

THE UNITED STATES COURT OF FEDERAL CLAIMS

DONALD D. MARTIN, JR., *et al.*,)
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 Plaintiffs,)
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 v.)
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 THE UNITED STATES,)
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 Defendant.)

No. 13-834C
(Chief Judge Campbell-Smith)

DEFENDANT’S CORRECTED STATUS REPORT

Pursuant to the Court’s Order, dated October 16, 2014, defendant, the United States, respectfully submits the following **corrected** status report. Defendant has made two changes to its original status report, filed on November 17, 2014. Defendant has added the **Department of Energy** to the list of Agencies That Reported FLSA Non-Exempt Employees Who Worked During October 1-5, 2013 Were Paid On Time, and has moved the **Nuclear Regulatory Commission** to that same category.¹

Defendant provides the following report on the Government’s efforts to identify those Fair Labor Standard Act (FLSA) non-exempt excepted Federal employees who worked during the period October 1-5, 2014, but were not paid on their regularly scheduled payday for that work.

AGENCIES THAT REPORTED NO FLSA NON-EXEMPT EMPLOYEES WORKED DURING OCTOBER 1-5, 2014

- African Development Foundation
- American Battle Monuments Commission
- Arctic Research Commission
- Chemical Safety Board

¹ Please note that the need for these corrections results from inadvertence when compiling the original report, and not because anything has changed.

Commission on Civil Rights
Committee for Purchase from People who are Blind or Severely Disabled
Consumer Product Safety Commission
Federal Election Commission
Federal Mediation & Conciliation Services
Federal Mine Safety & Health Review Commission
International Trade Commission
Merit Systems Protection Board (MSPB)
National Indian Gaming Commission
National Mediation Board
National Science Foundation
National Transportation Safety Board
Office of Government Ethics
Selective Service System
Social Security Advisory Board

AGENCIES THAT REPORTED IN THEIR SHUT DOWN PLANS THAT THEY INTENDED TO SHUT DOWN DURING THE OCTOBER 2013 SHUTDOWN

Advisory Council on History Preservation
Appalachian Regional Commission
Farm Credit Administration
Federal Maritime Commission
Institute of Museum & Library Services
Inter-American Foundation
National Capital Planning Commission
Marine Mammal Commission
National Council on Disability
National Endowment for the Arts
National Endowment for the Humanities
Nuclear Waste Technical Review Board
U.S. Commission of Fine Arts
U.S. Holocaust Museum
U.S. Interagency Council on Homelessness
U.S. Trade & Development Agency
Woodrow Wilson International Center for Scholars

AGENCIES THAT HAVE REPORTED FLSA NON-EXEMPT EXCEPTED FEDERAL EMPLOYEES WHO WORKED DURING OCTOBER 1-5, 2014 WERE PAID ON TIME

Administrative Office of the U.S. Courts
Defense Nuclear Facility Safety Board
Department of Defense²

² Pursuant to the Pay Our Military legislation, all civilian employees who worked during the shut-down were instructed to code their time sheets so that they would be paid on time.

Department of Energy

Department of State

Department of Veterans Affairs

Federal Housing Finance Board

Nuclear Regulatory Commission

Overseas Private Investment Corporation

Pension Benefit & Guaranty Corporation

Presidio Trust

Securities and Exchange Commission

Susquehanna River Basin Commission

Thrift Savings Plan

Tennessee Valley Authority

U.S. Agency for International Development

U.S. Postal Service

U.S. Sentencing Commission

**AGENCIES THAT HAVE REPORTED THE NUMBER OF FLSA NON-EXEMPT
EXCEPTED FEDERAL EMPLOYEES WHO WORKED OCTOBER 1-5, 2014 BUT DID
NOT GET PAID ON THEIR REGULARLY SCHEDULED PAYDAY**

Armed Forces Retirement Home

Central Intelligence Agency

Commodity Futures Trading Commission

Corporation for National & Community Service

Department of Agriculture

Department of Commerce

Department of Education

Department of Housing and Urban Development

Department of Labor

Department of Treasury

Environmental Protection Agency

Federal Communications Commission

Federal Deposit Insurance Corporation

Federal Trade Commission

General Accounting Office

General Services Administration

Library of Congress

National Aeronautics & Space Administration

National Archives

National Labor Relations Board

Occupational Safety & Health Review Commission

Office of Personnel Management

Small Business Administration

Social Security Administration

U.S. Government Printing Office

AGENCIES THAT HAVE NOT COMPLETED A REVIEW OF THEIR RECORDS TO DETERMINE WHETHER FLSA NON-EXEMPT EXCEPTED EMPLOYEES IN THESE AGENCIES WORKED OCTOBER 1-5, 2013 AND WERE NOT PAID ON THEIR REGULARLY SCHEDULED PAYDAY

Broadcasting Board of Governors
Department of Justice
Department of Health & Human Services
Department of Homeland Security
Department of Transportation
Export Import Bank
Peace Corps

Railroad Retirement Board

AGENCIES THAT CONTEND THAT EMAILING WILL NOT WORK

The Government has not yet completed its compilation of entities that for one reason or another may not be able to email the Notice to putative plaintiffs. The following list identifies those entities that at this time cannot use email to provide the Notice. They will provide to plaintiffs the names of those FLSA non-exempt excepted employees who worked during the period October 1-5, 2013, and plaintiffs may mail to those employees the Notice.

Armed Forces Retirement Home: 175 employees; many of these employees do not have email.

Absent some unanticipated calamity, the Government anticipates completing its review of its records in order to determine the number of FLSA non-exempt excepted Federal employees who worked October 1-5, 2013, and who were not paid on their regularly scheduled payday by December 15, 2014.

Respectfully submitted,

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