

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

**NATIONAL TREASURY EMPLOYEES)
UNION, *et al.*,)**

Plaintiffs,)

v.)

Civil Action No. 05-201 (RMC)

**MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security, *et al.*,)**

Defendants.)

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.