohibited Personnel Practices in performance evaluations. The hardworking PFO workforce simply does not deserve this treatment and requests relief.

In accordance with the above information, we request the immediate investigation including removal of the managers involved in the security violation described herein, which has lowered the integrity and standards of the TSA and FAMS. Please respond within seven days of the date of this letter, with a detailed explanation as to any misconceptions articulated in this and previous letters, as well as how you intend to resolve these violations.

Sincerely,

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Stephanie K. Rawitt

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December 30, 2021

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David Pekoske
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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

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December 23, 2021

Via Email:
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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

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December 17, 2021

Via Email:
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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.¹ 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

¹ 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. Rawlitt

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November 9, 2021

Via Email:
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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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November 9, 2021
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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

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