



April 13, 2016

M E M O R A N D U M

TO: Michael Theodorakis, NTEU Chapter 282 President

RE: Help Requested from FDA Government Information Specialists

I am an attorney from NTEU in the Washington, D.C. Office of General Counsel. I'm working on a case that, if we win, potentially would award all Government Information Specialists at FDA overtime back pay and future overtime compensation for overtime work. NTEU brought this claim on behalf of all Government Information Specialists, and other positions at HHS and FDA, under the Fair Labor Standards Act. In our effort to get them the compensation they deserve, I'll need help from our members who work at FDA as Government Information Specialists. I would like to informally interview as many Government Information Specialists as I can and hopefully get some volunteers to be witnesses at a hearing that will likely occur on May 12th.

Here's a little insight into the process. This type of hearing is non-adversarial and the judge is only interested in finding out what the facts are. As our first step, I would like to informally interview GIS employees over the phone. We can decide later who wants to volunteer to be a witness at hearing. Volunteers would only be asked to talk about what their duties are as a Government Information Specialist, as rights under the Fair Labor Standards Act depend on the types of duties actually performed. I will not ask anyone to say anything bad about their managers or anyone else at FDA. That's not at all relevant to what the judge will be deciding in this case. And their managers should know that, not only is there nothing wrong with speaking to me, but it is well within their rights to do so.

I will need at least three volunteers to testify at the hearing. If they've never participated in this type of process before, testifying at an
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arbitration hearing is really easy. In fact, they can even do it over the phone. I'll only ask questions that they know the answers to—mainly about their duties as a Government Information Specialist—and we'll talk in advance so that they're prepared. We will be asking all participants to become members of NTEU, that is, if they aren't already members in good standing.

As you know, many times the only way we can achieve pay equity is through this type of litigation. NTEU cannot win if we don't have witnesses supporting our claim. All participants will be automatically protected from any sort of negative action by management going forward. NTEU aggressively enforces the laws that prohibit retaliation and protect activities like these.

I'll be making calls to Government Information Specialists over the next few weeks. Thanks, and I look forward to speaking with your members!

Sincerely,



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