From: Jeff Rosen <jrosen@ncd.gov>
To: Sylvia Jones
Date: 9/24/2013 11:26:50 AM
Subject: FW: NCD contract extension with DEVIS
Attachments: NCD_FY14 Iterim Services Quote Revised 09.19.2013.docx
DEVIS Memo JR signature.pdf

---

Sylvia -

The attached Memorandum has my signature and is also approved by Gary as Chair of the A&F Committee. The Memorandum extends the existing service from DEVIS for a time limited period while staff and you work on procuring a contractor for this service. This approach will ensure that NCD's website does not go offline after the end of this month, which would deprive NCD's constituents of a critical resource and communications mode. You have previously stated that there are funds remaining in prior FY obligation to DEVIS. Therefore no new funding from this FY or next need to be obligated for this extension.

You are to process the extension by COB this Friday September 27, 2013 or provide Federal law or rule for why you cannot do so. You are to send by that deadline Rebecca and I an email confirming that you have accomplished this task. This follows on my September 20, 2013 email ordering you not to recuse yourself from the DEVIS matter and that failure to do so will result in disciplinary action including removal.

-Jeff

---

**From:** Marina Gelles <mgelles@devis.com>
**Sent:** Thursday, September 19, 2013 2:31 PM
**To:** Jeff Rosen
**Cc:** Anne Sommers; Gary Blumenthal
**Subject:** Re: NCD contract extension with DEVIS

Jeff,

I have revised the quote accordingly and prepared the Memorandum to request the contract's extension - already executed by DEVIS - pending NCD signature. Could you please look the attached documents over and let me know if there is anything else needed, in order to proceed with the contract extension? Thank you so much.

Marina

Marina Gelles
Contracts Compliance Manager
**Development InfoStructure, Inc. (Devis)**
**RRB Office:**
RRB - Office Tower, #700
1300 Pennsylvania Ave. NW
Washington DC 20004
Phone: 202-204-3080
**Arlington Office**:
2101 Wilson Boulevard Suite 300
Arlington, VA 22201
mgelles@devis.com

mgelles@usaid.gov
Phone:703.525.6485
Fax: 703.525-6029

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**From:** "Jeff Rosen" <jrosen@ncd.gov>
**To:** "Marina Gelles" <mgelles@devis.com>
**Cc:** "Anne Sommers" <ASommers@ncd.gov>, "Gary Blumenthal" <GBlumenthal@ncd.gov>
**Sent:** Thursday, September 19, 2013 1:03:30 PM
**Subject:** RE: NCD contract extension with DEVIS

Thank you Marina.

The two items following basic hosting and tech support in section 2.2 are not needed for an extension. As for the last item in that section, we only need a few pages of document posting than the quote.

Thus, our needs are as follows:

- Website hosting $7,500
- Remote technical support $3,000
- Document posting (5 pages at $9.56/page) $47.80
- **TOTAL: $10,547.80**

Could you promptly revise the quote to reflect the above & resend to us? Also, can you please send a formal agreement to extend for us to execute? We would like to get this done by COB tomorrow.

Thanks.

-Jeff

---

**From:** Marina Gelles <mgelles@devis.com>
**Sent:** Wednesday, September 18, 2013 2:26 PM
**To:** Jeff Rosen
**Cc:** Anne Sommers
**Subject:** RE: NCD contract extension with DEVIS

Jeff,

I apologize for the delay as Jake Stone is still out sick. Please find attached the quote Jake has developed for the services to be provided from October 1 through December 31, 2013.

Should you need additional documents, please let me know.

Kind regards,
Marina

Marina Gelles
Contracts Compliance Manager
**Development InfoStructure, Inc. (Devis)**
**RRB Office:**
RRB - Office Tower, #700
1300 Pennsylvania Ave. NW
Washington DC 20004
Phone: 202-204-3080

**Arlington Office**:
2101 Wilson Boulevard Suite 300
Arlington, VA 22201
mgelles@devis.com
mgelles@usaid.gov
Phone:703.525.6485
Fax: 703.525-6029

**From:** Jeff Rosen [mailto:jrosen@ncd.gov]
**Sent:** Tuesday, September 17, 2013 9:58 PM
**To:** Marina Gelles
**Cc:** Anne Sommers
**Subject:** RE: NCD contract extension with DEVIS

Where are we on this? Thanks.

---

**From:** Marina Gelles <mgelles@devis.com>
**Sent:** Monday, September 16, 2013 10:42 AM
**To:** Jeff Rosen
**Cc:** Anne Sommers
**Subject:** RE: NCD contract extension with DEVIS

Jeff,

Thank you for your email. Unfortunately, Jake Stone, the PM, is out sick today but Jake assured me that he should be able to have the quote today, tomorrow morning at the latest.

I apologize for the inconvenience.

Kind regards,
Marina

Marina Gelles
Contracts Compliance Manager
**Development InfoStructure, Inc. (Devis)**
**RRB Office:**
RRB - Office Tower, #700
1300 Pennsylvania Ave. NW
Washington DC 20004
Phone: 202-204-3080
**Arlington Office**:
2101 Wilson Boulevard Suite 300
Arlington, VA 22201
mgelles@devis.com
mgelles@usaid.gov
Phone:703.525.6485
Fax: 703.525-6029

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**From:** Jeff Rosen [mailto:jrosen@ncd.gov]
**Sent:** Saturday, September 14, 2013 12:15 PM
**To:** Marina Gelles
**Cc:** Anne Sommers; Jake Stone
**Subject:** RE: NCD contract extension with DEVIS

Marina -

We need something this Monday 9/16. Again, we are looking to a few months extension as a precursor to a longer-term new contract.

Thank you.

-Jeff

---

**From:** Marina Gelles <mgelles@devis.com>
**Sent:** Thursday, September 12, 2013 3:58 PM
**To:** Jeff Rosen
**Cc:** Anne Sommers; Jake Stone
**Subject:** Re: NCD contract extension with DEVIS

Jeff,

Thank you so much for your email.

We are pleased to be able to work with the NCD on this important project and look forward to the contract's extension.I am copying Jake Stone, our Project Manager, who will follow-up to confirm the requirements and will provide a quote.

Should you have any questions on contractual issues, please do not hesitate to contact me at any time.

Kind regards,
Marina

Marina Gelles
Contracts Compliance Manager
**Development InfoStructure, Inc. (Devis)**
**RRB Office:**
RRB - Office Tower, #700
1300 Pennsylvania Ave. NW
Washington DC 20004
Phone: 202-204-3080
**Arlington Office**:
2101 Wilson Boulevard Suite 300
Arlington, VA 22201
mgelles@devis.com
mgelles@usaid.gov
Phone:703.525.6485
Fax: 703.525-6029

---

From: "Jeff Rosen" <jrosen@ncd.gov>
To: mgelles@devis.com, mgelles@usaid.gov
Cc: "Anne Sommers" <ASommers@ncd.gov>
Sent: Thursday, September 12, 2013 12:46:20 PM
Subject: NCD contract extension with DEVIS

Hi Marina -

I am with NCD and we would like check into the possibility to extend the current contract with DEVIS for a few months. This will ensure that NCD's website doesnt go offline when the current contract expires the end of this month.

Thanks.

-Jeff Rosen

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/27/2013 12:35:08 PM
Subject: RE: FW: FW: Travel Reimbursement fo (b) (6)

---

Hi Lisa & Dave -

Is this submission a time sensitive need? If so, I would like to have ASAP your guidance as to how to deliver this to Sylvia.

Thanks.

-Jeff

---

**From:** Jeff Rosen
**Sent:** Thursday, September 26, 2013 7:43 PM
**To:** Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov); David Allen - WPG-C
**Cc:** Rebecca Cokley
**Subject:** FW: FW: FW: Travel Reimbursement for (b) (6)

(b) (2)

Thanks.

-Jeff

---

**From:** Scott Royster - BCED <ronald.royster@gsa.gov>
**Sent:** Thursday, September 26, 2013 2:54 PM
**To:** Jeff Rosen; Gary Blumenthal
**Cc:** Julianne White; Michele R. Nokes
**Subject:** Re: FW: FW: Travel Reimbursement for (b) (6)

Jeff,

(b) (2)

Scott

R. Scott Royster
Chief, External Services Branch (BCED)

Financial and Payroll Services Division (BCE)
Office of the Chief Financial Officer
General Services Administration
Phone 816-926-5072
Cell 816-(b) (6)
scott.royster@gsa.gov or ronald.royster@gsa.gov

On Wed, Sep 25, 2013 at 4:09 PM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Thank you for your response Scott. I will forward you several emails to provide additional background.
> -Jeff
>
> **From:** Scott Royster - BCED <ronald.royster@gsa.gov>
> **Sent:** Wednesday, September 25, 2013 5:00 PM
> **To:** Jeff Rosen
> **Cc:** Julianne White; Michele R. Nokes
> **Subject:** Re: FW: FW: Travel Reimbursement for (b) (6)
>
> Jeff,
>
> (b) (2)
>
> Scott
>
> R. Scott Royster
> Chief, External Services Branch (BCED)
> Financial and Payroll Services Division (BCE)
> Office of the Chief Financial Officer
> General Services Administration
> Phone 816-926-5072
> Cell 816-(b) (6)
> scott.royster@gsa.gov or ronald.royster@gsa.gov
>
> On Wed, Sep 25, 2013 at 2:54 PM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
> > Can you assist with this Scott? Thanks.
> >
> > **From:** David Allen - WPG-C <david.allen@gsa.gov>
> > **Sent:** Wednesday, September 25, 2013 1:17 PM
> > **To:** Jeff Rosen
> > **Cc:** Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov); Gary Blumenthal; Rebecca Cokley
> > **Subject:** Re: FW: Travel Reimbursement for (b) (6)
> >
> > (b) (2)

(b) (2)

On Wed, Sep 25, 2013 at 10:05 AM, Jeff Rosen <irosen@ncd.gov> wrote:

(b) (2)

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**From:** Jeff Rosen
**Sent:** Thursday, September 12, 2013 11:37 AM
**To:** Sylvia Menifee; Burgdorf, Robert; Julie Carroll
**Cc:** Rebecca Cokley; Gary Blumenthal
**Subject:** RE: Travel Reimbursement for (b) (6)

Thank you for your response Sylvia.

I will forward you an email chain regarding the approval of his travel expenses. Please let Rebecca know if anything further is needed.

-Jeff

---

**From:** Sylvia Menifee
**Sent:** Thursday, September 12, 2013 11:28 AM
**To:** Burgdorf, Robert; Julie Carroll
**Cc:** Jeff Rosen; Rebecca Cokley; Sylvia Menifee
**Subject:** RE: Travel Reimbursement for (b) (6)

Good Morning Mr. Burgdorf,

Per my email to Rebecca Cokley (Executive Director) on August 29, 2013 I am unable to process your claim for "transportation expenses." Per the request made by Julie Carroll, the agency approved your travel "from and back to Florida which resulted in a modification to add $5000."

A request for reimbursement of additional transportation expenses was not submitted or approved therefore you were not issued an official government travel authorization prior to your travel to cover such expenses.

If you have any questions or concerns regarding this matter please contact Rebecca Cokley directly. She can be reached at 202-272-2124.

Best regards,
Sylvia

---

**From:** (b) (6)
**Sent:** Wednesday, September 11, 2013 12:05 PM
**To:** Julie Carroll; Sylvia Menifee
**Cc:** Jeff Rosen; Rebecca Cokley
**Subject:** RE: Travel Reimbursement for (b) (6)

Hi, Sylvia,

Following up on Julie's message in August, I would like to file for my travel reimbursement. Can you advise me how to do so?

Thanks,
(b) (6) [redacted]

---

**From:** Julie Carroll [JCarroll@ncd.gov]
**Sent:** Tuesday, August 13, 2013 10:12 AM
**To:** Sylvia Menifee
**Cc:** Jeff Rosen; Rebecca Cokley; Burgdorf, Robert
**Subject:** Travel Reimbursement for (b) (6) [redacted]

Hi Sylvia,
Jeff and Gary approved transportation expenses for (b) (6) [redacted] to come to Washington for the release of the ADAAA report. Would you please let him know how to file for that reimbursement? He is cc'd here.
Thanks very much.
Julie

--
Dave Allen
Employee Relations Specialist
301 7th Street SW
Room 1619
Washington, DC 20407
David.Allen@GSA.gov
202-690-9475
FAX 202-205-2546 (Please call or email if faxing so that I can retrieve it)

From: Jeff Rosen <jrosen@ncd.gov>
To: Gary Blumenthal
David Allen - WPG-C
Lisa Brown-Gilmore - CPWA
Date: 9/24/2013 4:21:18 PM
Subject: Re: Help from GSA for NCD

(b) (2)

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 9/24/2013 7:59:10 AM
Subject: RE: Managed Care Agreement

---

Will do that now.

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Tuesday, September 24, 2013 7:57 AM
**To:** Jeff Rosen
**Cc:** David Allen - WPG-C; Gary Blumenthal; Rebecca Cokley
**Subject:** Re: Managed Care Agreement

Jeff,

Can you deliver or have someone else deliver your email directing her to answer phone calls and emails?

On Tue, Sep 24, 2013 at 7:56 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Gary -
>
> I just forwarded to them Sylvia's automatic email response, which is still in use despite the agency directive provided to her yesterday.
>
> -Jeff
>
> ---
>
> **From:** David Allen - WPG-C <david.allen@gsa.gov>
> **Sent:** Tuesday, September 24, 2013 5:41 AM
> **To:** Gary Blumenthal
> **Cc:** Jeff Rosen; Lisa Brown-Gilmore - CPWA; Rebecca Cokley
>
> **Subject:** Re: Managed Care Agreement
>
> Gary,
>
> Please document how you became aware of this behavior. If it was an automatic email response, please forward it to Jeff, and Rebecca with a copy to me.
>
> We will continue to address her issues
>
> On Mon, Sep 23, 2013 at 2:55 PM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
> > I'm calling you now Gary.
>
> ---

(b) (2)

(b) (2)

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L

E

(b) (2)

From: Jeff Rosen <jrosen@ncd.gov>
To: Rebecca Cokley
Lisa Brown-Gilmore - CPWA
Date: 10/17/2013 10:02:30 AM
Subject: RE: Notice - Government Shutdown Furlough

---

Lisa -

As Rebecca indicated, we will not seek to replace Nick, NCD's IT contractor. There has been no issue with his performance. The only issue was caused by his appropriate refusal twice to provide Sylvia with access to NCD's IT/email systems. Thank you for your guidance in providing the appropriate communication.

I will request Rebecca to immediately reassign Nick to a different manager.

In addition, I ask that this issue be considered as another charge in the disciplinary proceeding against Sylvia. Not only did she commit a dereliction of her duties and responsibilities to NCD by failing to discuss the matter with other NCD managers before unilaterally taking action regarding an integral NCD operational function, but she also took that action as retaliation againast Nick for his appropriate refusal to allow her access to confidential IT/email systems without authorization.

-Jeff

---

(b) (2)

(b) (2)

**From:** Sylvia Jones [mailto:sjones@ncd.gov]
**Sent:** Tuesday, October 01, 2013 11:05 AM
**To:** William Haygood
**Cc:** Sylvia Jones
**Subject:** RE: Notice - Government Shutdown Furlough

Mr. Haygood,

Per our prior discussions regarding contract performance...in order to enhance the efficiency of information technology needs within the agency and to address ongoing priority IT projects, as the Contracting Officer's Technical Representative for the GlobalNetworkers contract I have requested to replace the onsite consultant for the last 90 days of the contract due to performance issues that we previously discussed.

The NCD does not have a Contracting Officer. However as the Director of Administration I oversee the contract and I'm reponsible for contract performance and deliverables to include overdue implementation of various IT projects which includes, the VPN, HSPD-12 compliance, Firewall Security, Trusted Internet Connections reporting, etc. As well as server issues, mail issues, and issues pertaining to the security of office equipment.

The replacement of the onsite consultant for the last 90 days of the contract will afford the office the opportunity to obtain a more knowledgable and innovative IT consultant that will improve current IT operations.

Do not hesitate to contact me if you need additional information pertaining to this request.

Thank you,
Sylvia

---

**From:** William Haygood <whaygood@globalnetworkers.com>
**Sent:** Tuesday, October 01, 2013 10:18 AM
**To:** Sylvia Jones
**Subject:** RE: Notice - Government Shutdown Furlough

Thanks Sylvia.

Per our discussion, could you please put your request to replace our onsite consultant in writing. I just need that on file in order to execute the request. I am told by the SBA that I need these types of request in writing from the Contracting Officer. I believe that is your role, but I am unsure. Could you please provide this to me.

Given the current shutdown, Nick is not going to return to the office, anyway, until I tell him otherwise. That should give us time to get this done if that is what you request in your communication.

Thanks,
William

W. Haygood
(704) (b) (6) mobile
www.globalnetworkers.com

**From:** Sylvia Jones [mailto:sjones@ncd.gov]
**Sent:** Tuesday, October 01, 2013 9:27 AM
**To:** William Haygood
**Cc:** Sylvia Jones
**Subject:** Notice - Government Shutdown Furlough

Good Morning Mr. Haygood,
As you may already know, Congress failed to enact funding through an annual appropriations law or a continuing resolution necessary to operate the agency resulting in a "shutdown furlough" in which all NCD members and staff are affected.
Due to the furlough shutdown all NCD staff will be furloughed and the NCD Office will close at noon today until further notice. I will contact you upon my return to duty.
Thank you,
Sylvia Menifee-Jones
Director of Administration
National Council on Disability

(b) (5)

(b) (5)

(b) (5)

SHAW BRANSFORD & ROTH P.C.
*Attorneys at Law*
1100 Connecticut Avenue NW Suite 900
Washington DC 20036
Tel 202.463.8400 www.shawbransford.com Fax 202.833.8082

November 5, 2013

SENT VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

Mr. Jeff Rosen
Chairperson
National Council on Disability
1331 F Street, NW, Suite 850
Washington, D.C. 20004
jrosen@ncd.gov

Re: Sylvia Jones – Notice of Proposal to Suspend

Dear Mr. Rosen:

This law firm has become the designated representative of Mrs. Sylvia Jones, Director of Administration, National Council on Disability ("Agency"), in regard to the Notice of Proposal to Suspend dated November 1, 2013 ("Proposal"), received by Mrs. Jones via e-mail that same day. A designation of representative form, executed by Mrs. Jones, authorizing us to act on her behalf, is enclosed.

The purposes of this letter are to: (1) notify you of our designation; (2) request an extension of time for Mrs. Jones to present to you an oral reply to the Proposal, until after the deadline for her written reply; (4) request copies of the Agency's disciplinary procedures and a copy of the Agency's table of penalties; and (5) request complete and un-redacted copies of all of the materials the Agency relied upon to issue the Proposal.

We intend to submit a written reply to the Proposal on behalf of Mrs. Jones. The third page of the Proposal states that Mrs. Jones "will be allowed fifteen (15) calendar days from the date of [her] receipt of [the Proposal] to reply orally and/or in writing." Thus, because Mrs. Jones received the Proposal on Friday, November 1, 2013, we calculate the current deadline for Mrs. Jones to submit her written and oral replies to the Proposal to be Monday, November 18, 2013 (because November 16, 2013, the fifteenth day after Mrs. Menifee-Jones received the Proposal, is a Saturday). We ask that you confirm this November 18, 2013 submission deadline.

Also, please be advised, Mrs. Jones may present an oral reply to the Proposal. We believe that an oral reply is more substantive and of greater benefit to a deciding official when the oral reply takes place after submission of the written reply. Therefore, we request that you permit Mrs. Jones to present her oral reply to the Proposal on a date after the deadline for submission of

her written reply. Should she decide to present an oral reply, we will be contacting you to make arrangements for a date that is convenient for you.

We also write to request copies of the Agency's disciplinary procedures, i.e. the procedures under which the Agency issued the Proposal to Mrs. Jones, and to request a copy of the Agency's table of penalties.

Lastly, we write to request complete and un-redacted copies of all of the materials the Agency relied upon to issue the Proposal. In addition the Proposal, Mrs. Jones received seventeen (17) pages of documentation (copy enclosed for your reference), identified on the fourth page of the Proposal as "Copy of Supporting Documentation (employee)," comprising documentation of various e-mail exchanges. However, the copies of the e-mail exchanges provided to Mrs. Jones appear incomplete and/or redacted. A non-exhaustive list of abnormalities, redactions, and other indicators which suggest that the supporting documentation provided to Mrs. Jones is incomplete, includes:

1. The e-mail on the third page of the supporting documentation, dated September 25, 2013 at 11:01 a.m., does not indicate a subject line, unlike the other e-mails provided as part of the supporting documentation;
2. The e-mails on the third and fourth pages of the supporting documentation, dated September 25, 2013, at 11:01 a.m. and at 12:58 p.m., are identified as "4/7" and "6/7", respectively; however, none of the provided e-mails are identified as any other number of a series of seven;
3. The header of the e-mail on the fourth page of the supporting documentation, dated September 25, 2013, at 12:58 p.m., is at a different angle than the body of the e-mail below it;
4. The e-mail on the seventh page of the supporting documentation, dated September 24, 2013, at 7:54 a.m., appears composed of lines of text cut from a lengthier e-mail, and pasted together;
5. The bottoms of the eighth, ninth, and tenth pages of the supporting documentation are identified as "1/4," "3/4," and "4/4" respectively, but none of the provided e-mails are identified as the second in a series of four;
6. The e-mails on the eighth, ninth, and tenth pages of the supporting documentation appear to be presented as part of the same e-mail chain, flowing from the e-mail at the top of the eighth page, dated September 23, 2013, at 3:20 p.m., but the time stamps on the e-mails in that purported chain do not flow linearly. For example, on the eighth page, an e-mail dated September 24, 2013, at 8:01 a.m. is below an e-mail dated September 23, 2013, at 3:20 p.m., but above another e-mail dated September 23, 2013, at 3:20 p.m. And, on the ninth page, an e-mail dated September 24, 2013, at 8:58 a.m., is sandwiched between an e-mail dated that same day at 8:06 a.m. and another e-mail dated that same day at 8:39 a.m.;
7. Multiple e-mails, for example e-mails located on the ninth and tenth pages of the supporting documentation, dated September 24, 2013, at 8:06 a.m. and at 8:01 a.m., contain "[Quoted text hidden]" in lieu of body text;

8. The bottoms of the eleventh, twelfth, and thirteenth pages of the supporting documentation are identified as "1/9," "2/9," and "4/9," respectively. But, no other pages have been provided which indicate that they are any other part of a series of nine; and
9. The e-mail on the seventeenth page of the supporting documentation, apparently from William Haygood, does not contain "Date," "From," or "Subject" lines of information. Further, it appears that a sentence in the middle section of the second paragraph of that e-mail has been redacted.

Mrs. Jones will not be able to provide a thorough and substantive response, and we do not believe you will be able to make a fully informed decision, without complete and un-redacted copies of the materials on which the Agency relied to issue the Proposal.

Thank you for your consideration of our requests.

Sincerely,

Julia H. Perkins
James P. Garay Heelan

Enclosures

cc: Ms. Lisa Gilmore
Employee Relations Specialist
Employee Relations Branch
Office of Human Resources Services
Government Services Administration
lisa.gilmore@gsa.gov
(via electronic mail only)

# DESIGNATION OF REPRESENTATIVE

I, Sylvia Jones, hereby designate the firm of Shaw, Bransford & Roth, P.C. to act as my representative in connection with the Notice of Proposed 14-day Suspension dated November 1, 2013, and any subsequent disciplinary action arising therefrom. I understand that the firm is authorized to act on my behalf, and I expressly request that all correspondence in these matters be directed to them with a copy to me. I specifically authorize the release of information to my representatives which would otherwise be protected by the Privacy Act, 5 U.S.C. § 552a.

11/04/2013
Date

Sylvia Jones

**From:** Jeff Rosen
**Sent:** Friday, September 20, 2013 4:26 PM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley; Gary Blumenthal
**Subject:** Agency contingency plan

Sylvia -

OMB requires federal agencies to submit a plan next week for how they would stop operations if there is a lapse of funding. Please draft such a plan for Gary and my review by COB next Wednesday September 25th. NCD should have developed a similar plan for the 2011 potential shutdown which never occurred so there may be something already on file. Feel free to contact Aaron Bishop if you would like to see if he has any information from the time he was NCD's ED.

-Jeff

**From:** Sylvia Jones
**Sent:** Wednesday, September 25, 2013 10:11 AM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley; Gary Blumenthal; Sylvia Jones
**Subject:** RE: Agency contingency plan

Jeff,

This is one of duties of the Executive Director. As you are aware, she did not appoint an successor in her planned absence and due to an abundance of work to include budget close out I am unable to take on additional responsibilities outside the scope of my duties.

Sylvia

---

**From:** Jeff Rosen
**Sent:** Wednesday, September 25, 2013 9:45 AM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley; Gary Blumenthal
**Subject:** RE: Agency contingency plan

Sylvia -

This is a reminder that the draft contingency plan is due from you to Gary and myself no later than COB today.

I met with OMB yesterday and our budget examiner wrote to me this morning that the plan would be ideally provided them by tomorrow, but must be submitted no later than this Friday.

-Jeff

**Jeff Rosen** <jrosen@ncd.gov> Wed, Sep 25, 2013 at 11:01 AM
To: Sylvia Jones <sjones@ncd.gov>
Cc: Rebecca Cokley <rcokley@ncd.gov>, Gary Blumenthal <GBlumenthal@ncd.gov>

Sylvia,

Again I must resort to providing you with a direct order. Failure to follow this order could result in discipline up to and including removal.

While I understand that you are busy with end of year duties, and I recognize your comment that the contingency plan would normally be the responsibility of the Executive Director, I am ordering you to prepare the draft contingency plan as I requested in my email to you on Friday, September 20, 2013. You are directed to have the draft plan available for me and Gary by COB today.

-Jeff

**From:** Sylvia Jones
**Sent:** Wednesday, September 25, 2013 12:58 PM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley; Gary Blumenthal; Sylvia Jones
**Subject:** FW: Agency contingency plan

Jeff,

As previously stated, it is the responsibility of the Executive Director to prepare the Agency Contingency Plan. Both you and Rebecca were notified and became aware of OMB's request on September 18, 2013 at 10:22 a.m. during which time both you and Rebecca were in the office for staff meeting. However neither of you took any action to ensure the plan was completed knowing that Rebecca would be going out on maturnity leave. In fact, Rebecca never mentioned the request and you waited until she went out on maturnity leave to unlawfully direct me to perform her duties. There are two additional office director's in NCD: 1) Gerrie Drake Hawkins; and 2) Anne Sommers. Out of the three director's here, I am the only director being targeted by you.



The Executive Director was negligent in her duties by not appointing an interim Executive Director to ensure the plan and/or any other deliverables for which she was responsible were carried out. Per Office Directors...staff were informed by you during the staff meeting on Sept 18 that there was not a need for an Interim ED when Dr. Hawkins posed the question to you and Rebecca as to who would supervise the staff. Thus, I cannot understand why you continue to send me daily harassing emails to interrupt the order of the day to day operations issuing me unlawful directives.

Again, you are acting outside the scope of your authority. Please cease and desist further communication with me until the Executive Director returns to duty. If these actions continue to persist I will be forced to seek civil remedies.

As of September 19, 2013, I do not have a supervisor until Nov 4 when Rebecca returns to duty part-time. Therefore this is my last email to you.

Sylvia

Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>

# FW: DEVIS

1 message

**Jeff Rosen** <jrosen@ncd.gov> Tue, Sep 24, 2013 at 1:44 PM
To: "Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)" <lisa.gilmore@gsa.gov>, David Allen - WPG-C <david.allen@gsa.gov>

---

**From:** Sylvia Jones
**Sent:** Tuesday, September 24, 2013 12:22 PM
**To:** Jeff Rosen
**Cc:** Sylvia Jones; Rebecca Cokley
**Subject:** FW: DEVIS

Jeff,
Pursuant to NCD Authorizing Statutue and the NCD Bylaws, the NCD Chair is not authorized to supervise office staff; nor is the NCD Chair responsible for managing the day to day operations of the office. Per the statutue and the bylaws, the chairperson is responsible for the appointment, supervision, and at his/her discretion, **removal** of the Executive Director.
Your belief that I recused myself "simply becuse I disagreed with a decision" is a false statement and it also appears that you are mistaken about my duties as the Director of Administration. In accordance with the Federal Acquisition Regulation, the authority and responsibility to contract for authorized supplies and services is vested in a warranted Contracting Officer and/or the Agency Head.

Ms. Cokley issued me a direct order regarding this issues on June 28, 2013 and I complied with her direct order. Therefore I request that you cease and desist issuing any further communication to me on this issue due to the nature of the request as it pertains to a direct order issued to me by my supervisor.

Furthermore, your threats are unwarranted and unlawful as you are acting outside the scope of your duties. If you have any questions in the absence of the NCD General Counsel, please consult with GSA. Also, please note that these unlawful and retailatory threats against me will be forwarded to the appropriate government officials.

- Sylvia

---

**From:** Jeff Rosen
**Sent:** Friday, September 20, 2013 1:12 PM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley

**Subject:** DEVIS

Sylvia,

I understand that you recused yourself from working on a contract to replace DEVIS. You have presented no legal reason why you recused yourself.

I believe you recused yourself simply because you disagreed with the decision. Disagreeing with a decision is not grounds for recusing oneself from performing their assigned duties.

The purpose of this message is to give you a direct order. Failure to follow this order could result in disciplinary action up to and including removal.

You are to perform the duties of your position, including working on the contract to replace DEVIS immediately or to present me with written material supporting your recusal showing why the contemplated action is illegal or against government wide regulations. This written material must be presented by COB September 24, 2013.

In addition if, in the future, you believe you must recuse yourself from performing your duties, you will provide similar written documentation supporting your request with that request.

-Jeff

**Jeff Rosen** <jrosen@ncd.gov> Tue, Sep 24, 2013 at 7:54 AM
To: Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
Cc: Rebecca Cokley <rcokley@ncd.gov>, David Allen - WPG-C <david.allen@gsa.gov>

Her auto answer is still in use as of this morning., which reads:

"Sylvia Jones Automatic reply: Thank you for your email. I'm currently in the office. However due to end of year budget and payroll close out I am unable to respond to emails. I will respond to all emails by the close of business Wednesday, September 25, 2013. Thank you, Sylvia"

She is continuing not to respond to any emails or calls from NCD management, including Gary. We are in a financial crisis mode as a result.

If Sylvia continues to refuse to cooperate today or tomorrow, NCD will be significantly harmed as a result. She is aware of our need through numerous emails and phone messages.

David Allen - WPG-C <david.allen@gsa.gov>

# URGENT NCD directive to Ms. Menifee

5 messages

**Jeff Rosen** <jrosen@ncd.gov>
To: Sylvia Jones <sjones@ncd.gov>
Cc: Rebecca Cokley <rcokley@ncd.gov>

Mon, Sep 23, 2013 at 3:20 PM

Sylvia,

Your decision to stop reading emails or taking phone calls until September 25, 2013 is a gross neglect of your duty and will not be tolerated. I consider this to be a failure to perform the basic functions of your job. You are hereby directed to continue to read and respond to emails and telephone calls effective immediately. Failure to follow this direct order may lead to disciplinary action up to and including removal.

-Jeff

---

**Jeff Rosen** <jrosen@ncd.gov>
To: Stacey Brown <SBrown@ncd.gov>
Cc: Rebecca Cokley <rcokley@ncd.gov>

Tue, Sep 24, 2013 at 8:01 AM

Stacey -

Please print this email in full and place it under Sylvia's door.

Thank you.

-Jeff

---

**From:** Jeff Rosen
**Sent:** Monday, September 23, 2013 3:20 PM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley
**Subject:** URGENT NCD directive to Ms. Menifee

To: "Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)" <lisa.gilmore@gsa.gov>, David Allen - WPG-C <david.allen@gsa.gov>
Cc: Rebecca Cokley <rcokley@ncd.gov>

Sylvia was handed a hard copy and she asked Stacey to forward the email to her.

---

**From:** Jeff Rosen
**Sent:** Tuesday, September 24, 2013 8:06 AM
**To:** Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov); David Allen - WPG-C
[Quoted text hidden]

[Quoted text hidden]

---

**Jeff Rosen** <jrosen@ncd.gov> Tue, Sep 24, 2013 at 8:58 AM
To: "Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)" <lisa.gilmore@gsa.gov>, David Allen - WPG-C <david.allen@gsa.gov>
Cc: Rebecca Cokley <rcokley@ncd.gov>

Sylvia's response below.

---

**From:** Sylvia Jones
**Sent:** Tuesday, September 24, 2013 8:39 AM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley; Sylvia Jones
**Subject:** FW: URGENT NCD directive to Ms. Menifee

Jeff,

As stated on yesterday, pursuant to NCD Authorizing Statutue and the NCD Bylaws, the NCD Chair is not authorized to supervise office staff; nor is the NCD Chair responsible for managing the day to day operations of the office. Per the statutue and the bylaws, the chairperson is responsible for the appointment, supervision, and at his/her discretion, **removal** of the Executive Director (only).

Stacey Brown is an employee under my supervison and it is inappropriate for you to involve my staff in your harassmement and retaliatory attacks against me. Furhtermore it is demaening and demoralizing for you to send such an unlawful and disrespectful email to my staff without having all the facts. As the NCD Chair and an Attorney I very concern over your intentional disregard for federal laws, regulations, and procedures.
My out of office was placed on due to these types of email distractions in order to allow me to close out the agency's annual budget. Julie Carrol was allowed to have her out of office email on for approximately three weeks while she allegedly dog trained and teleworked in NJ and you did not threatened her with this type of email. In fact you supported the endeavor.

Your threats are unwarranted and unlawful as you are acting outside the scope of your duties and the disrespect towards me in front of my staff is uncivil and displays a hostile work

environment. Therefore I request that you cease and desist issuing any further communication to me through my staff and/or any other NCD employee.

Please note that the inappropriate email sent to Stacey Brown at 8:01 am will be forwarded to the appropriate governement officials shortly. If you have any questions in the absence of the NCD General Counsel, please consult with GSA.
-Sylvia

---

**From:** Stacey Brown
**Sent:** Tuesday, September 24, 2013 8:12 AM
**To:** Sylvia Jones
**Subject:** FW: URGENT NCD directive to Ms. Menifee

FYI-Per your request.

