



# **NEWS** RELEASE

1750 H Street N.W. • Washington, D.C. 20006 • (202) 572-5500

[www.nteu.org](http://www.nteu.org)

**For Immediate Release  
October 7, 2005**

**Contact: Dina Long, Ext. 7058  
Sheila McCormick, Ext. 7034  
Mike Drapkin, Ext. 7011**

## **Federal Court Rejects DHS Motion In Second NTEU Legal Win**

**Washington, D.C.**—The National Treasury Employees Union (NTEU) today scored a second major legal victory in its efforts to stop the Department of Homeland Security (DHS) from implementing an illegal personnel system.

In a significant win for all DHS employees, the U.S. District Court for the District of Columbia sided with NTEU, rejecting a motion by DHS to narrow an injunction which blocked DHS from implementing a controversial personnel management system on Aug. 1.

“We won the injunction. Then the government came back and tried to limit the injunction and we won that, too,” said NTEU President Colleen M. Kelley. “How many more taxpayer dollars is DHS going to throw away defending this unlawful system? DHS should set this aside and work with us on the critical priorities facing this nation. Our ports and borders are understaffed, employees are not receiving the training necessary to do their jobs and incoming cargo is not being inspected. That is where our time, efforts, and resources should be directed.”

NTEU is the lead counsel in the DHS unions’ case against DHS and the Office of Personnel Management (OPM). At issue is whether DHS and OPM illegally overstepped the boundaries set by Congress when it created DHS in drafting personnel rules that negate employees’ collective bargaining

**(MORE)**

## **Following NTEU's Legal Triumph, Kelley Questions DHS Refusal To Talk—Add One**

rights and make it difficult for employees to remedy unfair disciplinary actions.

As she did after the court's initial decision, President Kelley said that NTEU remains willing to work with DHS to create a personnel system that accomplishes the department's mission while respecting the rights of front-line workers.

"Our longstanding offer to sit down and talk is still on the table," said Kelley. "The government's continuing refusal to negotiate is proof that these illegal regulations were designed to eliminate collective bargaining," Kelley added.

In mid-August, the federal court blocked implementation of the DHS system, ruling that key elements of it are illegal. The court said that "significant aspects" of the system "fail to conform to the express dictates" of the Homeland Security Act (HSA) legislation establishing DHS, as well as other federal laws.

In response to the DHS motion to narrow the injunction, NTEU argued forcefully that the provisions ruled illegal by the court could not be carved out of the system the agency wanted to put in place and that the entire system should be blocked.

Kelley noted that DHS itself was unable to respond in an acceptable way to the court's invitation to explain how the department could implement portions of the regulations in a way that satisfies the requirements of the HSA. The fact that DHS could not do that "is proof that all aspects of the personnel system are inextricably intertwined with one another," Kelley said.

"DHS can appeal this decision, but trying to impose an unjust and illegal system is not the answer," said Kelley. "At this point, any responsible employer would sit down with its employees and work this out. Barring that, NTEU will fight to the finish to protect the dedicated men and women who protect our country's ports and borders."

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