



**TESTIMONY OF NTEU NATIONAL PRESIDENT
COLLEEN M. KELLEY**

ON

**HUMAN CAPITAL NEEDS OF THE U.S. CUSTOMS
AND BORDER PROTECTION
“ONE FACE AT THE BORDER” INITIATIVE**

BEFORE

**THE SENATE HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS COMMITTEE
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE AND
THE DISTRICT OF COLUMBIA**

**342 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, D.C.
November 13, 2007**

Chairman Akaka, Ranking Member Voinovich, I would like to thank the subcommittee for the opportunity to testify on the human capital needs and challenges of the U.S. Customs and Border Protection “One Face at the Border” initiative. As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 18,000 Customs and Border Protection Officers and Agriculture Specialists who are stationed at 326 land, sea and air ports of entry across the United States. CBP Officers constitute 42 percent of CBP’s nonsupervisory workforce and represent the largest non-supervisory group at CBP.

In fiscal 2006, CBP Officers arrested more than 23,000 suspected criminals, denied entry to over 200,000 inadmissible aliens, seized more than 644,000 pounds of illegal drugs, intercepted nearly 1.7 million prohibited agricultural items, and seized over \$155 million in illegal commercial merchandise, such as counterfeit footwear and handbags. CBP Officers also intercepted 40,362 fraudulent documents used in attempts to enter the country illegally in fiscal year 2006. CBP Officers are our nation’s first line of defense in the wars on terrorism and drugs, while facilitating legal travel and trade.

ONE FACE AT THE BORDER INITIATIVE

As part of the establishment of the Bureau of U.S. Customs and Border Protection (CBP) in March 2003, DHS brought together employees from three departments of government-- Treasury, Justice and Agriculture to operate at the 326 ports of entry.

On September 2, 2003, CBP announced the One Face at the Border initiative. The initiative was designed to eliminate the pre-9/11 separation of immigration, customs, and agriculture functions at US land, sea and air ports of entry. **Inside CBP, three different inspector occupations –Customs Inspector, Immigration Inspector and Agriculture Inspector were combined into a single inspectional position—the CBP Officer.**

The priority mission of the CBP Officer is to prevent terrorists and terrorist weapons from entering the U.S., while simultaneously facilitating legitimate trade and travel—as well as **upholding the laws and performing the traditional missions of the three legacy agencies, the U.S. Customs Service, the Immigration and Naturalization Service (INS) and the Animal, Plant and Health Inspection Service (APHIS).**

This change in job description and job duties established by the One Face at the Border initiative resulted in the Herculean task of training, retraining and cross training over 18,000 newly created CBP Officers. The U.S. Border Patrol was spared this monumental training, retraining and cross training need because DHS transferred the U.S. Border Patrol Service as an intact unit within CBP and did not integrate the Border Patrol Agent position with the three inspectional positions working at the ports.

In practice, the major reorganization of the roles and responsibility of the inspectional workforce as a result of the One Face at the Border initiative has resulted in

job responsibility overload and dilution of the customs, immigration and agriculture inspection specializations and in weakening the quality of passenger and cargo inspections.

The processes, procedures and skills are very different at land, sea and air ports, as are the training and skill sets needed for passenger processing, cargo and agriculture inspection. Under the One Face at the Border initiative, former INS agents that are experts in identifying counterfeit foreign visas are now at seaports reviewing bills of lading from foreign container ships, while expert seaport Customs inspectors are now reviewing passports at airports.

It is apparent that CBP saw its One Face at the Border initiative as a means to “increase management flexibility” without increasing staffing levels. According to CBP, “there will be no extra cost to taxpayers. CBP plans to manage this initiative within existing resources. The ability to combine these three inspectional disciplines and to cross-train frontline officers will allow CBP to more easily handle projected workload increases and stay within present budgeted levels.”