---

**From:** Jeff Rosen
**Sent:** Tuesday, September 24, 2013 8:01 AM
**To:** Stacey Brown
**Cc:** Rebecca Cokley
**Subject:** FW: URGENT NCD directive to Ms. Menifee

(Quoted text hidden)

---

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3222/6194 - Release Date: 09/24/13

David Allen - WPG-C <david.allen@gsa.gov>

# FW: Julie Leave

7 messages

**Rebecca Cokley** <rcokley@ncd.gov>
To: David Allen - WPG-C <david.allen@gsa.gov>

Mon, Sep 9, 2013 at 1:18 PM

See attached.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: http://www.ncd.gov

—Original Message—
From: Julie Carroll
Sent: Tuesday, August 27, 2013 3:23 PM
To: Rebecca Cokley
Subject: RE: Julie Leave

Rebecca,
This is a reasonable accommodation issue - not an OPM issue. It was negotiated between me and my supervisor.
Julie
—Original Message—
From: Rebecca Cokley
Sent: Tuesday, August 27, 2013 3:21 PM
To: Julie Carroll
Subject: Re: Julie Leave

Keep me posted as to what she says. I'll reach out to OPM too.

Rebecca

Sent from my IPhone

On Aug 27, 2013, at 3:14 PM, "Julie Carroll" <JCarroll@ncd.gov> wrote:

>
>
> —Original Message—
> From: Sylvia Menifee
> Sent: Tuesday, August 27, 2013 3:12 PM
> To: Julie Carroll; Robyn Powell
> Subject: RE: Julie Leave

>
> Julie - I need to check OPM policy to see if you can be approved to telework on regular/consistent basis and on situational basis. To my knowledge you can only select one telework option (i.e. regular or episodic); both are considered medical telework however I will check the policy and get back to you with an answer soon.
>
>
>
> It appears that we may have to update the form but for now use the current version; Stacey can convert it for you.
>
>
>
>
>
> Thank you,
>
>
>
> Sylvia Menifee
>
> Director of Administration
>
> National Council on Disability
>
> 1331 F Street, NW, Suite 850
>
> Washington, DC 20004
>
> Ph: 202-272-2113
>
> Fax: 202-272-2022
>
> smenifee@ncd.gov
>
>
>
> CONFIDENTIALITY NOTICE: The information contained in this electronic correspondence is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited without express permission. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you. The information contained herein does not reflect any official position or statement of the Members or staff of the National Council on Disability (NCD).
>
>
>
>
>
>
>
> ——Original Message——
> From: Julie Carroll
> Sent: Tuesday, August 27, 2013 2:47 PM
> To: Sylvia Menifee; Robyn Powell
> Subject: RE: Julie Leave
>
>

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> —Original Message—

> From: Julie Carroll

> Sent: Tuesday, August 27, 2013 1:48 PM

> To: Sylvia Menifee; Robyn Powell

> Subject: RE: Julie Leave

> I worked from home - a conference call re planning regional forums, emails, setting up meetings, and attending a webinar.

> —Original Message—

> From: Sylvia Menifee

> Sent: Tuesday, August 27, 2013 1:47 PM

> To: Robyn Powell

> Cc: Julie Carroll

> Subject: FW: Julie Leave

> Hi Robyn,

> Julie was out for the entire day on 8/26. The attached leave slip only covers 4 hours of sick leave versus 8 hours. Please advise...

**From:** Sylvia Menifee
**Sent:** Thursday, September 12, 2013 2:01 PM
**To:** Rebecca Cokley
**Cc:** Sylvia Menifee; DrGerrie Hawkins
**Subject:** RE: Julie's telework plan

Rebecca,

Please provide me with information source and/or federal regulation for which you state you researched the issue in order to make your determination.

Sylvia

---

**From:** Rebecca Cokley



**Sent:** Wednesday, September 11, 2013 9:52 AM
**To:** Sylvia Menifee
**Cc:** Julie Carroll; Joan Durocher; Lynnae Ruttledge
**Subject:** Julie's telework plan

Sylvia

I have researched this issue and there is no prohibition in having a flexible telework arrangement with different types of telework. The acting Director of Policy has signed off.

Please process the agreement by COB 9/12/13 or provide me with specific reasons why it cannot be legally processed.

Rebecca Cokley

Executive Director

National Council on Disability

1331 F Street NW, Suite 850

Washington, DC 20004

202-272-2124 Voice

202-272-2074 TTY

David Allen - WPG-C <david.allen@gsa.gov>

## Ms. Carroll's telework

1 message

**Jeff Rosen** <jrosen@ncd.gov>
To: Sylvia Jones <sjones@ncd.gov>
Cc: Rebecca Cokley <rcokley@ncd.gov>

Thu, Sep 19, 2013 at 12:52 PM

Sylvia,

I write in Ms Cokley's absence.

This is in regards to Ms. Carroll's telework plan. This was researched on OPM .gov at http://www.telework.gov/guidance_and_legislation/telework_guide/telework_guide.pdf In addition they provided the following guidance to your specific question to Ms. Margaret Higgins, Human Resources Specialist, at GSA (202-501-3764).

You are correct. While OPM's Telework Guide breaks down types of telework into two groups: 1) routine telework (telework that occurs as part of a an ongoing, regular schedule, and 2) situational telework (telework approved on a case-by-case basis where the hours worked are not part of a previously approved, ongoing and regular telework schedule), our policy guidance only states that any employee who wishes to telework (regardless of type) must first complete telework training and have a written telework agreement in place (see page 4 of the Telework Guide). I might also add that the Telework Enhancement Act gave each Executive agency the exclusive authority to establish its own telework policy (subject to the limitations described in the law – e.g. written agreement). The language also specifically states the telework agreement is entered into between the manager and the employee and should outline the specific work arrangement that is agreed to between the two. This should ensure maximum flexibility is in the hands of the agency and manager in order to meet agency mission and operational/organizational needs. Remember one of the most common uses of situational telework is 'unscheduled telework" in the event of a weather related and other emergencies, which again lends further credence to the flexibility agencies and managers exercise in the use of telework as a strategic management tool. Thus in sum, unless GSA's telework policy disallows the flexibility that is described in this scenario, each individual manager has the discretion to establish routine telework schedules and to modify those arrangements on a temporary/case-by-case basis to allow for situational telework to meet organizational needs. A caveat to this, of course, is a case in which an employee moves from a purely situational telework schedule to a routine telework schedule (or vice versa). In that case, the telework agreement should be modified to reflect permanent changes to the telework agreement.

I believe you would agree that an employee with an agreement for only regular telework, could telework during a weather emergency (situational).

Please process Ms. Carroll's telework agreement by COB 9-20-13 or provide me written regulations that prevent you from doing so.

-Jeff

**From:** Nick Rushizky <nrushizky.cntr@ncd.gov>
**Date:** September 13, 2013, 5:53:35 PM EDT
**To:** Rebecca Cokley <rcokley@ncd.gov>, Robyn Powell <RPowell@ncd.gov>
**Subject: Email request**

I got a call this afternoon from my boss at Global Networkers, William Haygood, informing me that he'd been contacted by Sylvia. He put it as being very strictly told by Sylvia to make sure I comply with a FOIA request for emails which I apparently will be seeing next week.

I don't know the proper legal channels for how this is supposed to be handled, and I want to make sure I'm doing it properly. I'm betting that letting you know is the right start.

If there's anything else I need to do, please let me know. You can also call me whenever you need – 202-841-2616.

Nick

To: David Allen - WPG-C <david.allen@gsa.gov>
Cc: Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>, Rebecca Cokley <rcokley@ncd.gov>

David,

Thanks for your time. In reference to the aforementioned conversation with Sylvia Menifee Jones, I was contacted last week by Sylvia. She was working from home, so I didn't recognize the number as it was blocked to my mobile phone. She told me that she was working from home, but wanted to make me aware of a situation. She said that we would receive a request dealing with the Freedom of Information Act. As my COTR, she wanted to discuss with me versus my onsite consultant (Nick Rushizky) according to contract. She said that she wanted me to tell Nick to follow the law and provide the information requested of him. She didn't say what or when the information would be, but wanted to remind me to remind him that we needed to follow the law and provide the requested information.

I let Nick know that very thing on Friday and that I was coming to meet with Sylvia on Monday to discuss contract performance. He was unaware of this FOIA request at that time and said of course he would follow what was asked of him.

We, as a company nor Nick, have a history of not being compliant with requests. I felt comfortable letting Sylvia know that whatever was requested would be provided –as always.

That's all the detail I have of the conversation. If you or Ms. Cokley have additional questions, concerns, or requests, we will be happy to comply. I would like to request that I be made aware of conversations that are being had directly with Nick Rushizky in reference to anything having to do with a legal matter as Nick is my employee (and has been for a long time) but he is not authorized to respond to legal inquiries on behalf of Global Networkers and the status of our contract. He, of course, can answer questions requested of him that may aid you in any way, but I would like to be aware of the context as this has the potential of being a stressful situation at his workplace.

Thanks so much for your time and consideration.

Sincerely,

William

William Haygood, President & CEO

Global Networkers

(704) 343-0094 ext. 202

(704) 724-3330 (mobile)

http://www.globalnetworkers.com

From: Jeff Rosen <jrosen@ncd.gov>
To: Brad Kliethermes - BCEC
Date: 12/13/2013 3:11:00 PM
Subject: RE: amended timesheets

---

Thanks Brad. I will follow up with Rebecca on Monday.

---

**From:** Brad Kliethermes - BCEC <bradley.kliethermes@gsa.gov>
**Sent:** Friday, December 13, 2013 1:53 PM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** Re: amended timesheets

The alternative would be to have another certifier set up. To do that you would simply need to have someone submit the form that is on Feddesk and request to be a certifier and get it signed by the appropriate person and submit the completed form as it instructs.

In this case it seems like someone in Sylvia's supervisory chain needs to talk to her to discuss what is going on to figure out the best approach to this. I know she has said she has concerns about the comp time but I do not know what the concerns are. Everything has been put in via the correct means and the system allowed for the hours to be earned. It seems as though Sylvia is trying to cover herself but in this case it is at the expense of a coworker.

Bradley Kliethermes
Supervisory Accountant Payroll Operations
GSA National Payroll Branch (BCEC)
Financial and Payroll Services Division
Office of the Chief Financial Officer
Phone: (816) 823-3906
Fax: (816) 823-5435

Please go to the following link to provide feedback on the service I provided.

https://spreadsheets.google.com/spreadsheet/viewform?formkey=dEVCVTdXNkdWZF9OWHZmdUgwbnZIaVE6MA

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On Fri, Dec 13, 2013 at 11:32 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

> I need GSA to tell me an alternative approach to getting these timecards certified.
>
> Again, we must have that alternative option in place in the event that Sylvia is indisposed or unwilling.
>
> Look to receiving that information soon.
>
> -Jeff
>
> ---
>
> **From:** Rebecca Cokley
> **Sent:** Friday, December 13, 2013 12:28 PM

**To:** Jeff Rosen; Brad Kliethermes - BCEC
**Cc:** Lisa Brown-Gilmore - CPWA
**Subject:** RE: amended timesheets

Stacey can sign them but she still certifies them.

I would also like to say for documentation purposes that many of the leave slips I submitted lacked the inclusion of ANY comp time, but used both annual leave and sick leave, and still have not been certified.

Rebecca

---

**From:** Jeff Rosen
**Sent:** Friday, December 13, 2013 12:24 PM
**To:** Rebecca Cokley; Brad Kliethermes - BCEC
**Cc:** Lisa Brown-Gilmore - CPWA
**Subject:** RE: amended timesheets

If Sylvia was indisposed for a significant period of time for some reason, there must be an alternative arrangement to allow the agency to sign the timecards to have them processed. So I'm asking Brad again, can we have someone else at the agency sign the timecards?

Thanks.

-Jeff

---

**From:** Rebecca Cokley
**Sent:** Friday, December 13, 2013 12:19 PM
**To:** Jeff Rosen; Brad Kliethermes - BCEC
**Cc:** Lisa Brown-Gilmore - CPWA
**Subject:** RE: amended timesheets

Nope, this is what we ran into before, with getting the comp approved in the first place.

Rebecca

---

**From:** Jeff Rosen
**Sent:** Friday, December 13, 2013 12:19 PM
**To:** Rebecca Cokley; Brad Kliethermes - BCEC
**Cc:** Lisa Brown-Gilmore - CPWA
**Subject:** RE: amended timesheets

Brad -

Can someone else at NCD sign these timecards?

Thanks.

-Jeff

---

**From:** Rebecca Cokley
**Sent:** Friday, December 13, 2013 12:17 PM

**To:** Brad Kliethermes - BCEC
**Cc:** Lisa Brown-Gilmore - CPWA; Jeff Rosen
**Subject:** RE: amended timesheets

Brad

I'm cc'ing Lisa at GSA and my boss, the chairperson Jeff Rosen (as my supervisor). As you know, Mr. Rosen approved the comp time and we have the documentation. I'm not sure what our next step is. Maybe the two of them have an idea.

Rebecca

---

**From:** Brad Kliethermes - BCEC <bradley.kliethermes@gsa.gov>
**Sent:** Friday, December 13, 2013 12:11 PM
**To:** Rebecca Cokley
**Subject:** Re: amended timesheets

She called me back and basically said the timecards are in ETAMS but she is not signing them because she does not agree with the Comp time. So we have been paying you each pay period based on the base schedule that is in ETAMS because the timecards are not being signed. I am not sure who best in you agency to raise this issue to but there has to be someone who can direct her to sign these timecards.
Bradley Kliethermes
Supervisory Accountant Payroll Operations
GSA National Payroll Branch (BCEC)
Financial and Payroll Services Division
Office of the Chief Financial Officer
Phone: (816) 823-3906
Fax: (816) 823-5435

Please go to the following link to provide feedback on the service I provided.

https://spreadsheets.google.com/spreadsheet/viewform?formkey=dEVCVTdXNkdWZF9OWHZmdUgwbnZIaVE6MA

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On Fri, Dec 13, 2013 at 10:38 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:

> Brad
>
> Please let me know if you do not hear back from her by Monday.
>
> Thank you.
> Rebecca
>
> ---
>
> **From:** Brad Kliethermes - BCEC <bradley.kliethermes@gsa.gov>
> **Sent:** Thursday, December 12, 2013 4:46 PM
>
> **To:** Rebecca Cokley
> **Subject:** Re: amended timesheets

I do not. I have sent an email to Sylvia to see what she tells me. Once I get that response I will be able to figure out what approach to take to help get this all straightened out.
Bradley Kliethermes
Supervisory Accountant Payroll Operations
GSA National Payroll Branch (BCEC)
Financial and Payroll Services Division
Office of the Chief Financial Officer
Phone: (816) 823-3906
Fax: (816) 823-5435

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https://spreadsheets.google.com/spreadsheet/viewform?formkey=dEVCVTdXNkdWZF9OWHZmdUgwbnZIaVE6MA

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On Wed, Dec 11, 2013 at 2:59 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:

> Following up on this. I notice my leave totals haven't changed. Do you need anything else from me?
>
> Rebecca Cokley
> Executive Director
> National Council on Disability
> 1331 F Street NW, Suite 850
> Washington, DC 20004
> 202-272-2124 Voice
> 202-272-2074 TTY
> 202-272-2022 Fax
> Rcokley@ncd.gov
> Website: http://www.ncd.gov
>
> **From:** Brad Kliethermes - BCEC [mailto:bradley.kliethermes@gsa.gov]
> **Sent:** Wednesday, November 27, 2013 10:04 AM
> **To:** Rebecca Cokley
> **Subject:** Re: amended timesheets
>
> I am going to take a look at your records and will probably have to contact sylvia to find out what is going on.
> Bradley Kliethermes
> Supervisory Accountant Payroll Operations
> GSA National Payroll Branch (BCEC)
> Financial and Payroll Services Division
> Office of the Chief Financial Officer
> Phone: (816) 823-3906
> Fax: (816) 823-5435
>
> Please go to the following link to provide feedback on the service I provided.
>
> https://spreadsheets.google.com/spreadsheet/viewform?formkey=dEVCVTdXNkdWZF9OWHZmdUgwbnZIaVE6MA

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On Wed, Nov 27, 2013 at 8:58 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:
Brad

I had to amend my leave slips for the last two weeks because I worked 2 8 hr days each week, unexpectedly. See attached.

Should I expect my leave to be adjusted by the next update to employee express, next Friday?

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: http://www.ncd.gov

---

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3629/6358 - Release Date: 11/22/13

(b) (5)

**From:** Robyn Powell <RPowell@ncd.gov>
**Date:** October 18, 2013, 11:02:33 AM EDT
**To:** Sylvia Jones <sjones@ncd.gov>, Rebecca Cokley <rcokley@ncd.gov>
**Subject: RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:**

Thank you Sylvia. The contractor originally submitted the invoice on September 5, 2013 and I approved and sent back to you on September 11, 2013.

Thanks for looking into this!

Robyn

---

**From:** Sylvia Jones
**Sent:** Friday, October 18, 2013 10:46 AM
**To:** Robyn Powell; Rebecca Cokley
**Cc:** Sylvia Jones
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

Robyn,

As you know, the financial analyst is responsible for payment of invoices and per Jeff on 9/27 the position was realigned under Rebecca supervisory purview. I'm teleworking today but as a courtesy I will check the files on Monday.

Also, I request that you tone down your emails to me and extend to me the same courtesy and respect that I have always given to you.

Thank you,
Sylvia

---

**From:** Robyn Powell
**Sent:** Friday, October 18, 2013 10:34 AM
**To:** Sylvia Jones; Rebecca Cokley
**Subject:** FW: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

Sylvia,

What is the status of this payment? Georgia Tech has made multiple inquiries.

Robyn

---

**From:** Rodriguez, Henry [mailto:Henry.Rodriguez@gtrc.gatech.edu]
**Sent:** Wednesday, October 02, 2013 3:21 PM
**To:** Sylvia Jones
**Cc:** Williams, Royanne; White, James D; Robyn Powell
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:
**Importance:** High

I am inquiring about payment status for attached invoice ?

NCD: 12274 :
Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:
Invoice # 484302
Billing period : 04/29/13
Fixed Price agreement
Amount : $15,000.00

Draft reports have been submitted "Final Report with NCD Revisions."

Thanks Kindly,

*Henry Rodriguez*
Accountant III/ Collections
Georgia Tech Research Corp
505 10th Street NW
Atlanta, GA. 30332
Office # 404-385-0449
FX : 404-404-385-2078
Cell # 404-(b) (6)
henry.rodriguez@gtrc.gatech.edu

---

**From:** Robyn Powell [mailto:RPowell@ncd.gov]
**Sent:** Thursday, September 26, 2013 11:28 AM
**To:** Rodriguez, Henry; Williams, Royanne
**Cc:** Sylvia Jones
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

Sylvia,

Please let GA Tech know of status.

Thanks,
Robyn

---

**From:** Rodriguez, Henry [mailto:Henry.Rodriguez@gtrc.gatech.edu]
**Sent:** Thursday, September 26, 2013 11:27 AM
**To:** Williams, Royanne
**Cc:** Carla Nelson; Robyn Powell
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

I am inquiring about payment status for attached invoice ?

NCD: 12274 :
Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:
Invoice # 484302
Billing period : 04/29/13
Fixed Price agreement
Amount : $15,000.00

Thanks Kindly,

*Henry Rodriguez*
Accountant III/ Collections
Georgia Tech Research Corp
505 10th Street NW
Atlanta, GA. 30332

Office # 404-385-0449
FX : 404-404-385-2078
Cell # 404-(b) (6)
henry.rodriguez@gtrc.gatech.edu

---

**From:** Williams, Royanne
**Sent:** Thursday, September 19, 2013 8:18 AM
**To:** Rodriguez, Henry
**Cc:** Carla Nelson; Robyn Powell
**Subject:** Re: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

Hello Henry,

Would you please send the attachment?

Thanks,

Royanne Williams
Accountant II
GEORGIA Institute
of TECH nology
Grants & Contracts Accounting
Ph: 404 385-8653
royanne.williams@business.gatech.edu

---

From: "Henry Rodriguez" <Henry.Rodriguez@gtrc.gatech.edu>
To: "Royanne Williams" <royanne.williams@business.gatech.edu>, "Robyn Powell" <RPowell@ncd.gov>
Cc: "Carla Nelson" <CNelson@ncd.gov>
Sent: Wednesday, September 18, 2013 10:12:40 AM
Subject: RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

I am inquiring about payment status for attached invoice ?

NCD: 12274 :
Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:
Invoice # 484302
Billing period : 04/29/13
Fixed Price agreement
Amount : $15,000.00

Thanks Kindly,

*Henry Rodriguez*
Accountant III/ Collections
Georgia Tech Research Corp
505 10th Street NW
Atlanta, GA. 30332
Office # 404-385-0449

FX : 404-404-385-2078
Cell # 404-(b) (6)
henry.rodriguez@gtrc.gatech.edu

---

**From:** Henry, Arlene R
**Sent:** Friday, September 13, 2013 8:49 AM
**To:** Williams, Royanne
**Cc:** Rodriguez, Henry
**Subject:** Fwd: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

fyi

Arlene Henry
Accountant III
GEORGIA Institute
of TECH nology
Office of Grants and Contracts Accounting
Research Administration Building
505 10th Street
Atlanta, GA 30332-0259
Phone: 404-894-6759
Fax: 404-894-5519

---

From: "Henry Rodriguez" <Henry.Rodriguez@gtrc.gatech.edu>
To: "Arlene R Henry" <arlene.henry@business.gatech.edu>
Cc: "'GC ASK' (gc.ask@business.gatech.edu)" <gc.ask@business.gatech.edu>
Sent: Wednesday, September 11, 2013 2:13:23 PM
Subject: FW: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

Final invoice for : GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:
RC896-484302

Please resubmit : NInvoices@ncd.gov.
Thanks Kindly,

*Henry Rodriguez*
Accountant III/ Collections
Georgia Tech Research Corp
505 10th Street NW
Atlanta, GA. 30332
Office # 404-385-0449
FX : 404-404-385-2078
Cell # 404-(b) (6)
henry.rodriguez@gtrc.gatech.edu

---

**From:** Robyn Powell [mailto:RPowell@ncd.gov]
**Sent:** Wednesday, September 04, 2013 5:06 PM
**To:** Rodriguez, Henry
**Cc:** NCD Invoices
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

Please submit the invoice to NCD Invoices NInvoices@ncd.gov.

---

**From:** Rodriguez, Henry [mailto:Henry.Rodriguez@gtrc.gatech.edu]
**Sent:** Wednesday, September 04, 2013 4:20 PM
**To:** Robyn Powell
**Cc:** Carla Nelson
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

Modification No. 003 extends the period of performance to 8/30/2013.
Final report submitted for approval :
NCD: 12274 :
Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:
Invoice # 484302
Billing period : 04/29/13
Fixed Price agreement
Amount : $15,000.00

Long story short, we have submitted the second draft report, which they are now reviewing. That process is supposed to be completed this week. Then I can submit "Final Report with NCD Revisions." I will not know how long that will take until I see what they did with the second review.

James White

James D. White, Ph.D.
Director of Communications Studies

Georgia Institute of Technology
Center for Advanced Communications Policy
500 Tenth Street, NW
Atlanta
Georgia 30332

Thanks Kindly,

*Henry Rodriguez*
Accountant III/ Collections
Georgia Tech Research Corp
505 10th Street NW
Atlanta, GA. 30332
Office # 404-385-0449
FX : 404-404-385-2078
Cell # 404-(b) (6)
henry.rodriguez@gtrc.gatech.edu

---

**From:** Robyn Powell [mailto:RPowell@ncd.gov]
**Sent:** Tuesday, July 02, 2013 11:53 AM
**To:** Rodriguez, Henry
**Cc:** Carla Nelson
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

No. the contract is being extended.

---

**From:** Rodriguez, Henry [mailto:Henry.Rodriguez@gtrc.gatech.edu]
**Sent:** Tuesday, July 02, 2013 11:52 AM
**To:** Robyn Powell
**Cc:** Carla Nelson
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

Have you received all the required deliverables associated to this last payment ?

NCD: 12274 :
Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:
Invoice # 484302
Billing period : 04/29/13
Fixed Price agreement
Amount : $15,000.00

Thanks Kindly,

*Henry Rodriguez*
Accountant II/ Collections
Georgia Tech Research Corp
505 10th Street NW
Atlanta, GA. 30332
Office # 404-385-0449
FX : 404-404-385-2078
Cell # 404-(b) (6)
henry.rodriguez@gtrc.gatech.edu

---

**From:** Robyn Powell [mailto:RPowell@ncd.gov]
**Sent:** Tuesday, June 18, 2013 3:34 PM
**To:** Rodriguez, Henry
**Cc:** Carla Nelson
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

The final draft, which this payment is attached to, has not been received.

---

**From:** Rodriguez, Henry [mailto:Henry.Rodriguez@gtrc.gatech.edu]
**Sent:** Tuesday, June 18, 2013 3:18 PM
**To:** Robyn Powell
**Cc:** Carla Nelson
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

I am inquiring about payment status for attached invoice ?

NCD: 12274 :
Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:
Invoice # 484302
Billing period : 04/29/13
Fixed Price agreement
Amount : $15,000.00

Thanks Kindly,

*Henry Rodriguez*
Accountant II/ Collections
Georgia Tech Research Corp
505 10th Street NW
Atlanta, GA. 30332
Office # 404-385-0449
FX : 404-404-385-2078
Cell # 404-(b) (6)
henry.rodriguez@gtrc.gatech.edu

---

**From:** Robyn Powell [mailto:RPowell@ncd.gov]
**Sent:** Wednesday, April 24, 2013 10:40 AM
**To:** Rodriguez, Henry; Carla Nelson
**Subject:** RE: GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

Hello,

I am unclear as to what your question is.

Thanks,
Robyn

Robyn M. Powell
National Council on Disability
Attorney Advisor
1331 F Street NW, Suite 850
Washington, DC 20004
rpowell@ncd.gov
202-236-9651

Get regular updates via NCD's Facebook page:
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http://twitter.com/NatCounDis

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**From:** Rodriguez, Henry [Henry.Rodriguez@gtrc.gatech.edu]
**Sent:** Wednesday, April 24, 2013 10:34 AM
**To:** Robyn Powell; Carla Nelson
**Subject:** GTRC : NCD: 12274 : Title: EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES:

**Title:** EFFECTIVE COMMUNICATIONS FOR PEOPLE WITH DISABILITIES: BEFORE, DURING AND…

This modification extends the POP to 5/30/13 and revises billing and deliverables
$15,000.00 after submission of initial draft and approval . 04/08/13

478040- $ 15,000.00 – dated Feb. 25th .

Thanks Kindly,

*Henry Rodriguez*
Accountant II/ Collections
Georgia Tech Research Corp
505 10th Street NW
Atlanta, GA. 30332
Office # 404-385-0449
FX : 404-404-385-2078
Cell # 404-(b) (6)
henry.rodriguez@gtrc.gatech.edu

--

**Lisa Gilmore**
**Human Resources Specialist (Employee Relations)**
**Washington Area Operations Center**
**Employee Relations Branch-CPWA**
**301 7th Street, S.W., Room 1022**
**Washington, DC 20407**
**202-205-4929 Desk**
**202-(b) (6) Mobile Phone**
**202-708-5377 fax**

From: Jeff Rosen <jrosen@ncd.gov>
To: Matt Conrad - CB
Date: 9/27/2013 11:23:00 AM
Subject: RE: FY14 SLA- NCD

---

Thanks Matt. I will sign, scan and email you a copy of the signature page (page 13) at 3 pm eastern today barring any comments from Sylvia prior to that time.

Just to clarify, GSA does not need me to email any of the other pages? Further, you dont need me to complete the NCD information on page 10 at this time? In terms of the authorized NCD POC, everything should remain as is from the previous agreement.

Appreciate it.

-Jeff

---

**From:** Matt Conrad - CB <matthew.conrad@gsa.gov>
**Sent:** Friday, September 27, 2013 11:15 AM
**To:** Jeff Rosen
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** FY14 SLA- NCD

Mr. Rosen,

Per your email below:

Matt -

Just so we have everything lined up for the timely execution of the document on Monday morning, please list the exact information and signatures needed from NCD. Do you need a hard copy or will an electronic send of a scanned copy suffice? If you need a hard copy, I can come to GSA Mondaymorning to execute.

Thanks for the specific instructions.

-Jeff
Whatever is easier for you. A signed, scanned and emailed copy will work. The only signature required is yours. Please let me know if that is okay with you.
Than you.

--
Matt Conrad
Agency Liaison Division
Office of the Chief People Officer
U.S. General Services Administration
(202) 690-8906 desk
(202) 770-8731 mobile

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From: Jeff Rosen <jrosen@ncd.gov>
To: Rebecca Cokley
Date: 9/25/2013 10:56:02 AM
Subject: RE: (b) (6) [redacted]

---

Rebecca - Its my strong preference that you handle this issue upon your return to have an in person handling of the matter and any follow up. Is that possible? If so, that's what I would like to do. -Jeff

(b) (6) [redacted]

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/24/2013 4:58:48 PM
Subject: FW: DIRECT ORDER: RESPOND TO GARY BY 9/26

---

**From:** Sylvia Jones
**Sent:** Tuesday, September 24, 2013 3:26 PM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley; Sylvia Jones
**Subject:** RE: DIRECT ORDER: RESPOND TO GARY BY 9/26

Jeff,

This email is a clear indication of harassment and this is my final request for you to cease and desist sending any further communications to me on contracts, modifications, cooperative agreements, budget and finance, etc.

The matter for which you are issuing me an unlawful direct order was addressed when I responded to Gary Blumenthal via his government email at 10:30 a.m. today, September 24, 2013.

As mentioned earlier...pursuant to NCD Authorizing Statutue and the NCD Bylaws, the NCD Chair is not authorized to supervise office staff; nor is the NCD Chair responsible for managing the day to day operations of the office. Per the statutue and the bylaws, the chairperson is responsible for the appointment, supervision, and at his/her discretion, **removal** of the Executive Director. You are not my supervisor and by law you are not authorized to give me a direct order therefore I again request that you cease and desist from sending me harrassing email communications as it is affecting my disabilities and if it continues I will be contacting the Federal Protective Service (FPS) for intimidation tactics and bullying in the workplace.

If you have any questions in the absence of the NCD General Counsel please contact GSA.

Sylvia

---

**From:** Jeff Rosen
**Sent:** Tuesday, September 24, 2013 1:50 PM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley
**Subject:** DIRECT ORDER: RESPOND TO GARY BY 9/26

Sylvia,

I regret that I must again resort to giving you a direct order. Failure to follow this order can result in disciplinary action.

You are to contact Mr. Blumenthal by COB September 26, 2013 and provide him with information on how the administrative support for the NCD meeting in Kansas scheduled for October is to be funded. You are to provide him all the timely assistance he requires to arrange for this support.

-Jeff

From: Jeff Rosen <jrosen@ncd.gov>
To: Sylvia Jones
Date: 9/24/2013 1:50:24 PM
Subject: DIRECT ORDER: RESPOND TO GARY BY 9/26

---

Sylvia,

I regret that I must again resort to giving you a direct order. Failure to follow this order can result in disciplinary action.

You are to contact Mr. Blumenthal by COB September 26, 2013 and provide him with information on how the administrative support for the NCD meeting in Kansas scheduled for October is to be funded. You are to provide him all the timely assistance he requires to arrange for this support.

-Jeff

NON-RESPONSIVE

NON-RESPONSIVE

NON-RESPONSIVE

NON-RESPONSIVE

From: Jeff Rosen <jrosen@ncd.gov>
To: Stacey Brown
Date: 9/24/2013 8:01:16 AM
Subject: FW: URGENT NCD directive to Ms. Menifee

---

Stacey -

Please print this email in full and place it under Sylvia's door.

Thank you.

-Jeff

---

**From:** Jeff Rosen
**Sent:** Monday, September 23, 2013 3:20 PM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley
**Subject:** URGENT NCD directive to Ms. Menifee

Sylvia,

Your decision to stop reading emails or taking phone calls until September 25, 2013 is a gross neglect of your duty and will not be tolerated. I consider this to be a failure to perform the basic functions of your job. You are hereby directed to continue to read and respond to emails and telephone calls effective immediately. Failure to follow this direct order may lead to disciplinary action up to and including removal.

-Jeff

(b) (2)

(b) (2)

(b) (2)

(b) (2)

(b) (2)

(b) (2)

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/30/2013 9:02:44 AM
Subject: FW: Office Issue...

(b) (2)

**From:** Jeff Rosen
**Sent:** Wednesday, March 13, 2013 12:15 PM
**To:** Sylvia Menifee
**Subject:** RE: Office Issue...

Sylvia -

I appreciate your raising this issue in writing, its important to memorialize these incidents.

On February 13th I spoke with Julie Carroll about the issue. I said that NCD has a strict policy prohibiting any consumption of alcohol on government property or during official government time.

Julie informed me that Aaron Bishop offered the idea at the close of his last day as the NCD Executive Director. It was said only a very modest amount of alcohol was consumed. Based on Aaron being the head of the agency staff and the nature of the circumstances, I repeated the strict prohibition against any alcohol consumption and said that it must never happen.

I am aware of the NCD Administrative Manual and considered its provisions at that time.

Please let me know if HR deems that any further action is warranted at this time.

Thanks.

-Jeff

**From:** Sylvia Menifee
**Sent:** Wednesday, March 13, 2013 9:38 AM
**To:** Jeff Rosen
**Subject:** Office Issue...

Jeff,

On February 12, I informed you about an act of misconduct involving staff drinking alcohol on duty in the office. During a conversation with HR regarding the computer issue, they inquired as to what action has been taken, however I could not provide a response. Please let me know if I should take the issue up through Julie, who it was reported was a participant **or** Joan, who it was reported was an observer for a status update. Please advise…

**Below is the applicable GSA regulation for the offense.**

**Federal Management Regulation, Subpart C - Real Property**

**§102-74.405—What is the policy concerning the use of alcoholic beverages?**

Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.

***Sylvia Menifee***
Director of Administration
National Council on Disability
1331 F Street, NW, Suite 850
Washington, DC 20004
Ph: 202-272-2113
Fax: 202-272-2022
smenifee@ncd.gov

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(b) (2)

(b) (2)

(b) (2)

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Anthony E Speights - CPW
Date: 9/24/2013 11:38:12 AM
Subject: RE: Administrative Issues

---

Yes, checking about interpreter availability.

Does GSA have staff interpreters?

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Tuesday, September 24, 2013 11:37 AM
**To:** Anthony E Speights - CPW
**Cc:** Jeff Rosen; David Allen - WPG-C; Rebecca Cokley
**Subject:** Re: Administrative Issues

Thanks Anthony,

Jeff maybe I can see you briefly before you all meet?

