Message

From: Feldman, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3231D9F1AD5147A9A0C81B36E0FB2B68-FELDMAN, MICHAEL]
Sent: 1/7/2019 2:17:45 PM
To: msfeldman@gmail.com
Subject: FW: Notice of Emergency ("Shutdown") Furlough Due to Lapse of Appropriations
Attachments: 12-28-2018 - Shutdown Checklist for Furloughed Employees.pdf

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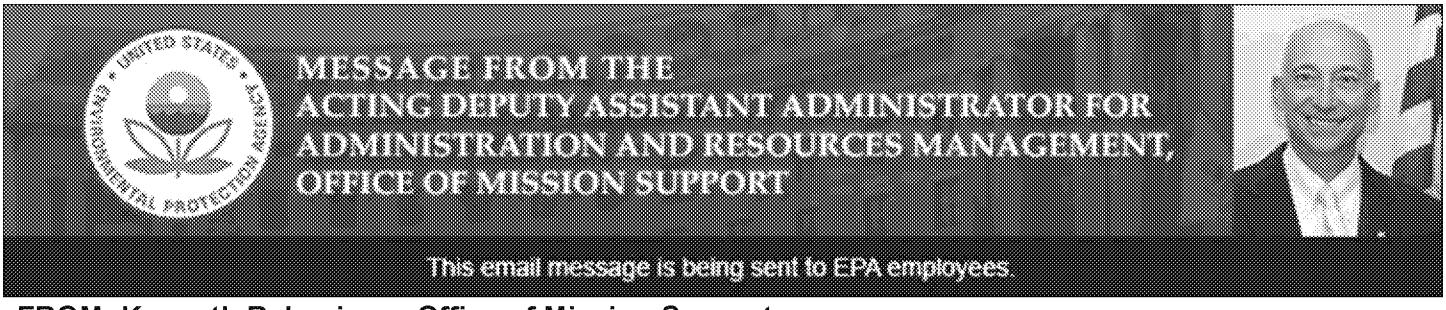
From: MassMailer
Sent: Friday, December 28, 2018 3:18 PM
To: MassMailer <massmailer@epa.gov>
Subject: Notice of Emergency ("Shutdown") Furlough Due to Lapse of Appropriations



FROM: Kenneth R. Lapierre, Office of Mission Support

IMPORTANT NOTICE -- DO NOT DELETE

I must inform you that in the absence of either a Fiscal Year (FY) 2019 appropriation or a continuing resolution for the Agency, no further financial obligations may be incurred by the Agency, except for those related to the orderly suspension of EPA's operations or to the performance of "exempted" or "excepted" activities. As a result, a number of employees are being placed on furlough and below you will find your Notice of Emergency ("Shutdown") Furlough Due to Lapse of Appropriations.
If you are exempted from the Shutdown or working on excepted activities during the Shutdown, you have received a separate notice.

Next Steps and Important Information:

- Complete the attached Shutdown Checklist (not to exceed four (4) hours) on the first day you were previously scheduled to return to duty.
    - After reading and completing the activities described in this Shutdown Checklist, you must send an email to your supervisor acknowledging receipt of your furlough notice and completion of the shutdown activities.
- Record your time in People Plus for the pay period ending January 5, 2019. Refer to the detailed instructions in the checklist.
- Review the FAQs found on the Agency's internet site (https://www.epa.gov/2018lapse) and the information contained in the furlough notice.
- All scheduled paid leave and other paid time off (including paid holiday time off) are cancelled during a lapse in appropriations.
- There should be no travel in the absence of an appropriation act except for excepted activities or travel necessary to carryout approved exempted activities. Employees on travel status that are not excepted

should make arrangements to return to their duty station and planned travel should be cancelled or rescheduled unless it is critical.

- Monitor public news broadcasts, the Office of Personnel Management (OPM) internet site (www.opm.gov), or call 1-888-EPA-TALK to obtain updated information on the status of funding.
- You may be eligible for unemployment insurance.
    - Information about the unemployment insurance eligibility and the application process in your state is available at http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp.
    - Standard Form 8, "Notice to Federal Employees About Unemployment Compensation," is embedded in this email for your reference.