This has not been the case. The knowledge and skills required to perform the expanded inspectional tasks under the One Face at the Border initiative have also increased the workload of the CBP Officer. Also lacking in the actual implementation of One Face at the Border is the ability to consistently practice in doing the job. Practice at doing a job is what makes a worker better at that job. A lawyer specializes in litigation, contracts, family law or one of many specialties. A doctor specializes in general medicine, surgery or one of many specialties. The CBP Officer has no opportunity to develop a specialty now.

The CBP Officer is a generalist and is rotated from seaport cargo inspection to land port vehicle processing to airport passenger processing. The CBP Officer must know the laws and duties of all of these specialized inspection processing systems. **The CBP Officer is responsible for ensuring nothing and no one gets through the port that threatens the health, safety and security of the U.S. population, while at the same time facilitating legal trade and travel. It is a heavy burden that has been demanded of these men and women.**

GAO REPORT

In 2006, Congress requested that the Government Accountability Office (GAO) evaluate the One Face at the Border initiative and its impact on legacy customs, immigration and agricultural inspection and workload. GAO conducted its audit from August 2006 through September 2007 and issued its public report, Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation’s Ports of Entry (GAO-08-219), on November 5, 2007.

The conclusions of this report echo what NTEU has been saying for years:

- CBP needs several thousand additional CBP Officers and Agriculture Specialists at its ports of entry.

- Not having sufficient staff contributes to morale problems, fatigue, and safety issues for CBP Officers.
- Staffing challenges force ports to choose between port operations and providing training.
- CBP's onboard staffing level is below budgeted levels, partly due to high attrition, with ports of entry losing officers faster than they can hire replacements.
- One of the major reasons for high attrition is that CBP Officers are leaving to take positions in other federal agencies to obtain law enforcement officer benefits not provided to them at CBP.

NTEU's testimony today will expand upon staffing, training and morale problems outlined in the GAO report and offer recommendations to address these problems.

IMPACT OF STAFFING SHORTAGES

According to GAO, "At seven of the eight major ports we visited, officers and managers told us that not having sufficient staff contributes to morale problems, fatigue, lack of backup support and safety issues when officers inspect travelers—increasing the potential that terrorists, inadmissible travelers and illicit goods could enter the country." (See GAO-08-219, page 7)

"Due to staffing shortages, ports of entry rely on overtime to accomplish their inspection responsibilities. Double shifts can result in officer fatigue...officer fatigue caused by excessive overtime negatively affected inspections at ports of entry. On occasion, officers said they are called upon to work 16-hour shifts, spending long stints in primary passenger processing lanes in order to keep lanes open, in part to minimize traveler wait times. Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory overtime, which in turn exacerbates the staffing challenges faced by the ports." (See GAO-08-219, page 33)

According to CBP, CBP Officers have "Twin Goals" in doing their job - anti-terrorism and facilitating legitimate trade and travel. CBP's priority mission is preventing terrorists and terrorist weapons from entering the United States, while also facilitating the flow of legitimate trade and travel. **CBP's emphasis on reducing wait times, however, without increasing staffing at the ports of entry creates a challenging work environment for the CBP Officer.**

On the one hand, CBP Officers are to fully perform their inspection duties, yet at all times they are made aware by management of wait times. In land port booths, wait times are clearly displayed. At airports, all international arrivals are expected to be cleared within 45 minutes or a visual alert is displayed at headquarters and local management is notified. CBP's website posts wait times at every land port and allows travelers to check airport wait times by location.

Land Ports of Entry:

Most travelers enter the U.S. through the nation's 166 land border ports of entry. About two-thirds of travelers are foreign nationals and about one-third are returning U.S. citizens. The vast majority arrive by vehicle. The purpose of the primary inspection process is to determine if the person is a U.S. citizen or alien, and if alien, whether the alien is entitled to enter the U.S. In general, CBP Officers are to question travelers about their nationality and purpose of their visit, whether they have anything to declare, and review any travel documents the traveler may be required to present.