On Tue, Sep 24, 2013 at 11:15 AM, Anthony E Speights - CPW <anthony.speights@gsa.gov> wrote:

> Jeff,
>
> I am available to meet Thursday at 2:30 p.m. We can meet in room 1007. Thanks
>
> On Tue, Sep 24, 2013 at 9:01 AM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
> > Thank you Anthony.
> >
> > Would you be available to meet this Thursday anytime between 1 to 3 at GSA?
> >
> > Appreciate it.
> >
> > -Jeff
> >
> > ---
> >
> > **From:** Anthony E Speights - CPW <anthony.speights@gsa.gov>
> > **Sent:** Tuesday, September 24, 2013 8:37 AM
> > **To:** Jeff Rosen
> > **Cc:** David Allen - WPG-C; Lisa Brown-Gilmore - CPWA
> > **Subject:** Administrative Issues
> >
> > Good morning Jeff,
> >
> > I would like to introduce myself. I am your point of contact for human resources staffing issues. Please contact me and we can move forward on your concerns regarding your agency's organization structure. Thanks
> >
> > --
> > Anthony E. Speights
> > Human Resources Specialist
> > General Services Administration

Office of the Chief People Officer
Presidential Commissions and Boards
301 7th Street SW
Washington DC 20407
Office: (202) 708-0090
Mobile: (202) (b) (6)
anthony.speights@gsa.gov

--

Anthony E. Speights
Human Resources Specialist
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--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax

https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJIr0/viewform

(b) (5)

(b) (5)

(b) (5)

(b) (6)

From: Jeff Rosen <jrosen@ncd.gov>
To: David Allen - WPG-C
Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
Date: 9/17/2013 7:04:48 PM
Subject: FW: June Travel Voucher

---

fyi

---

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Tuesday, September 17, 2013 7:00 PM
(b) (6)
**Cc:** Rebecca Cokley; Jeff Rosen
**Subject:** Re: June Travel Voucher

I spoke with Sylvia. I am unsure of the resolution. I believe we can pay you with last Fy 13 after Sept 30 if she does not process. She did not confirm and faulted members for late turn ins. I will raise again during A&f call Wed morning.

On Sep 16, 2013 8:44 PM, "Stephanie Orlando" <SOrlando@ncd.gov> wrote:

> Thank you both.
>
> (b) (6)
> Member, National Council on Disability
> www.ncd.gov
>
> On Sep 16, 2013, at 8:15 PM, "Gary Blumenthal" <garyblumenthal@addp.org> wrote:
>
> Will do.
>
> On Mon, Sep 16, 2013 at 7:37 PM, Rebecca Cokley <rcokley@ncd.gov> wrote:
>
> > Gary
> >
> > Can you check on this as a & f chair? Thanks.
> >
> > RC
> >
> > Sent from my iPhone
> >
> > On Sep 16, 2013, at 5:10 PM (b) (6) te:
> >
> > Hi Becca,
> >
> > I apologize for taking up your time with this matter and for being so late with my travel vouchers. It was due to the larger problem I had of over booking my summer duties.
> >
> > I am emailing because I got in my vouchers by monday Morning as requested by Sylvia on Friday. Now Sylvia is making it seem like there will not be time to process them and for me to get reimbursed. That seems odd to me as we have the money and the fiscal year is not closed yet.
> >
> > I know I am submitting a whole quarters worth of travel at once and this situation is my own doing. You had sent me a request a couple of weeks ago to get them in. I didn't know of a firm deadline with GSA until Sylvia emailed me on friday stating I missed it.
> >
> > Please let me know if it is likely that these will not be processed and I will not be reimbursed.
> >
> > Again, my sincerest apologies for creating this issue.
> >
> > Thank you,
> > (b) (6)
> >
> > ---
> >
> > **From:** Sylvia Jones
> > **Sent:** Monday, September 16, 2013 12:54 PM
> > **To:** (b) (6)
> > **Subject:** June Travel Voucher
> >
> > (b) (6)
> > Attached is your June 2-4 travel voucher for review and signature. The net amount of your voucher is **$219.54**. Please initial block #12 (traveler's initials); sign and date block #13 and return to me.
> >
> > Please note that travel vouchers for FY-13 were due to GSA last week therefore please sign and return to me asap before the cob today. Also note that I may not have time to process your July and August vouchers due to lateness as I am running out of time.
> >
> > Thank you,
> > Sylvia Jones (nee-Menifee)

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/30/2013 9:13:06 AM
Subject: FW: Office Tension

---

Im forwarding this email which was referenced in Sylvias email I just sent to you.

---

**From:** Julie Carroll
**Sent:** Wednesday, February 27, 2013 9:06 AM
**To:** Sylvia Menifee; Carla Nelson; Stacey Brown
**Cc:** Jeff Rosen; Joan Durocher
**Subject:** Office Tension

Hello,
I am aware that there is substantial tension in the Administration Department. I have discussed it with Jeff and Joan. We will be seeking services to help us all work through this as soon as possible.
In the meantime, I request that all of you do what you can to alleviate some of the tension. We will work through this.Thank you.
Julie

(b)(2) // (b)(5)

(b)(2) // (b)(5)

[redacted]

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**From:** "Jeff Rosen" <jrosen@ncd.gov>
**To:** "Sylvia Jones" <sjones@ncd.gov>, "Marina Gelles" <mgelles@devis.com>
**Cc:** "Anne Sommers" <ASommers@ncd.gov>, "Gary Blumenthal" <GBlumenthal@ncd.gov>, "Rebecca Cokley" <rcokley@ncd.gov>, "Jake Stone" <jstone@devis.com>
**Sent:** Friday, September 27, 2013 3:55:33 PM
**Subject:** RE: NCD contract extension with DEVIS

Marina -

I will follow up with you on this matter. Thank you for your willingness to work with us.

-Jeff

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**From:** Sylvia Jones
**Sent:** Friday, September 27, 2013 3:48 PM
**To:** Jeff Rosen; Marina Gelles
**Cc:** Anne Sommers; Gary Blumenthal; Rebecca Cokley; Jake Stone; Sylvia Jones
**Subject:** RE: NCD contract extension with DEVIS

Hello Marina,

Per our conversation today...As the NCD Director of Administration I cannot process a contract modification and/or create a financial obligation using appropriated funds for this project beyond September 30, 2013.

Per my conversation with Anne Sommers on yesterday, she stated that "she has discussed this matter with Jake Stone." If you have any questions or require futher assistance, please contact Anne Sommers or Jeff Rosen directly.

Have a good weekend!

Sylvia

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**From:** Jeff Rosen
**Sent:** Tuesday, September 24, 2013 11:29 AM
**To:** Marina Gelles
**Cc:** Anne Sommers; Gary Blumenthal; Rebecca Cokley; Sylvia Jones; Jake Stone
**Subject:** RE: NCD contract extension with DEVIS

Marina -

I have signed the Memorandum and provided it to the NCD Director of Administration for processing.

You should hear back from NCD staff shortly. Please do not hesitate to contact us with any further inquiries.

Thank you.

-Jeff

(b)(2) // (b)(5)

[redacted]

(b)(2) // (b)(5)

(b)(2) // (b)(5)

(b)(2) // (b)(5)

From: Jeff Rosen <jrosen@ncd.gov>
To: Scott Royster - BCED
Date: 9/27/2013 4:18:56 PM
Subject: RE: Help from GSA for NCD

As a last note, it is urgent that NCD receives procurement and temp support. Thank you for helping us make it happen asap.
-Jeff

**From:** Jeff Rosen
**Sent:** Thursday, September 26, 2013 9:01 PM
**To:** Scott Royster - BCED
**Cc:** Gary Blumenthal; David Allen - WPG-C; Lisa Brown-Gilmore - CPWA; scott.royster@gsa.gov; Rebecca Cokley; Vickie Jones; Michael Swanchara - BC; Marisa Quinlivan; Julianne White; Michele R. Nokes
**Subject:** RE: Help from GSA for NCD

Thanks Scott.

(b) (5)

[redacted]

Rebecca as the agency ED is in the process of receiving training to become the agency procurement/contracting officer. We have contacted GSA to receive an estimate to provide us with procurement support and we would appreciate your help in putting into place an agreement with GSA for that service.

It is our intent to keep Sylvia performing the full scope of her responsibilities. She would keep track of the funding being obligated. However she has refused on a number of occasions to assist with preparing the appropriate documents. She also has other conduct issues which GSA HR is assisting us with. In light of the ongoing issues with her and the possibility she will be unavailable for a variety of reasons, we would like to have a temporary staff person as a back up. You've indicated before that you could help us procure someone, we would like that person onboard asap. This temp would help ensure that NCD has timely financial document preparation and obligation reporting in the event Sylvia becomes unavailable for any significant period of time.

GSA's role would be to establish controls around the process, advise us about the proper procedures, keep us informed about our financial status and assist with various questions as you have done recently. This role would be temporary until NCD fills the two financial positions who are then trained by GSA.

Appreciate it.

-Jeff

**From:** Scott Royster - BCED <ronald.royster@gsa.gov>
**Sent:** Thursday, September 26, 2013 5:41 PM
**To:** Jeff Rosen
**Cc:** Gary Blumenthal; David Allen - WPG-C; Lisa Brown-Gilmore - CPWA; scott.royster@gsa.gov; Rebecca Cokley; Vickie Jones; Michael Swanchara - BC; Marisa Quinlivan; Julianne White; Michele R. Nokes
**Subject:** Re: Help from GSA for NCD

Jeff, Gary,

I think all of these things fall within the scope of your current interagency agreements with GSA. My office can clearly help you in monitoring your FY13 and FY14 funding and the status of financial actions. We can also serve as a resource to help you in clarifying financial policy and/or direct you to the authoritative source.

As you stated below, NCD will have to maintain the responsibility for operating and procurement decisions, approving expenditures, signing obligating documents, etc. We can help you track and maintain your current financial position, as long as we know what funding is being obligated. You will need someone who can continue to prepare documents for the agency. We can provide the training and assistance necessary for coding the documents appropriately. We can also help you establish a method of tracking approved obligations and monitoring those against your budget.

For procurement activities (not show who your procurement/contracting officer is today), we can work with other GSA offices to help you through procurement activities. We have some offices that can do procurement work and/or provide you with the appropriate procurement policies that must be followed. My office can not do the procurements on your behalf as we do not have a contracting officer/procurement specialist in place.

Is your intent to remove Sylvia from the process or just to establish controls around the process and advise on the correct procedures that need to be followed? If you are going to remove her from the process, they you may want to get a temporary staff person who can process documents. We can assist you in providing oversight and direction, but you will need an on-site person who can keep things moving along.

The other emails today are perfect examples of how we can provide assistance to ensure the proper rules are being followed. Is this what you had in mind until you can hire a permanent resource and get them trained?

Scott

R. Scott Royster
Chief, External Services Branch (BCED)
Financial and Payroll Services Division (BCE)
Office of the Chief Financial Officer
General Services Administration
Phone 816-926-5072
Cell 816-(b) (6)
scott.royster@gsa.gov or ronald.royster@gsa.gov

On Tue, Sep 24, 2013 at 8:31 PM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Gary -
>
> Thanks for following up with GSA on this.
>
> (b) (5)
>
> [redacted]

(b) (5) [redacted]

[redacted]

[redacted]

- [redacted]

(b) (5) [redacted]

[redacted]

Thanks.

-Jeff

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**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Tuesday, September 24, 2013 4:05 PM
**To:** Jeff Rosen; David Allen - WPG-C; Lisa Brown-Gilmore - CPWA
**Cc:** scott.royster@gsa.gov
**Subject:** Help from GSA for NCD

Jeff,

I have spoken with Scott Royster at GSA Kansas City. GSA is willing to assist us, however we need to explain and list in detail the functions we want them to perform. They are also willing to train any additional personnel we bring on, such as the financial analyst and they will help us procure a temp if we choose that route, however they need us to understand the limitations of what a temp may perform. Some duties cannot be given to a contractor or temp, however if we vest those duties in the executive director we may be able to proceed. I have discussed procurements, timekeeping and contractual problems we are having with the incumbent.

Can you or David or Lisa assist me in how we should respond to Scott's kind offer of assistance?

Thank you.

Gary

From: Jeff Rosen <jrosen@ncd.gov>
To: Sylvia Jones
Matt Conrad - CB
Date: 9/27/2013 11:34:46 AM
Subject: RE: FY14 SLA- NCD

Slyvia - GSA's deadline in its earlier email on this was yesterday, September 26th. We will not risk critical adminstrative support from GSA of NCD's agency operations by waiting until Monday. We appreciate your making the review of the 13 pages a priority by 3 pm today.
-Jeff

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**From:** Sylvia Jones
**Sent:** Friday, September 27, 2013 11:30 AM
**To:** Jeff Rosen; Matt Conrad - CB
**Cc:** Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal; Sylvia Jones
**Subject:** RE: FY14 SLA- NCD

Matt,

I think we should stick with the original deadline of Monday, Sept 30 in order to allow me sufficient time to thoroughly review the SLA.

Sylvia

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**From:** Jeff Rosen
**Sent:** Friday, September 27, 2013 11:22 AM
**To:** Matt Conrad - CB
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** RE: FY14 SLA- NCD

Thanks Matt. I will sign, scan and email you a copy of the signature page (page 13) at 3 pm eastern today barring any comments from Sylvia prior to that time.

Just to clarify, GSA does not need me to email any of the other pages? Further, you dont need me to complete the NCD information on page 10 at this time? In terms of the authorized NCD POC, everything should remain as is from the previous agreement.

Appreciate it.

-Jeff

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**From:** Matt Conrad - CB <matthew.conrad@gsa.gov>
**Sent:** Friday, September 27, 2013 11:15 AM
**To:** Jeff Rosen
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** FY14 SLA- NCD

Mr. Rosen,

Per your email below:

Matt -

Just so we have everything lined up for the timely execution of the document on Monday morning, please list the exact information and signatures needed from NCD. Do you need a hard copy or will an electronic send of a scanned copy suffice? If you need a hard copy, I can come to GSA Mondaymorning to execute.

Thanks for the specific instructions.

-Jeff
Whatever is easier for you. A signed, scanned and emailed copy will work. The only signature required is yours. Please let me know if that is okay with you. Than you.

--
Matt Conrad
Agency Liaison Division
Office of the Chief People Officer
U.S. General Services Administration
(202) 690-8906 desk
(202) 770-8731 mobile

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This email and any attachments contain confidential and legally privileged information. The information is intended only for the use of the individual or entity to whom it is addressed. Please do not forward this message without permission. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return mail and delete and destroy the original email message, and any attachments thereto and all copies thereof.

From: Jeff Rosen <jrosen@ncd.gov>
To: Kamilah Martin-Proctor
Lynnae Ruttledge
Stephanie Orlando
Clyde Terry
Clyde Terry
Gary Blumenthal
garyblumenthal@addp.org
Date: 10/24/2013 12:07:26 PM
Subject: RE: Follow up ...

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Kamilah - I've been advising others the same, to keep a sense of balance about this. Maybe I'm missing something but I dont see this as our fault. Regardless, I appreciate everyones sense of commitment and duty in public service. But boy, what a LOT of unexpected work for everyone, that part I'm not so good about & have thought about in terms of how to proactively do things so that this type of circumstance is less likely to occur in the future.... When ready, could someone provide me a draft email to send out to the Council about the special session. Thanks! And heck yes, I've got on tap a company function later today. Wish could do same for this group, we do have other things going on rather than managing this 24/7. -Jeff _____ From: Kamilah Martin-Proctor Sent: Thursday, October 24, 2013 11:55 AM To: Lynnae Ruttledge; Jeff Rosen; Stephanie Orlando; Clyde Terry; Clyde Terry; Gary Blumenthal; garyblumenthal@addp.org Cc: Rebecca Cokley; Lisa Brown-Gilmore - CPWA Subject: RE: Follow up ... Thank You Jeff, I know we are both happy to serve to help us get back on track but with all the tension we may also think about taking everyone out for a beer. (You gotta laugh) I agree with Lynnae's assessment - Yes please let the council as a whole know that we are planning a special session to debrief on these issues for Nov.4-8 , but have to make sure we follow all necessary protocol regarding conniving a meeting under the sunshine act. We may also ask them if there is anything they would like addressed. We can incorporate that into the meeting and it might help the meeting move faster if we have their questions ahead of time., (b) (6) [redacted] Kamilah O. Martin-Proctor Co-Vice Chair / Council Member National Council on Disability 1331 F Street, NW, Suite 850 Washington, DC 20004 Ph: 202-272-2004 Fax: 202-272-2022 TTY: 202-272-2074 http://www.ncd.gov CONFIDENTIALITY NOTICE: The information contained in this electronic correspondence is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited without express permission. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you. The information contained herein does not reflect any official position or statement of the Members or staff of the National Council on Disability (NCD). _____ From: Lynnae Ruttledge Sent: Thursday, October 24, 2013 10:01 AM To: Jeff Rosen; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Gary Blumenthal; garyblumenthal@addp.org Cc: Rebecca Cokley; Lisa Brown-Gilmore - CPWA Subject: Follow up ... Hello Jeff: I respect how stressful and time consuming all this is on you as Chair, on all of us as members and on the staff. We will get through it together but it's certainly not how any of us envisioned investing our time and energy for the important policy work of NCD. In response to your highlighted areas below: 1) I believe it is important to make the announcement today that we will be convening a special session of the Board and that specifics will be forthcoming. We need to clarify with Brenda West (GSA legal counsel) how to characterize the meeting (and be

able to reference the specific exemptions under the Sunshine Act) and the scope of what can be discussed. Given that we have to post the notice in the Federal Register, the timing of the meeting is likely to be approximately 7 days after we submit the posting. I've asked Kamilah to reach to Brenda West to set up a call with her for Monday or Tuesday so we'll have definitive information to share during our Exec Comm call. ** QUESTION: do we want to set the date/time now? do we want to offer options for alternative days/times? do we want to shorten the timeframe by stating an emergency and just recognize we may need to sustain a challenge if one is lodged? 2) I will send Rebecca and Gary a copy of my expenses forms from the Sept. CRPD meeting. I hand delivered my request for reimbursement for the July meeting expenses and will have to check when I get home to see if I have a copy. I don't have salary hours to be paid. 3) I agree that it is imperative to receive in writing from Sylvia the specifics on the fraud allegations. Lynnae _____ From: Jeff Rosen Sent: Thursday, October 24, 2013 5:57:42 AM To: Lynnae Ruttledge; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Gary Blumenthal; garyblumenthal@addp.org Cc: Rebecca Cokley; Lisa Brown-Gilmore - CPWA Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan Please find attached & copied below a revised draft plan with several significant edits which I will walk through and ask for your input on several highlighted points. Co-vice chairs Kamilah and Lynnae will facilitate the special meeting of the Council. They have already started this work. I will take a very light hand in this proceeding to make sure that this is free from any perception of bias. Along those lines, Rebecca and I will ask the EC for input on some administrative decisions that we ordinarily make, again to ensure that these decisions are free of any perceptions of bias. Members have contacted me, and I'm sure you as well, about their concerns about being in the dark and wanting to know more how they can respond to the allegations of racism and disability discrimination. Should we announce to members today the plans for a special session or wait until next week? I have added a bullet on a staff meeting about HR, EEO & Whistleblowing laws and procedures. GSA will soon issue a solicitation for a temporary financial analyst contractor until that position is filled. The turnaround time is expected to be about a week so we are looking the first week of November to onboard the contractor. The contractor will address the backlog of invoices and reimbursements. However, we need action today about collecting member time cards and checking into the status of unpaid member salary. I recommend that we ask Rebecca to work with Gary in following up asap. Several members have asked me about this and we are obligated to respond today. Sylvia has represented to the auditors that NCD engaged in fraud. I asked Gary to share with the A&F Committee to make them aware and to follow up in collecting information to address any operational deficiencies. I have added a bullet about that. I recommend that the A&F Committee promptly schedule a meeting and request from Sylvia to provide them, in writing, information about the represented inappropriate financial operations. There is also a new bullet about updating personnel records. Anne has been awaiting GSA action on a federal personnel form for some time now. We need to ensure that staff performance evaluations are complete and that their performance plan in the new FY are also complete. -Jeff DRAFT October 23, 2013 NCD Organizational Needs Action Plan Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD’s Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items. Objective #1: Provide support for the Executive Director. Action items: • Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. The contractor will also assist the Executive Director with HR issues, staff communications and morale, and organizational development needs. Rebecca to provide a scope of work for the contractor. Objective #2: Provide support for the NCD staff and enhance their workplace. Action items: •

Rebecca and Lisa will develop options for our consideration. • Rebecca will disseminate a new organizational chart and specifically identify to the Council members and staff the scope of responsibilities and duties of each department manager. • Rebecca will meet with staff to inform them about HR, EEO and Whistleblowing processes and the resources available to them. Objective #3: Provide support for NCD's financial management Action items: • Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor. • Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca. • Work with the auditors of NCD. Gary will work with staff & the A&F Committee on this. • Investigate allegations of inappropriate financial operations. Gary will work with staff & the A&F Committee on this. • Fill the financial analyst position and advertise the Administrative Support position. Objective #4: Resolve pending administrative needs Action items: • Handle the EEO complaint. GSA is providing support. • Address the MSPB claim. Staff is working on it with GSA. • Complete the FOIA request. Janni and staff are working on it with GSA. • Get an update on the status of the Legislative position hire. Rebecca to obtain from staff. • Ensure that all staff records are up to date and complete. Rebecca to handle and report to the Executive Committee. Objective #5: Convene a special meeting of the Council to discuss workplace concerns. Action items: • Co-vice chairs Kamilah and Lynnae will facilitate the meeting with the support of past vice chair Janni. • Seek counsel from GSA legal and HR about the parameters of that meeting. _____ From: Lynnae Ruttledge Sent: Wednesday, October 23, 2013 9:55 AM To: Jeff Rosen; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Gary Blumenthal; garyblumenthal@addp.org Cc: Rebecca Cokley; Lisa Brown-Gilmore - CPWA Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan Thanks Jeff. While it's not a problem area, to provide balance and keep everyone in the communication loop, it would be helpful to add the status of filling the Legislative analyst position as well. Does that make sense? Lynnae _____ From: Jeff Rosen Sent: Wednesday, October 23, 2013 4:50:54 AM To: Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org Cc: Rebecca Cokley; Lisa Brown-Gilmore - CPWA Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan I have attached and copied below a revised draft action plan based on your input to date. I also added an item regarding the audit. Please continue to help provide feedback on the draft. Rebecca, please provide us in advance of the EC meeting the options to address the second objective, support for NCD staff & enhancing the workplace. Thanks. -Jeff DRAFT October 22, 2013 NCD Organizational Needs Action Plan Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items. Objective #1: Provide support for the Executive Director. Action items: • Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. The contractor will also assist the Executive Director with HR issues, staff communications and morale, and organizational development needs. Rebecca to provide a scope of work for the contractor. Objective #2: Provide support for the NCD staff and enhance their workplace. Action items: • Rebecca and Lisa will develop options for our consideration. • Rebecca will disseminate a new organizational chart and specifically identify to the Council members and staff the scope of responsibilities and duties of each department manager. Objective #3: Provide support for NCD's financial management Action items: • Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor. • Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca. • Work with the auditors of NCD. Gary will work with staff & the A&F

Committee on this. • Fill the financial analyst position and advertise the Administrative Support position. Objective #4: Resolve pending administrative needs Action items: • Provide support for the EEO complaint. Jeff is working on it with GSA. • Address the MSPB claim. Rebecca and Robyn are working on it with GSA. • Complete the FOIA request. Robyn and Janni are working on it with GSA. Objective #5: Respond to request for an Executive Session of the Council. Action items: • The Executive Committee assigns a member to help set up that meeting.
_____ From: Jeff Rosen Sent: Tuesday, October 22, 2013 9:35 AM To: Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org Cc: Rebecca Cokley; Lisa Brown-Gilmore - CPWA Subject: FOR YOUR ACTION: NCD Organizational Needs Action Plan As I indicated, to assist us with preparation in advance of our Executive Committee meeting, I have started a draft of a plan of action (attached and copied below) which identifies current organizational objectives and the action items needed to achieve them Please provide your input. Feel free to edit the draft document and circulate to the group your revisions. Thanks. -Jeff DRAFT October 22, 2013 NCD Organizational Needs Action Plan Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items. Objective #1: Provide support for the Executive Director. Action items: • Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. Rebecca to provide a scope of work for the contractor. Objective #2: Provide support for the NCD staff and enhance their workplace. Action items: • Rebecca and Lisa will develop options for our consideration. • Retain an on-site contractor to assist with HR issues, staff communications and morale, and organizational development needs. Rebecca and Lisa to provide a scope of work for the contractor. Objective #3: Provide support for NCD's financial management Action items: • Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor. • Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca. • Fill the financial analyst position and advertise the Administrative Support position. Objective #4: Resolve pending administrative needs Action items: • Provide support for the EEO complaint. Jeff is working on it with GSA. • Address the MSPB claim. Rebecca and Robyn are working on it with GSA. • Complete the FOIA request. Robyn and Janni are working on it with GSA. Objective #5: Respond to request for an Executive Session of the Council. Action items: • The Executive Committee assigns a member to help set up that meeting.

From: Jeff Rosen <jrosen@ncd.gov>
To: Lynnae Ruttledge
Kamilah Martin-Proctor
Stephanie Orlando
Clyde Terry
Clyde Terry
Gary Blumenthal
garyblumenthal@addp.org
Date: 10/24/2013 8:57:42 AM
Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan
Attachments: DRAFT NCD Action Plan.docx

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Please find attached & copied below a revised draft plan with several significant edits which I will walk through and ask for your input on several highlighted points.

Co-vice chairs Kamilah and Lynnae will facilitate the special meeting of the Council. They have already started this work. I will take a very light hand in this proceeding to make sure that this is free from any perception of bias. Along those lines, Rebecca and I will ask the EC for input on some administrative decisions that we ordinarily make, again to ensure that these decisions are free of any perceptions of bias.

Members have contacted me, and I'm sure you as well, about their concerns about being in the dark and wanting to know more how they can respond to the allegations of racism and disability discrimination. **Should we announce to members today the plans for a special session or wait until next week?**

I have added a bullet on a staff meeting about HR, EEO & Whistleblowing laws and procedures.

GSA will soon issue a solicitation for a temporary financial analyst contractor until that position is filled. The turnaround time is expected to be about a week so we are looking the first week of November to onboard the contractor. The contractor will address the backlog of invoices and reimbursements. **However, we need action today about collecting member time cards and checking into the status of unpaid member salary**. I recommend that we ask Rebecca to work with Gary in following up asap. Several members have asked me about this and we are obligated to respond today.

Sylvia has represented to the auditors that NCD engaged in fraud. I asked Gary to share with the A&F Committee to make them aware and to follow up in collecting information to address any operational deficiencies. I have added a bullet about that. **I recommend that the A&F Committee promptly schedule a meeting and request from Sylvia to provide them, in writing, information about the represented inappropriate financial operations.**

There is also a new bullet about updating personnel records. Anne has been awaiting GSA action on a federal personnel form for some time now. We need to ensure that staff performance evaluations are complete and that their performance plan in the new FY are also complete.

-Jeff

DRAFT

October 23, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of

key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

Objective #1: Provide support for the Executive Director.

Action items:

Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. The contractor will also assist the Executive Director with HR issues, staff communications and morale, and organizational development needs. Rebecca to provide a scope of work for the contractor.

Objective #2: Provide support for the NCD staff and enhance their workplace.

Action items:

Rebecca and Lisa will develop options for our consideration.
Rebecca will disseminate a new organizational chart and specifically identify to the Council members and staff the scope of responsibilities and duties of each department manager.
Rebecca will meet with staff to inform them about HR, EEO and Whistleblowing processes and the resources available to them.

Objective #3: Provide support for NCD's financial management

Action items:

Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.
Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.
Work with the auditors of NCD. Gary will work with staff & the A&F Committee on this.
Investigate allegations of inappropriate financial operations. Gary will work with staff & the A&F Committee on this.
Fill the financial analyst position and advertise the Administrative Support position.

Objective #4: Resolve pending administrative needs

Action items:

Handle the EEO complaint. GSA is providing support.
Address the MSPB claim. Staff is working on it with GSA.
Complete the FOIA request. Janni and staff are working on it with GSA.
Get an update on the status of the Legislative position hire. Rebecca to obtain from staff.
Ensure that all staff records are up to date and complete. Rebecca to handle and report to the Executive Committee.

Objective #5: Convene a special meeting of the Council to discuss workplace concerns.

Action items:

Co-vice chairs Kamilah and Lynnae will facilitate the meeting with the support of past vice chair Janni.
Seek counsel from GSA legal and HR about the parameters of that meeting.

**From:** Lynnae Ruttledge
**Sent:** Wednesday, October 23, 2013 9:55 AM
**To:** Jeff Rosen; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

Thanks Jeff. While it's not a problem area, to provide balance and keep everyone in the communication loop, it would be helpful to add the status of filling the Legislative analyst position as well.

Does that make sense?

Lynnae

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**From:** Jeff Rosen
**Sent:** Wednesday, October 23, 2013 4:50:54 AM
**To:** Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

I have attached and copied below a revised draft action plan based on your input to date. I also added an item regarding the audit. Please continue to help provide feedback on the draft.

Rebecca, please provide us in advance of the EC meeting the options to address the second objective, support for NCD staff & enhancing the workplace. Thanks.

-Jeff
DRAFT

October 22, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

Objective #1: Provide support for the Executive Director.

Action items:

Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. The contractor will also assist the Executive Director with HR issues, staff communications and morale, and organizational development needs. Rebecca to provide a scope of work for the contractor.

Objective #2: Provide support for the NCD staff and enhance their workplace.

Action items:

Rebecca and Lisa will develop options for our consideration.
Rebecca will disseminate a new organizational chart and specifically identify to the Council members

and staff the scope of responsibilities and duties of each department manager.

Objective #3: Provide support for NCD's financial management

Action items:

Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.
Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.
Work with the auditors of NCD. Gary will work with staff & the A&F Committee on this.
Fill the financial analyst position and advertise the Administrative Support position.

Objective #4: Resolve pending administrative needs

Action items:

Provide support for the EEO complaint. Jeff is working on it with GSA.
Address the MSPB claim. Rebecca and Robyn are working on it with GSA.
Complete the FOIA request. Robyn and Janni are working on it with GSA.

Objective #5: Respond to request for an Executive Session of the Council.

Action items:

The Executive Committee assigns a member to help set up that meeting.

---

**From:** Jeff Rosen
**Sent:** Tuesday, October 22, 2013 9:35 AM
**To:** Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** FOR YOUR ACTION: NCD Organizational Needs Action Plan

As I indicated, to assist us with preparation in advance of our Executive Committee meeting, I have started a draft of a plan of action (attached and copied below) which identifies current organizational objectives and the action items needed to achieve them

Please provide your input. Feel free to edit the draft document and circulate to the group your revisions.

Thanks.

-Jeff

DRAFT

October 22, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers

and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

Objective #1: Provide support for the Executive Director.

Action items:

Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. Rebecca to provide a scope of work for the contractor.

Objective #2: Provide support for the NCD staff and enhance their workplace.

Action items:

Rebecca and Lisa will develop options for our consideration.
Retain an on-site contractor to assist with HR issues, staff communications and morale, and organizational development needs. Rebecca and Lisa to provide a scope of work for the contractor.

Objective #3: Provide support for NCD's financial management

Action items:

Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.
Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.
Fill the financial analyst position and advertise the Administrative Support position.

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Action items:

Provide support for the EEO complaint. Jeff is working on it with GSA.
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DRAFT

October 23, 2013

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Ob ective #1: Provide support for the Executive Director.

Action items:

- Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. The contractor will also assist the Executive Director with HR issues, staff communications and morale, and organizational development needs. Rebecca to provide a scope of work for the contractor.

Ob ective #2: Provide support for the NCD staff and enhance their workplace.

Action items:

- Rebecca and isa will develop options for our consideration.
- Rebecca will disseminate a new organizational chart and specifically identify to the Council members and staff the scope of responsibilities and duties of each department manager.
- Rebecca will meet with staff to inform them about HR, EEO and Whistleblowing processes and the resources available to them.

Ob ective #3: Provide support for NCD's financial management

Action items:

- Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.
- Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.
- Work with the auditors of NCD. Gary will work with staff & the A&F Committee on this.

- Investigate allegations of inappropriate financial operations. Gary will work with staff & the A&F Committee on this.
- Fill the financial analyst position and advertise the Administrative Support position.

Ob ective #4: Resolve pending administrative needs

Action items:

- Handle the EEO complaint. GSA is providing support.
- Address the MSPB claim. Staff is working on it with GSA.
- Complete the FOIA request. Janni and staff are working on it with GSA.
- Get an update on the status of the egislative position hire. Rebecca to obtain from staff.
- Ensure that all staff records are up to date and complete. Rebecca to handle and report to the Executive Committee.

Ob ective #5: Convene a special meeting of the Council to discuss workplace concerns.

Action items:

- Co-vice chairs Kamilah and ynnae will facilitate the meeting with the support of past vice chair Janni.
- Seek counsel from GSA legal and HR about the parameters of that meeting.

From: Jeff Rosen <jrosen@ncd.gov>
To: Kamilah Martin-Proctor
Stephanie Orlando
Clyde Terry
Clyde Terry
Lynnae Ruttledge
Gary Blumenthal
garyblumenthal@addp.org
Date: 10/23/2013 7:50:54 AM
Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan
Attachments: DRAFT NCD Action Plan.docx

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I have attached and copied below a revised draft action plan based on your input to date. I also added an item regarding the audit. Please continue to help provide feedback on the draft.

Rebecca, please provide us in advance of the EC meeting the options to address the second objective, support for NCD staff & enhancing the workplace. Thanks.

-Jeff
DRAFT

October 22, 2013

NCD Organizational Needs Action Plan

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Action items:

Rebecca and Lisa will develop options for our consideration.
Rebecca will disseminate a new organizational chart and specifically identify to the Council members and staff the scope of responsibilities and duties of each department manager.

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Action items:

Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.

Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.
Work with the auditors of NCD. Gary will work with staff & the A&F Committee on this.
Fill the financial analyst position and advertise the Administrative Support position.

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Thanks.

-Jeff

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October 22, 2013

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Rebecca to provide a scope of work for the contractor.

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Ob ective #5: Respond to request for an Executive Session of the Council.

Action items:

- The Executive Committee assigns a member to help set up that meeting.