SUBJECT: **Notice of Emergency ("Shutdown") Furlough Due to Lapse of Appropriations**

FROM: **Kenneth R. Lapierre**
Acting Deputy Assistant Administrator for Administration and Resources Management
Office of Mission Support

This is to inform you that in the absence of funds available to the U.S. Environmental Protection Agency for FY 2019 either through an appropriation or a continuing resolution, no further financial obligations may be incurred by the Agency, except for those related to the orderly suspension of EPA's operations or to the performance of exempted or excepted activities.[1] Because your services are no longer needed for the orderly suspension of operations and you are not engaged in one of the Agency's exempted or excepted activities, you will be placed in a furlough status effective December 29, 2018. This furlough is not expected to exceed thirty (30) days. This action is being taken because of a sudden budget emergency requiring curtailment of the Agency's activities; therefore, no advance notification is possible. The customary thirty (30) day advance notice period and opportunity to answer are suspended under the provisions of 5 CFR 752.404 (d)(2). The thirty (30) day advance notice otherwise required by 5 CFR 359.806(a) for Senior Executive Service (SES) career appointees (other than reemployed annuitants) is waived. Career SES appointees wishing to inspect the regulations and records pertinent to this action should contact Jeremy Taylor at (919) 541-0537 or Dorothy Carr at (919) 541-4356.

During the furlough, you will be in a nonpay, nonduty status. You will not be permitted to serve as an unpaid volunteer and you are not authorized to work at your worksite or telework. Only authorized personnel will be granted access to EPA occupied space during the furlough. You may not access Agency information or communications systems for the purposes of performing work. Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is cancelled. Your benefits coverage is not affected by this furlough.

You should monitor public news broadcasts and the OPM internet site (www.opm.gov) to obtain updated information on the status of funding. When you hear that a continuing resolution or a FY 2019 appropriation for EPA has been approved, you will be expected to return to work on your next regular duty day. You may also call 1-888-EPA-TALK for updated information regarding this furlough.

[1] "Exempted" activities are those funded with unexpired appropriations where funds carried over from previous fiscal years remain unobligated, or where the source of funds is fees or payments that are available for obligation. "Excepted" activities are generally those involving the protection against imminent threats to public health or safety, or the protection of EPA property.

In the event other employees in your competitive level[2] are not being furloughed, this is because these employees are continuing to perform duties required for the orderly suspension of Agency operations or they are performing one of the exempted or excepted activities.

APPEAL RIGHTS INFORMATION

You have the right to appeal this furlough as described below:

1. U.S. Merit Systems Protection Board (MSPB)

You may appeal to the MSPB. An appeal to the MSPB must be in writing and filed no later than thirty (30) calendar days after the effective date of your first furlough day, or 30 days after the date of your receipt of the notice, whichever is later. The MSPB's regulations, and instructions for filing an appeal, are available at the following website: http://mspb.gov/appeals/appeals.htm. A copy of the appeal form may be found at: http://www.mspb.gov/appeals/forms.htm. The thirty (30) calendar day filing deadline may be extended by an additional thirty (30) days, for a total of sixty (60) calendar days, if you and the Agency agree, in writing, to attempt to resolve this action through an alternative dispute resolution (ADR) process. Please note, however, that such agreement must be reached before the expiration of the initial thirty (30) calendar day appeal filing deadline. If your appeal is found untimely, it will be dismissed by an MSPB Administrative Judge unless you can demonstrate a good reason for the delay.

[1] "Exempted" activities are those funded with unexpired appropriations where funds carried over from previous fiscal years remain unobligated, or where the source of funds is fees or payments that are available for obligation. "Excepted" activities are generally those involving the protection against imminent threats to public health or safety, or the protection of EPA property.
[1] A "competitive level" is generally defined as all positions in an agency organizational unit and geographical location which are in the same grade (or occupational level) and classification series, and which are similar in duties, qualification requirements, pay schedules, and working conditions. See 5 CFR 351.403(a)(1).

You may file an MSPB appeal by mail, fax, personal or commercial delivery at the address or facsimile number for your applicable MSPB regional or field office, or by electronic filing under the MSPB's online e-appeal process found at the MSPB's link noted above. You must file an appeal with the MSPB regional or field office serving the area where your duty station was located when this action was taken. The MSPB regional and field offices' addresses, facsimiles and jurisdiction areas are listed below:

• Washington, DC • Maryland (counties of Montgomery and Prince George's) • North Carolina • Virginia • All overseas areas not otherwise covered	Merit Systems Protection Board Washington DC Regional Office 1901 S. Bell Street, Suite 950 Arlington, VA 22202 (703) 756-7112 (facsimile)
• Tennessee • South Carolina • Georgia • Florida • Alabama • Mississippi	Merit Systems Protection Board Atlanta Regional Office 401 W. Peachtree Street, NW 10th Floor Atlanta, GA 30308-3519 (404) 730-2767 (facsimile)

[2] A "competitive level" is generally defined as all positions in an agency organizational unit and geographical location which are in the same grade (or occupational level) and classification series, and which are similar in duties, qualification requirements, pay schedules, and working conditions. See 5 CFR 351.403(a)(1).

