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NTEU Wins Arbitration On Grooming Standards

Washington, D.C.—An arbitrator’s ruling that the Bureau of Customs and Border Protection (CBP) illegally imposed personal appearance standards on its employees is yet another example of unilateral workplace directives that contribute to Department of Homeland Security (DHS) employees having the lowest morale in the federal government, the head of the union representing CBP employees said today.

President Colleen M. Kelley of the National Treasury Employees Union (NTEU) criticized the agency for its continuing focus on what she described as “trivial pursuits” at the expense of such critical issues as training, funding and staffing.

An arbitrator recently ruled that CBP had violated the parties’ national labor agreement and applicable law when it implemented new personal appearance standards—setting detailed rules on issues such as hair color and mustache length and outlawing beards—without meeting its bargaining obligations with NTEU. He ordered CBP to rescind the illegal standards, but stayed implementation of his decision to allow a related legal proceeding to conclude.

Kelley said that evidence presented by NTEU and based on the real-life experience of front-line CBP border security officers “convinced the arbitrator that these silly rules had no impact on ‘internal security’ as CBP had claimed.”

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“The issue here,” President Kelley said, “is only partly the unnecessary and unreasonable appearance standards. There is also a larger, continuing issue of CBP unilaterally imposing standards and policies on employees without fulfilling its legal obligation to bargain these issues first with NTEU.”

The question over personal appearance standards arose last fall when CBP, over the strong objections of NTEU, implemented new grooming regulations for all uniformed officers. NTEU already had negotiated grooming standards in place as part of its contract with CBP.

In response, NTEU filed a national grievance, which it has now won, along with a “negotiability appeal” with the Federal Labor Relations Authority (FLRA) requesting a decision requiring CBP to negotiate over specific NTEU proposals that would modify the illegal grooming standards. NTEU was the only CBP union to actively fight the new policies.

President Kelley said unilateral implementation of appearance standards is in line with the actions of a management that “seems oblivious to the impact its decisions have” on the morale of the men and women they count on to do the work effectively and efficiently.

CBP has all but ignored employee input on such key workplace issues as job bid and rotation decisions, work assignments, coverage under the Fair Labor Standards Act (FLSA) and other important matters.

NTEU is the largest independent federal employee union, representing 150,000 federal employees in 30 federal agencies and departments, including 14,000 CBP employees.