At the land ports, primary inspections are expected to be conducted in less than one minute. Travelers routinely spend about 45 seconds at U.S.-Canadian crossings during which CBP Officers have to assess oral claims of citizenship.

Currently, there are thousands of different documents that a traveler can present to CBP Officers when attempting to enter the United States, creating a tremendous potential for fraud. Each day CBP Officers inspect more than 1.1 million passengers and pedestrians, including many who reside in border communities who cross legally and contribute to the economic prosperity of our country and our neighbors. At the U.S. land borders, approximately two percent of travelers crossing the border are responsible for nearly 48 percent of all cross-border trips.

In FY 2005, over 84,000 individuals were apprehended at the ports of entry trying to cross the border with fraudulent claims of citizenship or documents. On an average day, CBP intercepts more than 200 fraudulent documents, arrests over sixty people at ports of entry, and refuses entry to hundreds of non-citizens, a few dozen of whom are illegal aliens that are attempting to enter the U.S.

Each day, CBP Officers at 326 crossings process 1.1 million inbound travelers, 327,500 private vehicles and 85,300 shipments of goods. Eight thousand forms of driver's licenses, birth certificates, baptism, or hospital records can be presented under existing rules.

Currently, U.S. citizens are not required to show any documentation to enter the U.S. and need only make a declaration. If a person declares that they are a U.S. citizen, CBP Officers are limited in what they ask to determine if they are telling the truth. Many complaints are lodged when CBP Officers ask for documentation.

In addition, it takes several minutes for CBP Officers to perform shift changes at the land ports of entry. The delay is primarily due to restarting the inspection booth computer with a new operator. Rebooting the computer by the new CBP Officer takes on average three to five minutes. Lines back up during shift changes and CBP Officers are under pressure by managers to clear these lanes quickly.

Air Ports of Entry:

At the airports, CBP Officers are expected to clear international passengers within 45 minutes. Prior to 9/11 there was a law on the books requiring INS to process incoming international passengers within 45 minutes. The Enhanced Border Security and Visa Protection Act of 2002 repealed the 45 minute standard, however “it added a provision specifying that staffing levels estimated by CBP in workforce models be based upon the goal of providing immigration services within 45 minutes. According to GAO, “the number of CBP staff available to perform primary inspections is also a primary factor that affects wait times at airports.”

In addition, **the U.S. Travel and Tourism industry has called for a further reduction in passenger clearance time to 30 minutes.** The industry’s recently announced plan, called "A Blueprint to Discover America," includes a provision for “modernizing and securing U.S. ports of entry by hiring customs and border [protection] officers at the top 12 entry ports to process inbound visitors through customs within 30 minutes.” This **CANNOT** be achieved at current staffing levels without jeopardizing security.

The emphasis on passenger processing and reducing wait times results in limited staff available at secondary to perform those inspections referred to them. NTEU has noted the diminution of secondary inspection in favor of passenger facilitation at primary inspection since the creation of the Department of Homeland Security. Why has there been this decrease in secondary inspections? NTEU believes that it is because of the large number of CBP Officer job vacancies and static overall CBP Officer staffing levels.

Agriculture Specialists:

NTEU was certified as the labor union representative of CBP Agriculture Specialists in May of this year as the result of an election to represent all Customs and Border Protection employees that had been consolidated into one bargaining unit by merging the port of entry inspection functions of Customs, INS and the Animal and Plant Inspection Service as part of DHS’ One Face at the Border initiative.

NTEU believes the One Face at the Border initiative has failed to integrate the different border functions it sought to make interchangeable, because they are not. The Customs, Immigration and Agriculture functions performed at our borders enforce different laws and require different training and skills. Due to severe staffing shortages at our ports of entry, Agriculture Specialists sometimes are called on to backfill for CBP Officer shortages at secondary inspection.