• Illinois • Indiana • Iowa • Kansas City, KS • Kentucky • Michigan • Minnesota • Missouri • Ohio • Wisconsin	Merit Systems Protection Board Central Regional Office 230 South Dearborn Street 31st Floor Chicago, IL 60604-1669 (312) 886-4231 (facsimile)
• Connecticut • Delaware • Maine • Maryland (except Montgomery and Prince George's counties) • Massachusetts • New Hampshire • New Jersey (except Bergen, Essex, Hudson and Union counties) • Pennsylvania • Rhode Island • Vermont • West Virginia	Merit Systems Protection Board Northeastern Regional Office 1601 Market Street Suite 1700 Philadelphia, PA 19103 (215) 597-3456 (facsimile)
• Arkansas • Louisiana • Oklahoma • Texas	Merit Systems Protection Board Dallas Regional Office 1100 Commerce Street Room 620 Dallas, TX 75242-9979 (214) 767-0555 (facsimile)
• Alaska • California • Hawaii • Idaho • Nevada • Oregon • Washington • Pacific overseas	Merit Systems Protection Board Western Regional Office 201 Mission Street Suite 2310 San Francisco, CA 94105-1831 (415) 904-0580 (facsimile)
• New Jersey (counties of Bergen, Essex, Hudson, and Union) • New York • Puerto Rico • Virgin Islands	Merit Systems Protection Board New York Field Office 26 Federal Plaza Room 3137-A New York, NY 10278-0022 (212) 264-1417 (facsimile)
• Arizona • Colorado • Kansas (except Kansas City) • Montana • Nebraska • New Mexico	Merit Systems Protection Board Denver Field Office 165 South Union Boulevard Suite 318 Lakewood, CO 80228-2211 (303) 969-5109 (facsimile)

• North Dakota • South Dakota • Utah • Wyoming	

If you choose to file an appeal with the MSPB, you must include information which identifies the Agency official to whom the MSPB will send a copy of your MSPB appeal and the Acknowledgment Order issued on your appeal. You may find this information listed in the chart below:

Headquarters (Washington, DC metro area) Ada, OK Ann Arbor, MI Cincinnati, OH Corvallis/Newport, OH Edison, NJ (ORD/NRMRL) Gulf Breeze, FL Las Vegas, NV Narragansett, RI Research Triangle Park, NC	Rebecca Wulffen Environmental Protection Agency Office of General Counsel 1200 Pennsylvania Ave., N.W. Mail Code 2377A Washington, DC 20460 Wulffen.Rebecca@epa.gov Phone: (202) 564-4858 Fax: (202) 564-5432
Region 1	Tim Williamson Deputy Regional Counsel EPA New England – Region 1 Office of Regional Counsel – ORC 04-6 5 Post Office Square Boston, Massachusetts 02109-3912 Email: williamson.tim@epa.gov Phone: (617) 918-1099 Fax: (617) 918-0099
Region 2	Barbara Pastalove Human Resources Officer 290 Broadway 27th Floor New York, NY 10007 Email: pastalove.barbara@epa.gov Phone: (212) 637-4012
Region 3	EPA Region 3 Human Resources Officer 1650 Arch Street Mail Code 3PM40 Philadelphia, PA 19103 Email: burrows.eileen@epa.gov Phone: (215) 814-5327 Fax: (215) 814-5241
Region 4	Alicia Daniels-Lewis Assistant Regional Counsel 61 Forsyth Street, NW Atlanta, GA 30303 Email: daniels-lewis.alicia@epa.gov Phone: (404) 562-9441

