



July 23, 2025

VIA ELECTRONIC MAIL

Mr. Adam Mervis
Branch Chief, Labor Relations HQ
LER National Operations
Human Resources Policy & Programs Directorate
U.S. Customs and Border Protection
90 K Street, N.E.
Washington, D.C. 20229

**RE: National Grievance and Unfair Labor Practice Charge — Agency’s
Violations of the Parties’ 2025 National Agreement and 5 U.S.C.
§ 7116(a)(1), (5), and (8)**

Dear Mr. Mervis:

The National Treasury Employees Union (NTEU) hereby files this national grievance on behalf of all affected bargaining unit employees pursuant to Article 27, Section 13 of the 2025 National Collective Bargaining Agreement (NCBA) between U.S. Customs and Border Protection (CBP or agency) and NTEU. Because the violations NTEU alleges herein are continuing each day and/or week, the grievance and requested remedies are continuing in nature.

Statement of the Grievance

Article 42 of the NCBA governs Awards and Recognition. Article 42, Section 8 contains the parties’ agreement with respect to the Foreign Language Proficiency Awards Program (FLAP). Section 8.A provides:

FLAP incentivizes Officers and Agriculture Specialists to attain and maintain competency in a foreign language, thereby improving the efficiency of operations for the functioning of the Agency’s security mission, making the United States a more welcoming place when foreign travelers find officers can communicate in their language, and helping to expedite traveler processing to reduce wait times. FLAP will be implemented in accordance with this Agreement and CBP Directive 51451-004B, dated May 3, 2008 (“the Directive”) or a successor Directive that has been implemented consistent with the requirements of Article 26 and law.

Section 8.D.5 of Article 42 provides:

Foreign language usage will occur in the international (airport and seaport) passenger processing primary and secondary; or land border primary, secondary, and commercial vehicle environment work units, or other work units identified by

management during the annual BRP. Use in other work units must be preapproved by management. Limited exceptions may apply regarding the use of specialty languages in other environments in the performance of official duties.

NTEU recently learned that multiple CBP ports have completely barred employees from earning FLAP in work units other than primary or secondary passenger processing or land border commercial vehicle environment units. These ports have refused to grant any employee requests for preapproval to earn FLAP in other work units.

CBP's bar on employees earning FLAP in work units other than those units the parties explicitly listed in Section 8.D.5 constitutes a breach of Article 42, which requires the agency to grant employees preapproval to earn FLAP if appropriate even if the employee does not work in one of the units listed in the CBA or identified in the BRP process. In addition to the breach of the NCBA, CBP's violations of Article 42 amount to a repudiation of the NCBA in violation of 5 U.S.C. § 7114, which is also an unfair labor practice pursuant to 5 U.S.C. §§ 7116(a)(1), (5), and (8).

Remedies

To remedy these violations, NTEU requests that CBP: (1) immediately cease and desist from violating the 2025 NCBA and statute; (2) immediately restore the *status quo ante*; (3) provide make-whole relief to all adversely affected bargaining unit employees, including back pay; (4) post a notice signed by the Commissioner of CBP admitting that the agency violated the statute by repudiating Article 42 of the 2025 NCBA; and (5) grant NTEU any other appropriate remedy under the law, including attorneys' fees and costs under the Back Pay Act.

Information

Pursuant to 5 U.S.C. § 7114(b)(4), NTEU requests the following information, documents, and other materials, including e-mails, that are needed to process this grievance, to identify the employees on whose behalf the grievance is filed, and to adequately represent those employees:

1. Any information or documents reflecting the agency's denial of a request for preapproval for a bargaining unit employee to earn FLAP in a work unit other than primary or secondary passenger processing or land border commercial vehicle environment work units from March 9, 2025 to present.
2. A list of bargaining unit employees impacted by a denial of a request identified in response to Request Number 1.
3. Any communications to bargaining unit employees concerning their ineligibility to earn FLAP in work units other than primary or secondary passenger processing or land border commercial vehicle environment work units issued on or after March 9, 2025.

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4. A list of bargaining unit employees impacted by a denial of a request identified in response to Request Number 3.
5. A list identifying work units and their respective Port of Entry that are not identified in Article 42, Section 8.D.5 which have been pre-approved to earn FLAP.
6. Any directive or instruction issued by management that purports to limit the eligibility of employees to earn FLAP in primary or secondary passenger processing or land border commercial vehicle environment work units issued on or after March 9, 2025.
7. A list of bargaining unit employees impacted by a denial of a request identified in response to Request Number 6.

Bargaining History

Pursuant to Article 28, Section 6.E, NTEU hereby gives notice that if this matter proceeds to arbitration, NTEU intends to use bargaining history concerning Articles 2, 3, 26, and 34.

NTEU's representative in this matter will be National Negotiator Jack Jarrett. Please contact him via email at jack.jarrett@nteu.org to schedule a meeting.

Sincerely,



Doreen P. Greenwald
National President

cc: Andrea Coffey, CBP
Mary Buenrostro, CBP
Jack Jarrett, NTEU
Ken Moffett, NTEU
Ryan Soon, NTEU