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NTEU President Calls on DHS Secretary To Start ‘Fresh Dialogue’ On Personnel Rules

Washington, D.C.—In an immediate follow-up to its landmark federal court victory halting implementation of regressive Department of Homeland Security (DHS) personnel rules, the leader of the union representing DHS employees called on DHS Secretary Michael Chertoff to reconsider the agency’s approach to labor-management relations and to schedule a prompt meeting with her to “start a fresh dialogue” on this important subject.

President Colleen M. Kelley of the National Treasury Employees Union (NTEU) sent the letter to Secretary Chertoff in the wake of a unanimous decision by a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit not only upholding but broadening a lower court injunction preventing implementation of the DHS rules.

“Based on this decision, DHS and the Office of Personnel Management (OPM) must make adjustments to the regulations in order to implement a new labor relations system, thereby triggering the statutory collaboration process,” President Kelley wrote.

She added: “This continuing uncertainty and instability, as well as the continuing adversarial relationship between DHS and its employees disserves the public interest. DHS’s frontline employees are dedicated to the success of the agency’s critical mission.”

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The Court of Appeals ruling makes clear, Kelley said, that “the unilateral approach taken by DHS and OPM in trying to impose personnel rules that severely restrict employees’ collective bargaining, due process and appeal rights is extremely counterproductive, time-consuming, and harmful to employee morale.”

“Your agreement to reengage in discussions over these issues will send a strong signal to DHS employees that they are valued,” Kelley wrote, adding that “it would also provide the chance to finally reach agreement on new personnel rules that will serve the nation without needlessly trampling on the rights of employees.”

NTEU worked hard for two years after establishment of DHS by the Homeland Security Act (HSA) in an effort to convince DHS to establish a personnel system that recognized and respected the abilities, experience and commitment of its employees.

Instead, DHS and OPM advanced regulations that would have effectively stripped employees of their collective bargaining and other key rights.

NTEU served as lead counsel in a federal court suit involving several DHS unions. A lower federal court ruled—twice—that DHS had overstepped the authority granted to it by Congress in HSA. The appeals court yesterday upheld that injunction after DHS appealed the lower court’s ruling, and, in response to a cross-appeal filed by NTEU, struck down the agency’s attempt to sharply restrict the scope of matters subject to bargaining.

Shortly after the decision was announced, two ranking members of Congress who are strong supporters of federal workers—Rep. Bennie Thompson (D-Miss.) and Sen. Daniel Akaka (D-Hawaii)—issued statements applauding the court action and calling on DHS to sit down with its unions to work out a personnel system that is fair. Sen. Akaka, a member of the Senate Homeland Security and Governmental Affairs Committee, is one of nine senators to vote against creation of DHS, in part because of his concern over development of a personnel system that erodes employee rights and protections. Rep. Thompson is Ranking Member of the House Homeland Security Committee.

NTEU is the largest independent federal union, representing some 150,000 federal workers in 30 agencies and departments, including more than 14,000 in DHS’s Bureau of Customs and Border Protection (CBP).