Region 5	Amy Sanders Human Capital Officer 77 W. Jackson, MP-10J Chicago, IL 60604 John Breslin Labor and Employment Law Attorney U.S. EPA, Region 5 77 W. Jackson Blvd., C-14J Email: breslin.john@epa.gov Phone: (312) 886-7165 Fax: (312) 697-2059
Region 6	Ben Harrison Acting Regional Counsel Environmental Protection Agency Fountain Place 12th Floor, Suite 1200 1445 Ross Avenue Dallas, TX 75202-2733 Email: harrison.ben@epa.gov Phone: (214) 665-2200
Region 7	Leslie Humphrey Acting Regional Counsel EPA Region 7 11201 Renner Blvd. Lenexa, KS 66219 Email: humphrey.leslie@epa.gov Phone: (913) 551-7227 Fax: (913) 551-7925
Region 8	Kenneth Schefski Regional Counsel US EPA, Region 8 1595 Wynkoop Street Denver, CO 80202 Email: schefski.Kenneth@epa.gov Phone: (303) 312-6843 Fax: (303) 312-7202
Region 9	Sylvia Quast Regional Counsel EPA, Region 9 Office of Regional Counsel 75 Hawthorne Street, ORC-1 San Francisco, CA 94105 Email: quast.sylvia@epa.gov Phone: (415) 972-3936 Fax: (415) 947-3570
Region 10	Allyn Stern Regional Counsel U.S. Environmental Protection Agency 1200 6th Avenue, Suite 155 Seattle, WA 98101 Email: stern.allyn@epa.gov,

	Phone: (206) 553-1223 Fax: (206) 553-1762

2. Negotiated Grievance Procedure/Arbitration

If you are a bargaining unit employee represented by the American Federation of Government Employees (AFGE), the Engineers and Scientists of California (ESC), the National Association of Government Employees (NAGE), or the National Association of Independent Labor (NAIL), you may file a grievance in accordance with your union's negotiated agreement or you may appeal this action to the MSPB in accordance with the procedures outlined above, but not both. Filing a grievance will not extend the time limit for filing an appeal with the MSPB. If you choose to file a grievance and the grievance is subsequently referred to arbitration, you may request MSPB review of the arbitration decision within thirty-five (35) days of your receipt of that decision, if your grievance includes an allegation of discrimination.

If you are a bargaining unit employee represented by the National Treasury Employees Union (NTEU), you may appeal this action to binding arbitration with NTEU's concurrence or you may appeal this action to the MSPB in accordance with the procedures outlined above, but not both.

3. Equal Employment Opportunity Complaint

If you believe that this furlough is being taken in whole or in part because of discrimination based on race, color, religion, sex, national origin, disability, age and/or reprisal, you may include this allegation in an appeal to the MSPB or in a grievance under the negotiated grievance procedure, as described above, or you may file a discrimination complaint with the Agency by contacting an EEO Counselor within forty-five (45) days of the effective date of this furlough.

Please note that you must choose between filing an appeal with the MSPB, filing a discrimination complaint with the Agency, or filing a grievance under the collective bargaining agreement; you cannot elect to follow more than one of the above three procedures.

If you file a grievance that includes an allegation of discrimination and pursue it to arbitration, you may petition the MSPB for review of the resulting arbitration award. The MSPB, however, will review only those claims of discrimination that were raised in the negotiated grievance procedure.

4. Whistleblowing Retaliation Allegation

If you believe that this furlough is being taken in whole or in part because of retaliation for engaging in protected whistleblower activity, you may include this allegation in your MSPB appeal or grievance under a negotiated grievance procedure as described above, or you may file a complaint directly with the Office of Special Counsel (OSC), www.osc.gov.

If you choose to file a complaint with OSC, and OSC subsequently notifies you that it is terminating its investigation of your complaint, you will have sixty-five (65) days from the date of the OSC's written notice, or sixty (60) days from your receipt of the notice, whichever is later, to file an appeal with the MSPB. However, under these circumstances, the MSPB will not review the merits of your furlough, but will only decide the issue of whether that personnel action was taken in retaliation for you making a protected whistleblowing disclosure.

You have the right to retain an attorney, the Union, or another representative of your choice to assist you in filing an appeal with the MSPB, EEO complaint, whistleblower retaliation complaint, or a grievance under the collective bargaining agreement.

We regret the need to take this action and look forward to your return to the Agency as soon as funding is authorized.

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TAKE THIS FORM WITH YOU IF YOU GO TO FILE A CLAIM

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE) PROGRAM

NOTICE TO FEDERAL EMPLOYEE ABOUT UNEMPLOYMENT INSURANCE

This form has been given to you because (1) you have been separated from your job, or (2) you were placed in a nonpay status, or (3) your records have been transferred to a different payroll office.

