

ORIGINAL

No. _____

FILED
DEC 13 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

SANFA SWARAY CENTER — PETITIONER
(Your Name)

vs.

DEPARTMENT OF COMMERCE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SANFA SWARAY CENTER
(Your Name)

13803 MERIDIAN HEIGHTS COURT
(Address)

ROSHARON, TEXAS, 77583
(City, State, Zip Code)

224-717-6549
(Phone Number)

RECEIVED
DEC 22 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

IS THE SHUTDOWN PERIOD THAT HAPPENED FROM DECEMBER 22, 2018 TO JANUARY 25, 2019, A PAID LEAVE OR REGULAR WORK PAID FOR FEDERAL EMPLOYEES?

LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:
-

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was OCTOBER 12, 2022.

No petition for rehearing was timely filed in my case.

~~A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.~~

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

TIMEKEEPING GUIDANCE FOR EXCEPTED EMPLOYEES FOR END OF LAPSE
IN APPROPRIATIONS.

APPENDIX B

STATEMENT OF THE CASE

I WAS TERMINATED BY THE DEPARTMENT OF COMMERCE FOR FAILURE TO MEET CONDITIONS OF EMPLOYMENT BY NOT MEETING THE 120 DAY OF WORK IN A CALENDAR YEAR ON THE CONTRACT I SIGNED WHEN HIRED AS A RELIEF POOL EMPLOYEE.

AS PROOF THAT I DID MEET THE CONDITION OF EMPLOYMENT OF 120 DAYS OF WORK ~~IN A CALENDAR YEAR, I PRESENTED EVIDENCE THAT I WORKED 95 DAYS ON NOAA VESSELS AS A 2ND ASSISTANT ENGINEER, AND WAS PAID FOR 25 DAYS OF PAID WORK BECAUSE OF THE GOVERNMENT SHUTDOWN OF 2019 WHICH HAPPENED THROUGH NO FAULT OF MINE. THE 95 DAYS OF WORK PLUS 25 DAY OF PAID WORK EQUAL 120 DAYS OF PAID WORK.~~

REASONS FOR GRANTING THE PETITION

On July 19, 2018, I entered into a contract with the government to work 120 days a Calendar year as a relief pool employee. On the calendar of 2019 I worked for 95 days on NOAA vessels and was forced to stay home for 25 days from January 1st, 2019, to January 25th, 2019 due to a government shutdown from December 22nd, 2018 to January 25th, 2019. The US government paid me for 120 days of work, but then turned around and terminated my contract for not completing 120 days of work. I am seeking to be reinstated because my inability to fulfill 120 days of work was due to the government shutdown and not any fault of mine.

Prior to the Government Employee Fair Treatment Act of 2019 which addressed work and pay for Federal employees, there had not been a provision under the law that protects workers' rights as it relates to government shutdown. Under this act, employees are guaranteed pay during a government shutdown.

My case presents a unique situation where, as a federal employee, I had signed a contract with the federal government prior to the Government Employee Fair Treatment Act of 2019. Thus the terms of my contract as a relief pool employee did not include any reference or provisions for a government shutdown. However, on a bulletin the government issued on January 25, 2019, it clearly states that all employees who met certain work/leave requirements are entitled to be paid for any furlough period such as a government shutdown.

In my case, the government failed to honor the bulletin they issued on January 25, 2019, which is in line with the Government Employee Fair Treatment Act of 2019, by not crediting the time during the government shutdown as work time. Throughout my appeal with the Department of Commerce, Merit System protection Board, and the United States Court of Appeals for the Federal Circuit, I have asked the government to clarify whether this furlough time during the government shutdown was considered leave or work, but I have yet to receive any clear answer.

I am not only pursuing justice for myself in this case, but this case would set a precedent for all federal contracts with federal employees. My hope is that it would inspire a revision of the Government employee fair treatment act of 2019 to protect federal employees from government

actions or activities (like the shutdown) that adversely affect them fulfilling their contracts. It would also hold local or state departments accountable to bulletins or rules they issued to which they are to adhere.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sanfa Swaray Conteh

Date: 12/13/2022