

September 15, 2017

MEMORANDUM

TO: CBP Chapter Presidents

RE: Global Settlement Update

SUMMARY: NTEU is making progress toward correcting the systemic problems caused by errors in the data provided by CBP to the settlement administrator.

As you know, due to inaccurate data provided by CBP, I instructed the settlement administrator to suspend the issuance of payments under the Global Settlement. With your help, NTEU identified three significant systemic errors in the data: improperly crediting time as Border Patrol agents and Import Specialists for approximately 1,100 individuals; failing to credit time in a bargaining unit status from 2008 to 2010 for approximately 600 individuals; and, including numerous deceased individuals on the list of payees. NTEU also investigated several other concerns that you raised. Fortunately, unlike the above-described systemic issues, the few problems remaining unresolved after our investigation can be addressed on a case-by-case basis during the appeal process.

NTEU is making progress toward solving the problems caused by the three systemic errors that have been identified. At NTEU's urging, CBP will provide an entirely new, corrected data set for the approximately 1,100 individuals who were originally given credit for time as Border Patrol Agents and Import Specialists. In addition, CBP is currently reviewing the data for the approximately 600 individuals who were originally credited with zero days in the bargaining unit from 2008 to 2010. Those individuals will receive full credit for that period unless CBP can explain why they should not. Finally, NTEU is pursuing several methods of identifying deceased individuals on the list of payees, toward the goal of removing them from the list.

Some of the above-described data work being performed by CBP has been delayed recently because of issues related to the devastating impact of Hurricanes Harvey and Irma. CBP reports that it has had to focus on immediate hurricane-related needs, but hopes to turn again shortly to fixing the systemic errors in its settlement data set. Even assuming a prompt response by CBP, because of additional work required to format and prepare the data by the settlement administrator, and because we want to share the revised calculations with you before distribution, the first round of settlement checks will not be sent to covered individuals until early 2018.