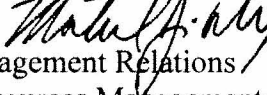




**U.S. Customs and  
Border Protection**

**FEB 16 2012**

TO: Peter Taranto  
Joint Operations Directorate  
Office of the Commissioner

FROM: Michael J. Wenzler   
Director, Labor-Management Relations  
Office of Human Resources Management

SUBJECT: Agency Head Review  
Memorandum of Understanding – Surge Capacity Force (SCF)

The attached Memorandum of Understanding (MOU), signed February 3, 2012, memorializes an agreement between U.S. Customs and Border Protection (CBP) and the National Treasury Employees Union (NTEU). The agreement specifically addresses the implementation of a Surge Capacity Force within CBP. 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.

This 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, contact me at (202) 863-6271.

CC: Colleen Kelley, National President, NTEU  
Jonathan Levine, Attorney, NTEU  
Deb Eres, Field Services, Labor & Employee Relations  
Don Stakes, Chief Labor Negotiator, CBP

Attachment

**Agreement between U.S. Customs and Border Protection (CBP) and the National Treasury Employees Union (NTEU)**

**I. Background & Purpose**

A provision in the 2006 Post-Katrina Emergency Reform Act of 2006 authorized the Department of Homeland Security (DHS) to create a "surge capacity force" (SCF) of federal employees to augment a catastrophic disaster response. The Act calls for deployable DHS employees, not employed by the Federal Emergency Management Agency (FEMA), to be part of the SCF. This Agreement serves as the final agreement between CBP and NTEU specifically addressing the implementation of SCF within the Agency.

**II. Terms**


- 1) CBP non-uniformed employees and CBP Agriculture Specialists and CBP Technicians will be able to volunteer for the SCF.
- 2) In order to be eligible to volunteer for the SCF, employees must have completed their probationary period, been employed by CBP for 12 consecutive months, and not be the subject of any pending performance or disciplinary action or the subject of an investigation of alleged misconduct.
- 3) Employees volunteering for the SCF must also possess a government travel card or be willing to apply for a card that specifies that is for the SCF and successfully complete five on-line FEMA courses during regular duty hours.
- 4) Eligible employees must commit to participate in the SCF for twelve months.
- 5) CBP will publicize the SCF initiative to all employees through an electronic web-posting or other appropriate method.
- 6) Employees who volunteer but who are not selected will be informed in writing of the reason(s) for their non-selection.
- 7) Eligible employees at all duty stations will have an opportunity to volunteer to participate in the SCF initiative.
- 8) When implementing the SCF initiative, CBP will ensure Article 33: Safety & Health will be adhered to ensure, to the extent possible, the health and welfare of all SCF participants is maintained.

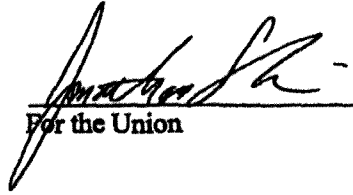
**III. Effective Date and Termination**

This MOU will be submitted for Agency head review immediately after the final signature of the chief negotiators. This MOU will become effective thirty-one (31) days after the date it is signed by the last chief negotiator or after Agency head review, whichever occurs first. Either party

may request to reopen this MOU for revision or modification in accordance with Article 26:  
Bargaining of the CBP & NTEU National Collective Bargaining Agreement.

IV. Signatures

  
For the \_\_\_\_\_ Date 2/3/2012

  
For the Union Date 2/2/12

  
For the Agency Date 2/3/2012