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FLRA Regional Director Dismisses Objections, Upholds NTEU Win in CBP Representation Election

Washington, D.C.—The National Treasury Employees Union (NTEU) has moved an important step closer to certification as the exclusive representative of all bargaining unit employees in the Bureau of Customs and Border Protection (CBP). NTEU won an overwhelming victory in a representation election last June, but certification has been delayed pending an appeal by the losing union.

In a decision issued late yesterday, the Washington Regional Director of the Federal Labor Relations Authority (FLRA) summarily dismissed election objections filed by the American Federation of Government Employees (AFGE), and upheld NTEU's victory. The June vote count in the largest representation election ever in the federal sector was overseen by the FLRA and showed NTEU the winner by a 7,349 to 3,426 margin.

The concluding paragraph of the 84-page decision reads:

Following a consideration of all the issues identified by AFGE, I do not find them to be meritorious. It has not been shown that any of the matters raised, whether considered separately or cumulatively, are sufficient to set the election aside. In sum, all objections are dismissed, and the certification to NTEU should be issued without further delay.

NTEU President Colleen M. Kelley applauded the decision stating, "Thousands of CBP employees have been without representation while this investigation was ongoing. NTEU is eager to

Objections to NTEU CBP Election Victory Dismissed—Add One

get down to the important work of ensuring that these employees are treated with dignity and respect and have a voice in their work lives. Too often, their rights and their views are being ignored.”

Kelley further commented, “I continue to hope that the AFGE leadership will act in the best interest of CBP employees and refrain from further delaying certification with a final, baseless appeal.”

She said that delaying the process any further would be “unconscionable and damaging to all CBP employees.” For one thing, it keeps newly-hired CBP Officers “in limbo,” Kelley said, while preventing NTEU from seeking contract benefits such as bilingual pay for immigration and agriculture inspectors at CBP.

Further, the NTEU leader said, “it prevents us from moving forward and seeking contract improvements for all employees in key areas such as work assignments, bid and rotation procedures, overtime and alternative work schedules.

Under FLRA rules, AFGE can file with the full FLRA an application for review no later than March 19; the FLRA would have to rule on that application no later than 60 days from the date it was filed.

If no further appeals are taken, Kelley said, the Regional Director’s decision will become final and NTEU would be certified in late March as the sole representative for a bargaining unit numbering some 21,000. Another appeal could push that back to May.

“I look forward to the day when NTEU can provide all CBP employees with the full benefits of representation by NTEU,” President Kelley said.

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