



June 27, 2006

VIA FACSIMILE AND FIRST CLASS MAIL

The Honorable Michael Chertoff  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Chertoff:

On behalf of the Department of Homeland Security (DHS) employees represented by the National Treasury Employees Union (NTEU), I am writing this letter in an effort to reconsider the current approach to labor-management relations at DHS in wake of today's decision issued by the United States Court of Appeals for the D.C. Circuit in NTEU v. Chertoff.

Today's decision not only upheld, but significantly broadened the district court's decision declaring significant portions of the proposed DHS personnel system illegal and preventing implementation. Based on this decision, DHS and the Office of Personnel Management (OPM) must make adjustments to the regulations in order to implement a new labor relations system, thereby triggering the statutory collaboration process. Any new regulations will again be subject to legal challenges, resulting in continuing instability in labor relations at DHS.

This continuing instability and uncertainty, as well as the continuing adversarial relationship between DHS and its employees disserves the public interest. DHS's frontline employees are dedicated to the success of the agency's critical mission.

As now made clear by the Court of Appeals' ruling, the unilateral approach taken by DHS and OPM in trying to impose personnel rules that severely restrict employees' collective bargaining, due process, and appeal rights is extremely counterproductive, time-consuming, and harmful to employee morale.

Your agreement to reengage in discussions over these issues will send a strong signal to DHS employees that they are valued. It would also provide the chance to finally reach agreement on new personnel rules that will serve the nation without needlessly trampling on the rights of employees.

I urge you to consider abandoning the short-sighted and ill-conceived personnel rules that have now been struck down by the courts for the third time and take up my offer to start a fresh dialogue with us.

I look forward to hearing from you.

Sincerely,

Colleen M. Kelley  
National President