



FISE

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SHUTDOWN FORCES FEDERAL INDIAN SERVICE EMPLOYEES TO SUE

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For Immediate Release

Tired of working without pay and seeing bills and household expenses mount, members of the Federation of Indian Service Employees union (FISE) have had enough. They filed a collective action under the Fair Labor Standards Act to force the federal government to pay minimum wages and overtime for work performed during the shutdown. The lawsuit seeks past due wages and overtime owed to employees, liquidated damages, and attorney fees. This latest legal action is in response to the growing financial pain felt by federal employees working for agencies that provide services to tribal communities and tribal governments, and who provide protection and safety services throughout Indian Country.

“We received pay stubs that reflect zero income,” said Tony Rowe, a corrections officer with the Bureau of Indian Affairs and a FISE union member. “I’m starting to get collection notices. I’ve had to make a choice between putting food on the table, paying for gas to get to work or making a monthly payment. I can tell you, real people are feeling real pain right now.”

Rowe, like hundreds of other federal workers in the same situation, are represented by FISE. They are considered “excepted employees” and are being forced to work without pay. They can’t look for other work. They can’t strike. They also have no assurances that they will be compensated with a minimum wage or paid for overtime once the shutdown ends. The FISE union sees the continued shutdown, the longest in US history, as demoralizing for those workers who’ve looked to the government for job security.

“This lawsuit was filed because of the severe impact on working families who rely on the government for a paycheck,” said Sue Parton, President of the FISE union. “Many of these union members work in remote, rural areas of Indian Country. They hold jobs in federal agencies whose mission is to provide essential services to Native People based on the US government’s treaty obligations and trust responsibilities to Native American communities. The jobs are often the only decent paying jobs around. The prolonged shutdown is an immediate



threat to the basic needs of our members, many of whom cannot pay rent, medical bills, or utilities. FISE intends to do everything it can to support members during this time, including providing no-interest loans to dues payers through a program with the American Federation of Teachers union.”

The lawsuit filed this week claims the Executive Branch should be held responsible for willfully denying federal employees pay that’s been rightfully earned. The lawsuit also claims that the government’s refusal to pay its workers is a violation of the Fair Labor Standards Act and the Collective Bargaining Agreement (CBA) negotiated with the government. The union represents thousands of workers from the Bureau of Indian Affairs, Bureau of Indian Education, the Office of the Special Trustee, and the Office of the Assistant Secretary of Indian Affairs – many of whom have been furloughed. They are considered part of the FISE bargaining unit.

“We believe the President’s decision to shut down government while forcing employees to work for no pay is a clear violation of our CBA,” said Jason J. Lewis, legal counsel for FISE. “Lawsuits filed during past shutdowns established the precedent that employees are entitled to unpaid wages, overtime, liquidated damages, and attorney fees. Hundreds of our members are making the same claim. Although this President has made a career of stiffing hardworking people of rightly earned paychecks, that practice stops now. Our members will receive every cent to which they are entitled.”

The FISE union filed its lawsuit in the United States Court of Federal Claims in Washington, DC.

FOR FURTHER INFORMATION – CONTACT:

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