The Honorable Ron Johnson                  The Honorable Gary Peters
Chairman, Homeland Security and   Ranking Member, Homeland Security and
Governmental Affairs Committee                       Governmental Affairs Committee
United States Senate                                          United States Senate
Washington, DC 20510                                      Washington, DC 20510

Chairman Johnson and Ranking Member Peters:

On behalf of the 27,000 Customs and Border Protection (CBP) Office of Field Operations (OFO) employees represented by the National Treasury Employees Union (NTEU) who are stationed at 328 air, sea and land ports of entry, I am writing to ask for your help to protect the health of our CBP employees working at ports of entry who are putting themselves at risk of exposure to COVID-19.

CBP employees at the ports of entry have an important job to do facilitating legitimate trade and travel, while protecting the public from dangerous people and materials entering the country through our ports. However, as a result of the ongoing COVID-19 pandemic, stay at home orders and related restrictions on cross-border travel have reduced border crossings by as much as 75 percent, if not more in some locations, resulting in greatly reduced activity at the ports. In response, CBP Office of Field Operations (OFO) had been temporarily revising work schedules and using weather and safety leave to reduce staffing at the ports. The revised schedules were carefully designed to ensure that operational demands are still being met. Officers on weather and safety leave were on standby, subject to being called to work any time the need arose.

The weather and safety leave that employees were receiving was agreed to locally between port and union officials. It was a smart way to protect employees -- creating more distance between employees at work, while reducing the number of employees interacting with each other and the public. This concept of preserving bench strength, not sending all of one’s troops into battle in the first wave, or whatever metaphor you want to use, has been widely adopted by other law enforcement and first responder organizations during the current pandemic, including the New York Police Department.

Unfortunately, on April 6, CBP announced that it is immediately cancelling these revised schedules and requiring full staffing at land ports of entry along the northern and southern border. Field Office and Port Directors working collaboratively with employee representatives towards the objective of safeguarding CBP employees at the ports had sent an encouraging and
strong message to CBP employees; that CBP cares about their wellbeing and that of their families. It boosted morale. The cancellation announcement is crushing it at a time when CBP can least afford it.

The announcement also comes at a time when experts predict that infections and deaths are beginning to peak in various parts of the country and will continue to do so over the next month. This short-sighted decision puts the health and safety of CBP personnel at risk at a time when experts predict that infections and deaths are beginning to peak in various parts of the country. There is a scientific and medical consensus that the spread of the virus is slowed by safe social distancing and limiting interactions between potentially infected individuals and others. This is particularly true now that it is widely accepted that asymptomatic individuals may transmit the virus.

Requiring CBP Officers to show up to work when it is not operationally necessary runs directly counter to this consensus. It puts at grave risk the long-term health of the CBP workforce as this country fights the pandemic, which in turn puts the security of this country at risk.

To date, over 160 CBP employees have contracted COVID-19 and many more are quarantined due to exposure. With this new mandate the odds of the virus spreading among our workforce as well as to the public increase. Taking advantage of reduced traffic at the border by reducing staffing reduces the overall exposure of the workforce to the coronavirus.

On behalf of all CBP employees at the ports of entry, I am requesting that you contact Acting Secretary Chad Wolf and Acting CBP Commissioner Mark Morgan and ask them to do right by the CBP Officers serving our country at our nation’s land borders and reinstate these sensible schedules that will ensure that CBP employees working at international ports of entry are able to practice social distancing, reduce the number of Officers at risk of exposure and be available to replace Officers that are exposed for the duration of this health crisis.

I welcome the opportunity to discuss this with you and thank you for your attention to this urgent matter.

Sincerely,

Anthony M. Reardon
National President

Cc: HSGAC Committee Members