From: Jeff Rosen <jrosen@ncd.gov>
To: Sylvia Jones
Gary Blumenthal
Date: 10/22/2013 7:13:50 PM
Subject: RE: Scheduling the Auditor

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**I direct that no further email exchanges are made on this thread.**

If staff need to discuss any related issues further, follow the protocol and talk with your supervisor.

Members do the same with the Chair of the Committee.

The purpose of providing notice to Committee members was to make you aware of the serious representations made to the auditor so that we can follow up in looking into the merits of these representations as part of our fidicuary obligations to the agency. I ask that the members exclusively focus on the merits of the issues raised with the auditors and nothing else.

-Jeff

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**From:** Sylvia Jones
**Sent:** Tuesday, October 22, 2013 6:34 PM
**To:** Jeff Rosen; Gary Blumenthal
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA; Lynnae Ruttledge; Ari Neeman; Pam Holmes; Kamilah Martin-Proctor; Sylvia Jones
**Subject:** RE: Scheduling the Auditor

Gary,

This is a very serious false allegation that you have made against me, slandering my good name and falsely accusing me of insubordination. This slanderous statement to the council is retaliation and when I met with my attorney this afternoon he warned me that agency would begin fabricating stories to come after me. I was even warned to be watchful of the tampering of my emails and computer due to my FOIA requests.

Please provide me and the council with the date and time and method of the communication of this false allegation in which I was directed **"not to meet with NCD Auditors without you."** Me meeting with the auditors alone was not an issue in the past when the agency was working towards compliance efforts. In fact, it is documented that I led NCD's 2012 Audit, and as the Chair of the Audit and Finance Committee you were not present for the entrance conference meeting nor did you participate in meetings with the auditors until the completion of the audit, per my email recommendation to the Executive Director.

Your allegation that I was insubordinate and refused to follow an order is a very serious and false allegation. Since her hire, Rebecca has never had a work related conversation with me, to include a conversation regarding NCD's 2013 audit. Our very few interactions have been in group meetings. As a matter of fact Rebecca has shown no interest in the audit nor has she made any inquiries about the audit.

Since the change in leadership there has been many issues involving the agency that I attempted to report and address internally by reaching out to the full council and only one member of the council responded showing concern. However around June 28, 2013, I received a threatening email from Rebecca Cokley advising me to "channel my complaints to the appropropriate authorities. I was threatened with disciplinary action up to and including removal from NCD simply for trying to be a good steward of the tax payers' dollars. I complied with Rebecca's direct order and I channeled my complaints to the appropriate government officials, and the issues are pending investigation.

Within the last 30-60 days, I have been given orders to violate federal laws and regulations and threatened with removal if I failed to so, including a call from you on September 17, 2013 in which you tried to intimidate and strong arm me by stating "to strengthen who you are, what you do and your situation here you need to look pass the issues within the office and work to correct issues next fiscal year." When I refused to look pass the issues within the office, the retaliation intensified and my duties were removed, I was block from hiring a financial analyst and administrative specialist, and now I'm being forced to turn over the key to the server despite internal control and audit issues, which I have now reported to the authorities.

I apologize to the council, however you have only heard one side of the story and have been blindsided by false statement made against me for months. As you are well aware, these issues did not exist prior to the change in leadership.

In closing, It appears that everyone is now panicking over the audit due to known wrongdoings in the agency that have been shielded from the full council; issues that I have reported to authorities that will be investigated. The underlying issue with me meeting alone with the auditors this year is due to the gross non-compliance issues which Gary and GSA is well aware of.

Sylvia

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**From:** Gary Blumenthal
**Sent:** Tuesday, October 22, 2013 4:45 PM
**To:** Jeff Rosen; Sylvia Jones
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA; Lynnae Ruttledge; Ari Neeman; Pam Holmes; Kamilah Martin-Proctor
**Subject:** RE: Scheduling the Auditor

To: Audit and Finance Committee

I learned today that Sylvia Menifee Jones met with NCD Auditors eithout me in attendance as directed by Becca and myself. I consider this action insubordinate. I will keep you advised.

Gary

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: Jeff Rosen <jrosen@ncd.gov>
Date: 10/22/2013 4:34 PM (GMT-05:00)
To: Gary Blumenthal <GBlumenthal@ncd.gov>,Sylvia Jones <sjones@ncd.gov>
Cc: Rebecca Cokley <rcokley@ncd.gov>,Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
Subject: RE: Scheduling the Auditor

Gary -
I suggest that you share Sylvia's note with the A&F Committee and the Executive Committee for their information. Sylvia has raised a serious allegation about NCD financial operations which I find that we are obligated to promptly investigate with her to determine the nature of the issue. Perhaps GSA can assist us with guidance about the best

wayto handle this, I've copied Lisa to help begin this process of identifying the appropruiate support.

-Jeff

---

**From:** Gary Blumenthal
**Sent:** Tuesday, October 22, 2013 4:18 PM
**To:** Sylvia Jones
**Cc:** Jeff Rosen; Rebecca Cokley
**Subject:** RE: Scheduling the Auditor

I am very unhappy to learn that you failed to contact me to attend this meeting. Please send me the contact information for the Auditors. I find it regrettable that you failed to include me as Audit and Finance Chair in this initial meeting as directed to do so.

Gary

---

**From:** Sylvia Jones
**Sent:** Tuesday, October 22, 2013 10:02 AM
**To:** Gary Blumenthal
**Cc:** Sylvia Jones
**Subject:** RE: Scheduling the Auditor

Gary,

Following the Sept. 12 meeting, I reached out to you to reschedule the meeting on Sept. 19. You stated that you "were preparing to go into an agency board meeting and couldn't schedule until later." I reached out to the auditor's to for alternate dates/times, however the shut down occurred. When I returned to the office I received a call from the auditor's requesting to meet with me for the entrance conference to go over the document request and deliverables. I met with the auditors on yesterday and following the meeting I handed over some of the documents requested.

The Lead Auditor will be contacting you later this week regarding "internal control fraud and considerations."

Sylvia

---

**From:** Gary Blumenthal
**Sent:** Monday, October 21, 2013 3:32 PM
**To:** Sylvia Jones
**Subject:** Scheduling the Auditor

Sylvia,

You and I were scheduled to meet with the Auditor on September 12. The meeting was canceled due to your absence on sick leave. When will the rescheduled meeting take place.
Please respond by COB today.

Gary

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/23/2013 4:03:06 PM
Subject: RE: NCD FY 13 Purchases

---

If it helps, heres the link to the NCD authorizing statute:
http://www.ncd.gov/about/authorizing-statute

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**From:** Jeff Rosen
**Sent:** Monday, September 23, 2013 4:01 PM
**To:** Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov); David Allen - WPG-C
**Cc:** Rebecca Cokley
**Subject:** FW: NCD FY 13 Purchases

Your advice?

Thanks.

-Jeff

---

**From:** Sylvia Jones
**Sent:** Monday, September 23, 2013 3:57 PM
**To:** Jeff Rosen
**Cc:** Sylvia Jones; Gary Blumenthal; Rebecca Cokley
**Subject:** FW: NCD FY 13 Purchases

Jeff,

Pursuant to NCD Authorizing Statutue and the NCD Bylaws, the NCD Chair is not authorized to supervise office staff; nor is the NCD Chair responsible for managing the day to day operations of the office. Per the statutue and the bylaws, the chairperson is responsible for the appointment, supervision, and at his/her discretion, **removal** of the Executive Director.

As a result, I find your continous emails to be harrassing and retailatory in nature and the distractions and interruptions are impeding my workload.

Ms. Cokley issued me a direct order regarding these issues on June 28, 2013 and I complied with her direct order. Therefore I request that you cease and desist issuing any further communication due to the nature of the request as it pertains to a direct order issued to me by my supervisor.

Your threats are unwarranted and unlawful as you are acting outside the scope of your duties. If you have any questions in the absence of the NCD General Counsel, please consult with GSA. Also, please note that these unlawful threats against me have been forwarded to the appropriate government officials.

-Sylvia

---

**From:** Jeff Rosen
**Sent:** Thursday, September 19, 2013 10:02 AM
**To:** Sylvia Jones; Gary Blumenthal
**Cc:** Rebecca Cokley

**Subject:** RE: NCD FY 13 Purchases

Sylvia,
In Rebecca's absence I am giving you a direct order. Failure to follow this order can lead to disciplinary action up to and including removal.
You are directed to add $80,000 to the cooperative agreement for managed care forums as directed by the executive committee (Item # 8 of their request), or to provide me with the written law, rule or regulation that prevents you from doing so by COB 9-23-13.
-Jeff

---

**From:** Sylvia Jones
**Sent:** Thursday, September 19, 2013 9:30 AM
**To:** Gary Blumenthal
**Cc:** Jeff Rosen; Rebecca Cokley; Sylvia Jones
**Subject:** RE: NCD FY 13 Purchases

Gary,

Our telephonic conversation concerning technology purchases is totally different than your email to me on yesterday. Per our conversation on Tuesday, you stated "that the technology purchases were not wise." It now appears that your position has drastically changed. Nonetheless please note the following:

The following purchases will be made via credit card today:

8 monitors
1 small TV

Also note:

1. OMB memorandum applies to all agencies to include micro agencies, which I advised all in the past.
2. Regarding the Manage Care Forum - per directive from Rebecca, I channeled my complaint concerning these matters to the appropriate authorities therefore I recuse myself from this matter.
3. Briefing the A&F Committe on the SOF, spending requests, etc., has always been the responsibility of the ED.

In closing, I would like to note that the "big bolded red letters" was condescending and humiliating as it gave an impression that you were talking down to me. During my tenure at NCD, you have never spoken to me in such a manner, which leads me to believe you're upset with me because I choose not to look the other way concerning issues in the office. You state that you want to work with me to help our agency run smoothly; as you know, I work extremely hard here and I'm willing to do anything for the agency as long as it's legal and ethical.

Respectfully,
Sylvia Jones
Director of Administration
National Council on Disability
202-272-2113

*"To give real service you must add something which cannot be bought or measured with money, and that is sincerity and integrity." - Douglas Adams*

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**From:** Gary Blumenthal <garyblumenthal@addp.org>

**Sent:** Thursday, September 19, 2013 8:44 AM
**To:** Gary Blumenthal; Sylvia Jones
**Cc:** Jeff Rosen; Rebecca Cokley
**Subject:** RE: NCD FY 13 Purchases

Sylvia,

Please let me know when I can receive answers to my questions **(in Red Below)** today so that I may advise the Executive Board of progress being made in this area. Also I wanted to clarify that in the original notice of the meeting that I sent out the Agenda was attached noting SOF and spending requests.

Gary

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**From:** Gary Blumenthal [mailto:garyblumenthal@addp.org]
**Sent:** Wednesday, September 18, 2013 4:31 PM
**To:** 'Sylvia Jones'
**Cc:** 'Jeff Rosen'; 'Rebecca Cokley'
**Subject:** RE: NCD FY 13 Purchases

## Sylvia,

## Please further clarify my notes in Red below:

## Gary

---

**From:** Sylvia Jones [mailto:sjones@ncd.gov]
**Sent:** Wednesday, September 18, 2013 3:20 PM
**To:** Gary Blumenthal
**Cc:** Jeff Rosen; Rebecca Cokley; Sylvia Jones
**Subject:** RE: NCD FY 13 Purchases

Gary,
Leading up to A&F meeting this morning, you and I had several conversations regarding the recommended purchases for FY 2013 and prior to the end of our call on yesterday I explained to you the difficulty in acquiring the purchases so late in the fiscal year. I say this becase I was blindsided this morning... first with a request to brief the committee on the SOF and then to provide an update on the purchases, which is the responsibility of the ED. As I stated to you on Friday, last year there was three of us closing out the budget, Aaron, Carla and myself. This year I have no Carla, no help from the ED and my workload is heavy. There are a lot of pieces to closing out a budget and I just hope that I can get everything done that needs to be done timely.

**Per your request...below is an update on the purchase request:**
1.Immediate replacement of 10 computers:
**Response:** the price received for the units was a quote only. Due to contractual requirements we are unable to acquire these systems.
**Additionally, per OMB Memorandum M-11-11 dated February 3, 2011 agecnies were directed to develop and issue an implementation policy as of March 31, 2011 requring the use of the Personal Identity Verification (PIV) credentials as the common means of authenication for access to the agency's facilities, networks, and information systems. Also, effective the beginning of FY2012, procurement for services and products involving facilities and system access must be in accordance with HSPD-12 Policy and the Federal Acquisition Regulation (FAR).

**We have the current dollars in FY 13, we may need dollars for other usage in FY 14; <u>what is the penalty or not being in accordance with the 3/31/11 PIV credential</u> noting that we are a very small agency for which we this may not necessarily have been designed for in its design.**

NCD is currenty non-compliant to this policy therefore I strongly recommend that funding be approved to purchase appropriate equipment for staff in the upcoming FY.

2.Replace 8 monitor at $195……..through GSA vendors 195 x 8 units = $1560.00
**Response**: Nick failed to identify vendors for this purchase therefore we cannot make a purchase. Also, is there a need for 8 monitor's if we are not purchasing computers? To my knowledge only 3 monitors may be needed for dual-monitor purposes. **Nick identified Dell directly for this with credit card purchase initially, you suggested GSA. Why can we not purchase order today or credit card directly with Dell.com**

**3.Printers**
**Response**: All specs provided by Nick for the printers were outdated with the exception of one, though there was a slight price difference. Nonetheless, we were able to find compatible printers at Staples for a total price of $2,271.33 which Stacey can purchase with the credit card upon your approval. **Thank you for facilitating this purchase today.**

4.Video Conferencing Citrix Go To Meeting $39 x 4 meeting organizers $2000
**Response**: This appears to be a typo. $39 times 4 is $156 not $2000. Upon receiving clarification on this item I will look further into it and get back to you. **I look forward to your response.**

5.Video Editing for Lawrence Unique PC & accessories $3000 range
Details:
**Response:** Per conversation with Lawrence he requires PhotoShop training. In addition, please note that Nick did not identify specific equipment, model numbers and/or item numbers for the purchases. Per the request...column 4, it appears that these items may be potential purchase for FY14 and FY15.

6. One television for C-SPAN -
**Response:** This is not a cost effective purchase. The agency currently has a rarely used TV in the conference room that can be transferred to the ED's office which will save the agency and tax payer's a $1000. **This is a purchase decision authorized by the E Board who has made the judgement call on this. The cost of a small new model TV will be substantially less than $1000. Please execute this today via Credit Card. This is a judgement call by the Executive Committee, you may not agree, but this is a directive from the E Board on behalf of the Council.**

7. Google Driverless Car Report -
**Response**: Contractual Issue

8. Manage Care Forums:
**Response:** Per earlier conversations, please note that is **not** a contract but insteat a cooperative agreement. **Please add to this cooperative agreement as directed by the E Board. What is the reason for not adding to a**

**cooperative agreement?**

**I want to work with you to help our agency run smoothly. Please respond ASAP.**

Please let me know if you have any questions.

Thank you,
Sylvia

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**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Friday, September 13, 2013 1:01 PM
**To:** Sylvia Menifee
**Cc:** Jeff Rosen; Rebecca Cokley
**Subject:** FW: NCD FY 13 Purchases

Sylvia,

I understand the difficult pressure you will be under to get this done today to meet the deadline. To the best of my knowledge this is a partial list of expenditures that the Executive Committee, Jeff and Becca have signed off on. I do believe there may be some additional expenditures from current FY 13 dollars that Jeff and Becca wish to make however I've not been able to get ahold of them today for confirmation. I am cc-ing Jeff and Becca on this email in the hope that they'll see it and respond asap.

Thank you.

Gary

1. Immediate replacement of 10 computers…….per unit cost: 1600 x 10 units = $16,000
   Vendor: Advance Computer Concept recommended by Sylvia, better cost than Nick's recommendation

2. Replace 8 monitor at $195……..through GSA vendors 195 x 8 units = $1560.00

3. Printers

| | | |
|---|---|---|
| 4x HP P1606 DN | $210.96 each | $843.84 |
| HP Laserjet Pro 400 BW Printer | | $285.40 |
| extra paper tray | | $117.96 |
| HP Laserjet Pro 400 Color | | $481 |
| HP 500 | | $762 |

4. Video Conferencing Citrix Go To Meeting $39 x 4 meeting organizers $2000

5. Video Editing for Lawrence range Unique PC & accessories $3000

Details:

| | | | | |
|---|---|---|---|---|
| **NCD IMPROVEMENT OPPORTUNITY** | **Inclusive photos for use on the website, publications, and infographics** (photos are paid for per download and prices vary but many are $20/each for websites) | **PhotoAbility.com** | FY14, FY15 - PhotoAbility.com | $300.00 |
| **NCD IMPROVEMENT OPPORTUNITY** | **HD Digital Camera for film**, consistent with Jeff and other Council Members' and the ED's vision for expanding our video presence; purchasing for in-house use gives us creative control over look/feel and content | **Samsung.com** | One-time purchase | $499.99 |
| **NCD IMPROVEMENT OPPORTUNITY** | **Sync Words Video Captioning Service** (50-100 hours annual package, plus gov't discount) | **SyncWords.com** | FY14, FY15 - Sync Words | $139.00 |
| | **Audio production kit (podcast studio)** | **Behringer.com** | One-time purchase | |

| | | | | |
|---|---|---|---|---|
| **NCD IMPROVEMENT OPPORTUNITY** | to pursue adding brief podcast summaries of our reports to each report landing page going forward | | | $145.00 |
| **NCD IMPROVEMENT OPPORTUNITY** | **Adobe PhotoShop** for use in design of infographics, homepage slides, simple covers for in-house reports, etc. ($650/computer) | **Adobe.com** | One-time purchase | $1,300.00 |
| **NCD IMPROVEMENT OPPORTUNITY** | **Training --** GPO Photoshop training | **The Institute at GPO** (Government Printing Office) | One-time purchase | $475.00 |

6. One television for C SPAN $1000

**Tech subtotals:** **$25,764.80**

**7. Google Driverless Car Report**
**add** **$15,000**

**8. ADD $80,000 to Managed Care Forums: additional forums in regions and meetings in states**
The contractor is Ellen Piekalkiewicz. Julie is monitoring this contract.
**And state associations (NCSL) and CSG, and others…. Add:**
**$80,000**
Conduct 3-6 additional regional focus groups with Disability Leadership Stakeholders on Medicaid managed care and disability related issues to the NCD strategic plan in regions

**9. EEI Editing services mentioned by Anne**
**Sommers** **$15,000**

**Sub total:**
**$135,076.80**

---

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3222/6162 - Release Date: 09/13/13

From: Jeff Rosen <jrosen@ncd.gov>
To: Rebecca Cokley
Date: 10/18/2013 1:04:50 PM
Subject: FW: Contracting for Financial Assistance

---

Rebecca -

Could you call Melanie and Elaina to get this up to speed?

Their contact information is provided below.

Thanks.

-Jeff

---

**From:** Jeff Rosen
**Sent:** Friday, October 18, 2013 9:45 AM
**To:** melanie.lewis@gsa.gov; elaina.walker@gsa.gov
**Cc:** Gary Blumenthal; Gary Blumenthal; Rebecca Cokley; Anthony E Speights - CPW
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Melanie and Elaina -

We appreciate your support in NCD acquiring a temporary financial assistance person. The scope of the temp's duties would track precisely the NCD advertised Financial Analyst position:
https://www.usajobs.gov/GetJob/PrintPreview/346638900

This would be a temporary procurement of this service until we hire someone for that position, which is expected to occur in January or February of 2014.

I would veery much apopreciate if you could initiate the procurement based on the linked job announcement. Due to NCD's extremely limited resources at this time, we would appreciate it if youi could quickly pull a statement of work based on that information. I'm happy to help provide any other details.

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Please contact me if I can be of further assistance.


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GSA's role would be to establish controls around the process, advise us about the proper procedures, keep us informed about our financial status and assist with various questions as you have done recently. This role would be temporary until NCD fills the two financial positions who are then trained by GSA.

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I think all of these things fall within the scope of your current interagency agreements with GSA. My office can clearly help you in monitoring your FY13 and FY14 funding and the status of financial actions. We can also serve as a resource to help you in clarifying financial policy and/or direct you to the authoritative source.

As you stated below, NCD will have to maintain the responsibility for operating and procurement decisions, approving expenditures, signing obligating documents, etc. We can help you track and maintain your current financial position, as long as we know what funding is being obligated. You will need someone who can continue to prepare documents for the agency. We can provide the training and assistance necessary for coding the documents appropriately. We can also help you establish a method of tracking approved obligations and monitoring those against your budget.

For procurement activities (not show who your procurement/contracting officer is today), we can work with other GSA offices to help you through procurement activities. We have some offices that can do procurement work and/or provide you with the appropriate procurement policies that must be followed. My office can not do the procurements on your behalf as we do not have a contracting officer/procurement specialist in place.

(b) (5) [redacted]

The other emails today are perfect examples of how we can provide assistance to ensure the proper rules are being followed. Is this what you had in mind until you can hire a permanent resource and get them trained?

Scott

R. Scott Royster
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scott.royster@gsa.gov or ronald.royster@gsa.gov

On Tue, Sep 24, 2013 at 8:31 PM, Jeff Rosen <jrosen@ncd.gov> wrote:

Gary -

Thanks for following up with GSA on this.

Scott, where we are is that Sylvia Menifee, NCD's Director of Administration told us last July that we would have approximately $45K excess funds to reallocate. Her guidance was to wait until about September 16th to get a new status of funds to more accurately reallocate. At that time she advised us we now had about $200K of excess funds. She then virtually disappeared and was not cooperative with NCD managers in attempting to timely reallocate the excess funds. She has continually obstructed NCD financial operations, saying bad or illegal contract or process abd refusing to do anything more.

To ensure that NCD is not placed in this position again, NCD has voted to realign the 2 financial positions under her - Financial Analyst and Administrative Specialist to report directly to the Executive Director while providing the Director of Administration support for her duties. This realignment will provide additional safeguards and oversight. We expect to fill those positions in the late Fall or early Winter when the ED returns from maternity leave.

What we need is temporary support to help us bridge the gap from now until when we hire and train the new personnel. We would be pleased if that additional temporary support came from GSA, they have provided us with excellent HR support. However, it is very important that the support be very responsive as GSA HR has been. If you or your colleagues at GSA can do that for us, that's great we wont need a temp. If its not possible to get "in time" support from GSA, maybe we should consider hiring a temp and your help in obtaining one if we go that route would be appreciated. Again we prefer to go with GSA if possible. We understand that in any event, the operating and procurement decisions must be made by the heads of the agency, that's not an issue for us. We just need good advice about what to do and how to do it.

I've started below a list of the financial related tasks and functions we need support on:

- Helping us determine exactly how much funds we have remaining in FY '13;
- Helping us determine whether we can obligate remaining FY'13 funds;
- Provide a resource for our financial management related questions;
- Reviewing the status of funds at the outset of '14 and advising about NCD's financial positions and management;
- Identifying appropriate procurement vehicles for NCD obligations; and
- Identifying appropriate financial and other operational management tasks that the Director of Administration must perform to ensure NCD is financially sound and is able to accomplish all of its financial and operational needs.

Gary might have other items to add to the above.

Once we have a temporary financial support person in place, we will provide specific tasks that the person will be

asked to assist us and avail ourselves to that resource on an ongoing basis as issue arise in managing the Director of Administration.

Thanks.

-Jeff

---

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Tuesday, September 24, 2013 4:05 PM
**To:** Jeff Rosen; David Allen - WPG-C; Lisa Brown-Gilmore - CPWA
**Cc:** scott.royster@gsa.gov
**Subject:** Help from GSA for NCD

Jeff,

I have spoken with Scott Royster at GSA Kansas City. GSA is willing to assist us, however we need to explain and list in detail the functions we want them to perform. They are also willing to train any additional personnel we bring on, such as the financial analyst and they will help us procure a temp if we choose that route, however they need us to understand the limitations of what a temp may perform. Some duties cannot be given to a contractor or temp, however if we vest those duties in the executive director we may be able to proceed. I have discussed procurements, timekeeping and contractual problems we are having with the incumbent.

Can you or David or Lisa assist me in how we should respond to Scott's kind offer of assistance?

Thank you.

Gary

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 12/16/2013 9:25:04 AM
Subject: RE: FW: Sylvia Jones - Written Reply

---

Thanks Lisa. The draft fully reflects my expressed position, thanks.
-Jeff

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Monday, December 16, 2013 8:22 AM
**To:** Jeff Rosen
**Subject:** Re: FW: Sylvia Jones - Written Reply

Hi Jeff,

(b) (5) [redacted]

On Mon, Dec 16, 2013 at 8:02 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Good morning Lisa. I'm reviewing my week and wanted to become aware of the anticipated timeline for this item.
> Thanks.
> -Jeff
>
> ---
>
> **From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
> **Sent:** Monday, December 09, 2013 2:38 PM
> **To:** Jeff Rosen
> **Subject:** Re: FW: Sylvia Jones - Written Reply
>
> Hi There Jeff,
>
> I am working on the draft now and expect to have something for your review this week.
>
> On Mon, Dec 9, 2013 at 2:25 PM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
>> Hi Lisa -
>>
>> Just wanted to check in about whether theres an anticipated time that a draft is prepared for my review.
>>
>> Thanks.
>>
>> -Jeff
>>
>> ---
>>
>> (b) (5) [redacted]

(b) (5) [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Monday, December 02, 2013 11:39 AM
**To:** Jeff Rosen
**Subject:** Re: FW: Sylvia Jones - Written Reply

Hi Jeff,

Have you had an opportunity to read the written reply? I am still going thru everything and will prepare a decision letter for your signature. I believe that you will sustain all charges in Rebecca's proposal. If you choose to mitigate the proposal to less amount of days, please let me know along with your reason and I can draft the letter accordingly.

On Mon, Dec 2, 2013 at 10:46 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

Hi Lisa, trust that you had a good Thanksgiving with your family.

Please let me know the next steps for this item. I suppose we should meet to review?

Thanks.

-Jeff

---

**From:** James Heelan <jheelan@shawbransford.com>
**Sent:** Wednesday, November 27, 2013 6:03 PM
**To:** Jeff Rosen
**Cc:** lisa.gilmore@gsa.gov; Robyn Powell; Julie Perkins
**Subject:** Sylvia Jones - Written Reply

Mr. Rosen,

We submit the attached written reply and exhibits to you on behalf of our client, Mrs. Sylvia Jones. A hard copy will follow to you via overnight FedEx delivery.

Sincerely,

James Garay Heelan

**James P. Garay Heelan**
Associate Attorney

Shaw Bransford & Roth P.C. | Attorneys at Law
1100 Connecticut Avenue, NW, Suite 900
Washington, DC 20036
Phone: (202) 463-8400 Ext. 316| Fax: (202) 833-8082
www.shawbransford.com | jheelan@shawbransford.com

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--

**Lisa Gilmore**
**Human Resources Specialist (Employee Relations)**
**Washington Area Operations Center**
**Employee Relations Branch-CPWA**
**301 7th Street, S.W., Room 1022**
**Washington, DC 20407**
**202-205-4929 Desk**
**202-(b) (6) Mobile Phone**
**202-708-5377 fax**

https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

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(b) (2)

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 9/24/2013 11:13:04 AM
Subject: RE: Thursday

---

Havent heard back from Anthony but absolutely, we can also meet then.

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Tuesday, September 24, 2013 11:05 AM
**To:** Jeff Rosen
**Subject:** Thursday

What time are you coming over on Thursday to meet with Anthony? I would like to see you for just a minute, please.

--

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From: Jeff Rosen <jrosen@ncd.gov>
To: melanie.lewis@gsa.gov
elaina.walker@gsa.gov
Date: 10/21/2013 8:48:46 AM
Subject: RE: Contracting for Financial Assistance

---

Melaine and Elaina -

I look to receiving your response today. This is an extremely urgent matter, without such support NCD may not be able to properly account its obligations and pay invoices.

Pleasse let us know how we can get someone in place asap, this week would be best.

Thanks.

-Jeff

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Jeff, Gary,

I think all of these things fall within the scope of your current interagency agreements with GSA. My office can clearly help you in monitoring your FY13 and FY14 funding and the status of financial actions. We can also serve as a resource to help you in clarifying financial policy and/or direct you to the authoritative source.

As you stated below, NCD will have to maintain the responsibility for operating and procurement decisions, approving expenditures, signing obligating documents, etc. We can help you track and maintain your current financial position, as long as we know what funding is being obligated. You will need someone who can continue to prepare documents for the agency. We can provide the training and assistance necessary for coding the documents appropriately. We can also help you establish a method of tracking approved obligations and monitoring those against your budget.

For procurement activities (not show who your procurement/contracting officer is today), we can work with other GSA offices to help you through procurement activities. We have some offices that can do procurement work and/or provide you with the appropriate procurement policies that must be followed. My office can not do the procurements on your behalf as we do not have a contracting officer/procurement specialist in place.

(b) (5)

[redacted]

The other emails today are perfect examples of how we can provide assistance to ensure the proper rules are being followed. Is this what you had in mind until you can hire a permanent resource and get them trained?

Scott

R. Scott Royster
Chief, External Services Branch (BCED)
Financial and Payroll Services Division (BCE)
Office of the Chief Financial Officer
General Services Administration
Phone 816-926-5072
Cell 816-(b) (6)
scott.royster@gsa.gov or ronald.royster@gsa.gov

On Tue, Sep 24, 2013 at 8:31 PM, Jeff Rosen <jrosen@ncd.gov> wrote:

Gary -

Thanks for following up with GSA on this.

Scott, where we are is that Sylvia Menifee, NCD's Director of Administration told us last July that we would have approximately $45K excess funds to reallocate. Her guidance was to wait until about September 16th to get a new status of funds to more accurately reallocate. At that time she advised us we now had about $200K of excess funds. She then virtually disappeared and was not cooperative with NCD managers in attempting to timely reallocate the excess funds. She has continually obstructed NCD financial operations, saying bad or illegal contract or process abd refusing to do anything more.

To ensure that NCD is not placed in this position again, NCD has voted to realign the 2 financial positions under her - Financial Analyst and Administrative Specialist to report directly to the Executive Director while providing the Director of Administration support for her duties. This realignment will provide additional safeguards and oversight. We expect to fill those positions in the late Fall or early Winter when the ED returns from maternity leave.

What we need is temporary support to help us bridge the gap from now until when we hire and train the new personnel. We would be pleased if that additional temporary support came from GSA, they have provided us with excellent HR support. However, it is very important that the support be very responsive as GSA HR has been. If you or your colleagues at GSA can do that for us, that's great we wont need a temp. If its not possible to get "in time" support from GSA, maybe we should consider hiring a temp and your help in obtaining one if we go that route would be appreciated. Again we prefer to go with GSA if possible. We understand that in any event, the operating and procurement decisions must be made by the heads of the agency, that's not an issue for us. We just need good advice about what to do and how to do it.

I've started below a list of the financial related tasks and functions we need support on:

- Helping us determine exactly how much funds we have remaining in FY '13;
- Helping us determine whether we can obligate remaining FY'13 funds;
- Provide a resource for our financial management related questions;
- Reviewing the status of funds at the outset of '14 and advising about NCD's financial positions and management;
- Identifying appropriate procurement vehicles for NCD obligations; and
- Identifying appropriate financial and other operational management tasks that the Director of Administration must perform to ensure NCD is financially sound and is able to accomplish all of its financial and operational needs.

Gary might have other items to add to the above.

Once we have a temporary financial support person in place, we will provide specific tasks that the person will be asked to assist us and avail ourselves to that resource on an ongoing basis as issue arise in managing the Director of Administration.

Thanks.

-Jeff

---

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Tuesday, September 24, 2013 4:05 PM
**To:** Jeff Rosen; David Allen - WPG-C; Lisa Brown-Gilmore - CPWA
**Cc:** scott.royster@gsa.gov
**Subject:** Help from GSA for NCD

Jeff,

I have spoken with Scott Royster at GSA Kansas City. GSA is willing to assist us, however we need to explain and list in detail the functions we want them to perform. They are also willing to train any additional personnel we bring on, such as the financial analyst and they will help us procure a temp if we choose that route, however they need us to understand the limitations of what a temp may perform. Some duties cannot be given to a contractor or temp, however if we vest those duties in the executive director we may be able to proceed. I have discussed procurements, timekeeping and contractual problems we are having with the incumbent.

Can you or David or Lisa assist me in how we should respond to Scott's kind offer of assistance?

Thank you.

Gary

(b) (5)

(b) (5)

Sincerely,
(b) (6)

---------- Forwarded message ----------
From: (b) (6)
Date: Mon, Sep 30, 2013 at 7:36 PM
Subject: Racial Profiling at NCD
To: lruttledge@ncd.gov, krpoctormartin@ncd.gov, cfinn@ncd.gov, sgelser@ncd.gov, jkuniholm@ncd.gov, mkoch@ncd.gov, jlehrerstein@ncd.gov, aneeman@ncd.gov, sorlando@ncd.gov, cterry@ncd.gov, ftorresgil@ncd.gov, awong@ncd.gov, pholmes@ncd.gov
Cc: (b) (6)

Dear NCD Members,

This is (b) (6) ...highly decorated Army retired-disabled veteran and spouse of NCD Employee Sylvia Jones (Menifee). I came to DC today to have brunch with my wife and while waiting for her she received a harassing phone call from Rebecca Cokley while she is out on maternity leave wanting to know who the gentlemen was in my wife's office. This was really startling because it gave the impression that my wife was not allowed to have visitors. Shortly after the call my wife spoke with all staff to find out who called Rebecca Cokley; everyone denied calling Rebecca even though Anne Sommers later admitted questioning staff as to who the person was in my wife's office.

I am very familiar with everyone who was at work today as I have had an opportunity to spend time with each of them in the past, to include the former Chair Jonathan who was very professional and pleasant and I could never image him stooping to such a low level. I even had the opportunity to push Lawrence around the White House grounds in a wheelchair at the White House Garden Tour last year. The only staff member that I was not familiar with was Anne Sommers.

After my wife and I returned from lunch, she was unable to consume her lunch due to the harassing call from Rebecca Cokley. While sitting in my wife's office about to leave for the day because she was very busy with work, before I could rise to my feet two armed Federal Protective Service (FPS) officers accompanied by a man that I now know to be Jeff Rosen, Chair of the NCD. After communications with Jeff Rosen and FPS Officers we learned that it was reported to Rebecca Cokley that there was suspicious activity taking place in my wife's office. I believed that I was racially profiled by Anne Sommers and along with Rebecca Cokley and Jeff Rosen they plotted a scheme to have my wife and I removed from the premises by armed officers. This incident was very troubling and humiliating and I find it hard to believe that a Chair of an agency appointed by the President of the United States would conduct himself in such as manner.