> *Unemployment insurance (UI) for Federal workers.* When unemployed, Federal workers may be entitled to UI benefits similar to those of workers in private industry. If you become unemployed or are in a nonpay status and want to FILE A CLAIM, go to the nearest LOCAL PUBLIC EMPLOYMENT SERVICE OFFICE of the STATE EMPLOYMENT SECURITY AGENCY to register for work and file your claim for UI. Your ELIGIBILITY for UI CANNOT be determined until AFTER you file a claim. DO NOT DELAY filing a UI claim; if you wait, your unemployment benefits may be reduced or you may not qualify for any benefits.

To help EXPEDITE your claim, take THIS FORM with you, your SOCIAL SECURITY ACCOUNT NUMBER CARD, the OFFICIAL NOTICE of your most recent SEPARATION or your present NONPAY status (Standard Form 50 if available), EARNINGS and LEAVE statements, or similar documents that indicate you were employed by a Federal agency.

FEDERAL AGENCY will insert in the box:
1st line – Parent Federal Agency Name and 3 digit code number
2nd line – Major Component (if any)
3rd and 4th line – complete address to which all forms pertaining to a claim should be sent (ES-931, 931A, 934, 936, and notices of appeal, hearings, and determinations)

3 Digit
552
Identification
FEDERAL AGENCY

Talx UC Express - Agent for the
U.S. Environmental Protection Agency
P.O. Box 66945
St. Louis, MO 63166

To be completed by the *Federal Agency:*
Contact Name/Office
EPA Talx

Telephone No. (*include area code*)
1-800-367-5690

KEEP THIS FORM and **TAKE IT WITH YOU** if you file a UCFE/UI claim for unemployed Federal workers provided by Federal law (U.S. CODE, Title 5, Chapter 85). For more information about UCFE/UI, read the REVERSE SIDE of this form.

NSN 7540-00-934-3964
Labor

STANDARD FORM 8 (REV. 6-87)
Prescribed by Dept. of
20 CFR 609

ED_002918B_00001432-00010

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE) PROGRAM
UNEMPLOYMENT INSURANCE (UI) FOR FEDERAL WORKERS

TAKE THIS FORM WITH YOU IF YOU GO TO FILE A CLAIM

GENERAL INFORMATION:

1. WHO WILL PAY UNEMPLOYMENT BENEFITS?

If you are eligible, you will be paid by a State employment security agency under the provisions of its unemployment insurance (UI) law. The amount of your regular weekly benefits and the period for which benefits will be paid will generally be determined by the law of the State in which you had your last Official Duty Station. This Duty Station will be printed on your final "Notification of Personnel Action", SF-50. If you have received all the regular benefits for which you are eligible, you may, under certain circumstances, become eligible for additional weeks of extended benefits; check with a State local office official. If your last duty station was outside the United States, you will not be eligible until you return to the United States, including the District of Columbia, Puerto Rico, and Virgin Islands. Your benefit rights will then be determined under the law of your State of residence.

UCFE/UI for unemployed Federal workers is paid form U.S. Government funds. No deductions were taken from your pay to finance these benefits

2. UNDER WHAT CONDITIONS WILL I BE ELIGIBLE?

All State UI laws require that:

a. You must be unemployed, able to work, and available for suitable work; (In some cases, you may be eligible if you are employed less than full time);
b. You must register for work and file a claim at a local public employment service/UI claim office;
c. You must continue to report to the office as directed; and
d. You must have had a certain amount of employment/wages within a base period of 1 year specified in the State law and have been separated through no fault of your own.

All State UI laws will deny you benefits for such reasons as:

a. Quitting your job voluntarily without good cause or being discharged for misconduct connected with work; or
b. Refusing an offer of a suitable job without good cause.

Some State UI laws deny or reduce UI benefits for certain types of payments you may receive (retirement, severance, and/or lump-sum amount for unused, accrued annual leave).

3. DO I HAVE THE RIGHT OF APPEAL?

Yes. If a determination is made denying you benefits, you have the right to appeal as provided in the applicable State law.

4. ARE THERE ANY PENALTIES?

Yes. If you willfully make a false (fraudulent) claim, you may be fined, imprisoned, or both. If you make a mistake in giving information when you file your claim, notify the local UI claim office as soon as you discover the mistake: prompt notification may avoid a penalty.

(The above statements are issued for general information; they do not have the effect of law, regulation, or ruling).

NSN 7540-00-634-3964
Labor

STANDARD FORM 8 (REV. 6-87)
Prescribed by Dept. of
20 CFR 609