



# Europe Newsletter

September 26, 2025

Volume 3, Issue 4

## GREAT NEWS! A WIN FOR FEA!

Thursday, September 25, a three judge panel representing the United States Court of Appeals for the District of Columbia Circuit issued their 2-1 decision denying the government's request for a stay on the Preliminary Injunction against DoDEA's implementation of the the Executive Order. All the statements below are excerpted quotes from the decision. The three dots in spaces indicate parts edited out for space.

[ORDER](#) (Click to read the entire decision.)

The government seeks the “extraordinary” relief of a stay pending appeal. ... To secure that relief, the government must show that it will face “irreparable injury” if the district court’s order is not stayed while the appeal is pending. ... That injury must be “both certain and great,” and “of such imminence that there is a clear and present need for equitable relief to prevent irreparable harm.” ... The government has not met that burden on the facts of this case. Indeed, it has not made a meaningful attempt to do so. ....

The government, like other litigants, may not simply assume that this court will leap to intervene on its behalf based on generalized assertions of injury. Stays pending appeal are a rare form of emergency relief reserved for true emergencies. And it is not enough that the government “stamp[s] the word ‘EMERGENCY’ on the front cover of its stay application.” *Labrador v. Poe*, 144 S. Ct. 921, 926 n.3 (2024) (Gorsuch, J., concurring in the grant of stay). In every case, the government must explain why the specific order from which it seeks relief imposes certain, great, and imminent injury while the appeal is pending. See *Citizens for Resp. & Ethics in Washington*, 904 F.3d at 1019. **It did not do so here. (Emphasis added)**

FEA is, once again, (*Article 2 of the Collective Bargaining Agreement*) the exclusive representative of employees in the unit and is entitled to act for and negotiate agreements covering all employees in the unit. FEA shall represent the interests of all employees in the unit without discrimination and without regard to labor organization membership. FEA shall be given the opportunity to be represented at:

1. any formal discussion between one or more representatives of DoDEA and one or more employees in the unit, or their representatives, concerning any grievance or any personnel policy or practices or other general conditions of employment.
2. any examination of an employee in the unit by a representative of DoDEA in connection with an investigation, if:
  - a. the employee reasonably believes that the examination may result in disciplinary action against the employee; and
  - b. the employee requests representation.

## Potential Government Shutdown

DoDEA provided educators with general information should the government shutdown on 1 October. While FEA is aware of the guidelines surrounding a shutdown, and many of us have lived through several, if you have questions, MANAGEMENT MUST answer them. If you disagree, then bring the information to your UniServ attorneys. Please see the emails shared by FEA-Washington on Friday, 9/26 for more information. If you or a colleague are not receiving these emails, please let them know at [feadmin@nea.org](mailto:feadmin@nea.org).

Please be mindful of the military spouses and new hires in your communities as they may not have the necessary reserves to see out a shutdown. I am always so proud of how we support our own. DoDEA has provided some information should individuals need financial support at this time.