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Kelley Welcomes House Committee Language to Kill DHS Personnel System

Washington, D.C.—Approval by a key House committee of legislative language that would repeal the misguided and regressive Department of Homeland Security (DHS) personnel system is “recognition that the DHS system has failed its employees and the American people,” the leader of the union representing thousands of front-line border security employees said today.

President Colleen M. Kelley of the National Treasury Employees Union (NTEU) welcomed an amendment repealing the DHS personnel rules approved by the House Homeland Security Committee in its markup of the agency’s fiscal 2008 authorization bill. The authorization bill is a blueprint for further action by congressional appropriators. At NTEU’s urging, Congress has been slashing funds for implementation of the DHS personnel system.

“This legislation would put the final, and overdue, nail in the coffin of a personnel system that would bring serious harm to DHS employees,” she said, “and make even worse the serious morale problems that are widespread in DHS.”

The amendment, which would repeal the performance management flexibilities given DHS under the 2002 Homeland Security Act, was offered by Rep. Sheila Jackson Lee (D-Tex.), chairman of the committee’s Transportation Security and Infrastructure Subcommittee.

President Kelley applauded Rep. Jackson Lee’s “consistent opposition” to the DHS human resources management system since its inception, adding in a message to the congresswoman that NTEU “is grateful for your unflagging leadership on this issue.”

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In offering her amendment, Rep. Jackson Lee called the DHS personnel system and its implementing regulations “a litany of failure” in that they “effectively gut employee due process rights and put in serious jeopardy the agency’s ability to retain a workforce capable of accomplishing its critical missions.”

Thanks to a court suit led by NTEU, federal district and appeals courts three times enjoined the labor relations segments of the regulations; however, DHS recently said it intends to move ahead to implement portions of its rules dealing with adverse actions, appeals and performance management.

President Kelley described that course of action as “sheer folly,” and demanded that DHS bargain with the union prior to implementing any portion of its much-maligned personnel system.

In a related development, the committee also included language in its markup that would grant law enforcement officer (LEO) status to officers in the Bureau of Customs and Border Protection (CBP), a major unit of DHS, retroactive to the March 2003 startup of DHS.

While welcoming this language—NTEU has been fighting for LEO status for CBP Officers (CBPOs) for some time—Kelley said the union will continue to press for approval of legislation that would provide retroactive coverage to all CBPOs, including legacy Customs and Immigration inspectors.

NTEU is the largest independent federal union, representing some 150,000 employees in 31 agencies and departments, including DHS’s Bureau of Customs and Border Protection and the Transportation Security Administration.

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