

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)
NATIONAL TREASURY EMPLOYEES)
UNION, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security, *et al.*,)
)
 Defendants.)
_____)

Civil Action No. 05-201 (RMC)

ORDER

For the reasons stated in the Memorandum Opinion separately and contemporaneously issued this 12th day of August, 2005, it is hereby

ORDERED that Plaintiffs’ Motion for Summary Judgement is **GRANTED** in part and **DENIED** in part; and it is

FURTHER ORDERED that Defendants’ Motion to Dismiss is **GRANTED** in part and **DENIED** in part; and it is

FURTHER ORDERED that Judgment is entered in favor of Plaintiffs on Count 1 of the Complaint only insofar as it complains that the Regulations in Subpart E of the Rules and Regulations Department of Homeland Security Office of Personnel Management, 5 C.F.R. § 9701 *et seq.*, fail to “ensure that employees may . . . bargain collectively” as required by the Homeland Security Act, 5 U.S.C. § 9701(b)(4); and it is

FURTHER ORDERED that Judgment is entered in favor of Plaintiffs on Counts 2 and 3; and it is

FURTHER ORDERED that Judgment is entered in favor of Defendants on Count 4; and it is

FURTHER ORDERED that the Defendants are enjoined from implementing Subpart E and 5 C.F.R. § 9701.706(k)(6) of Subpart G of the Rules and Regulations Department of Homeland Security Office of Personnel Management.

SO ORDERED.

_____/s/_____
ROSEMARY M. COLLYER
United States District Judge

DATE: August 12, 2005.