



March 4, 2026

VIA ELECTRONIC MAIL

Adam J. Cohen
Senior Deputy Comptroller & Chief Counsel
Office of the Comptroller of the Currency
Constitution Center
400 7th Street, NW
Washington, DC 20219

RE: Purported Termination of Collective Bargaining Agreement

Dear Mr. Cohen:

Yesterday, you sent a memorandum to the National Treasury Employees Union (NTEU) which purported to terminate the Office of the Comptroller of the Currency's (OCC) collective bargaining agreement (CBA) with NTEU. OCC cannot lawfully terminate its CBA with NTEU because NTEU remains the exclusive representative of its bargaining unit employees.

Litigation over Executive Order No. 14,251, *Exclusions from Federal Labor-Management Relations Programs*, continues. A federal district court judge ruled that the Order is likely unlawful and preliminarily enjoined its implementation.¹ While NTEU's preliminary injunction was stayed pending appeal, it was not vacated—and whether it will be put into effect again remains a live issue. That is likely one reason why OPM previously advised, back in August 2025, that agencies should not attempt to terminate or repudiate their CBAs with NTEU.² While OPM's view changed on February 13, the status of NTEU's litigation against the Executive Order has not. It remains to be seen whether NTEU's challenge to the Executive Order's legality will succeed.

While OCC has purported to terminate its CBAs with NTEU, it cannot lawfully do so, and that CBA remains in effect. OCC cannot unilaterally end a CBA with the exclusive representative of its bargaining unit; to the contrary, OCC must have a CBA with that exclusive representative. 5 U.S.C. § 7114. And regardless of whether OCC continues to *recognize* NTEU as the exclusive representative of its bargaining unit employees, there is no dispute that the Federal Labor Relations Authority has *certified* that status, as OCC's memorandum acknowledges, and has taken no action to undo it. So, under Section 7114 of Title 5, OCC must maintain its CBA with NTEU and cannot purport to end it. The CBA will thus remain in force.

Sincerely,

A handwritten signature in black ink that reads "Doreen P. Greenwald". The signature is fluid and cursive.

Doreen P. Greenwald
National President

cc: Paras Shah, General Counsel
Dan Kaspar, Director of Field Operations & Organizing
Ken Moffett, Director of Negotiations

¹ *NTEU v. Trump*, 780 F. Supp. 3d 237 (D.D.C. 2025).

² Gov't Br. at 9 n.2, *NTEU v. Trump*, 25-5157 (D.C. Cir. Sept. 9, 2025) (quoting OPM guidance).