According to GAO-08-219 page 31, CBP’s staffing model “showed that CBP would need up to several thousand additional CBP Officers and agriculture specialists at its ports of entry.” **And GAO testimony issued on October 3, 2007 stated that, “as of**

mid-August 2007, CBP had 2,116 agriculture specialists on staff, compared with 3,154 specialists needed, according to staffing model.” (See GAO-08-96T page 1.) NTEU recommends that CBP hire additional CBP Agriculture Specialists to comply with its own staffing model.

In addition, NTEU recommends that CBP Agriculture Specialists have access to voluntary overtime opportunities to the same extent as CBP Officers. Agriculture Specialists did not have an overtime cap before joining CBP. Many now say they are not given adequate voluntary overtime opportunities.

NTEU also recommends that Congress, through oversight and statutory language, make clear that the agricultural inspection mission is a priority and require DHS to report to them on how it is following USDA procedures on agriculture inspections. The report should include wait times for clearing agricultural products and what measures could be implemented to shorten those wait times.

Hiring of Supervisors v. Hiring of Frontline CBP Officers:

There is concern among CBP Officers that in terms of real numbers CBP has hired more new managers than frontline workers. According to GAO, the number of CBP Officers has increased from 18,001 in October 2003 to 18,382 in February 2006, an increase of 381 officers. **In contrast, GS 12-15 CBP supervisors on board as of October 2003 were 2,262 and in February 2006 there were 2,731, an increase of 462 managers over the same of time. This is a 17% increase in CBP managers and only a 2% increase in the number of frontline CBP Officers.** (See GAO-06-751R, page 11)

ADDRESSING STAFFING SHORTAGES:

The President’s FY 2008 budget proposal requests \$647.8 million to fund the hiring of 3000 Border Patrol agents. But, for salaries and expenses for Border Security, Inspection and Trade Facilitation at the 326 ports of entry, the President’s funding request is woefully inadequate.

The President’s FY 2008 budget calls for an increase of only \$8.24 million, for annualization of 450 CBP Officers appropriated in the FY 2007 DHS Appropriations bill. NTEU is grateful that Congress did include funding for an additional 450 CBP Officers in the FY 2007 DHS Appropriations bill, but it is clearly not enough.

In order to assess CBP Officer staffing needs, Congress, in its FY 07 DHS appropriations conference report, directed CBP to submit by January 23, 2007 a resource allocation model for current and future year staffing requirements.

In July 2007, CBP provided GAO with the results of the staffing model. **“The model’s results showed that CBP would need up to several thousand additional CBP officers and agricultural specialists at its ports of entry.”** (See GAO-08-219, page 31)

CBP has determined that data from the staffing model are law enforcement sensitive and has not shared this data with NTEU.

In July 2007, NTEU called on Congress to hire an additional 4,000 CBP Officers. NTEU based this number on results from the former U.S. Customs Service's last internal review of staffing for Fiscal Years 2000-2002 dated February 25, 2000, also known as the 2000-2002 RAM, that shows that the Customs Service needed over 14,776 Customs inspectors just to fulfill its basic mission—and that was before September 11. Since then the Department of Homeland Security was created and the U.S. Customs Service was merged with the Immigration and Naturalization Service and parts of the Agriculture Plant Health Inspection Service to create Customs and Border Protection and given an expanded mission of providing the first line of defense against terrorism, in addition to making sure trade laws are enforced and trade revenue collected.

According to GAO, with the merger of the three agencies' inspection forces, there are now approximately 18,000 CBP Officers currently employed by CBP. Based on the expanded mission of CBP Officers, **NTEU believes that at least 22,000 CBP Officers would be needed to have a robust and fully staffed force at our ports of entry.** NTEU called for this increase in response to Congressional inquiries in July.

TRAINING ISSUES

The Homeland Security Appropriations Committee added report language to the FY 2007 DHS Appropriations bill that, with regard to CBP's One Face at the Border initiative, directs "CBP to ensure that all personnel assigned to primary and secondary inspection duties at ports of entry have received adequate training in all relevant inspection functions." It is my understanding that CBP has not reported to DHS Appropriators pursuant to this language, but NTEU's CBP members have told us that CBP Officer cross-training and on-the-job training is woefully inadequate. In addition, staffing shortages force managers to choose between performing port operations and providing training. In these instances, it is training that is sacrificed.