My wife frequently complains of being daily threatened and harassed on the job. Today I witnessed the acts for myself. I strongly believe the acts today was a ploy to remove my wife from the office and possibly attempt to fire her because she was unwilling to carry out illegal activity due to the bribes and threats from Jeff Rosen, Rebecca Cokley and Gary Blumenthal.

As a disabled citizen and veteran I expect the Council to take immediate action to remedy this wrong as Presidential appointees in a public trust position. This document is also to serve as notice so that no

member of the council can state they were unaware of the gross misconduct, racial profiling and discrimination within your agency. During my wife's tenure at NCD the FPS has never been called simply because a spouse came to take a staff member who is employee to lunch. I would also like the threats and harassment against my wife to stop as I'm aware that she tried to report acts of misconduct in the past and the entire council of Presidential Appointees merely looked the other way.

I expect immediate resolve to this matter and a formal apology from the Council (not Jeff Rosen) to my wife and I. Per public records I am aware that Jeff Rosen has a criminal background to include a history of alcohol abuse, probation and rehab and I am really disturbed that such a person was appointed to such a visible position.

In closing I expect a response within 24hours because I will not rest until the appropriate action is taken to address what happened to my wife and I today. Based on your mission, NCD is supposed to act on behalf of individuals with disabilities and their families (which include my wife and I), not to threatened, harass and racial profile. My civil rights were violated today due my race and I was treated like a common criminal based on a racial profile from Anne Sommers.

If you need to speak with me I can be reached at (b) (6) [redacted] or by email which listed on this email.

Sincerely,

(b) (6) [redacted]

(b) (2)

(b) (5)

From: Jeff Rosen <jrosen@ncd.gov>
To: David Allen - WPG-C
Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
Date: 9/19/2013 6:03:02 PM
Subject: FW: alternative timekeeper

---

Where can Gerrie get the additional information?

Thanks for being a resource.

-Jeff

---

**From:** DrGerrie Hawkins
**Sent:** Thursday, September 19, 2013 5:58 PM
**To:** Jeff Rosen; Rebecca Cokley
**Cc:** DrGerrie Hawkins
**Subject:** RE: alternative timekeeper

I need more information before responding. Actually, I was away most of the day at the TSA Coalition Conference Uncertain what my involvement would be for certification, etc. and intended to speak about this today with Rebecca.

.

---

**From:** Jeff Rosen
**Sent:** Thursday, September 19, 2013 5:45 PM
**To:** Rebecca Cokley; DrGerrie Hawkins
**Subject:** RE: alternative timekeeper

Hi Gerrie -

Following up on this. No expectation that you will accept, just closing the loop on this in Rebecca's absence.

Thanks.

-Jeff

---

**From:** Rebecca Cokley
**Sent:** Wednesday, September 18, 2013 5:24 PM
**To:** DrGerrie Hawkins
**Cc:** Jeff Rosen
**Subject:** alternative timekeeper

Dr. Hawkins

GSA has requested that NCD have an alternative individual who can serve as a timekeeper if need be or issues arise. Typically it would be Joan, but in her absence, Jeff has recommended you. Is this a responsibility you're willing, able to take on? If so, let me know and I'll follow up with the directions to get you the necessary certification.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: http://www.ncd.gov

---

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3222/6180 - Release Date: 09/19/13

From: Jeff Rosen <jrosen@ncd.gov>
To: Matt Conrad - CB
Date: 9/27/2013 11:42:56 AM
Subject: RE: FY14 SLA- NCD

---

I will send you the full document at 3 pm today after giving Sylvia an opportunity to review the 13 pages by then. That way we still will have time on Monday to take any further actions to timely execute it if that becomes necessary for any reason.

Thank you.

-Jeff

---

**From:** Matt Conrad - CB <matthew.conrad@gsa.gov>
**Sent:** Friday, September 27, 2013 11:37 AM
**To:** Jeff Rosen
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** Re: FY14 SLA- NCD

Mr. Rosen, all,

We need the document in its entirety. If it can be returned today that's okay, as long as we have it signed, in its entirety by Monday at 12pm.

Many thanks.

--
Matt Conrad
Agency Liaison Division
Office of the Chief People Officer
U.S. General Services Administration
(202) 690-8906 desk
(202) 770-8731 mobile

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On Fri, Sep 27, 2013 at 11:34 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Slyvia - GSA's deadline in its earlier email on this was yesterday, September 26th. We will not risk critical adminstrative support from GSA of NCD's agency operations by waiting until Monday. We appreciate your making the review of the 13 pages a priority by 3 pm today.
> -Jeff
>
> ---
>
> **From:** Sylvia Jones
> **Sent:** Friday, September 27, 2013 11:30 AM

**To:** Jeff Rosen; Matt Conrad - CB
**Cc:** Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal; Sylvia Jones

**Subject:** RE: FY14 SLA- NCD

Matt,

I think we should stick with the original deadline of Monday, Sept 30 in order to allow me sufficient time to thoroughly review the SLA.

Sylvia

---

**From:** Jeff Rosen
**Sent:** Friday, September 27, 2013 11:22 AM
**To:** Matt Conrad - CB
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** RE: FY14 SLA- NCD

Thanks Matt. I will sign, scan and email you a copy of the signature page (page 13) at 3 pm eastern today barring any comments from Sylvia prior to that time.

Just to clarify, GSA does not need me to email any of the other pages? Further, you dont need me to complete the NCD information on page 10 at this time? In terms of the authorized NCD POC, everything should remain as is from the previous agreement.

Appreciate it.

-Jeff

---

**From:** Matt Conrad - CB <matthew.conrad@gsa.gov>
**Sent:** Friday, September 27, 2013 11:15 AM
**To:** Jeff Rosen
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** FY14 SLA- NCD

Mr. Rosen,

Per your email below:

Matt -

Just so we have everything lined up for the timely execution of the document on Monday morning, please list the exact information and signatures needed from NCD. Do you need a hard copy or will an electronic send of a scanned copy suffice? If you need a hard copy, I can come to GSA Mondaymorning to execute.

Thanks for the specific instructions.

-Jeff
Whatever is easier for you. A signed, scanned and emailed copy will work. The only signature required is yours. Please let me know if that is okay with you.
Than you.

--
Matt Conrad
Agency Liaison Division
Office of the Chief People Officer
U.S. General Services Administration
(202) 690-8906 desk
(202) 770-8731 mobile

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(b) (5)

(b) (5)

(b) (5)

**From:** Jeff Rosen
**Sent:** Thursday, September 12, 2013 11:37 AM
**To:** Sylvia Menifee; Burgdorf, Robert; Julie Carroll
**Cc:** Rebecca Cokley; Gary Blumenthal
**Subject:** RE: Travel Reimbursement for (b) (6)

Thank you for your response Sylvia.

I will forward you an email chain regarding the approval of his travel expenses. Please let Rebecca know if anything further is needed.

-Jeff

---

**From:** Sylvia Menifee
**Sent:** Thursday, September 12, 2013 11:28 AM
**To:** (b) (6) Julie Carroll
**Cc:** Jeff Rosen; Rebecca Cokley; Sylvia Menifee
**Subject:** RE: Travel Reimbursement for Robert Burgdorf

Good Morning (b) (6)

Per my email to Rebecca Cokley (Executive Director) on August 29, 2013 I am unable to process your claim for "transportation expenses." Per the request made by Julie Carroll, the agency approved your travel "from and back to Florida which resulted in a modification to add $5000."

A request for reimbursement of additional transportation expenses was not submitted or approved therefore you were not issued an official government travel authorization prior to your travel to cover such expenses.

If you have any questions or concerns regarding this matter please contact Rebecca Cokley directly. She can be reached at 202-272-2124.

Best regards,
Sylvia

---

**From:** (b) (6)
**Sent:** Wednesday, September 11, 2013 12:05 PM
**To:** Julie Carroll; Sylvia Menifee
**Cc:** Jeff Rosen; Rebecca Cokley
**Subject:** RE: Travel Reimbursement for Robert Burgdorf

Hi, Sylvia,

Following up on Julie's message in August, I would like to file for my travel reimbursement. Can you advise me how to do so?

Thanks,
(b) (6)

---

**From:** Julie Carroll [JCarroll@ncd.gov]
**Sent:** Tuesday, August 13, 2013 10:12 AM
**To:** Sylvia Menifee
**Cc:** Jeff Rosen; Rebecca Cokley; (b) (6)
**Subject:** Travel Reimbursement for (b) (6)

Hi Sylvia,
Jeff and Gary approved transportation expenses for Robert Burgdorf to come to Washington for the release of the ADAAA report. Would you please let him know how to file for that reimbursement? He is cc'd here.
Thanks very much.
Julie

(b) (6)

(b) (2)

From: Jeff Rosen <jrosen@ncd.gov>
To: Rebecca Cokley
Gary Blumenthal
Date: 9/19/2013 10:20:14 AM
Subject: RE: NCD: Contracting staff

---

This is an example of Rebecca's pre-delivery delirium kicking in :)

---

**From:** Rebecca Cokley
**Sent:** Thursday, September 19, 2013 10:18 AM
**To:** Gary Blumenthal
**Cc:** Jeff Rosen; Tom Hodnett - CB; Gary Blumenthal; David Allen - WPG-C; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
**Subject:** Re: NCD: Contracting staff

Dave is my best friend!!!!

Sent from my iPhone

On Sep 19, 2013, at 9:56 AM, "Gary Blumenthal" <GBlumenthal@ncd.gov> wrote:

> I have talked with David Allen this morning who has been incredibly helpful. Can we trade you David for one of our staff members?
>
> ---
>
> **From:** Jeff Rosen
> **Sent:** Thursday, September 19, 2013 9:39 AM
> **To:** Tom Hodnett - CB
> **Cc:** Gary Blumenthal; Gary Blumenthal; David Allen - WPG-C; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov); Rebecca Cokley
> **Subject:** RE: NCD: Contracting staff
>
> Tom -
>
> Obviously Rebecca is on her phone while her husband and doctor are outside the delivery room. We will keep her on as a fyi for when she returns from maternity leave but lets assume shes out of commission for the time being.
>
> Gary Blumenthal is the chair of NCD's Finance Committee. He has some urgent issues he needs to discuss with you today regarding NCD's end of the year financials. He will call you after 1 today at your numbers below and you can also contact him at:
> voice: 508-405-8000
> cell: 617-(b) (6)
> I've added Dave and Lisa from GSA's HR side, they are helping NCD out during this time.
>
> -Jeff
>
> ---
>
> **From:** Rebecca Cokley
> **Sent:** Thursday, September 19, 2013 8:18 AM
> **To:** Tom Hodnett - CB
> **Cc:** Jeff Rosen
> **Subject:** Re: NCD: Contracting staff

Tim

I'm in labor. Will call you tomorrow.

Rebecca

Sent from my iPhone

On Sep 19, 2013, at 8:16 AM, "Tom Hodnett - CB" <tom.hodnett@gsa.gov> wrote:

> Ms Cokley...I will be out of the office at a meeting this morning but I will call you as soon as I return. Tom
>
> On Wed, Sep 18, 2013 at 10:53 PM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
> > Rebecca -
> >
> > Please call Tom to discuss and set a date for next week. We can bring an interpreter if necessary. Thanks.
> >
> > -Jeff
> >
> > ---
> >
> > **From:** Tom Hodnett - CB <tom.hodnett@gsa.gov>
> > **Sent:** Wednesday, September 18, 2013 3:57 PM
> > **To:** Jeff Rosen
> > **Cc:** Rebecca Cokley
> > **Subject:** Re: Contracting staff
> >
> > Mr Rosen,
> >
> > I have tried unsuccessfully to call you and Ms Cokley to discuss this requirement. I will keep trying but I need to understand more about what we will be discussing at the meeting so I can have the right people present. I do have a medical appointment next Tuesday afternoon so regretably I cannot be at a meeting, but depending on the topic, I might be able to arrange to have the subject matter experts available for a meeting. As soon as I can speak with you or Ms Cokley about this requirement, I will do whatever I can to arrange for a meeting with the appropriate people as soon as possible.
> >
> > Tom
> > **Tom**
> > **Director**
> > **Agency Liaison Division**
> > **General Services Administration**
> > **(202) 205-2900**
> > **(202) (b) (6) (cell)**
> > **(202) 692-3565 (fax)**
> > **tom.hodnett@gsa.gov**
> >
> > On Wed, Sep 18, 2013 at 9:48 AM, Jeff Rosen <jrosen@ncd.gov> wrote:
> >
> > > Thank you. My preference would be for 4 pm next week Tuesday.
> > >
> > > ---
> > >
> > > **From:** Rebecca Cokley
> > > **Sent:** Wednesday, September 18, 2013 9:46 AM
> > > **To:** Tom Hodnett - CB (tom.hodnett@gsa.gov)

**Cc:** Jeff Rosen
**Subject:** Contracting staff

Tom

Jeff (NCD's chairperson) has some questions regarding the status of some contracts and would appreciate having a chance to meet with folks from the contracting office at GSA. Can we set something up for the next week or two? We will need a sign language interpreter.

Rebecca Cokley
Executive Director
National Council on Disability
1331 F Street NW, Suite 850
Washington, DC 20004
202-272-2124 Voice
202-272-2074 TTY
202-272-2022 Fax
Rcokley@ncd.gov
Website: http://www.ncd.gov

From: Jeff Rosen <jrosen@ncd.gov>
To: Sylvia Jones
Date: 9/27/2013 3:49:48 PM
Subject: NCD server access

---

Sylvia,

I was contacted about your request for access to the email server and passwords. I cannot make a decision on whether to approve or deny this request until I know the business reason(s) why you requested this access.

Please provide them to me by COB 9/30/13 so that I can make a timely decision on your request.

-Jeff

From: Jeff Rosen <jrosen@ncd.gov>
To: Matt Conrad - CB
Date: 9/27/2013 3:21:26 PM
Subject: RE: FY14 SLA- NCD
Attachments: GSA SLA JR Executed.pdf

---

Matt -

The fully copy of the GSA and NCD SLA with my signature is attached.

Please confirm receipt and let us know if anything further is needed.

Thank you.

-Jeff

---

**From:** Jeff Rosen
**Sent:** Friday, September 27, 2013 11:42 AM
**To:** Matt Conrad - CB
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** RE: FY14 SLA- NCD

I will send you the full document at 3 pm today after giving Sylvia an opportunity to review the 13 pages by then. That way we still will have time on Monday to take any further actions to timely execute it if that becomes necessary for any reason.

Thank you.

-Jeff

---

**From:** Matt Conrad - CB <matthew.conrad@gsa.gov>
**Sent:** Friday, September 27, 2013 11:37 AM
**To:** Jeff Rosen
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** Re: FY14 SLA- NCD

Mr. Rosen, all,

We need the document in its entirety. If it can be returned today that's okay, as long as we have it signed, in its entirety by Monday at 12pm.

Many thanks.

--
Matt Conrad
Agency Liaison Division
Office of the Chief People Officer
U.S. General Services Administration
(202) 690-8906 desk
(202) 770-8731 mobile

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On Fri, Sep 27, 2013 at 11:34 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

Slyvia - GSA's deadline in its earlier email on this was yesterday, September 26th. We will not risk critical adminstrative support from GSA of NCD's agency operations by waiting until Monday. We appreciate your making the review of the 13 pages a priority by 3 pm today.
-Jeff

---

**From:** Sylvia Jones
**Sent:** Friday, September 27, 2013 11:30 AM
**To:** Jeff Rosen; Matt Conrad - CB
**Cc:** Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal; Sylvia Jones

**Subject:** RE: FY14 SLA- NCD

Matt,

I think we should stick with the original deadline of Monday, Sept 30 in order to allow me sufficient time to thoroughly review the SLA.

Sylvia

---

**From:** Jeff Rosen
**Sent:** Friday, September 27, 2013 11:22 AM
**To:** Matt Conrad - CB
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** RE: FY14 SLA- NCD

Thanks Matt. I will sign, scan and email you a copy of the signature page (page 13) at 3 pm eastern today barring any comments from Sylvia prior to that time.

Just to clarify, GSA does not need me to email any of the other pages? Further, you dont need me to complete the NCD information on page 10 at this time? In terms of the authorized NCD POC, everything should remain as is from the previous agreement.

Appreciate it.

-Jeff

---

**From:** Matt Conrad - CB <matthew.conrad@gsa.gov>
**Sent:** Friday, September 27, 2013 11:15 AM
**To:** Jeff Rosen
**Cc:** Sylvia Jones; Rebecca Cokley; Tom Hodnett - CB; Gary Blumenthal; Gary Blumenthal
**Subject:** FY14 SLA- NCD

Mr. Rosen,

Per your email below:

Matt -

Just so we have everything lined up for the timely execution of the document on Monday morning, please list the exact information and signatures needed from NCD. Do you need a hard copy or will an electronic send of a scanned copy suffice? If you need a hard copy, I can come to GSA Mondaymorning to execute.

Thanks for the specific instructions.

-Jeff
Whatever is easier for you. A signed, scanned and emailed copy will work. The only signature required is yours. Please let me know if that is okay with you.
Than you.

--
Matt Conrad
Agency Liaison Division
Office of the Chief People Officer
U.S. General Services Administration
(202) 690-8906 desk
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# U.S. GENERAL SERVICES ADMINISTRATION AND NATIONAL COUNCIL ON DISABILITY SERVICE LEVEL AGREEMENT

## 1. Introduction

This Service Level Agreement (SLA) is between the National Council on Disability (Council) and the U.S. General Services Administration (GSA), and details the range and cost of administrative support services that are available to the Council on a reimbursable basis. This SLA shall be effective upon signature by authorized representatives of both the Council and GSA.

## 2. Legal Authority

GSA offers administrative support services on a reimbursable basis to commissions, committees, and other agencies of the Federal Government that cannot maintain a full administrative staff. Statutes, Executive orders, and Presidential pronouncements establishing Presidential and Congressional Boards or Commissions and other similar federal organizations often assign responsibility for providing administrative support to GSA. The National Council on Disability and the GSA enter into this SLA pursuant to authority of Public Law 98-221 dated December 22, 1984; Title IV of the Rehabilitation Act as amended; and 40 U.S.C. 401 et seq.

## 3. Services to be Performed

GSA's goal is to provide high quality customer-centric administrative support services within established legal framework in support of the National Council on Disability. Through this SLA between the Council and GSA, we offer the following administrative support services on a reimbursable basis:

### 3.1 Account Management:

- Provide research and guidance on issues relevant to the ongoing operation.
- Serve as the liaison on regulatory and other issues with other Federal Agencies.
- Provide timely communication and response to service requests through typical communication mediums i.e. telephone, fax, email, mail courier service.
- Coordinate routine Account manager/client meetings.
- Serve as point of contact on all startup, steady state and close out activities.
- Serve as liaison for services between other GSA entities or other Federal agencies.

### 3.2 Human Resources:

#### 3.2.1 Core Services

- Serve as the principal advisor and partner to leadership on matters related to human resources management, including hiring, staffing and recruitment, position classification and management, compensation and pay administration, workforce relations, employee services, entitlements and advisory services, including employee relations and labor relations.
- Ensure confidentiality of human resource information which will only be shared, discussed and/or released to appropriate individuals on a need-to-know basis.

- Be knowledgeable about requirements in order to render effective and timely guidance and action.
- Be accountable, timely and proactive in providing high quality value added human resource services.
- Be consultative and facilitate the identification sound alternatives.
- Provide sound, clear and objective responses based on governing laws and regulations when rendering decisions.
- Protect the rights of employees and management in accordance with governing regulations and laws.
- Maintain automated HR systems with accurate and up-to-date data.
- Be knowledgeable in and adhere to established Executive or Legislative Branch HR laws, rules and regulations, policies and procedures to include Merit System Principles and Veterans Preference.
- Adhere to established deadlines and processes outlined in this SLA and related business processes and performance measures.
- Maintain recurring customer service meetings when requested.
- Ensure awareness of any changes in automated HR systems to be used and that staff is trained in advance of implementation.

Council is responsible for the following requirements to enable the GSA to execute core services.

- Partner with GSA in the formulation and decision-making processes involving human resource hiring issues.
- Involve GSA early in the formulation and decision making process.
- Participate in strategic conversations and fully disclose HR requirements to GSA.
- Prioritize requirements to facilitate workload balancing.
- Provide accurate and complete information to GSA as requested
- Submit electronic information when applicable
- Submit hard copies of documents when applicable (e.g., original signature required and original transcripts)
- Work with GSA to develop mutually agreeable outcome measures and provide timely and constructive feedback on work performed
- Distribute HR information to managers and employees on a timely basis
- Adhere to established Executive and/or Legislative HR laws, rules and regulations, policies and procedures including Merit System Principles and Veterans Preference
- Adhere to established deadlines and processes outlined in the SLA and related business processes and performance measures

3.2.2 Service Detail for Hiring:

- Educate on required HR related timeframes and processes.
- Hold pre-consultation meetings to provide guidance to managers, Subject Matter Experts (SMEs), liaisons, etc. on position management, classification, recruitment strategies, hiring flexibilities and strategies; where requested/needed.
- Encourage SME participation throughout the recruitment process.

- Classify positions including identifying position risk sensitivity designations.
- Maintain accurate and up-to-date standard position description library.
- Provide advice and assistance on compensation, pay setting and administration.
- Provide advice and assistance on recruitment, retention, relocation and all other incentives (e.g., Student Load Repayment Program, etc.).
- Work with manager(s) to develop job analysis in association with recruitment action.
- Prepare and post vacancy announcements and recruitment notices if otherwise not prepared/completed by the Office of Personnel Management (OPM).
- Maintain an accurate and up-to-date standard vacancy announcement library.
- Perform technical review of requests for paid advertisements.
- Determine basic qualifications, rate and rank applicants.
- Issue selection certifications under agency merit promotion programs (e.g., competitive and noncompetitive – disability, veterans preference, etc.) and OPM delegated examining (external hiring) authority.
- Review and approve tentative selections made by managers.
- Respond to applicant and other external inquiries about the hiring action.
- Conduct HR-specific portions of the new employee orientation program.
- Maintain an up-to-date job analysis library.
- Conduct new employee orientation.
- Ensure new employee is issued PIV card.
- Initiate and adjudicate background security investigations.

<u>Council responsibilities as they relate to Hiring and where applicable:</u>

- Ensure documentation is complete prior to submission of job requisition to GSA
- Thoroughly discuss HR requirements during pre-consultation meetings
- Provide SMEs as required to assist in the recruitment process
- Perform timely review and approval of recruitment documents
- Provide approval of recruitment, retention and relocation incentives to include superior qualifications
- Use standardized documents, templates and automated tools as applicable (e.g., standard position descriptions, vacancy announcements, etc.)
- Coordinate and pay for advertising costs related to recruitment efforts.
- Adhere to established HR laws, rules and regulations, policies and procedures including Merit System Principles, Veterans Preference and confidentiality of HR related documents
- Adhere to timeframes and processes outlined in this SLA and related business processes
- Develop and implement recruitment and staffing plans in collaboration with GSA.
- Develop and implement succession plans in collaboration with the GSA.

3.2.3 Service Detail for Personnel Action Processing:

- Process all actions into CHRIS, including providing quality control of entries.
- GSA personnel processing procedures will be used.
- Provide guidance and assistance in completion of personnel processing forms.
- Establish and maintain official personnel files (e.g., Official Personnel Folder) according to the Office of Personnel Management's regulations.
- Transfer official personnel files as required.
- Coordinate conversion of official personnel files into an electronic format (i.e., eOPF).
- Issue and distribute SF-50s.
- Request SF-75, SF-1150s and transcripts of service as necessary.
- Adjudicate and code Standard Form 52s using OPM guidance.
- Retrieve prior service OPFs from NARA (NPRC).
- Retrieve prior service OPFs from other agencies.

Council responsibilities as they relate to Personnel Action Processing:

- Ensure personnel actions are submitted timely to the GSA for processing.
- Ensure personnel actions contain all information needed for processing.

3.2.4 Service Detail for Human Resource Information Technology:

- Provide required personnel and payroll reports.
- Provide SF-113A (Monthly Report of Federal Civilian Employment and SF-113G (Monthly Report of Fulltime Equivalent/Work-Year Civilian Employment) reports quarterly.
- Prepare standard and ad-hoc reports containing HR employee data.
- Input and maintain employee data in GSA's HRIT system.

Council responsibilities as they relate to Human Resource Information Technology:

- Ensure the GSA and Client Subject Matter Experts participate in the formulation of IT requirements.

3.2.5 Service Detail for Benefits Management:

- Provide users with benefits guidance and reference materials.
- Develop benefits-related communication.
- Educate employees on all available benefits programs.
- Process all benefits-related files.
- Determine eligibility for agency-specific benefits.
- Determine/re-determine retirement benefits coverage based on qualifying events.
- Receive and validate retirement program claims to appropriate parties for adjudication.

- Administer discretionary benefits programs.
- Model and calculate estimated benefits payments.
- Provide benefits counseling upon employee request.

Council responsibilities as they relate to Benefits Management:

- Ensure benefits guidance and reference material is distributed to the appropriate audiences.
- Communicate needed changes to guidance and/or reference material to the GSA.

3.2.6 Service Detail for Position Management:

- Establish appropriate number of positions essential to accomplish the functions assigned.
- Structure positions clearly and discretely to avoid overlapping of duties, unnecessary positions or fragmentation of work processes.
- Abolish vacant positions if the duties can be redistributed or eliminated.
- Optimize supervisor/employee ratios.
- Minimize the number of organizational levels, with emphasis on decentralization delegation to the lowest possible working level.
- Establish a balance between the number of employees who perform full performance level duties of the unit and the development of employees who perform more routine and lower level tasks.
- Establish positions in such a way as to encourage career development and allow cross-training consistent with the need to recruit and retain a diversified workforce.
- Create position descriptions that adequately describe the work to be performed.

Council responsibilities as they relate to Position Management:

- Collaborate with the GSA on the creation and maintenance of a sound organizational structure.
- Ensure all positions are properly classified.

3.2.7 Service Detail for Labor Relations, Performance Management and Employee Relations:

- Serve as representative or technical representative to General Counsel in dealings with employee and third-party representatives.
- Advise management on the conduct of labor-management negotiations.
- Assist in preparing and responding as agency representatives to: Federal Labor Relations Authority (FLRA); complaints filed by unions; appeals of third-party decisions; and responses to arbitrators.
- Advise and consult with supervisors and managers on employee relations issues.
- Provide advice, assistance, regulatory requirements and templates to managers on disciplinary, adverse and performance-based actions,

processing grievances and responding to related appeals, congressional and other third-party actions.

- Participate in oral reply meetings with deciding officials for disciplinary or adverse actions as required.
- Provide advice and assistance in responding to grievances and appeals to include Merit Systems Protection Board (MPSB) appeals and other third-party actions.
- Serve as the agency technical representative in MPSB proceedings.
- Provide regulatory and policy advice on workforce relations matters such as work schedules, time and leave administration, telework, performance management, employee recognition, etc.
- Provide employees information on employee rights and obligations provided for in regulations, legislation and merit system principles.
- Provide timely processing of award personnel actions.
- Provide timely guidance on establishing performance plans, conducting mid-year reviews and conducting final performance rating discussions and closing performance plans.
- Provide advice, assistance, templates and training workshops on award requirements, establishment of performance contracts/plans and conducting performance evaluations.
- Provide Performance Management training for employees on performance systems, timeliness, supervisory and employee responsibilities.

Council responsibilities as they relate to Labor Relations, Performance Management and Employee Relations:

- Assist with the development and completion of annual performance plans within specified timeframes.
- Consult with GSA when performance and/or conduct concerns arise and obtain approval prior to issuing Performance Improvement Plans (PIPs), disciplinary or performance-based actions, excluding those for SES positions.
- Use templates when developing letters of warning, reprimand and other disciplinary documents in coordination with GSA.
- Provide evidence of misconduct or unacceptable performance to GSA.
- Utilize alternate dispute resolution whenever feasible.
- Ensure employee recognition adheres to customer and GSA policies and guideline.

3.2.8 Service Detail for Customer Service:

- Ensure that training or guidance is provided on new HR systems, processes or procedures prior to implementation.
- Serve as an advisor to leadership on human resource solutions to organizational business needs.
- Work to develop staffing and recruitment strategies.
- Provide training on HR system functionality and reporting capabilities.
- Provide HR-specific training on hiring flexibilities, laws, rules and regulations, policies and procedures and other HR related areas.

- Support recruitment outreach activities conducted by customer and GSA Washington Area Operations Center (WAOC).
- Provide appropriate, accurate, and timely responses to customer inquiries received by email, phone and in person.
- Develop mutually agreed upon performance measures.
- Survey customers' satisfaction and utilize feedback to improve processes.
- Report how feedback has been utilized to improve processes.
- Track and report actual performance against WAOC key performance indications (KPIs) and SLA requirements.

Council responsibilities related to Customer Service

- Planning and forecasted anticipated/realized vacancy.
- Participate in training events and workshops, as needed.
- Provide timely, actionable and constructive feedback on WAOC performance surveys.

3.3 Comprehensive Human Resources Integrated System (CHRIS):

CHRIS is the automated tool used by HR professionals to document employees' employment data such as changes in salary, position, and benefits. CHRIS creates an employment history documented in e-OPF or can be printed and placed in an OPF. CHRIS is coupled with GSA's Business Objects Reporting tool; an agency can receive a full range of standard and ad hoc workforce reports quickly and easily. Data retrieval, customer reporting, and query features allow agencies to perform analysis, identify trends, track changes, and forecast future needs. CHRIS provides:

- Personnel Action Processing
- Benefits Management
- Telework Reporting
- MD-715 Reporting

3.4 Legal (Office of General Council):

- Legal services and liaison on legal matters relating to the administrative support services being provided.
- Interpretation of enabling legislation authority and other relevant statutes as they relate to specific issues identified by the customer.

3.5 Equal Employment Opportunity (EEO):

- General advice and guidance on EEO matters provided to the Customer's management and employees.
- Processing of EEO complaints of discrimination from the informal stage to the formal stage upon the Customer's request. OCR will contract for most EEO services. The Customer is responsible for all contract costs including those associated with the processing of EEO complaints (i.e., counseling,

mediations, accept/dismiss, amendments, investigations, and final decisions, etc.)

## 4. Optional Reimbursable Services

All services identified in this paragraph and provided by the following (but not solely limited to) GSA's offices and any direct liaison/coordination assistance provided by GSA will be on a full cost reimbursable availability basis.

(a) Federal Acquisition Services
(b) Public Buildings Service
(c) Acquisition Management Division
(d) Office of General Council
(e) Equal Employment Opportunity
(f) Security and Background Investigation (OPM & GSA costs)
(g) Credentialing Services

(a) FAS: NCR's Network Services Division has introduced the new Washington Interagency Telecommunications System WITS 3 contract vehicle that includes a full suite of voice solutions, from basic local and long distance service to VoIP, cable installation, satellite, teleconferencing and audiovisual services, technical support and much more.

(b) PBS provides real estate market analyses by locating and negotiating optimal office space and/or other facilities. Acts as a Construction/Project Manager to design and construct new facilities, and/or repairs and alterations of existing structures. Provides assessment and delivery of physical security requirements.

(c) The GSA will provide simplified acquisition services, contract services, and contract administration support. Acquisition services will be direct billed to the Customer on a fee for service basis.

(d) Any litigation related services or contractual costs associated with ER/LR and EEO litigation actions or other litigation actions by the GSA Office fo General Counsel on behalf of NCD are reimbursable on an hourly basis, plus any contract costs.

(e) OCR personnel actions required in support of the processing of EEO complaints of discrimination (including obtaining the contract services, reviewing deliverables, etc.) will be performed at a reimbursable rate of $104 per hour or any portion of an hour. OCR will provide EEO training services if requested by the customer. EEO training services will be contracted out and the customer will be responsible for all associated contract costs. OCR's personnel actions in support of the EEO training (such as planning, developing and contracting for the training) will be charged at a rate of $104 per hour or any portion of an hour.
OCR will provide advisory services for EEO reporting requirements to the EEOC on a reimbursable hourly rate of $104, such as EEO Complaints Tracking and MD-715 reporting.

(f) The cost of the personnel suitability process shall be $350 per case plus the reimbursable OPM investigation fee based on OPM annual cost (FY-14: NACI - $122, MBI - $920, BI - $3,609, SSBI - $4,348)

(g) FAS will provide government ID cards on a reimbursable basis. (Fingerprints & NACIs required)

## 5. Points of Contact

5.1 General Services Administration

(a) Account Management
Tom Hodnett
Director, Agency Liaison Division
Phone: (202) 205-2900
Email: tom.hodnett@gsa.gov

X_____

(b) Human Resources
Jackie Clay
Director, Washington Area Operations Center
Phone: (202) 208-4793
Email: jacqueline.clay@gsa.gov

X_____

(c) Comprehensive Human Resources Integrated System (CHRIS)
Paul York
Project Manager, Office of Program Performance
Phone: (816) 926-7206
Email: paul.york@gsa.gov

X_____

(d) Equal Employment Opportunity (EEO)
Kellyann Williams
Equal Employment Manager, Office of Civil Rights
Phone: (215) 446-4906
Email: kellyann.williams@gsa.gov

X_____

(e) Security & Background Investigations
Grady Hannah
Supervisory Security Specialist, Personnel Security Division
Phone: (202) 219-0273
Email: grady.hannah@gsa.gov

X_____

(f) Federal Acquisition Service (FAS)
Stephanie Carpenter
Customer Account Representative, Federal Acquisition Service
Phone: (703) 605-2670
Email: stephanie.carpenter@gsa.gov

X_____

(g) Public Building Service (PBS)
Elena Garrison
Director, Assignments Division
Office of Portfolio Management
Phone: (202) 260-4112
Email: elena.garrison@gsa.gov

X_____

(h) Acquisition Management Division (AMD)
Melanie Lewis
Supervisory Contract Specialist, Acquisition Management Division
Phone: (202) 708-6679
Email: melanie.lewis@gsa.gov

X_____

(i) Credentialing (MSO)
Bill Windsor
Supervisory IT Specialist, HSPD-12 Branch
Phone: 703-306-6415
Email: william.windsor@gsa.gov

X_____

5.2 National Council on Disability:

This person authorized to interface with GSA on all matters related to this agreement.

Name: _____

Position: _____

Phone #:_____

Email: _____

This person authorized to interface with GSA on all financial matters related to this agreement.

