



**U.S. Customs and  
Border Protection**

SEP 30 2011

TO: Melanie Roe  
Assistant Commissioner  
Office of Public Affairs

FROM: Michael J. Wenzler *for [Signature]*  
Director, Labor-Management Relations  
Human Resources Management

SUBJECT: Agency Head Review: Memorandum of Understanding – Apparel Items

The attached Memorandum of Understanding (MOU) signed September 28, 2011, memorializes an agreement between U.S. Customs and Border Protection (CBP) and the National Treasury Employees Union (NTEU). The MOU addresses procedures to be followed when the Office of Public Affairs issues apparel to bargaining unit staff members. The negotiated terms have been reviewed in accordance with 5 U.S.C. §7114(c) and under Department of Homeland Security, Customs and Border Protection Delegation Order 10-001 dated February 23, 2010.

The MOU does not violate existing law, rule or regulation, and is hereby approved. This approval does not constitute a waiver of, or exception to, any existing law, rule, regulation, or policy.

If you have any questions or need additional assistance, you may contact Don Stakes, Chief Labor Negotiator, by telephone at (202) 863-6335, or by electronic mail at [Donald.Stakes@dhs.gov](mailto:Donald.Stakes@dhs.gov).

CC: Colleen Kelley, National President, NTEU  
Jonathan Levine, Attorney, NTEU  
Timothy Ryan, Director, Visual Communications, Office of Public Affairs  
John Wigton, Field Services Director, Labor & Employee Relations  
Gary Lucas, Labor Relations Specialist

Attachment

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
U.S.CUSTOMS AND BORDER PROTECTION (CBP)  
AND  
NATIONAL TREASURY EMPLOYEES UNION (NTEU)**

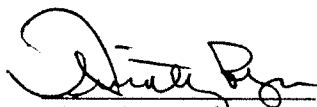
**BACKGROUND:**


On February 9, 2011 Mr. Levine was invited to a pre-decisional discussion concerning issued apparel for the Office of Public Affairs (OPA) staff. Subsequent to these conversations, formal notice was given to NTEU on April 4, 2011. On June 13, 2011 NTEU was briefed and bargaining began.

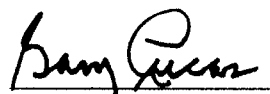
The following provisions of this Memorandum of Understanding (MOU) are between CBP and NTEU regarding OPA issuance of apparel items.

**AGREEMENT TERMS:**

1. The following items will be available for individual use by employees in the Office of Public Affairs on a voluntary basis: black polo, black polo (long sleeve), tactical cotton pants, tactical cotton shorts, black ball cap, dark navy rain pant, tan boot socks, danner desert tan boots, black trouser belt, and force 3 in 1 jacket. The issuance of items will be at management's discretion, e.g. when employees are performing duties in public to support the mission of OPA and subject to funding.
2. The costs of the above-referenced items will be assumed by CBP.
3. The grooming standards for the employees in OPA will be governed by Article 44, Section 3 of the National Agreement.
4. This Agreement is effective upon signature of both parties, subject to the requirements of 5 U.S.C. #7114 ( c ).

 Date 9-28-11  
Timothy Ryan  
Director, Visual Communications  
Office of Public Affairs

 Date 9-28-11  
Jonathan Levine  
Assistant Counsel for Negotiations  
NTEU

 Date 9-28-11  
Gary Lucas  
Labor Relations Specialist  
Office of Human Resources