

NTEU

The National Treasury Employees Union

May 8, 2009

VIA E-MAIL, FACSIMILE, AND FIRST CLASS MAIL

Jayson Ahern
Acting Commissioner
Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Dear Jay:

As you know, I have been urging you to act in the best interest of Customs and Border Protection (CBP) Officers for weeks now by making clear that they may wear protective masks to limit their potential exposure to the H1N1 flu.

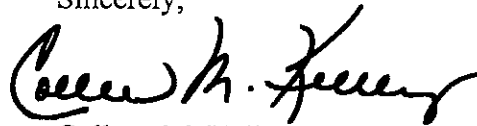
Despite NTEU's urgent request, no DHS-wide written guidance on the matter of employees having the option to wear masks has been issued. But, it is clear that CBP managers are prohibiting the optional wearing of protective equipment through verbal directives. NTEU members' requests for written directives or guidance on this issue have been denied.

In the last few days, the first American death from swine flu was confirmed in Texas near the Mexican border where many CBP Officers work. For the past several weeks, CBP Officers have diligently worked on the U.S. side of the border without the ability to take even the most basic medical precautions to protect themselves and their families, while their Mexican counterparts, working just steps away, worked in masks. Some of these CBP workers, or their families, may suffer from compromised immune systems due to any number of factors including chemotherapy treatment. Many have small children at home, and some may be pregnant.

NTEU has confirmed that there are no OPM, OSHA, or CDC rules or guidelines that prohibit the voluntary donning of masks by these workers, nor is there a DHS-wide directive. Yet, employees continue to be denied that opportunity. Our members, particularly those who work on the Mexican border and those who clear flights from Mexico, are justifiably frustrated, concerned, and angry. You have provided us with no reasons for this policy. In fact, I believe you have done everything possible to obscure the policy, particularly by refusing to issue it in writing. I will be testifying before Congress on this issue next week, but I strongly urge you to reverse CBP's unilateral, unnecessary and callous policy on this matter immediately.

I would appreciate a prompt reply to this letter.

Sincerely,



Colleen M. Kelley
National President

cc: The Honorable Janet Napolitano, Secretary, DHS