

TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education

P.O. Box 1734, McAlester, OK 74501

Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: www.tribalselfgov.org

Sent Electronically to: Denise.Turk@ihs.gov

November 10, 2015

Mr. Robert G. McSwain, Principal Deputy Director
Indian Health Service
U.S. Department of Health and Human Services
Suite 440, The Reyes Building
801 Thompson Avenue
Rockville, MD 20852-1627

Re: Payment of Settlements to Civil Service Employees

Dear Mr. McSwain:

On behalf of the Tribal Self-Governance Advisory Committee (TSGAC), I write to follow up in regard to our recent discussion at the TSGAC meeting on October 6, 2015 in Washington, DC. During the meeting, you presented an update regarding the settlement process between the Indian Health Service (IHS) and employee unions over the lack of appropriate payment of overtime compensation. The TSGAC previously communicated with you on June 19, 2015 on this issues in response to your May 22, 2015 Dear Tribal Leader Letter (DTLL) on this topic, and to which you responded to on July 29, 2015.

During our October meeting, you shared that the unions are making payments, as well as identifying the employees and the amounts to be paid to those involved. The IHS will later receive a summary report of those payments. Since the overall settlement amount has already been paid from various IHS budgets into the fund being administered by the union, it is unclear to us how the payments will be reconciled to ensure the expense is "borne by the Service Units based upon salary obligations where the claims arose," as explained in your DTLL of May 22.

While remaining mindful that these funds would otherwise have been expended for health services, we respectfully request that IHS provide an accounting to all Tribes of all payments made by IHS into the employee settlement fund by IHS Service Unit location, as well as the number of employees participating in settlement payments at each location. We further request that should there be any adjustment or reconciliation process to reflect the actual payments made by the union from the fund, that the process and timeline be explained to Tribes.

Thank you for your participation in our October 2015 TSGAC meeting, and your continuing cooperation to address health care needs in our communities. Should you have any questions or wish to discuss further, please do not hesitate to contact me at (860)862-6192; or via email: lmalerba@moheganmail.com.

Sincerely,



Chief Lynn Malerba, Mohegan Tribe
Chairwoman, TSGAC

cc: P. Benjamin Smith, Director, OTSG, IHS
TSGAC Members and Technical Workgroup