

HHS UPDATE

NTEU National Treasury Employees Union

FLSA Settlement Covers 1,000+ Employees

Approximately 1,325 employees are covered under an NTEU-HHS settlement regarding improper classification under the Fair Labor Standards Act (FLSA), which is the federal overtime statute. Initial notices are being emailed to current employees and mailed to former employees.

This settlement stems from a 2012 grievance alleging that 17 different positions within the agency were wrongly classified as exempt from, or not covered by, the FLSA's overtime protections. Many of those positions were resolved under earlier settlements and arbitrations. This most recent settlement resolves the remaining positions in the 2012 grievance.

Under the settlement, eligible covered employees have been properly reclassified as nonexempt under the FLSA. That means that, going forward, employees will be eligible for time-and-a-half overtime pay. Covered employees must also be given a choice between compensatory time off and overtime pay whenever overtime work is required.

In addition, employees who were improperly compensated for overtime worked going back to March 2010 will be entitled to back pay and a matching amount of liquidated damages. Because the size of the covered class is so large, NTEU and HHS agreed to use an outside settlement administrator to help with the settlement implementation process. [Visit the dedicated settlement page](#) for more information, including a detailed FAQ sheet on which positions are covered by the settlement.

Using data provided by HHS, the settlement administrator is compiling individualized statements for affected employees with calculations of how much, if anything, is owed to each employee. Those statements are expected to be issued to employees within 60-90 days. Communications will be sent to work email addresses provided by HHS, and to personal email or home mailing addresses if a work email address is not available. Employees will have the option of filing a claim if they want to dispute the calculated amount provided in employees' issued statements.

Because of NTEU's efforts, approximately 2,225 HHS employees have been properly reclassified as FLSA nonexempt, entitling them to the full protections of the overtime law.

Congressional Letter Supports Good Faith Bargaining

More than 100 members of Congress have [sent a letter](#) to HHS Secretary Alex Azar encouraging the agency get back to the table and bargain in good faith.

"This violation of labor laws is particularly troubling because HHS employees serve critical functions in protecting the safety of Americans. The tens of thousands of individuals that work at HHS all play an important role in helping the Department meet its mission," the letter reads. "Dedicated public servants shouldn't have to divert their attention from helping HHS meet its mission to worry about the burden of anti-employee policies because management is failing to negotiate in good faith."

NTEU thanks Rep. Anna Eshoo (D-CA) for her leadership in developing the letter and all the members of Congress who recognize the damage being done at HHS.

Coronavirus Update on Concerns about FDA Travel to China

While we are pleased that FDA has canceled most employee travel to China in the wake of the coronavirus outbreak, we understand that planning for future travel to the region continues.

This is a difficult situation as employees may be asked to sign up for a future trip without knowing whether the threat will have subsided by then.

NTEU will be urging FDA to make sure employees do not feel pressure to commit to a future China trip until the coronavirus threat is contained and they are assured that their health and safety is not at risk.

On Jan. 30, we asked FDA Commissioner Hahn some basic questions about actions the agency was taking to protect employees. We await his response.

Stay Informed with NTEU

By [signing up](#) for our free e-newsletter with a personal, non-governmental email address to never miss a critical update.

“...to ensure that every federal employee is treated with dignity and respect.”