Name: _____

Position: _____

Phone #:_____

Email: _____

## 6. Financial Agreement

(a) The cost of these services shall be $4,833.33 per month or for any portion of a month during the life of the agreement plus any reimbursable fees. Monthly fees are based on number of employees supported on a bi-annual basis. A count of employees supported will be taken on September 1 and March 1 of each year to establish the rate for the next six months.

(b) In addition to routine monthly fees, new clients will be charged three months fees to support start-up support, immediately upon signature of their initial SLA.

(c) The cost incurred with the administration of the agreement includes a pro rata portion of GSA's operational costs. GSA will initiate charges against the Council's account for the agreed upon fees. The fees will be charged against the account during the first eight days of the first month of each quarter or immediately, on a pro rata basis, in quarters which have already begun.

(d) If the Council should transfer services to another provider or if the Council completes it federal service, the Council will be charged three months fees to support the maintenance and transfer of records to a new service provider, employers or the Federal Records Center.

(e) Monthly fees will be increased commensurate with federal civilian employee pay raises, i.e., if federal civilian employees get a pay raise of 3.1% in January of any calendar year, the monthly fee for the client will be increased by 3.1% effective October 1, of the same calendar year.

## 7. Payment and Intra-Governmental Payment and Collection System (IPAC)

7.1 The Council agrees to pay as stipulated in the SLA.

7.2 Payment will be made via Interfund transfer (IFTV) except when special arrangements are made as mutually agreed upon by the GSA and the Council.

7.3 A signature on this SLA signifies the Council's commitment to reimburse GSA for services rendered.

7.4 GSA will use the following Treasury codes on all IPAC billings:

Client Agency Location Code (ALC) _____
Client Agency Treasury Account Symbol (TAS): _____
Client Business Event Type (BETC) Code: _____
Client BPN number: _____
Purchase Order Number for Client Billing: _____
First and Last Year of Funding Source: _____
Type of Funding: _____
GSA Agency Location Code (ALC): _____
GSA Treasury Account Symbol (TAS): _____
GSA BETC Code: _____

7.5 Questions by the GSA or the Client Agency concerning IPAC billings shall be addressed to the points of contacts identified.

## 8. Alternative Dispute Resolution

8.1 The parties agree that, in the event of a dispute between the agency and GSA, the parties shall use their best efforts to resolve that dispute in an informal fashion and through consultation and negotiation, or other forms of mutually acceptable non-binding alternative means of dispute resolution.

8.2 Non-acceptance issues unable to be resolved will be handled as follows:

(a) The Client must request in writing (via email or memorandum) a review by GSA's CPO Chief of Staff.

(b) GSA's CPO Chief of Staff will submit a written ruling to the Client via email or memorandum.

(c) In the event those officials cannot resolve the dispute, they will designate a mutually acceptable independent third party to review the facts and recommend a fair resolution.

## 9. Continuing Resolutions

(a) In the event of a continuing resolution GSA and the Council will operate under the guidelines governing the resolution.

(b) Fee collection will be consistent with the terms of the continuing resolution.

## 10. Customer Closeout

(a) In the event Congress decides to close the client agency during the current fiscal year, or if the Council elects to terminate GSA services for any reason, the Council shall be assessed a flat fee equal to three months charges on the first day of the last month of this SLA duration to cover all close-out activities including but not limited to:

1) Records management,
2) Final invoicing,
3) OMB/Treasury final reconciliation,
4) Surplus property
5) Other tasks as required

## 11. Terms of Agreement

This agreement is effective upon signature. The agreement will remain in effect until September 30, 2014, or until amended, replaced, or terminated by signed, mutual agreement of both parties.

The Council and the GSA reserve the right to terminate this agreement by notifying the other party at least 90 days in advance of termination date. Notification must be made in writing (via email or memorandum) to the Director, GSA's Agency Liaison Division or his/her designee.

In the event of termination by either party, the GSA agrees to reasonably assist to ensure smooth transition to another provider.

If this agreement is terminated by the Council, the Council assumes responsibility for all costs resulting from the termination, which may include:

(a) Direct costs already incurred by the GSA in support of the agreement which costs cannot be similarly canceled or deferred

(b) Termination costs

(c) Transition costs as applicable

**12. Authorizing Officials:**

General Services Administration:

_____ Date: _____

National Council on Disability:

_____ Date: 9/27/13

(b) (5)

(b) (2)

(b) (2)

(b) (2)

NON-RESPONSIVE

NON-RESPONSIVE

**Washington, DC 20407**
**202-205-4929 Desk**
**202-(b) (6) [redacted] Mobile Phone**
**202-708-5377 fax**
[redacted]

https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LlZjNJlr0/viewform

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/26/2013 8:44:46 PM
Subject: FW: FW: Please Respond ASAP

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fyi, which supports the directive sent earlier today.

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**From:** Scott Royster - BCED <ronald.royster@gsa.gov>
**Sent:** Thursday, September 26, 2013 1:41 PM
**To:** Jeff Rosen
**Cc:** scott.royster@gsa.gov; michele.nokes@gsa.gov; Julianne White
**Subject:** Re: FW: Please Respond ASAP

Jeff,

I talked with our travel staff and looked at the Federal Travel Regulation (http://gsa.gov/portal/ext/public/site/FTR/file/FTR301TOC.html/category/21868/hostUri/portal) regarding your question. Even the FTR requires a travel voucher to be filed within 5 days of finishing the travel. However, there is a legal responsibility to reimburse a traveler for valid and authorized expenses, even when the travel voucher is not filed timely.

I copied two pieces of information from the FTR below. As you can note, there is nothing under disallowing a payment that points to a late voucher.

Hope this helps.

Scott

**§301-52.7 When must I submit my travel claim?**

Unless your agency administratively requires you to submit your travel claim within a shorter timeframe, you must submit your travel claim as follows:
(a) Within 5 working days after you complete your trip or period of travel; or
(b) Every 30 days if you are on continuous travel status.

**§301-52.8 May my agency disallow payment of a claimed item?**

Yes, if you do not:
(a) Provide proper itemization of an expense;
(b) Provide receipt or other documentation required to support your claim; and
(c) Claim an expense which is not authorized.

R. Scott Royster
Chief, External Services Branch (BCED)
Financial and Payroll Services Division (BCE)
Office of the Chief Financial Officer
General Services Administration
Phone 816-926-5072
Cell 816-(b) (6)

scott.royster@gsa.gov or ronald.royster@gsa.gov

On Thu, Sep 26, 2013 at 6:12 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

Scott -

Could you provide input on whether Council member Stephanie Orlando is prevented by Federal law or rule from being reimbursed for legitimate and approved expenses regardless of what NCD's internal operating process is?

Thanks.

-Jeff

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**From:** Gary Blumenthal
**Sent:** Tuesday, September 24, 2013 4:35 PM
**To:** Sylvia Jones
**Cc:** Jeff Rosen
**Subject:** RE: Please Respond ASAP

Sylvia, Are you thus stating that Ms. Orlando will not be paid or that you will be able to process the payment after October 1, 2013?

Gary

---

**From:** Sylvia Jones
**Sent:** Tuesday, September 24, 2013 9:47 AM
**To:** Gary Blumenthal
**Cc:** Sylvia Jones
**Subject:** FW: Please Respond ASAP

Gary,
Per close out guidance that I sent to all NCD staff on August 14, the last day for vendor invoices, obligations and accruals to be received in GSA to ensure processing by Sept 30...was Friday, Sept 13. NCD is currently non-compliant to GSA fiscal year close out guidance. The consistent influx of untimely emails and directives from you and Jeff last week has impeded my workload. Professional courtesy goes both ways. As you aware we do not have a Financial Analyst in place due a delay in hiring by the Chair and Executive and I am closing out the budget alone. A task that was completed in the past by three (3).

***Regarding Stephanied Orlando*** - per the NCD Financial Manual - travel vouchers must be completed within five (5) business days upon completion of travel. Stephanie had three outstanding travel vouchers that dated back to June 2013, one of which I completed last week. She was not notified twice concerning the vouchers however she took no action.

***Regarding the cooperative agreement extension*** - this is being handled by Gerrie. Per her email to earlier, she will review and get back to you by noon today.

Also please be advised that prior to her departure from office for delivery, Rebecca had financial transactions in her possession for review and signature (i.e. travel vouchers, bills, credit card statements).

Sylvia

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Tuesday, September 24, 2013 9:28 AM
**To:** Sylvia Jones
**Cc:** Jeff Rosen
**Subject:** Please Respond ASAP

Sylvia,

I still need a response from you regarding Stephanie Orlando's inquiry and the status of the Cooperative Agreement extension.
As the Council member who has worked with you the most and tried to assist you as you have requested I need the same in return from you now. I have left numerous VMs, emails and phone messages with Stacey. Please return my calls as a professional courtesy.

**Gary H. Blumenthal**

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/24/2013 9:36:18 AM
Subject: FW: Agency contingency plan

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Lisa & David -

As a fyi. this is an OMB directive for us to complete this week.

-Jeff

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**From:** Jeff Rosen
**Sent:** Friday, September 20, 2013 4:26 PM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley; Gary Blumenthal
**Subject:** Agency contingency plan

Sylvia -

OMB requires federal agencies to submit a plan next week for how they would stop operations if there is a lapse of funding. Please draft such a plan for Gary and my review by COB next Wednesday September 25th. NCD should have developed a similar plan for the 2011 potential shutdown which never occurred so there may be something already on file. Feel free to contact Aaron Bishop if you would like to see if he has any information from the time he was NCD's ED.

-Jeff

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 9/23/2013 3:24:12 PM
Subject: RE: Can you and I speak this afternoon

---

Thank you Lisa, I was in the middle of asking you for a draft email when I got one from you.

I have asked Gary to speak with Tom Hodnett at GSA to see if we can process directly with GSA the approved items in case Sylvia continues her uncooperative conduct. We will see what we can do on that end.

Appreciate the collaborative problem solving approach we are taking here.

-Jeff

(b) (5)

From: Jeff Rosen <jrosen@ncd.gov>
To: Sylvia Jones
Date: 9/19/2013 12:52:20 PM
Subject: (b) (6) [redacted] telework

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Sylvia,
I write in Ms Cokley's absence.
This is in regards to (b) (6) [redacted] telework plan. This was researched on OPM .gov at http://www.telework.gov/guidance_and_legislation/telework_guide/telework_guide.pdf In addition they provided the following guidance to your specific question to Ms. Margaret Higgins, Human Resources Specialist, at GSA (202-501-3764).
You are correct. While OPM's Telework Guide breaks down types of telework into two groups: 1) routine telework (telework that occurs as part of a an ongoing, regular schedule, and 2) situational telework (telework approved on a case-by-case basis where the hours worked are not part of a previously approved, ongoing and regular telework schedule), our policy guidance only states that any employee who wishes to telework (regardless of type) must first complete telework training and have a written telework agreement in place (see page 4 of the Telework Guide). I might also add that the Telework Enhancement Act gave each Executive agency the exclusive authority to establish its own telework policy (subject to the limitations described in the law – e.g. written agreement). The language also specifically states the telework agreement is entered into between the manager and the employee and should outline the specific work arrangement that is agreed to between the two. This should ensure maximum flexibility is in the hands of the agency and manager in order to meet agency mission and operational/organizational needs. Remember one of the most common uses of situational telework is 'unscheduled telework" in the event of a weather related and other emergencies, which again lends further credence to the flexibility agencies and managers exercise in the use of telework as a strategic management tool. Thus in sum, unless GSA's telework policy disallows the flexibility that is described in this scenario, each individual manager has the discretion to establish routine telework schedules and to modify those arrangements on a temporary/case-by-case basis to allow for situational telework to meet organizational needs. A caveat to this, of course, is a case in which an employee moves from a purely situational telework schedule to a routine telework schedule (or vice versa). In that case, the telework agreement should be modified to reflect permanent changes to the telework agreement.
I believe you would agree that an employee with an agreement for only regular telework, could telework during a weather emergency (situational).

Please process (b) (6) [redacted] telework agreement by COB 9-20-13 or provide me written regulations that prevent you from doing so.
-Jeff

From: Jeff Rosen <jrosen@ncd.gov>
To: David Allen - WPG-C
Date: 9/16/2013 2:03:38 PM
Subject: RE: Executive Director

---

Unfortunately our regular interpreter isnt available tomorrow.

Could GSA check again with its HR people about the availability of interpreters? GSA has many deaf employees at HQ and regularly schedules interpreters for them.

Another possibility is for GSA to have an iPad which works on is system to enable remote video interpreting ( i can take care of that part if an iPad works).

I will also check with another service.

Thanks.

---

**From:** Jeff Rosen
**Sent:** Monday, September 16, 2013 1:12 PM
**To:** David Allen - WPG-C
**Cc:** Lynnae Ruttledge; Rebecca Cokley; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
**Subject:** RE: Executive Director

Lets do that then. Does GSA have an interpreter readily available or should I arrange for one?

Thanks.

---

**From:** David Allen - WPG-C <david.allen@gsa.gov>
**Sent:** Monday, September 16, 2013 1:08 PM
**To:** Jeff Rosen
**Cc:** Lynnae Ruttledge; Rebecca Cokley; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
**Subject:** Re: Executive Director

Lisa Gilmore and I could meet you at 3:30 at GSA 7th and D streets. I could pick you up in the lobby then we can use my office, if that works for everyone.

Please confirm.

On Mon, Sep 16, 2013 at 12:32 PM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Thanks Lynnae. Tuesday afternoon at GSA would be my preference, will look to more information from Dave & GSA.
> -Jeff
>
> ---
>
> **From:** Lynnae Ruttledge
> **Sent:** Monday, September 16, 2013 12:31 PM
> **To:** Jeff Rosen; David Allen - WPG-C
> **Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
> **Subject:** RE: Executive Director
>
> Thanks Jeff. I'm on my way to DC for the forum and LTCC meeting. I'm available Tuesday after 3:30 (I will do it person at GSA) or by phone on Friday.

Lynnae

**From:** Jeff Rosen
**Sent:** Monday, September 16, 2013 9:25:26 AM
**To:** David Allen - WPG-C
**Cc:** Rebecca Cokley; Lynnae Ruttledge; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
**Subject:** FW: Executive Director

Hi David -

At the outset, I want to reiterate on behalf of NCD our profound appreciation for the good support you provide us.

As indicated below, it is likely that we will proceed not to designate an acting ED in Rebecca's temporary absence.

I would like to meet with you this week to get an update on GSA's HR work and discuss how me may want to handle any issues in the interim which we think requires your and GSA's support. I also would like to discuss with you about receiving support in the new FY after your contract with GSA expires.

This week Tuesday, Wednesday and Friday afternoons are good for me. Please feel free to include GSA personnel if appropriate. We will look to including Lynnae if shes available.

Thanks

-Jeff

(b) (2)

(b) (2)

--

Dave Allen
Employee Relations Specialist
301 7th Street SW
Room 1619
Washington, DC 20407
David.Allen@GSA.gov
202-690-9475
FAX 202-205-2546 (Please call or email if faxing so that I can retrieve it)

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Rebecca Cokley
Date: 9/30/2013 12:08:38 PM
Subject: RE: Global Networkers contract

---

Thank you. He is indispensable to NCD.

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Monday, September 30, 2013 12:07 PM
**To:** Rebecca Cokley
**Cc:** Jeff Rosen
**Subject:** Re: Global Networkers contract

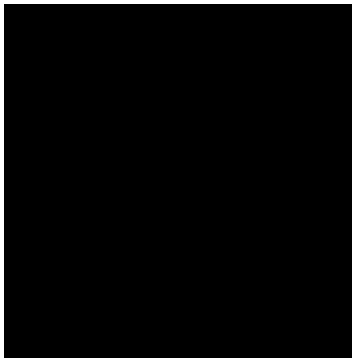
Please make sure that Nick understands he is not being fired. I will continue to work with Rebecca regarding the administrative action.

On Mon, Sep 30, 2013 at 11:50 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:

> I just got off the phone with our IT contractor (William) and he informed me that Ms. Jones directed him to fire our in-house IT staff (b) (4) effective today. She is the COTR on the contract but he contacted me as the Executive Director to ensure that that was in fact, our desire, which it isn't. This puts him in a slightly awkward position. What do we do?
>
> She has yet to date mentioned any dissatisfaction with (b) (4) performance, although he did relay to me that he was verbally disciplined about informing me about her denial of my laptop last week. William has no issue with (b) (4) performance.
>
> I told William to hold pending my guidance.
>
> RC
>
> Sent from my iPad

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax



https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

From: Jeff Rosen <jrosen@ncd.gov>
To: Gary Blumenthal
Gary Blumenthal
Lynnae Ruttledge
Kamilah Martin-Proctor
Stephanie Orlando
Clyde Terry
Clyde Terry
Date: 10/24/2013 5:09:14 PM
Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

---

Gary - I think thats a reasonable approach.

All, I'm as shaken as you are regarding the vitriol in Carla's latest note. I need to ask Lisa when shes back in the office what we should do about the escalation.

-Jeff

---

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Thursday, October 24, 2013 5:04 PM
**To:** Jeff Rosen; Gary Blumenthal; Lynnae Ruttledge; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

Jeff,

Please allow me to think aloud about A&F Committee holding a meeting to hear Sylvia. I wonder if she will accuse us of bias from the get go because of her already lodged suggestion that we have colluded together.

Before I ask her to submit her documentation, may I suggest that we ask confirm that someone from GSA financial will attend to take the lead in asking questions and conducting the committee meeting and inquiry. Ari is out of town November 4-8, I haven't yet spoken with Kamilah or Pam and don't know their schedules.

We could do a meeting on October 30 at 2pm with Ari and Pam phoning in; and Kamilah and I on site with a GSA rep.

What do you think?

Gary

**Gary H. Blumenthal**
**President and CEO**
**Association of Developmental Disabilities Providers**
1671 Worcester Road, Suite 201
Framingham, Massachusetts 01701
voice: 508-405-8000
fax: 508-405-8001
cell: 617-(b) (6)
www.addp.org

[redacted]

**From:** Jeff Rosen [mailto:jrosen@ncd.gov]
**Sent:** Thursday, October 24, 2013 12:26 PM
**To:** Gary Blumenthal; Lynnae Ruttledge; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

Thanks Gary. Hope the mental health conference (with VP Biden attending) is going well, look forward to a report about it.

Rebecca, please send out an email to the Council members with an update regarding member salary, time cards and reimbursement of their expenses. If possible, an email today would be good. I have not received member salary for the time worked prior to the federal shutdown and members havent seen for some time the usual request for time cards. Appreciate it.

-Jeff

---

**From:** Gary Blumenthal
**Sent:** Thursday, October 24, 2013 12:19 PM
**To:** Jeff Rosen; Lynnae Ruttledge; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

I am out of the Office todsy but will schedule and follow up tomorrow.

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: Jeff Rosen <jrosen@ncd.gov>
Date: 10/24/2013 8:57 AM (GMT-05:00)
To: Lynnae Ruttledge <lruttledge@ncd.gov>,Kamilah Martin-Proctor <KMartin-Proctor@ncd.gov>,Stephanie Orlando <SOrlando@ncd.gov>,Clyde Terry <CTerry@ncd.gov>,Clyde Terry <cterry@gsil.org>,Gary Blumenthal <GBlumenthal@ncd.gov>,garyblumenthal@addp.org
Cc: Rebecca Cokley <rcokley@ncd.gov>,Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

Please find attached & copied below a revised draft plan with several significant edits which I will walk through and ask for your input on several highlighted points.

Co-vice chairs Kamilah and Lynnae will facilitate the special meeting of the Council. They have already started this work. I will take a very light hand in this proceeding to make sure that this is free from any perception of bias. Along those lines, Rebecca and I will ask the EC for input on some administrative decisions that we ordinarily make, again to ensure that these decisions are free of any perceptions of bias.

Members have contacted me, and I'm sure you as well, about their concerns about being in the dark and wanting to know more how they can respond to the allegations of racism and disability discrimination. **Should we announce**

**to members today the plans for a special session or wait until next week?**

I have added a bullet on a staff meeting about HR, EEO & Whistleblowing laws and procedures.

GSA will soon issue a solicitation for a temporary financial analyst contractor until that position is filled. The turnaround time is expected to be about a week so we are looking the first week of November to onboard the contractor. The contractor will address the backlog of invoices and reimbursements. **However, we need action today about collecting member time cards and checking into the status of unpaid member salary**. I recommend that we ask Rebecca to work with Gary in following up asap. Several members have asked me about this and we are obligated to respond today.

Sylvia has represented to the auditors that NCD engaged in fraud. I asked Gary to share with the A&F Committee to make them aware and to follow up in collecting information to address any operational deficiencies. I have added a bullet about that. **I recommend that the A&F Committee promptly schedule a meeting and request from Sylvia to provide them, in writing, information about the represented inappropriate financial operations.**

There is also a new bullet about updating personnel records. Anne has been awaiting GSA action on a federal personnel form for some time now. We need to ensure that staff performance evaluations are complete and that their performance plan in the new FY are also complete.

-Jeff

DRAFT

October 23, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

Objective #1: Provide support for the Executive Director.

Action items:

Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. The contractor will also assist the Executive Director with HR issues, staff communications and morale, and organizational development needs. Rebecca to provide a scope of work for the contractor.

Objective #2: Provide support for the NCD staff and enhance their workplace.

Action items:

Rebecca and Lisa will develop options for our consideration.

Rebecca will disseminate a new organizational chart and specifically identify to the Council members and staff the scope of responsibilities and duties of each department manager.

Rebecca will meet with staff to inform them about HR, EEO and Whistleblowing processes and the resources available to them.

Objective #3: Provide support for NCD's financial management

Action items:

Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.

Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.

Work with the auditors of NCD. Gary will work with staff & the A&F Committee on this.

Investigate allegations of inappropriate financial operations. Gary will work with staff & the A&F Committee on this.

Fill the financial analyst position and advertise the Administrative Support position.

Objective #4: Resolve pending administrative needs

Action items:

Handle the EEO complaint. GSA is providing support.

Address the MSPB claim. Staff is working on it with GSA.

Complete the FOIA request. Janni and staff are working on it with GSA.

Get an update on the status of the Legislative position hire. Rebecca to obtain from staff.

Ensure that all staff records are up to date and complete. Rebecca to handle and report to the Executive Committee.

Objective #5: Convene a special meeting of the Council to discuss workplace concerns.

Action items:

Co-vice chairs Kamilah and Lynnae will facilitate the meeting with the support of past vice chair Janni.

Seek counsel from GSA legal and HR about the parameters of that meeting.

---

**From:** Lynnae Ruttledge
**Sent:** Wednesday, October 23, 2013 9:55 AM
**To:** Jeff Rosen; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

Thanks Jeff. While it's not a problem area, to provide balance and keep everyone in the communication loop, it would be helpful to add the status of filling the Legislative analyst position as well.

Does that make sense?

Lynnae

---

**From:** Jeff Rosen
**Sent:** Wednesday, October 23, 2013 4:50:54 AM
**To:** Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

I have attached and copied below a revised draft action plan based on your input to date. I also added an item regarding the audit. Please continue to help provide feedback on the draft.

Rebecca, please provide us in advance of the EC meeting the options to address the second objective, support for NCD staff & enhancing the workplace. Thanks.

-Jeff
DRAFT

October 22, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

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Action items:

Rebecca and Lisa will develop options for our consideration.
Rebecca will disseminate a new organizational chart and specifically identify to the Council members and staff the scope of responsibilities and duties of each department manager.

Objective #3: Provide support for NCD's financial management

Action items:

Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.
Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.
Work with the auditors of NCD. Gary will work with staff & the A&F Committee on this.
Fill the financial analyst position and advertise the Administrative Support position.

Objective #4: Resolve pending administrative needs

Action items:

Provide support for the EEO complaint. Jeff is working on it with GSA.
Address the MSPB claim. Rebecca and Robyn are working on it with GSA.
Complete the FOIA request. Robyn and Janni are working on it with GSA.

Objective #5: Respond to request for an Executive Session of the Council.

Action items:

The Executive Committee assigns a member to help set up that meeting.

**From:** Jeff Rosen
**Sent:** Tuesday, October 22, 2013 9:35 AM
**To:** Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** FOR YOUR ACTION: NCD Organizational Needs Action Plan

As I indicated, to assist us with preparation in advance of our Executive Committee meeting, I have started a draft of a plan of action (attached and copied below) which identifies current organizational objectives and the action items needed to achieve them

Please provide your input. Feel free to edit the draft document and circulate to the group your revisions.

Thanks.

-Jeff

DRAFT

October 22, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

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Action items:

The Executive Committee assigns a member to help set up that meeting.

From: Jeff Rosen <jrosen@ncd.gov>
To: Kamilah Martin-Proctor
Stephanie Orlando
Clyde Terry
Clyde Terry
Lynnae Ruttledge
Gary Blumenthal
garyblumenthal@addp.org
Date: 10/22/2013 7:51:10 AM
Subject: RE: Rescheduling the Executive Committee meeting

---

Lisa from GSA isn't available after Wednesday this week.

Lets try again by asking about your availability next week Monday (28th) or Tuesday (29th) at 11 eastern.

I understand that this is an urgent need. However, I think NCD is best served if we have everyone on the call.

To get the ball rolling before then, I will send out a separate email listing short term objectives for the EC and we can discuss by email leading up to our meeting on Monday or Tuesday of next week.

Thanks.

-Jeff

---

**From:** Jeff Rosen
**Sent:** Monday, October 21, 2013 10:43 PM
**To:** Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA; Terri Voth
**Subject:** Rescheduling the Executive Committee meeting

Today I learned that Clyde and Lynnae will not be available on Wednesday's scheduled EC call..

Its important we have everyone present for the meeting. Thus I'm asking that we reschedule the EC meeting to another day this week.

Could everyone indicate their availability this Thursday at 11 eastern or this Friday at the same time.

Thanks.

-Jeff

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 12/9/2013 3:25:56 PM
Subject: RE: FW: Sylvia Jones - Written Reply

Hi Lisa -

Just wanted to check in about whether theres an anticipated time that a draft is prepared for my review.

Thanks.

-Jeff

(b) (5)

(b) (5)

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Monday, December 02, 2013 11:39 AM
**To:** Jeff Rosen
**Subject:** Re: FW: Sylvia Jones - Written Reply

Hi Jeff,

Have you had an opportunity to read the written reply? I am still going thru everything and will prepare a decision letter for your signature. I believe that you will sustain all charges in Rebecca's proposal. If you choose to mitigate the proposal to less amount of days, please let me know along with your reason and I can draft the letter accordingly.

On Mon, Dec 2, 2013 at 10:46 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Hi Lisa, trust that you had a good Thanksgiving with your family.
>
> Please let me know the next steps for this item. I suppose we should meet to review?
>
> Thanks.
>
> -Jeff
>
> **From:** James Heelan <jheelan@shawbransford.com>
> **Sent:** Wednesday, November 27, 2013 6:03 PM
> **To:** Jeff Rosen
> **Cc:** lisa.gilmore@gsa.gov; Robyn Powell; Julie Perkins
> **Subject:** Sylvia Jones - Written Reply
>
> Mr. Rosen,
>
> We submit the attached written reply and exhibits to you on behalf of our client, Mrs. Sylvia Jones. A hard copy will follow to you via overnight FedEx delivery.

Sincerely,

James Garay Heelan

**James P. Garay Heelan**
Associate Attorney

Shaw Bransford & Roth P.C. | Attorneys at Law
1100 Connecticut Avenue, NW, Suite 900
Washington, DC 20036
Phone: (202) 463-8400 Ext. 316| Fax: (202) 833-8082
www.shawbransford.com | jheelan@shawbransford.com

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**Lisa Gilmore**
**Human Resources Specialist (Employee Relations)**
**Washington Area Operations Center**
**Employee Relations Branch-CPWA**
**301 7th Street, S.W., Room 1022**
**Washington, DC 20407**
**202-205-4929 Desk**
**202-(b) (6) Mobile Phone**
**202-708-5377 fax**
[redacted]

https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LlZjNJlr0/viewform

From: Jeff Rosen <jrosen@ncd.gov>
To: Lynnae Ruttledge
Kamilah Martin-Proctor
Stephanie Orlando
Clyde Terry
Clyde Terry
Gary Blumenthal
garyblumenthal@addp.org
Date: 10/23/2013 9:55:46 AM
Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

---

Yes, will do, thanks.

---

**From:** Lynnae Ruttledge
**Sent:** Wednesday, October 23, 2013 9:55 AM
**To:** Jeff Rosen; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Gary Blumenthal; garyblumenthal@addp.org
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---

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DRAFT

October 22, 2013

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Action items:

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---

**From:** Jeff Rosen
**Sent:** Tuesday, October 22, 2013 9:35 AM
**To:** Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** FOR YOUR ACTION: NCD Organizational Needs Action Plan

As I indicated, to assist us with preparation in advance of our Executive Committee meeting, I have started a draft of a plan of action (attached and copied below) which identifies current organizational objectives and the action items needed to achieve them

Please provide your input. Feel free to edit the draft document and circulate to the group your revisions.

Thanks.

-Jeff

DRAFT

October 22, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

Objective #1: Provide support for the Executive Director.

Action items:

Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. Rebecca to provide a scope of work for the contractor.

Objective #2: Provide support for the NCD staff and enhance their workplace.

Action items:

Rebecca and Lisa will develop options for our consideration.
Retain an on-site contractor to assist with HR issues, staff communications and morale, and organizational development needs. Rebecca and Lisa to provide a scope of work for the contractor.

Objective #3: Provide support for NCD's financial management

Action items:

Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.
Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.
Fill the financial analyst position and advertise the Administrative Support position.

Objective #4: Resolve pending administrative needs

Action items:

Provide support for the EEO complaint. Jeff is working on it with GSA.
Address the MSPB claim. Rebecca and Robyn are working on it with GSA.
Complete the FOIA request. Robyn and Janni are working on it with GSA.

Objective #5: Respond to request for an Executive Session of the Council.

Action items:

The Executive Committee assigns a member to help set up that meeting.

(b) (2)

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 9/16/2013 3:58:04 PM
Subject: RE: Executive Director

---

We now have an interpreter scheduled for tomorrow, thank you.

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Monday, September 16, 2013 3:25 PM
**To:** Jeff Rosen
**Cc:** David Allen - WPG-C; Lynnae Ruttledge; Rebecca Cokley
**Subject:** Re: Executive Director

So far I have not been successful with obtaining an interpreter for tomorrow's meeting. I will continue to try. I'm waiting on a call back from someone now.

On Mon, Sep 16, 2013 at 2:36 PM, Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov> wrote:

> I am checking on an interpreter now and will get back with you right away.
>
> On Mon, Sep 16, 2013 at 2:03 PM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
> > Unfortunately our regular interpreter isnt available tomorrow.
> >
> > Could GSA check again with its HR people about the availability of interpreters? GSA has many deaf employees at HQ and regularly schedules interpreters for them.
> >
> > Another possibility is for GSA to have an iPad which works on is system to enable remote video interpreting ( i can take care of that part if an iPad works).
> >
> > I will also check with another service.
> >
> > Thanks.
> >
> > ---
> >
> > **From:** Jeff Rosen
> > **Sent:** Monday, September 16, 2013 1:12 PM
> >
> > **To:** David Allen - WPG-C
> > **Cc:** Lynnae Ruttledge; Rebecca Cokley; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
> > **Subject:** RE: Executive Director
> >
> > Lets do that then. Does GSA have an interpreter readily available or should I arrange for one?
> >
> > Thanks.
> >
> > ---
> >
> > **From:** David Allen - WPG-C <david.allen@gsa.gov>
> > **Sent:** Monday, September 16, 2013 1:08 PM
> > **To:** Jeff Rosen
> > **Cc:** Lynnae Ruttledge; Rebecca Cokley; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
> > **Subject:** Re: Executive Director
> >
> > Lisa Gilmore and I could meet you at 3:30 at GSA 7th and D streets. I could pick you up in the lobby then we

can use my office, if that works for everyone.

Please confirm.

On Mon, Sep 16, 2013 at 12:32 PM, Jeff Rosen <jrosen@ncd.gov> wrote:

Thanks Lynnae. Tuesday afternoon at GSA would be my preference, will look to more information from Dave & GSA.
-Jeff

---

**From:** Lynnae Ruttledge
**Sent:** Monday, September 16, 2013 12:31 PM
**To:** Jeff Rosen; David Allen - WPG-C
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
**Subject:** RE: Executive Director

Thanks Jeff. I'm on my way to DC for the forum and LTCC meeting. I'm available Tuesday after 3:30 (I will do it person at GSA) or by phone on Friday.

Lynnae

---

**From:** Jeff Rosen
**Sent:** Monday, September 16, 2013 9:25:26 AM
**To:** David Allen - WPG-C
**Cc:** Rebecca Cokley; Lynnae Ruttledge; Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
**Subject:** FW: Executive Director

Hi David -

At the outset, I want to reiterate on behalf of NCD our profound appreciation for the good support you provide us.

As indicated below, it is likely that we will proceed not to designate an acting ED in Rebecca's temporary absence.

I would like to meet with you this week to get an update on GSA's HR work and discuss how me may want to handle any issues in the interim which we think requires your and GSA's support. I also would like to discuss with you about receiving support in the new FY after your contract with GSA expires.

This week Tuesday, Wednesday and Friday afternoons are good for me. Please feel free to include GSA personnel if appropriate. We will look to including Lynnae if shes available.

Thanks

-Jeff

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2

--
Lisa Gilmore
Employee Relations Specialist
202-205-4929

(b) (2)

(b) (2)

From: Jeff Rosen <jrosen@ncd.gov>
To: Matt Conrad - CB
Sylvia Jones
Date: 9/27/2013 11:01:16 AM
Subject: RE: FY12 SLA- NCD

---

Matt -

Just so we have everything lined up for the timely execution of the document on Monday morning, please list the exact information and signatures needed from NCD. Do you need a hard copy or will an electronic send of a scanned copy suffice? If you need a hard copy, I can come to GSA Monday morning to execute.

Thanks for the specific instructions.

-Jeff

---

**From:** Jeff Rosen
**Sent:** Friday, September 27, 2013 10:16 AM
**To:** Matt Conrad - CB; Sylvia Jones
**Cc:** Rebecca Cokley; Tom Hodnett - CB
**Subject:** RE: FY12 SLA- NCD

Thank you Matt.

Other NCD managers were not made aware of this need until informed by GSA yesterday.

We will execute this by noon on Monday. Sylvia will let us know before then if there are any issues.

Please continue to copy Rebecca and myself in all further correspondence related to this.