Training of New CBPOs:

With the implementation of the One Face at the Border initiative, the curriculum for new hires at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia has undergone major changes. Prior to the merger, INS trainees studied at FTETC for 65 days. Trainees from the former Customs Service had a 55-day course at FLETC. Unlike Customs and Immigration Inspectors who all attended basic Academy training at FLETC, Agriculture Inspectors have a different background; those Agriculture Inspectors who became CBPOs were required to complete the same basic training course as a new CBP Officer hire.

New CBP Officers receive 73 days of FLETC training on all three types of inspection. "Upon returning to their assigned port, they will be trained for the next year by a combination of classroom, computer based, and OJT training." The most critical

part of this training is the year of on-the-job (OTJ) training to teach specialized information.

This OJT training phase is not being adequately done. Many new CBP Officers report that few of them have received extensive post-academy training yet are assigned to the primary passenger processing line. Inadequate mentoring and OTJ training make it difficult for CBP Officers to become proficient in even one job while they are expected to be proficient at three.

“Vulnerabilities in traveler inspections are created when new officers do not receive required training. For example, new officers who received as little as 2 weeks of on-the-job training rather than the recommended 12 weeks told us that they needed more training before inspecting travelers. In our July 2003 report...we found that the ports that graded their officers least prepared to carry out traveler inspections were among the ports that provided the least amount of on-the-job training.” (See GAO-08-219, page 40)

Cross-training of Legacy Inspectors:

The three disciplines’ skill sets—immigration, customs, and agriculture are highly specialized and require in-depth training and on-the-job experience. Agriculture specialists have a science background, immigration officers are trained to recognize suspect documents and customs officers are trained to identify counterfeit goods, drug smugglers and look for suspect passenger behavior at the airports and suspect product at the ports.

CBP Officers that have been given cross-training have reported to NTEU that training is inadequate in time, resources and mentoring. According to CBP, all cross-training has been provided via video, CD-ROM/Web, classroom instruction, on-the-job training, or a combination of these methods. With limited exceptions, all of the training is provided at the CBP Officers’ post-of-duty.

For legacy inspectors, the training both in class, computer based and on-the-job is totally inadequate. According to CBP, all legacy Customs and CBP Officers had mandatory training on Immigration Fundamentals. “It will be delivered during Officers’ normal tour of duty in the form of eight electronic 45-minute lessons, after which the employee will be tested to ensure comprehension. A passing grade on the review is a prerequisite to taking the training for Full Unified Primary inspections.”

In its report, GAO concluded that “vulnerabilities in traveler inspections occurred when officers did not receive cross-training before rotating to new inspection areas. Although CBP’s training policy call for no officer to be placed in an area without receiving the proper cross-training module, officers and supervisors at ports of entry we visited told us that officers are placed in situations for which they are not trained.” (See GAO-08-219, page 37.)

This is a typical story about this training from legacy inspectors:

“I took the immigration class in January of 2005 and have not been in a booth since. That is until I was told 3 weeks ago to go upstairs and get in the booth. I told the supervisor that I could not do it because I do not remember the training as it had been almost a year. She told me that she would put me with another inspector who would watch me for about 30 minutes and then I should be good to go on my own. After speaking with the experienced legacy INS inspector in the booth about how I was doing she changed her mind when he told her I was screwing up everything. CBP must **create a refresher class** for us or we will wind up screwing up and getting fired. I feel we are being fed to the lions.”

The Computer-based Training Process:

Almost all training outside of training received at FLETC and firearms recertification and safety training is computer based. Training is supposed to be completed by CBP Officers using the Virtual Learning Center on the intranet, DVDs and videos. No time is specifically allotted for CBP Officers to view the videos or sign on to the computer and complete the training. CBP Officers are expected to squeeze this training in on their breaks, and in-between performing other administrative duties, or on their own time before or after work. If interrupted, some of these modules require them to start again at the beginning; others allow for picking up at the screen that they left off.

