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## **President Kelley Welcomes DHS Decision To Abandon Further Appeal on Personnel Rules**

**Washington, D.C.**—The leader of the union that successfully took the Department of Homeland Security (DHS) head-on in its effort to strip employees of key workplace rights today welcomed the agency’s decision not to pursue a further appeal to the U.S. Supreme Court.

“DHS has made the right decision—for itself, for its employees and for our nation,” said President Colleen M. Kelley of the National Treasury Employees Union (NTEU). “It is now time for DHS to put this adversarial proceeding behind it and to join with NTEU in focusing solely on the agency’s critical mission of protecting the American people.”

Federal courts—including an appeals court panel, acting unanimously—three times ruled in NTEU’s favor that DHS efforts to gut employee collective bargaining, due process and appeal rights are illegal and cannot be implemented.

The appeals court was particularly direct in its rejection of the DHS personnel rules, calling the department’s labor relations scheme a “flagrant departure” from the meaning of collective bargaining and therefore “utterly unreasonable.”

For more than two years, NTEU worked diligently with DHS and the Office of Personnel Management, seeking to craft a set of personnel regulations that would provide DHS with certain operational flexibilities it said it needed while at the same time recognizing and respecting the abilities, experience and commitment of its employees and preserving their rights.

In the end, however, DHS put in place rules that would have effectively stripped employees of their collective bargaining and other key rights, in direct contravention of the will of Congress as

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expressed in the law establishing the department. The 2002 Homeland Security Act (HSA) specifies that any personnel system adopted by DHS must “ensure” employees’ collective bargaining rights.

NTEU served as lead counsel for a coalition of other DHS unions, performing all the legal research, writing all the briefs and presenting all the oral arguments. Initially, in federal District Court for the District of Columbia, NTEU secured an injunction preventing the implementation of the rules by DHS—and then, when DHS sought to have that injunction narrowed, NTEU successfully defended that ruling in a follow-up proceeding.

DHS took the matter to the U.S. Court of Appeals for the District of Columbia Circuit, where a three-judge panel received briefs and later heard oral argument. Its decision not only upheld the lower court’s injunction, it significantly broadened that ruling by rejecting a DHS effort to restrict the scope of matters subject to bargaining.

Throughout these proceedings, President Kelley has emphasized the importance of NTEU’s work on this case to every federal employee, noting that this administration had made clear its intention to extend the restrictive rules in DHS and a set of similar rules impacting Department of Defense employees to every governmental agency.

“NTEU has said from the establishment of DHS,” Kelley said, “that its mission can be accomplished without compromising the rights of its employees—and, in fact, that has been the case for the past few years.” She added: “The dedicated men and women of DHS welcome the opportunity to contribute their energy and expertise to continuing to secure this country while retaining their longstanding rights.”

NTEU is the largest independent federal union, representing some 150,000 federal workers in 30 agencies and departments.

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