Appreciate it.

-Jeff

---

**From:** Matt Conrad - CB <matthew.conrad@gsa.gov>
**Sent:** Friday, September 27, 2013 10:04 AM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley; Jeff Rosen
**Subject:** Re: FY12 SLA- NCD

Sylvia,

Thank you for your response. We've made some slight changes to SLA, new version is attached. We need SLA back by noon on Monday to ensure continued service.

Thank you.

--
Matt Conrad
Agency Liaison Division
Office of the Chief People Officer
U.S. General Services Administration

(202) 690-8906 desk
(202) 770-8731 mobile

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On Fri, Sep 27, 2013 at 9:47 AM, Sylvia Jones <sjones@ncd.gov> wrote:

> Hi Matt,
>
> My apologies...due to end of year budget close out I have not had an opportuntiy to thoroughly review. However I will do so and get it back to you as soon as possible.
>
> Thank you,
> Sylvia
>
> ---
>
> **From:** Matt Conrad - CB <matthew.conrad@gsa.gov>
> **Sent:** Friday, September 27, 2013 9:14 AM
> **To:** Sylvia Jones
> **Subject:** Re: FY12 SLA- NCD
>
> Good morning Ms. Menifee,
>
> Friendly follow-up to email below. Do you have any questions/concerns regarding the SLA?
>
> Thank you.
>
> --
> Matt Conrad
> Agency Liaison Division
> Office of the Chief People Officer
> U.S. General Services Administration
> (202) 690-8906 desk
> (202) 770-8731 mobile
>
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>
> On Fri, Sep 13, 2013 at 12:04 PM, Matthew Conrad - CB <matthew.conrad@gsa.gov> wrote:
>
> > Ms. Menifee,

My apologies. The "subject" line is meant to read "FY14 SLA- NCD". Was moving too fast. My apologies.

--
Matt Conrad
Agency Liaison Division
Office of the Chief People Officer
U.S. General Services Administration
(202) 690-8906

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On Fri, Sep 13, 2013 at 11:49 AM, Matthew Conrad - CB <matthew.conrad@gsa.gov> wrote:

Ms. Menifee,

As referenced in our earlier email of August 29, your FY 14 Service Level Agreement with GSA for human resources, legal, EEO and other administrative support services is attached for your review and signature. We have transitioned to a new pricing model for FY 14 that establishes prices based on the number of personnel supported. However if your FY 13 price was lower than your FY 14 projected price using the new pricing model, you are guaranteed the lower of the two prices for FY 14 and 15. In FY 16, all Service Level Agreements will be priced based on the new pricing model. This will allow you adequate time to budget for this requirement. For FY 14, budget services previously provided by ALD are now being provided by GSA's FISC. Prices have been adjusted to reflect this change.

We have been going through a transition period as we have reorganized to provide services more efficiently. The fiscal climate has created challenges for all of us. However, we are committed to providing you the best possible service at the lowest possible price. You are our most valuable asset. We know that. You are our partners in serving our nation. Our goal is to get customer service on a continual uptrend, always working to improve and provide you the best service. We are not there yet, but our commitment to you is to work to attain that end.

If you have any questions about your FY 14 Service Level Agreement, please contact me or Tom Hodnett and we will do our best to answer your questions. Our contact information is as follows:

Matt Conrad (202) 690-8906 matthew.conrad@gsa.gov
Tom Hodnett (202) 205-2900 tom.hodnett@gsa.gov

Otherwise, please sign and return the attached agreement by COB Thursday, September 26, 2013. Please scan and email a signed copy to tom.hodnett@gsa.gov, and mail the original signed version to the following:

General Services Administration
Attn: Tom Hodnett
1800 F St., Room 7003D
Washington, DC 20006

Our intent this year is to have all the GSA service providers to sign each agreement to show their commitment to providing you the best service. When all signatures are obtained, a copy will be provided to you for your files.

Please do not hesitate to contact us if you have any questions. We appreciate you as customers and look forward to continuing to support you in the future.

Thank you.

--
Matt Conrad
Agency Liaison Division
Office of the Chief People Officer
U.S. General Services Administration
(202) 690-8906

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From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 9/24/2013 7:54:08 AM
Subject: RE: Question

---

Her auto answer is still in use as of this morning., which reads:

"Sylvia Jones Automatic reply: Thank you for your email. I'm currently in the office. However due to end of year budget and payroll close out I am unable to respond to emails. I will respond to all emails by the close of business Wednesday, September 25, 2013. Thank you, Sylvia"

She is continuing not to respond to any emails or calls from NCD management, including Gary. We are in a financial crisis mode as a result.

If Sylvia continues to refuse to cooperate today or tomorrow, NCD will be significantly harmed as a result. She is aware of our need through numerous emails and phone messages.

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Tuesday, September 24, 2013 7:43 AM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley; David Allen - WPG-C
**Subject:** Question

Hello Jeff,

Do you know that Sylvia has read the most recent direct order to answer phones/emails?

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax
[redacted]

https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

(b) (2)

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 10/18/2013 9:32:54 AM
Subject: FW: Financial Data

---

**From:** Gary Blumenthal
**Sent:** Thursday, October 17, 2013 12:56 PM
**To:** Sylvia Jones
**Cc:** Jeff Rosen; Rebecca Cokley
**Subject:** Financial Data

Sylvia,

Welcome back to work. I hope the shutdown did not create significant hardship for you personally or professionally.

In anticipation of an executive committee meeting next week, I have been asked to give a status report on the FY 13 Closeout, Ending Surplus and any information you have on allocation information with regard to FY 14 CR monies.

Please let me know when I can receive this information.

Gary

(b) (2)

**From:** James Heelan <jheelan@shawbransford.com>
**Sent:** Tuesday, December 31, 2013 3:11 PM
**To:** Jeff Rosen
**Cc:** lisa.gilmore@gsa.gov; Robyn Powell; Julie Perkins
**Subject:** Sylvia Jones - Request for Support File

Mr. Rosen,

Please see the attached letter, which we send to you on behalf of our client, Mrs. Sylvia Jones. A hard copy of the letter will follow to you via FedEx overnight delivery.

Sincerely,

James Garay Heelan

**James P. Garay Heelan**
Associate Attorney

Shaw Bransford & Roth P.C. | Attorneys at Law
1100 Connecticut Avenue, NW, Suite 900
Washington, DC 20036
Phone: (202) 463-8400 Ext. 316| Fax: (202) 833-8082
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From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 12/19/2013 5:35:10 PM
Subject: RE: Suspension Letter

---

Got it, thanks. I will send it to Sylvia's attorneys and Robyn, tracking the communication protocol that they have used with me, but also add Sylvia.

I will forward to you once its sent tomorrow morning.

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Thursday, December 19, 2013 4:30 PM
**To:** Jeff Rosen
**Subject:** Fwd: Suspension Letter

How's this?

---------- Forwarded message ----------
From: **Jeff Rosen** <jrosen@ncd.gov>
Date: Thu, Dec 19, 2013 at 4:09 PM
Subject: RE: Suspension Letter
To: Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>

Thanks Lisa.

Could you send me a clean copy?

Appreciate it.

-Jeff

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Thursday, December 19, 2013 3:54 PM
**To:** Jeff Rosen
**Subject:** Suspension Letter

Hi Jeff,

The attached letter is ready for issuance. It has been reviewed by OGC. I am working with Rebecca on the 52. Please let me know when you issue the letter. I will be out of the office tomorrow, but checking my emails.

--

**Lisa Gilmore**
**Human Resources Specialist (Employee Relations)**
**Washington Area Operations Center**
**Employee Relations Branch-CPWA**
**301 7th Street, S.W., Room 1022**
**Washington, DC 20407**
**202-205-4929 Desk**

**202-(b) (6) Mobile Phone**
**202-708-5377 fax**

https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

--

**Lisa Gilmore**
**Human Resources Specialist (Employee Relations)**
**Washington Area Operations Center**
**Employee Relations Branch-CPWA**
**301 7th Street, S.W., Room 1022**
**Washington, DC 20407**
**202-205-4929 Desk**
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---

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--

**Lisa Gilmore**
**Human Resources Specialist (Employee Relations)**
**Washington Area Operations Center**
**Employee Relations Branch-CPWA**
**301 7th Street, S.W., Room 1022**

**Washington, DC 20407**
**202-205-4929 Desk**
**202-(b) (6) [redacted] Mobile Phone**
**202-708-5377 fax**
[redacted]

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From: Jeff Rosen <jrosen@ncd.gov>
To: Gary Blumenthal
Sylvia Jones
Date: 10/22/2013 4:34:40 PM
Subject: RE: Scheduling the Auditor

---

Gary -
I suggest that you share Sylvia's note with the A&F Committee and the Executive Committee for their information. Sylvia has raised a serious allegation about NCD financial operations which I find that we are obligated to promptly investigate with her to determine the nature of the issue. Perhaps GSA can assist us with guidance about the best wayto handle this, I've copied Lisa to help begin this process of identifying the appropruiate support.

-Jeff

---

**From:** Gary Blumenthal
**Sent:** Tuesday, October 22, 2013 4:18 PM
**To:** Sylvia Jones
**Cc:** Jeff Rosen; Rebecca Cokley
**Subject:** RE: Scheduling the Auditor

I am very unhappy to learn that you failed to contact me to attend this meeting. Please send me the contact information for the Auditors. I find it regrettable that you failed to include me as Audit and Finance Chair in this initial meeting as directed to do so.

Gary

---

**From:** Sylvia Jones
**Sent:** Tuesday, October 22, 2013 10:02 AM
**To:** Gary Blumenthal
**Cc:** Sylvia Jones
**Subject:** RE: Scheduling the Auditor

Gary,

Following the Sept. 12 meeting, I reached out to you to reschedule the meeting on Sept. 19. You stated that you "were preparing to go into an agency board meeting and couldn't schedule until later." I reached out to the auditor's to for alternate dates/times, however the shut down occurred. When I returned to the office I received a call from the auditor's requesting to meet with me for the entrance conference to go over the document request and deliverables. I met with the auditors on yesterday and following the meeting I handed over some of the documents requested.

The Lead Auditor will be contacting you later this week regarding "internal control fraud and considerations."

Sylvia

---

**From:** Gary Blumenthal
**Sent:** Monday, October 21, 2013 3:32 PM
**To:** Sylvia Jones
**Subject:** Scheduling the Auditor

Sylvia,

You and I were scheduled to meet with the Auditor on September 12. The meeting was canceled due to your absence on sick leave. When will the rescheduled meeting take place.
Please respond by COB today.

Gary

From: Jeff Rosen <jrosen@ncd.gov>
To: Gary Blumenthal
Rebecca Cokley
Date: 9/25/2013 9:37:02 AM
Subject: RE: Help from GSA for NCD

---

I look to Scott to soon provide us specific guidance abnoand more generally respond to the email I wrote last night regarding additional temporary support for financial management to help us timely address issues such as this. There are several other Council members and contractors who are caught in a similar situation in that Sylvia refuses to process their reimbursement. We need help now.

---

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Tuesday, September 24, 2013 10:23 PM
**To:** Jeff Rosen; Rebecca Cokley
**Subject:** Re: Help from GSA for NCD

Also; Sylvia has informed me that (b) (6) [redacted] will not be reimbursed because she turned her vouchers in beyond the five day after travel deadline. I do not believe that we are prohibited from reimbursement to a member because of that however Sylvia said emphatically that Stephanie will forfeit those reimbursements. I will ask GSA to verify. Dealing with her difficult behavior is seriously interfering ny both you and I being able to complete our day jobs. This must not continue.

On Sep 24, 2013 10:02 PM, "Gary Blumenthal" <garyblumenthal@addp.org> wrote:

> Jeff, in the final analysis she has moved on much after tremendous pressure was placed upon her. She told me today that she will report these violations of policy, procedure and federal law to GSA and our auditors in our upcoming audit. She and I are to meet with the auditor soon. We will need to have a private conversation with the auditor as well.
>
> Gary
>
> On Tue, Sep 24, 2013 at 9:31 PM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
> > Gary -
> >
> > Thanks for following up with GSA on this.
> >
> > Scott, where we are is that Sylvia Menifee, NCD's Director of Administration told us last July that we would have approximately $45K excess funds to reallocate. Her guidance was to wait until about September 16th to get a new status of funds to more accurately reallocate. At that time she advised us we now had about $200K of excess funds. She then virtually disappeared and was not cooperative with NCD managers in attempting to timely reallocate the excess funds. She has continually obstructed NCD financial operations, saying bad or illegal contract or process abd refusing to do anything more.
> >
> > To ensure that NCD is not placed in this position again, NCD has voted to realign the 2 financial positions under her - Financial Analyst and Administrative Specialist to report directly to the Executive Director while providing the Director of Administration support for her duties. This realignment will provide additional safeguards and oversight. We expect to fill those positions in the late Fall or early Winter when the ED returns from maternity leave.
> >
> > What we need is temporary support to help us bridge the gap from now until when we hire and train the new personnel. We would be pleased if that additional temporary support came from GSA, they have provided us with excellent HR support. However, it is very important that the support be very responsive as GSA HR has

been. If you or your colleagues at GSA can do that for us, that's great we wont need a temp. If its not possible to get "in time" support from GSA, maybe we should consider hiring a temp and your help in obtaining one if we go that route would be appreciated. Again we prefer to go with GSA if possible. We understand that in any event, the operating and procurement decisions must be made by the heads of the agency, that's not an issue for us. We just need good advice about what to do and how to do it.

I've started below a list of the financial related tasks and functions we need support on:

- Helping us determine exactly how much funds we have remaining in FY '13;
- Helping us determine whether we can obligate remaining FY'13 funds;
- Provide a resource for our financial management related questions;
- Reviewing the status of funds at the outset of '14 and advising about NCD's financial positions and management;
- Identifying appropriate procurement vehicles for NCD obligations; and
- Identifying appropriate financial and other operational management tasks that the Director of Administration must perform to ensure NCD is financially sound and is able to accomplish all of its financial and operational needs.

Gary might have other items to add to the above.

Once we have a temporary financial support person in place, we will provide specific tasks that the person will be asked to assist us and avail ourselves to that resource on an ongoing basis as issue arise in managing the Director of Administration.

Thanks.

-Jeff

---

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Tuesday, September 24, 2013 4:05 PM
**To:** Jeff Rosen; David Allen - WPG-C; Lisa Brown-Gilmore - CPWA
**Cc:** scott.royster@gsa.gov
**Subject:** Help from GSA for NCD

Jeff,

I have spoken with Scott Royster at GSA Kansas City. GSA is willing to assist us, however we need to explain and list in detail the functions we want them to perform. They are also willing to train any additional personnel we bring on, such as the financial analyst and they will help us procure a temp if we choose that route, however they need us to understand the limitations of what a temp may perform. Some duties cannot be given to a contractor or temp, however if we vest those duties in the executive director we may be able to proceed. I have discussed procurements, timekeeping and contractual problems we are having with the incumbent.

Can you or David or Lisa assist me in how we should respond to Scott's kind offer of assistance?

Thank you.

Gary

(b) (5)

(b) (5)

FAX 202-205-2546 (Please call or email if faxing so that I can retrieve it)

From: Jeff Rosen <jrosen@ncd.gov>
To: Gary Blumenthal
Lynnae Ruttledge
Kamilah Martin-Proctor
Stephanie Orlando
Clyde Terry
Clyde Terry
garyblumenthal@addp.org
Date: 10/24/2013 12:26:16 PM
Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

---

Thanks Gary. Hope the mental health conference (with VP Biden attending) is going well, look forward to a report about it.

Rebecca, please send out an email to the Council members with an update regarding member salary, time cards and reimbursement of their expenses. If possible, an email today would be good. I have not received member salary for the time worked prior to the federal shutdown and members havent seen for some time the usual request for time cards. Appreciate it.

-Jeff

---

**From:** Gary Blumenthal
**Sent:** Thursday, October 24, 2013 12:19 PM
**To:** Jeff Rosen; Lynnae Ruttledge; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

I am out of the Office todsy but will schedule and follow up tomorrow.

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: Jeff Rosen <jrosen@ncd.gov>
Date: 10/24/2013 8:57 AM (GMT-05:00)
To: Lynnae Ruttledge <lruttledge@ncd.gov>,Kamilah Martin-Proctor <KMartin-Proctor@ncd.gov>,Stephanie Orlando <SOrlando@ncd.gov>,Clyde Terry <CTerry@ncd.gov>,Clyde Terry <cterry@gsil.org>,Gary Blumenthal <GBlumenthal@ncd.gov>,garyblumenthal@addp.org
Cc: Rebecca Cokley <rcokley@ncd.gov>,Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
Subject: RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

Please find attached & copied below a revised draft plan with several significant edits which I will walk through and ask for your input on several highlighted points.

Co-vice chairs Kamilah and Lynnae will facilitate the special meeting of the Council. They have already started this work. I will take a very light hand in this proceeding to make sure that this is free from any perception of bias. Along those lines, Rebecca and I will ask the EC for input on some administrative decisions that we ordinarily make, again

to ensure that these decisions are free of any perceptions of bias.

Members have contacted me, and I'm sure you as well, about their concerns about being in the dark and wanting to know more how they can respond to the allegations of racism and disability discrimination. **Should we announce to members today the plans for a special session or wait until next week?**

I have added a bullet on a staff meeting about HR, EEO & Whistleblowing laws and procedures.

GSA will soon issue a solicitation for a temporary financial analyst contractor until that position is filled. The turnaround time is expected to be about a week so we are looking the first week of November to onboard the contractor. The contractor will address the backlog of invoices and reimbursements. **However, we need action today about collecting member time cards and checking into the status of unpaid member salary**. I recommend that we ask Rebecca to work with Gary in following up asap. Several members have asked me about this and we are obligated to respond today.

Sylvia has represented to the auditors that NCD engaged in fraud. I asked Gary to share with the A&F Committee to make them aware and to follow up in collecting information to address any operational deficiencies. I have added a bullet about that. **I recommend that the A&F Committee promptly schedule a meeting and request from Sylvia to provide them, in writing, information about the represented inappropriate financial operations.**

There is also a new bullet about updating personnel records. Anne has been awaiting GSA action on a federal personnel form for some time now. We need to ensure that staff performance evaluations are complete and that their performance plan in the new FY are also complete.

-Jeff

DRAFT

October 23, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

Objective #1: Provide support for the Executive Director.

Action items:

Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. The contractor will also assist the Executive Director with HR issues, staff communications and morale, and organizational development needs. Rebecca to provide a scope of work for the contractor.

Objective #2: Provide support for the NCD staff and enhance their workplace.

Action items:

Rebecca and Lisa will develop options for our consideration.
Rebecca will disseminate a new organizational chart and specifically identify to the Council members and staff the scope of responsibilities and duties of each department manager.
Rebecca will meet with staff to inform them about HR, EEO and Whistleblowing processes and the

resources available to them.

Objective #3: Provide support for NCD's financial management

Action items:

Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.
Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.
Work with the auditors of NCD. Gary will work with staff & the A&F Committee on this.
Investigate allegations of inappropriate financial operations. Gary will work with staff & the A&F Committee on this.
Fill the financial analyst position and advertise the Administrative Support position.

Objective #4: Resolve pending administrative needs

Action items:

Handle the EEO complaint. GSA is providing support.
Address the MSPB claim. Staff is working on it with GSA.
Complete the FOIA request. Janni and staff are working on it with GSA.
Get an update on the status of the Legislative position hire. Rebecca to obtain from staff.
Ensure that all staff records are up to date and complete. Rebecca to handle and report to the Executive Committee.

Objective #5: Convene a special meeting of the Council to discuss workplace concerns.

Action items:

Co-vice chairs Kamilah and Lynnae will facilitate the meeting with the support of past vice chair Janni.
Seek counsel from GSA legal and HR about the parameters of that meeting.

---

**From:** Lynnae Ruttledge
**Sent:** Wednesday, October 23, 2013 9:55 AM
**To:** Jeff Rosen; Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

Thanks Jeff. While it's not a problem area, to provide balance and keep everyone in the communication loop, it would be helpful to add the status of filling the Legislative analyst position as well.

Does that make sense?

Lynnae

---

**From:** Jeff Rosen
**Sent:** Wednesday, October 23, 2013 4:50:54 AM
**To:** Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA

**Subject:** RE: FOR YOUR ACTION: NCD Organizational Needs Action Plan

I have attached and copied below a revised draft action plan based on your input to date. I also added an item regarding the audit. Please continue to help provide feedback on the draft.

Rebecca, please provide us in advance of the EC meeting the options to address the second objective, support for NCD staff & enhancing the workplace. Thanks.

-Jeff
DRAFT

October 22, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

Objective #1: Provide support for the Executive Director.

Action items:

Retain an on-site contractor to assist the Executive Director with the performance of her daily duties. The contractor will also assist the Executive Director with HR issues, staff communications and morale, and organizational development needs. Rebecca to provide a scope of work for the contractor.

Objective #2: Provide support for the NCD staff and enhance their workplace.

Action items:

Rebecca and Lisa will develop options for our consideration.
Rebecca will disseminate a new organizational chart and specifically identify to the Council members and staff the scope of responsibilities and duties of each department manager.

Objective #3: Provide support for NCD's financial management

Action items:

Retain an on-site temporary contractor to perform financial analyst duties. Jeff and Gary to follow up with GSA in acquiring the contractor.
Resolve the backlog of contractor invoices, reimbursement of expenses and Member salary. Gary to obtain a list of those items from Rebecca.
Work with the auditors of NCD. Gary will work with staff & the A&F Committee on this.
Fill the financial analyst position and advertise the Administrative Support position.

Objective #4: Resolve pending administrative needs

Action items:

Provide support for the EEO complaint. Jeff is working on it with GSA.
Address the MSPB claim. Rebecca and Robyn are working on it with GSA.
Complete the FOIA request. Robyn and Janni are working on it with GSA.

Objective #5: Respond to request for an Executive Session of the Council.

Action items:

The Executive Committee assigns a member to help set up that meeting.

---

**From:** Jeff Rosen
**Sent:** Tuesday, October 22, 2013 9:35 AM
**To:** Kamilah Martin-Proctor; Stephanie Orlando; Clyde Terry; Clyde Terry; Lynnae Ruttledge; Gary Blumenthal; garyblumenthal@addp.org
**Cc:** Rebecca Cokley; Lisa Brown-Gilmore - CPWA
**Subject:** FOR YOUR ACTION: NCD Organizational Needs Action Plan

As I indicated, to assist us with preparation in advance of our Executive Committee meeting, I have started a draft of a plan of action (attached and copied below) which identifies current organizational objectives and the action items needed to achieve them

Please provide your input. Feel free to edit the draft document and circulate to the group your revisions.

Thanks.

-Jeff

DRAFT

October 22, 2013

NCD Organizational Needs Action Plan

Coming out of the federal shutdown with a CR budget apportionment, significant personnel issues, the absences of key staff managers, unfilled staff vacancies and the realignment of financial support positions, there is an urgent need to set into place an action plan to navigate those challenges. NCD's Executive Committee members, staff managers and GSA support personnel will work together to identify current objectives, develop and implement a plan of action and actively engage in accomplishing the action items.

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Action items:

Provide support for the EEO complaint. Jeff is working on it with GSA.
Address the MSPB claim. Rebecca and Robyn are working on it with GSA.
Complete the FOIA request. Robyn and Janni are working on it with GSA.

Objective #5: Respond to request for an Executive Session of the Council.

Action items:

The Executive Committee assigns a member to help set up that meeting.

(b) (5)

(b) (5)

(b) (5)

(b) (5)

From: Jeff Rosen <jrosen@ncd.gov>
To: Kamilah Martin-Proctor
Stephanie Orlando
Clyde Terry
Clyde Terry
Lynnae Ruttledge
Gary Blumenthal
garyblumenthal@addp.org
Date: 9/27/2013 9:54:00 AM
Subject: FW: Reassignment

---

FYI, I met with GSA yesterday to, among other things, clear any possible procedural issue with the realignment. We will proceed and I will send out later today to the NCD board and staff separate emails informing them of this realignment as part of NCD's transparency in its official actions. Thanks.
-Jeff

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**From:** Anthony E Speights - CPW <anthony.speights@gsa.gov>
**Sent:** Friday, September 27, 2013 9:27 AM
**To:** Jeff Rosen
**Subject:** Reassignment

Good morning Jeff,

I just wanted to follow back-up with you. You are fine to proceed with reassigning to two employees to the Executive Director and sending the e-mail to the staff. Please feel free to reach out to me if you decide to develop new position descriptions or any other staffing/recruitment issues. Thanks

--
Anthony E. Speights
Human Resources Specialist
General Services Administration
Office of the Chief People Officer
Presidential Commissions and Boards
301 7th Street SW
Washington DC 20407
Office: (202) 708-0090
Mobile: (202) (b) (6)
anthony.speights@gsa.gov

From: Jeff Rosen <jrosen@ncd.gov>
To: David Allen - WPG-C
Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
Date: 9/25/2013 1:56:58 PM
Subject: RE: Agency contingency plan

---

David -

If it helps with the proposal and determination process, Lynnae is the designated Council POC on HR issues. I've copied her here.

Thank you for assisting us with this.

-Jeff

---

(b) (5)

**From:** Sylvia Jones
**Sent:** Wednesday, September 25, 2013 12:58 PM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley; Gary Blumenthal; Sylvia Jones
**Subject:** FW: Agency contingency plan

Jeff,

As previously stated, it is the responsibility of the Executive Director to prepare the Agency Contingency Plan. Both you and Rebecca were notified and became aware of OMB's request on September 18, 2013 at 10:22 a.m. during which time both you and Rebecca were in the office for staff meeting. However neither of you took any action to ensure the plan was completed knowing that Rebecca would be going out on maturnity leave. In fact, Rebecca never mentioned the request and you waited until she went out on maturnity leave to unlawfully direct me to perform her duties. There are two additional office director's in NCD: 1) Gerrie Drake Hawkins; and 2) Anne Sommers. Out of the three director's here, I am the only director being targeted by you.

The Executive Director was negligent in her duties by not appointing an interim Executive Director to ensure the plan and/or any other deliverables for which she was responsible were carried out. Per Office Directors...staff were informed by you during the staff meeting on Sept 18 that there was not a need for an Interim ED when Dr. Hawkins posed the question to you and Rebecca as to who would supervise the staff. Thus, I cannot understand why you continue to send me daily harassing emails to interrupt the order of the day to day operations issuing me unlawful directives.

Again, you are acting outside the scope of your authority. Please cease and desist further communication with me until the Executive Director returns to duty. If these actions continue to persist I will be forced to seek civil remedies.

As of September 19, 2013, I do not have a supervisor until Nov 4 when Rebecca returns to duty part-time. Therefore this is my last email to you.

Sylvia

---

**From:** Jeff Rosen
**Sent:** Wednesday, September 25, 2013 11:01 AM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley; Gary Blumenthal
**Subject:** RE: Agency contingency plan

Sylvia,

Again I must resort to providing you with a direct order. Failure to follow this order could result in discipline up to and including removal.

While I understand that you are busy with end of year duties, and I recognize your comment that the contingency plan would normally be the responsibility of the Executive Director, I am ordering you to prepare the draft contingency plan as I requested in my email to you on Friday, September 20, 2013. You are directed to have the draft plan available for me and Gary by COB today.

-Jeff

---

**From:** Sylvia Jones
**Sent:** Wednesday, September 25, 2013 10:11 AM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley; Gary Blumenthal; Sylvia Jones
**Subject:** RE: Agency contingency plan

Jeff,

This is one of duties of the Executive Director. As you are aware, she did not appoint an successor in her planned absence and due to an abundance of work to include budget close out I am unable to take on additional responsibilities outside the scope of my duties.

Sylvia

---

**From:** Jeff Rosen
**Sent:** Wednesday, September 25, 2013 9:45 AM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley; Gary Blumenthal
**Subject:** RE: Agency contingency plan

Sylvia -

This is a reminder that the draft contingency plan is due from you to Gary and myself no later than COB today.

I met with OMB yesterday and our budget examiner wrote to me this morning that the plan would be ideally provided them by tomorrow, but must be submitted no later than this Friday.

-Jeff

---

**From:** Jeff Rosen
**Sent:** Friday, September 20, 2013 4:26 PM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley; Gary Blumenthal
**Subject:** Agency contingency plan

Sylvia -

OMB requires federal agencies to submit a plan next week for how they would stop operations if there is a lapse of funding. Please draft such a plan for Gary and my review by COB next Wednesday September 25th. NCD should have developed a similar plan for the 2011 potential shutdown which never occurred so there may be something already on file. Feel free to contact Aaron Bishop if you would like to see if he has any information from the time he was NCD's ED.

-Jeff

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/25/2013 10:20:30 AM
Subject: FW: Agency contingency plan

---

If appropriate (and I think it is), please prepare a direct order for Sylvia with stated consequences.

Note that I sent Sylvia the request last Friday but she did not respond until just now. Her delayed response/refusal jeopardizes the agency in a failure to timely comply with an OMB directive.

-Jeff

---

**From:** Sylvia Jones
**Sent:** Wednesday, September 25, 2013 10:11 AM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley; Gary Blumenthal; Sylvia Jones
**Subject:** RE: Agency contingency plan

Jeff,

This is one of duties of the Executive Director. As you are aware, she did not appoint an successor in her planned absence and due to an abundance of work to include budget close out I am unable to take on additional responsibilities outside the scope of my duties.

Sylvia

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This is a reminder that the draft contingency plan is due from you to Gary and myself no later than COB today.

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-Jeff

From: Jeff Rosen <jrosen@ncd.gov>
To: Gary Blumenthal
David Allen - WPG-C
Lisa Brown-Gilmore - CPWA
Date: 9/24/2013 9:31:22 PM
Subject: RE: Help from GSA for NCD

---

Gary -

Thanks for following up with GSA on this.

Scott, where we are is that Sylvia Menifee, NCD's Director of Administration told us last July that we would have approximately $45K excess funds to reallocate. Her guidance was to wait until about September 16th to get a new status of funds to more accurately reallocate. At that time she advised us we now had about $200K of excess funds. She then virtually disappeared and was not cooperative with NCD managers in attempting to timely reallocate the excess funds. She has continually obstructed NCD financial operations, saying bad or illegal contract or process abd refusing to do anything more.

To ensure that NCD is not placed in this position again, NCD has voted to realign the 2 financial positions under her - Financial Analyst and Administrative Specialist to report directly to the Executive Director while providing the Director of Administration support for her duties. This realignment will provide additional safeguards and oversight. We expect to fill those positions in the late Fall or early Winter when the ED returns from maternity leave.

What we need is temporary support to help us bridge the gap from now until when we hire and train the new personnel. We would be pleased if that additional temporary support came from GSA, they have provided us with excellent HR support. However, it is very important that the support be very responsive as GSA HR has been. If you or your colleagues at GSA can do that for us, that's great we wont need a temp. If its not possible to get "in time" support from GSA, maybe we should consider hiring a temp and your help in obtaining one if we go that route would be appreciated. Again we prefer to go with GSA if possible. We understand that in any event, the operating and procurement decisions must be made by the heads of the agency, that's not an issue for us. We just need good advice about what to do and how to do it.

I've started below a list of the financial related tasks and functions we need support on:

- Helping us determine exactly how much funds we have remaining in FY '13;
- Helping us determine whether we can obligate remaining FY'13 funds;
- Provide a resource for our financial management related questions;
- Reviewing the status of funds at the outset of '14 and advising about NCD's financial positions and management;
- Identifying appropriate procurement vehicles for NCD obligations; and
- Identifying appropriate financial and other operational management tasks that the Director of Administration must perform to ensure NCD is financially sound and is able to accomplish all of its financial and operational needs.

Gary might have other items to add to the above.

Once we have a temporary financial support person in place, we will provide specific tasks that the person will be asked to assist us and avail ourselves to that resource on an ongoing basis as issue arise in managing the Director of Administration.

Thanks.

-Jeff

---

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Tuesday, September 24, 2013 4:05 PM
**To:** Jeff Rosen; David Allen - WPG-C; Lisa Brown-Gilmore - CPWA
**Cc:** scott.royster@gsa.gov
**Subject:** Help from GSA for NCD

Jeff,

I have spoken with Scott Royster at GSA Kansas City. GSA is willing to assist us, however we need to explain and list in detail the functions we want them to perform. They are also willing to train any additional personnel we bring on, such as the financial analyst and they will help us procure a temp if we choose that route, however they need us to understand the limitations of what a temp may perform. Some duties cannot be given to a contractor or temp, however if we vest those duties in the executive director we may be able to proceed. I have discussed procurements, timekeeping and contractual problems we are having with the incumbent.

Can you or David or Lisa assist me in how we should respond to Scott's kind offer of assistance?

Thank you.

Gary

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/24/2013 8:06:38 AM
Subject: FW: URGENT NCD directive to Ms. Menifee

---

Written notice has now been provided to her.

I also asked Stacey to let me know if she retaliates against him in any way.

---

**From:** Stacey Brown
**Sent:** Tuesday, September 24, 2013 8:03 AM
**To:** Jeff Rosen
**Subject:** RE: URGENT NCD directive to Ms. Menifee

Ok.

---

**From:** Jeff Rosen
**Sent:** Tuesday, September 24, 2013 8:01 AM
**To:** Stacey Brown
**Cc:** Rebecca Cokley
**Subject:** FW: URGENT NCD directive to Ms. Menifee

Stacey -

Please print this email in full and place it under Sylvia's door.

Thank you.

-Jeff

---

**From:** Jeff Rosen
**Sent:** Monday, September 23, 2013 3:20 PM
**To:** Sylvia Jones
**Cc:** Rebecca Cokley
**Subject:** URGENT NCD directive to Ms. Menifee

Sylvia,

Your decision to stop reading emails or taking phone calls until September 25, 2013 is a gross neglect of your duty and will not be tolerated. I consider this to be a failure to perform the basic functions of your job. You are hereby directed to continue to read and respond to emails and telephone calls effective immediately. Failure to follow this direct order may lead to disciplinary action up to and including removal.

-Jeff

---

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3222/6194 - Release Date: 09/24/13

From: Jeff Rosen <jrosen@ncd.gov>
To: Rebecca Cokley
Date: 9/30/2013 1:07:04 PM
Subject: RE: Sylvia's Husband

---

Thanks for the follow up Rebecca.

Lisa, I am concerned that a visit to NCD office will escalate things out of control on their end. My wife will think me a fool but Im not so concerned about my personal safety as I am about provoking a hostile response.