Upon completion of the training module, CBP Officers are required to input completion data into the Training Record and Enrollment Network (TRAEN). This certificate states that the CBP Officer is fully trained on that topic. If any problem occurs or mistakes are made, supervisors pull out these training certificates and use them as a basis for discipline.

Some training modules refer to allotting time for a structured 10 to 15 minute discussion upon completion of the module. Rarely does this happen. There usually is no interaction with their supervisor on module content, nor are there any structured discussion or question and answer sessions following completion of the training video.

For example, on February 5, 2004, CBP notified NTEU that “CBP will be providing Bio/Agroterrorism training to all CBP Officers and Agriculture Specialists. It will be delivered during employees’ normal tour of duty via a 20-minute video, with 10-15 minutes allotted for structured discussion.” I have heard that at most ports; the 10-15 minute structured discussion did not take place.

RECRUITMENT AND RETENTION ISSUES

Reported staffing shortages are exacerbated by challenges in retaining staff, contributing to an increasing number of vacant positions nationwide. “CBP’s onboard staffing level is below its budgeted level...the gap between the budgeted staffing level and the number of officers onboard is attributable in part to high attrition, with ports of entry losing officers faster than they can hire replacements. Through March 2007, CBP

data shows that, on average, 52 CBP Officers left the agency each 2-week pay period in fiscal 2007, up from 34 officers in fiscal year 2005...Numerous reasons exist for officer attrition.” (See GAO-08-219, page 34.)

Law Enforcement Officer Status:

The most significant impediment to recruitment and retention of CBP Officers is the lack of law enforcement officer (LEO) status. LEO recognition is of vital importance to CBP Officers. CBP Officers perform work every day that is as demanding and dangerous as any member of the federal law enforcement community, yet they have long been denied LEO status.

The GAO report confirms the negative impact that lack of LEO coverage is having: “CBP officers are leaving the agency to take positions at other DHS components and other federal agencies to obtain law enforcement officer benefits not authorized to them at CBP. In fiscal year 2006, about 24 percent of the officers leaving CBP, or about 339, left for a position in another DHS component.” (See GAO-08-219, page 34.)

Within the CBP there are two classes of federal employees, those with law enforcement officer status, such as Border Patrol Agents, and those without. Unfortunately, CBP Officers fall into the latter class and are denied benefits given to other federal employees in CBP.

CBP Officers carry weapons, and at least three times a year, they must qualify and maintain proficiency on a firearm range. This tri-annual firearms training and recertification also includes classes in arrest techniques and self defense tactics training, and defensive and restraint techniques. CBP Officers are issued weapons (24-hour carry), body armor, pepper spray and batons.

CBP Officers have the authority to apprehend and detain those engaged in smuggling drugs and violating other civil and criminal laws. They have search and seizure authority, as well as the authority to enforce warrants. All of which are standard tests of law enforcement officer status.

CBP Officers clearly deserve LEO status. For this reason, legislation has been introduced in both the House and Senate, H.R. 1073 and S. 1354, to provide CBP Officers with LEO benefits.

In addition, House appropriators included in H.R, 2638, the FY 2008 DHS appropriations bill, Section 533, a provision to grant LEO status to CBP Officers prospectively. NTEU is currently working with the House and Senate to modify Section 533 so that some LEO retirement benefit is provided to all CBP Officers.

NTEU urges this Committee to support our efforts to improve and pass this provision.

DHS Human Resources System:

On March 7, 2007, DHS announced that it will put into effect portions of its controversial personnel overhaul, formerly known as MaxHR, but now called the Human Capital Operations Plan.

In July 2005, a U.S. District Court for the District of Columbia ruled that portions of the proposed DHS personnel regulations infringed on employees' collective bargaining rights, failed to provide an independent third-party review of labor-management disputes and lacked a fair process to resolve appeals of adverse management actions. The Appellate Court rejected DHS' appeal of this District Court decision and DHS declined to appeal the ruling to the Supreme Court.

When Congress passed the Homeland Security Act in 2002 (HSA), it granted the new department very broad discretion to create new personnel rules. It basically said that DHS could come up with new systems as long as employees were treated fairly and continued to be able to organize and bargain collectively. The regulations DHS came up with were subsequently found by the Courts to not even comply with these two very minimal and basic requirements.

With the abysmal morale and extensive recruitment and retention challenges at DHS, implementing these personnel changes now will only further undermine the agency's employees and mission. From the beginning of discussions over personnel regulations with DHS more than four years ago, it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations promulgated under the statute fail miserably to provide any of those critical elements. It is time to end this flawed personnel experiment.

It has become clear to the Congress that the Department of Homeland Security has learned little from these Court losses and repeated survey results and will continue to overreach in its attempts to implement the personnel provisions included in the Homeland Security Act of 2002. In May, the full House approved H.R.1648, the FY 2008 DHS Authorization bill that includes a provision that repeals the DHS Human Resources Management System. In addition, both of the 2008 DHS Appropriations bills significantly restrict funding for MaxHR.

DHS employees deserve more resources, training and technology to perform their jobs better and more efficiently. DHS employees also deserve personnel policies that are fair. The DHS personnel system has failed utterly and its authorization should be repealed by the Senate and all funding should be eliminated by Congress. Continuing widespread dissatisfaction with DHS management and leadership creates a morale problem that affects the safety of this nation.

Work Shift Schedule:

Another major factor that has hindered recruitment and retention of CBP Officers is work shift determinations. In the past, the agency had the ability to determine what the shift hours will be at a particular port of entry, the number of people on the shift, and the job qualifications of the personnel on that shift. The union representing the employees had the ability to negotiate with the agency, once the shift specifications are determined, as to which eligible employees will work which shift. This was determined by such criteria as seniority, expertise, volunteers, or a number of other factors.

CBP Officers around the country have overwhelmingly supported this method for determining their work schedules for a number of reasons. One, it provides employees with a transparent and credible system for determining how they will be chosen for a shift. They may not like management's decision that they have to work the midnight shift but the process is credible and both sides can agree to its implementation. Two, it takes into consideration lifestyle issues of individual officers, such as single parents with day care needs, employees taking care of sick family members or officers who prefer to work night shifts. **CBP's unilateral elimination of employee input into this type of routine workplace decision-making has had probably the most negative impact on employee morale.**

In February of this year, DHS received the lowest scores of any federal agency on a survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed, DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th on results-oriented performance culture, and 33rd on talent management. As I have stated previously **widespread dissatisfaction with DHS management and leadership creates a morale problem that affects recruitment and retention and the ability of the agency to accomplish its mission.**

NTEU RECOMMENDATIONS

CBP employees represented by NTEU are capable and committed to the varied missions of DHS from border control to the facilitation of trade into and out of the United States. They are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs and our economy safe from illegal trade. The American public expects its borders and ports be properly defended.

Congress must show the public that it is serious about protecting the homeland by:

- fully funding CBP staffing needs as stipulated in CBP's own staffing model;
- extending LEO coverage to all CBP Officers;
- ending the One Face at the Border initiative;
- reestablishing CBP Officer and CBP Agriculture Specialist inspection specialization at our 326 ports of entry;
- repealing the compromised DHS personnel system; and

- allowing employee input in the shift assignment system.

I urge each of you to visit the land, sea and air ports of entry in your home districts. Talk to the CBP Officers, canine officers, agriculture specialists and trade enforcement specialists there to fully comprehend the jobs they do and what their work lives are like.

Again, I would like to thank the committee for the opportunity to be here today on behalf of the 150,000 employees represented by NTEU.