In my view, any damage has already been done in the several hours this morning. No staff person is feeling concerned about their physical safety.For the purposes of administrative discipline, its established that Sylvia defied direction by her superior today.

I would like us to consider whether I should continue to go to the office or that we should handle this through administrative channels. Something off is going on there and Im wary about setting foot and getting caught up in whatever they got going on. I think we should consider approaching this another way.

As for her husband, we can call Federal protection service and ask that he leave the premises.

-Jeff

---

**From:** Rebecca Cokley
**Sent:** Monday, September 30, 2013 12:30 PM
**To:** Jeff Rosen
**Cc:** Lisa Brown-Gilmore - CPWA; David Allen
**Subject:** Re: Sylvia's Husband

Jeff

to recap: I spoke with Sylvia at 12:15 and after putting me on speakerphone she confirmed that the individual in her office was her husband, and she refused repeatedly to tell me what she was working on, citing that I was on leave and not in a position to ask her. I asked her to call me back after she goes on lunch with her husband and she repeatedly refused, telling me that she didn't need to call me back because I was on leave.

1-877-437-7411 is the number for the Federal Protective Service

RC

Sent from my iPad

On Sep 30, 2013, at 12:24 PM, "Jeff Rosen" <jrosen@ncd.gov> wrote:

> I checked with some interpreters and no one is available this afternoon.
>
> I'm continuing to look around. Please keep me posted about any developments in the meantime.
>
> ---
>
> **From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
> **Sent:** Monday, September 30, 2013 12:15 PM
> **To:** Jeff Rosen

**Cc:** Rebecca Cokley; David Allen
**Subject:** Re: Sylvia's Husband

Jeff and Rebecca,
Please keep all emails from employees regarding this incident. We just spoke to Rebecca and she is calling Sylvia now. At any rate, Jeff please go to NCD to follow up on everything. Thanks

On Mon, Sep 30, 2013 at 12:01 PM, Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov> wrote:

> Rebecca, can you call Sylvia and find out what is going on? If she does not pick up, call another employee and have them tell Sylvia to call you immediately. If that does not occur, please have security escort Sylvia and her husband from the office. Make sure that they take Sylvia's badge and keys. Thanks
>
> On Mon, Sep 30, 2013 at 11:56 AM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
> > I am willing, but it will take me an hour to get to DC.
> >
> > Can we ask a Federal marshal or someone like that to immediately go in? That will help secure the situation until I get there.
> >
> > Please advise.
> >
> > Thanks.
> >
> > -Jeff
> >
> > ---
> >
> > **From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
> > **Sent:** Monday, September 30, 2013 11:53 AM
> > **To:** Rebecca Cokley
> > **Cc:** David Allen; Jeff Rosen
> > **Subject:** Re: Sylvia's Husband
> >
> > Jeff,
> >
> > Can you please go over to NCD with an interpreter to find out exactly what is going on You should have security on hand in case there is any inappropriate behavior. Thanks
> >
> > On Mon, Sep 30, 2013 at 11:34 AM, Rebecca Cokley <rcokley@ncd.gov> wrote:
> >
> > > Lisa
> > >
> > > I've been contacted by 3 staff about this today. What can we do?
> > >
> > > RC
> > >
> > > Sent from my iPhone
> > >
> > > Begin forwarded message:
> > >
> > > **From:** Robyn Powell <RPowell@ncd.gov>
> > > **Date:** September 30, 2013 at 11:23:13 AM EDT
> > > **To:** Jeff Rosen <jrosen@ncd.gov>, Rebecca Cokley <rcokley@ncd.gov>

**Subject: Sylvia's Husband**

Hi Jeff and Rebecca,

Staff have informed me that a man (assumedly Sylvia's husband) has been in Sylvia's office for several hours with her and that they have overheard what sounds like papers being ripped. I wanted to let you know, as this seems inappropriate.

Thanks,
Robyn

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
Employee Relations Branch-CPWA
301 7th Street, S.W., Room 1022
Washington, DC 20407
202-205-4929 Desk
202-(b) (6) Mobile Phone
202-708-5377 fax
[redacted]
https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

--

Lisa Gilmore
Human Resources Specialist (Employee Relations)
Washington Area Operations Center
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[redacted]

https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

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202-708-5377 fax

[redacted]

https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 10/21/2013 9:16:30 AM
Subject: RE: Availability for a telephone call today?

---

Because I use relay, its best if I call you. Thanks.

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Monday, October 21, 2013 9:13 AM
**To:** Jeff Rosen
**Cc:** Rebecca Cokley
**Subject:** Re: Availability for a telephone call today?

I can conference you in. I will call you and Rebecca. What is a good number for you? Rebecca, do you want me to use your cell?

On Mon, Oct 21, 2013 at 8:38 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Yes. Can you provide a call in number? Thanks.
>
> ---
>
> **From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
> **Sent:** Monday, October 21, 2013 8:35 AM
> **To:** Jeff Rosen
> **Cc:** Rebecca Cokley
> **Subject:** Re: Availability for a telephone call today?
>
> Yes that would be great. Does 12:30 work for both of you?
>
> On Mon, Oct 21, 2013 at 8:33 AM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
> > Lisa -
> >
> > I would like to speak with you today to clearly understand your role in this Wednesday's Executive Committee meeting and the appropriate parameters of the discussion. I want to be sure that we dont inappropriately get into any specific staff issues which would involve personal and confidential information.
> >
> > Please let me know the time and number I can reach you at today. I have good flexibility today. We should connect Rebecca on the call if shes available.
> >
> > Thanks.
> >
> > -Jeff
>
> --
>
> **Lisa Gilmore**
> **Human Resources Specialist (Employee Relations)**
> **Washington Area Operations Center**
> **Employee Relations Branch-CPWA**
> **301 7th Street, S.W., Room 1022**
> **Washington, DC 20407**

**202-205-4929 Desk**
**202-(b) (6) Mobile Phone**
**202-708-5377 fax**
[redacted]
https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LlZjNJlr0/viewform

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**Lisa Gilmore**
**Human Resources Specialist (Employee Relations)**
**Washington Area Operations Center**
**Employee Relations Branch-CPWA**
**301 7th Street, S.W., Room 1022**
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https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LlZjNJlr0/viewform

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA (lisa.gilmore@gsa.gov)
David Allen - WPG-C
Date: 9/30/2013 9:05:20 AM
Subject: FW: Office Concerns

---

**From:** Jeff Rosen
**Sent:** Thursday, February 28, 2013 9:14 AM
**To:** Sylvia Menifee
**Subject:** RE: Office Concerns

Sylvia -

Thank you for taking the time to provide me with your thoughts.

I will need to be concise in my response but we will set aside some time soon to discuss in more depth.

I called you the other day to say that NCD valued your work and recognized the challenges of working with a lack of staff and challenging staff under your supervision. I said that we are focused on getting an ED in place who could then help with managing the agency.

I asked Julie to send the email to you and your team solely with the intent to calm the waters and let people know that we will work collaboratively to address any issues during the transition.

The only reason Joan has been asked to be involved is due to her role as the agency's General Counsel, to ensure that we handle all administrative issues by the book.

As far as I'm concerned, you were part of the conversation about filling the Interim ED position. We had meetings/emails you were involved in and I took the manager group's proposal to the EC to have a rotational approach to filling the position, which the EC rejected so I asked Julie to step in the role. In one of the emails I mentioned that I did not want to ask you to assume that responsibility because I wanted to make sure we didnt lose any of your focus on your current considerable administrative duties and because you were relatively new to the agency and myself.

I will continue to work with everyone to help move things forward. I appreciate your bearing with us during a challenging transitory period. I was especially relieved to hear you say that you are not a quitter, we very much want to continue with you as one of our core managers.

Please continue to discuss any issues with Julie and myself. We especially welcome any suggestions you might have to assist with matters at the office.

-Jeff

---

**From:** Sylvia Menifee
**Sent:** Thursday, February 28, 2013 8:50 AM
**To:** Jeff Rosen
**Subject:** Office Concerns

Good Morning Jeff,

After having two unproductive days on the job due to employee issues and office distractions, I felt it was necessary for

me to send you this email to address my concerns and unwarranted stress. Since my hire at the NCD until Jonathan's departure on January 31, I had really enjoyed my tour of duty; however since then things have changed due to a lack of transparency. During your meeting with staff, you asked everyone to "inform you of any problems and issues distracting us from the job." I am not one who likes to complain, therefore I have remained silent on many issues with the exception of the two misconduct issues that I reported (i.e. computer porn and alcohol/drinking on the premises).

I feel that I'm being rebuked in front of my staff. I am a GS-15 level employee reporting to a GS-14 who has no supervisory experience. Of the current NCD managers, I am the only manager who has completed basic supervisory training and executive leadership training, however I was not part of conversations to temporarily fill the position and had to endure embarrassing questions from staff on the issue.

At 9:06 am yesterday, me and my staff received an email from Julie regarding substantial tension in the Administrative Department. In the email she stated that she had discussed the issue with you and Joan, however she never discussed any issues with me prior to sending the email. In her email, she also asked me and staff to do what we can to alleviate some of the tension. After my meeting with Julie and Joan on yesterday, it became clear to me that Julie was pointing a finger at me. I feel that the email was inappropriate and should have been sent to me only as the supervisor.

Also, during my meeting with Julie and Joan, (b) (6) [redacted] the former ED, the former Chair, GSA human resources, and EAP of the employee's behavioral pattern or his previous comments of suicide.

Prior to me leaving for the day late yesterday, I spoke GSA ER/LR and provided additional details of my meeting with Julie and Joan. It was a concern for me on yesterday as well as ER/LR as to the purpose of Joan's presence in my meeting with Julie since she is not in my supervisory chain and she did not have a "need to know." In my personal opinion, I believe that Joan was present due to her friendship with Stacy, which is why Aaron found it necessary not to advise her of the porn issue.

I'm concerned that I'm being targeted for reporting staff drinking in the office while on duty which I reported to you on February 12. I also feel that there's a circle of communication amongst management and I'm outside the circle. As I stressed to you on February 12, I do not like confusion and I desire to work in peaceful work environment. In order for the agency to continue functioning at a high level operationally, is was important for me to address the issues.

V/r,
Sylvia

(b) (5)

**From:** Rebecca Cokley
**Sent:** Friday, September 27, 2013 3:37 PM
**To:** Jeff Rosen
**Cc:** David Allen; Lisa Brown-Gilmore - CPWA
**Subject:** Fwd: laptop

FYI

Sent from my iPad

Begin forwarded message:

**From:** Sylvia Jones <sjones@ncd.gov>
**Date:** September 27, 2013, 3:30:54 PM EDT
**To:** Rebecca Cokley <rcokley@ncd.gov>
**Cc:** Sylvia Jones <sjones@ncd.gov>
**Subject: RE: laptop**

Rebecca,
Ethics concurred with GSA and advised against issuing a government laptop while an employee is not on official duty.
Additionally, with respect to ethics: 5 CFR §2635.704(a) - an employee shall not use government property, or allow its use, for other than authorized purposes. When you are on leave, you are on your personal time and not on official duty.
Thus, I cannot release a laptop and/or any other government equipment to you.

-Sylvia

---

**From:** Sylvia Jones
**Sent:** Thursday, September 26, 2013 4:53 PM
**To:** Rebecca Cokley
**Cc:** Sylvia Jones
**Subject:** RE: laptop

Rebecca,

As you are aware the government is in the midst of a shut down and GSA advised against issuance of equipment and referred me to Ethics. I have reached out to Ethics and until I received ethics clearance I will not release the laptop while you are not on official duty and absent without leave.

In addition, I am tired of receiving threats for simply doing my job; and please be advised that before you can take disciplinary action against me for doing my job, you have to consider all the documented acts of misconduct involving yourself and others in the agency.

-Sylvia

---

**From:** Rebecca Cokley
**Sent:** Thursday, September 26, 2013 4:05 PM
**To:** Sylvia Jones
**Cc:** Jeff Rosen
**Subject:** laptop

Sylvia,

As your supervisor, I am directing you to make a laptop available for my use while I am physically away from the office. I am directing you to have the laptop available by 9/27/13. Failure to follow this direct order may result in disciplinary action, up to and including removal from the Federal service.

Rebecca

Sent from my iPad

Non-Responsive

Non-Responsive

(b) (6)

(b) (6)

From: Jeff Rosen <jrosen@ncd.gov>
To: Sylvia Jones
Gary Blumenthal
Date: 9/19/2013 10:02:24 AM
Subject: RE: NCD FY 13 Purchases

---

Sylvia,
In Rebecca's absence I am giving you a direct order. Failure to follow this order can lead to disciplinary action up to and including removal.
You are directed to add $80,000 to the cooperative agreement for managed care forums as directed by the executive committee (Item # 8 of their request), or to provide me with the written law, rule or regulation that prevents you from doing so by COB 9-23-13.
-Jeff

---

**From:** Sylvia Jones
**Sent:** Thursday, September 19, 2013 9:30 AM
**To:** Gary Blumenthal
**Cc:** Jeff Rosen; Rebecca Cokley; Sylvia Jones
**Subject:** RE: NCD FY 13 Purchases

Gary,

Our telephonic conversation concerning technology purchases is totally different than your email to me on yesterday. Per our conversation on Tuesday, you stated "that the technology purchases were not wise." It now appears that your position has drastically changed. Nonetheless please note the following:

The following purchases will be made via credit card today:

8 monitors
1 small TV

Also note:

1. OMB memorandum applies to all agencies to include micro agencies, which I advised all in the past.
2. Regarding the Manage Care Forum - per directive from Rebecca, I channeled my complaint concerning these matters to the appropriate authorities therefore I recuse myself from this matter.
3. Briefing the A&F Committe on the SOF, spending requests, etc., has always been the responsibility of the ED.

In closing, I would like to note that the "big bolded red letters" was condescending and humiliating as it gave an impression that you were talking down to me. During my tenure at NCD, you have never spoken to me in such a manner, which leads me to believe you're upset with me because I choose not to look the other way concerning issues in the office. You state that you want to work with me to help our agency run smoothly; as you know, I work extremely hard here and I'm willing to do anything for the agency as long as it's legal and ethical.

Respectfully,
Sylvia Jones
Director of Administration
National Council on Disability
202-272-2113

*"To give real service you must add something which cannot be bought or measured with money, and that is sincerity and integrity." - Douglas Adams*

---

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Thursday, September 19, 2013 8:44 AM
**To:** Gary Blumenthal; Sylvia Jones
**Cc:** Jeff Rosen; Rebecca Cokley
**Subject:** RE: NCD FY 13 Purchases

Sylvia,

Please let me know when I can receive answers to my questions **(in Red Below)** today so that I may advise the Executive Board of progress being made in this area. Also I wanted to clarify that in the original notice of the meeting that I sent out the Agenda was attached noting SOF and spending requests.

Gary

---

**From:** Gary Blumenthal [mailto:garyblumenthal@addp.org]
**Sent:** Wednesday, September 18, 2013 4:31 PM
**To:** 'Sylvia Jones'
**Cc:** 'Jeff Rosen'; 'Rebecca Cokley'
**Subject:** RE: NCD FY 13 Purchases

## Sylvia,

## Please further clarify my notes in Red below:

## Gary

---

**From:** Sylvia Jones [mailto:sjones@ncd.gov]
**Sent:** Wednesday, September 18, 2013 3:20 PM
**To:** Gary Blumenthal
**Cc:** Jeff Rosen; Rebecca Cokley; Sylvia Jones
**Subject:** RE: NCD FY 13 Purchases

Gary,
Leading up to A&F meeting this morning, you and I had several conversations regarding the recommended purchases for FY 2013 and prior to the end of our call on yesterday I explained to you the difficulty in acquiring the purchases so late in the fiscal year. I say this becase I was blindsided this morning... first with a request to brief the committee on the SOF and then to provide an update on the purchases, which is the responsibility of the ED. As I stated to you on Friday, last year there was three of us closing out the budget, Aaron, Carla and myself. This year I have no Carla, no help from the ED and my workload is heavy. There are a lot of pieces to closing out a budget and I just hope that I can get everything done that needs to be done timely.

**Per your request...below is an update on the purchase request:**
1.Immediate replacement of 10 computers:
**Response:** the price received for the units was a quote only. Due to contractual requirements we are unable to acquire these systems.
**Additionally, per OMB Memorandum M-11-11 dated February 3, 2011 agecnies were directed to develop and

issue an implementation policy as of March 31, 2011 requring the use of the Personal Identity Verification (PIV) credentials as the common means of authenication for access to the agency's facilities, networks, and information systems. Also, effective the beginning of FY2012, procurement for services and products involving facilities and system access must be in accordance with HSPD-12 Policy and the Federal Acquisition Regulation (FAR).

**We have the current dollars in FY 13, we may need dollars for other usage in FY 14; <u>what is the penalty or not being in accordance with the 3/31/11 PIV credential</u> noting that we are a very small agency for which we this may not necessarily have been designed for in its design.**

NCD is currenty non-compliant to this policy therefore I strongly recommend that funding be approved to purchase appropriate equipment for staff in the upcoming FY.

2.Replace 8 monitor at $195……..through GSA vendors 195 x 8 units = $1560.00
**Response**: Nick failed to identify vendors for this purchase therefore we cannot make a purchase. Also, is there a need for 8 monitor's if we are not purchasing computers? To my knowledge only 3 monitors may be needed for dual-monitor purposes. **Nick identified Dell directly for this with credit card purchase initially, you suggested GSA. Why can we not purchase order today or credit card directly with Dell.com**

**3.Printers**
**Response**: All specs provided by Nick for the printers were outdated with the exception of one, though there was a slight price difference. Nonetheless, we were able to find compatible printers at Staples for a total price of $2,271.33 which Stacey can purchase with the credit card upon your approval. **Thank you for facilitating this purchase today.**

4.Video Conferencing Citrix Go To Meeting $39 x 4 meeting organizers $2000
**Response**: This appears to be a typo. $39 times 4 is $156 not $2000. Upon receiving clarification on this item I will look further into it and get back to you. **I look forward to your response.**

5.Video Editing for Lawrence Unique PC & accessories $3000 range
Details:
**Response:** Per conversation with Lawrence he requires PhotoShop training. In addition, please note that Nick did not identify specific equipment, model numbers and/or item numbers for the purchases. Per the request...column 4, it appears that these items may be potential purchase for FY14 and FY15.

6. One television for C-SPAN -
**Response:** This is not a cost effective purchase. The agency currently has a rarely used TV in the conference room that can be transferred to the ED's office which will save the agency and tax payer's a $1000. **This is a purchase decision authorized by the E Board who has made the judgement call on this. The cost of a small new model TV will be substantially less than $1000. Please execute this today via Credit Card. This is a judgement call by the Executive Committee, you may not agree, but this is a directive from the E Board on behalf of the Council.**

7. Google Driverless Car Report -
**Response**: Contractual Issue

8. Manage Care Forums:
**Response:** Per earlier conversations, please note that is **not** a contract but insteat a cooperative agreement. **Please add to this cooperative agreement as directed by the E Board. What is the reason for not adding to a cooperative agreement?**

**I want to work with you to help our agency run smoothly. Please respond ASAP.**

Please let me know if you have any questions.

Thank you,
Sylvia

---

**From:** Gary Blumenthal <garyblumenthal@addp.org>
**Sent:** Friday, September 13, 2013 1:01 PM
**To:** Sylvia Menifee
**Cc:** Jeff Rosen; Rebecca Cokley
**Subject:** FW: NCD FY 13 Purchases

Sylvia,

I understand the difficult pressure you will be under to get this done today to meet the deadline. To the best of my knowledge this is a partial list of expenditures that the Executive Committee, Jeff and Becca have signed off on. I do believe there may be some additional expenditures from current FY 13 dollars that Jeff and Becca wish to make however I've not been able to get ahold of them today for confirmation. I am cc-ing Jeff and Becca on this email in the hope that they'll see it and respond asap.

Thank you.

Gary

1. Immediate replacement of 10 computers…….per unit cost: 1600 x 10 units = $16,000
   Vendor: Advance Computer Concept recommended by Sylvia, better cost than Nick's recommendation

2. Replace 8 monitor at $195……..through GSA vendors 195 x 8 units = $1560.00

3. Printers

| | | |
|---|---|---|
| 4x HP P1606 DN | $210.96 each | $843.84 |
| HP Laserjet Pro 400 BW Printer | | $285.40 |
| extra paper tray | | $117.96 |
| HP Laserjet Pro 400 Color | | $481 |
| HP 500 | | $762 |

4. Video Conferencing Citrix Go To Meeting $39 x 4 meeting organizers $2000

5. Video Editing for Lawrence range Unique PC & accessories $3000

Details:

| | | | | |
|---|---|---|---|---|
| **NCD IMPROVEMENT OPPORTUNITY** | **Inclusive photos for use on the website, publications, and infographics** (photos are paid for per download and prices vary but many are $20/each for websites) | **PhotoAbility.com** | FY14, FY15 - PhotoAbility.com | $300.00 |
| **NCD IMPROVEMENT OPPORTUNITY** | **HD Digital Camera for film**, consistent with Jeff and other Council Members' and the ED's vision for expanding our video presence; purchasing for in-house use gives us creative control over look/feel and content | **Samsung.com** | One-time purchase | $499.99 |
| **NCD IMPROVEMENT OPPORTUNITY** | **Sync Words Video Captioning Service** (50-100 hours annual package, plus gov't discount) | **SyncWords.com** | FY14, FY15 - Sync Words | $139.00 |
| | **Audio production kit (podcast studio)** | **Behringer.com** | One-time purchase | |

| | | | | |
|---|---|---|---|---|
| **NCD IMPROVEMENT OPPORTUNITY** | to pursue adding brief podcast summaries of our reports to each report landing page going forward | | | $145.00 |
| **NCD IMPROVEMENT OPPORTUNITY** | **Adobe PhotoShop** for use in design of infographics, homepage slides, simple covers for in-house reports, etc. ($650/computer) | **Adobe.com** | One-time purchase | $1,300.00 |
| **NCD IMPROVEMENT OPPORTUNITY** | **Training --** GPO Photoshop training | **The Institute at GPO** (Government Printing Office) | One-time purchase | $475.00 |

6. One television for C SPAN $1000

**Tech subtotals:** **$25,764.80**

**7. Google Driverless Car Report**
**add** **$15,000**

**8. ADD $80,000 to Managed Care Forums: additional forums in regions and meetings in states**
The contractor is Ellen Piekalkiewicz. Julie is monitoring this contract.
**And state associations (NCSL) and CSG, and others…. Add:**
**$80,000**
Conduct 3-6 additional regional focus groups with Disability Leadership Stakeholders on Medicaid managed care and disability related issues to the NCD strategic plan in regions

**9. EEI Editing services mentioned by Anne**
**Sommers** **$15,000**

**Sub total:**
**$135,076.80**

---

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3222/6162 - Release Date: 09/13/13

Non-Responsive

From: Jeff Rosen <jrosen@ncd.gov>
To: Stacey Brown
Date: 9/30/2013 7:52:20 AM
Subject: RE: Staff realignment

---

Good morning Stacey.

The answer to your question is no. The Council focused on the realignment of the 2 financial support positions.

You are aware that Rebecca has a fully open door for staff. Please dont hesitate to discuss any questions or concerns with her.

-Jeff

---

**From:** Stacey Brown
**Sent:** Monday, September 30, 2013 7:41 AM
**To:** Jeff Rosen
**Subject:** RE: Staff realignment

Hello Jeff does this apply to me? My title is Staff assistant. I hope it is.

---

**From:** Jeff Rosen
**Sent:** Friday, September 27, 2013 3:50 PM
**To:** NCD-Staff
**Subject:** Staff realignment

This is to inform you that to enhance the efficiency of the financial management of NCD, the Council has approved the realignment of two financial support positions (Financial Analyst and Administrative Specialist) to report directly to Rebecca. Sylvia remains responsible for her current job duties. When filled upon Rebecca's return from maternity leave, the two financial personnel will support Sylvia while reporting directly to Rebecca.
Please contact Rebecca with any questions.
-Jeff

---

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2242 / Virus Database: 3222/6209 - Release Date: 09/29/13

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 12/17/2013 12:56:48 PM
Subject: RE: FW: Sylvia Jones - Written Reply

---

Lisa -

Could you provide an update from the attorneys? We support the care and diligence conducted here, just want to be sure to understand where things stand in managing around the issue.

Thanks.

-Jeff

---

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Monday, December 16, 2013 8:40 AM
**To:** Jeff Rosen
**Subject:** Re: FW: Sylvia Jones - Written Reply

Hi Jeff,
You are very welcome. I will check in with the attorneys today and let you know as soon as we can release the letter. Thanks.

On Mon, Dec 16, 2013 at 8:25 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Thanks Lisa. The draft fully reflects my expressed position, thanks.
> -Jeff
>
> ---
>
> **From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
> **Sent:** Monday, December 16, 2013 8:22 AM
> **To:** Jeff Rosen
> **Subject:** Re: FW: Sylvia Jones - Written Reply
>
> Hi Jeff,
>
> The letter is still a draft and not ready to be issued yet. It is being reviewed by GSA's attorneys now. I am sending you a copy of the draft. I hope to get OGC's revision this week.
>
> On Mon, Dec 16, 2013 at 8:02 AM, Jeff Rosen <jrosen@ncd.gov> wrote:
>
> > Good morning Lisa. I'm reviewing my week and wanted to become aware of the anticipated timeline for this item. Thanks.
> > -Jeff
> >
> > ---
> >
> > **From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
> > **Sent:** Monday, December 09, 2013 2:38 PM
> > **To:** Jeff Rosen
> > **Subject:** Re: FW: Sylvia Jones - Written Reply
> >
> > Hi There Jeff,
> >
> > I am working on the draft now and expect to have something for your review this week.

On Mon, Dec 9, 2013 at 2:25 PM, Jeff Rosen <jrosen@ncd.gov> wrote:

Hi Lisa -

Just wanted to check in about whether theres an anticipated time that a draft is prepared for my review.

Thanks.

-Jeff

(b) (5)

(b) (5)

**From:** Lisa Brown-Gilmore - CPWA <lisa.gilmore@gsa.gov>
**Sent:** Monday, December 02, 2013 11:39 AM
**To:** Jeff Rosen
**Subject:** Re: FW: Sylvia Jones - Written Reply

Hi Jeff,

Have you had an opportunity to read the written reply? I am still going thru everything and will prepare a decision letter for your signature. I believe that you will sustain all charges in Rebecca's proposal. If you choose to mitigate the proposal to less amount of days, please let me know along with your reason and I can draft the letter accordingly.

On Mon, Dec 2, 2013 at 10:46 AM, Jeff Rosen <jrosen@ncd.gov> wrote:

> Hi Lisa, trust that you had a good Thanksgiving with your family.
>
> Please let me know the next steps for this item. I suppose we should meet to review?
>
> Thanks.
>
> -Jeff
>
> **From:** James Heelan <jheelan@shawbransford.com>
> **Sent:** Wednesday, November 27, 2013 6:03 PM
> **To:** Jeff Rosen
> **Cc:** lisa.gilmore@gsa.gov; Robyn Powell; Julie Perkins
> **Subject:** Sylvia Jones - Written Reply
>
> Mr. Rosen,
>
> We submit the attached written reply and exhibits to you on behalf of our client, Mrs. Sylvia Jones. A hard copy will follow to you via overnight FedEx delivery.

Sincerely,

James Garay Heelan

**James P. Garay Heelan**
Associate Attorney

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1100 Connecticut Avenue, NW, Suite 900
Washington, DC 20036
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**Lisa Gilmore**
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**Lisa Gilmore**
**Human Resources Specialist (Employee Relations)**
**Washington Area Operations Center**
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**Lisa Gilmore**
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[redacted]

https://docs.google.com/a/gsa.gov/forms/d/1nhjCN6rnQLHds76fKF2MsLyLHchZpKL7e_LIZjNJlr0/viewform

From: Jeff Rosen <jrosen@ncd.gov>
To: Lisa Brown-Gilmore - CPWA
Date: 12/2/2013 11:46:24 AM
Subject: FW: Sylvia Jones - Written Reply
Attachments: Sylvia Jones - Written Reply.pdf
Sylvia Jones - Exhibits to Written Reply.pdf

---

Hi Lisa, trust that you had a good Thanksgiving with your family.

Please let me know the next steps for this item. I suppose we should meet to review?

Thanks.

-Jeff

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**From:** James Heelan <jheelan@shawbransford.com>
**Sent:** Wednesday, November 27, 2013 6:03 PM
**To:** Jeff Rosen
**Cc:** lisa.gilmore@gsa.gov; Robyn Powell; Julie Perkins
**Subject:** Sylvia Jones - Written Reply

Mr. Rosen,

We submit the attached written reply and exhibits to you on behalf of our client, Mrs. Sylvia Jones. A hard copy will follow to you via overnight FedEx delivery.

Sincerely,

James Garay Heelan

**James P. Garay Heelan**
Associate Attorney

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November 27, 2013

SENT VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

Mr. Jeff Rosen
Chairperson
National Council on Disability
1331 F Street, NW, Suite 850
Washington, D.C. 20004
jrosen@ncd.gov

Re: Sylvia Jones – Written Reply to Notice of Proposal to Suspend

Dear Mr. Rosen:

As you know, this law firm is the designated representative of Mrs. Sylvia (Menifee) Jones, Director of Administration, National Council on Disability ("Agency" or "NCD"), in regard to the Notice of Proposal to Suspend dated November 1, 2013 ("Proposal"), received by Mrs. Jones via e-mail that same day. We write to you, on Mrs. Jones's behalf, to respond to the Proposal,[1] which seeks to suspend her for fourteen (14) calendar days, based on three charges, Failure to Follow Supervisor's Instructions, Delay in Carrying Out Assignments, and Misuse of Position, comprising a total of five specifications.

## I. INTRODUCTION

The Proposal seeks to suspend Mrs. Jones for fourteen (14) calendar days because she allegedly: 1) did not comply with NCD Chairperson Jeff Rosen's September 25, 2013 e-mail instruction to draft a contingency plan; 2) failed to follow a September 24, 2013 e-mail from Mr. Rosen directing her to extend an existing contract; 3) failed keep lines of telephone and e-mail communication open on September 23 and 24, 2013; 4) delayed in carrying out an assignment when she allegedly took no action on a telework agreement between August 27 and September 11, 2013; and 5) misused her position when she contacted the president of an Agency contractor and allegedly demanded that he inform a subordinate employee that he was to comply with a Freedom of Information Act request.

[1] Mrs. Jones waives her 5 U.S.C. § 7503(b) right to orally reply to the proposed suspension. This written reply and the enclosed exhibits constitute Mrs. Jones's exercise of her rights under 5 U.S.C. § 7503(b)(2) to respond to the proposed suspension.

A complete review of the record, as supplemented by the exhibits enclosed with this written reply, however, demonstrates that the proposed suspension should not be sustained. In sum, we contend that you should not sustain the proposed suspension against Mrs. Jones because: with respect to the three specifications within Charge 1, Mrs. Jones understood the supervisory instructions at issue to have been improper, she was unable to comply with the instructions in Specifications 1 and 2, and the Agency has failed to establish the factual allegations in Specification 3 by a preponderance of the evidence; regarding Charge 2, Mrs. Jones was not actually given any assignment, and even if she had been given an assignment regarding Ms. Julie Carroll's telework, she did not unduly delay in its execution; and, as to Charge 3, Mrs. Jones's communications with Mr. William Haygood of Global Networkers regarding her Freedom of Information Act request did not violate any established prohibition against such conduct, and thus should not be construed as a misuse of her position.

Further, Mrs. Jones asserts that the proposal to suspend her is an act of reprisal against her for her disclosures to the Office of Special Counsel and for her formal Equal Employment Opportunity complaint against the Agency, and she offers examples of disparate treatment to support her contention, providing further reason for why the whole proposed suspension should not be sustained.

For these reasons, as explained in detail in this written reply and supported by the enclosed exhibits, you should not sustain the proposed suspension against Mrs. Jones.

## II. FACTUAL AND PROCEDURAL BACKGROUND[2]

### A. Mrs. Jones is passionate about the Agency's mission and is a strong performer, despite institutional obstacles, such as short staffing.

Mrs. Jones is a dedicated Agency employee, and a life-long public servant, who has received multiple recognitions for her competency and outstanding performance. *See* Declaration of Sylvia Jones, enclosed as Exhibit ("Ex.") 1 ¶ 1. Mrs. Jones came to work at NCD because, as a person with a disability (albeit one which is not immediately apparent) and as a disabled veteran, Mrs. Jones chose to work at NCD due to the Agency's mission, vision, and desire to hire an individual with high ethical standards. *See* Ex. 1 ¶ 3.

As the Agency's Director of Administration, Mrs. Jones is responsible for managing the administrative operations of the Agency, including human resources management, budget preparation and funds management, facilities and space management, security administration, and property and records management. *Id.* Mrs. Jones has excelled in carrying out those duties; for example, since joining NCD, Mrs. Jones has been recognized by Agency management for her excellent performance and for her success in establishing internal controls within the Agency. *See* Ex. 1 ¶ 2. Mrs. Jones was most recently recognized by Agency management and awarded a

[2] This factual and procedural background summarizes matters chronologically. However the below argument will address each charge and specification as it is listed in the proposed suspension, which is not chronological.

Quality Step Increase for her performance, in June 2013. *Id.* In all, Mrs. Jones's performance record demonstrates that she has established herself as a valuable Agency employee.

Mrs. Jones has been able to achieve her success despite institutional obstacles. For example, when she first became the Director of Administration, Mrs. Jones had only two staff members under her supervision, a staffing level she states was inadequate to carry out the functions of her office. *See* Ex. 1 ¶ 4. Apparently in agreement with Mrs. Jones's assessment of her office's understaffing, Agency management permitted her to fill a vacancy for a Financial Analyst position. *Id.* However, in the midst of that hiring process, Mr. Rosen removed Mrs. Jones's hiring authority and transferred it to NCD Executive Director Rebecca Cokely.[3] *Id.* Ultimately, no Financial Analyst was hired, despite the Office of Personnel Management's ("OPM") referral of over sixty (60) candidates for consideration. *Id.* Additionally, in March 2013, then-Interim Director Julie Carroll[4] placed the Administrative Specialist in Mrs. Jones's office, Ms. Carla Nelson, on administrative leave without Mrs. Jones's input. *Id.* Soon thereafter, Ms. Nelson was removed from her position. *Id.* Thus, for most of 2013, Mrs. Jones has been responsible for successfully carrying out her own duties, in addition to the duties of a Financial Analyst and an Administrative Specialist, with the support of only one staff member, which is below the staffing level of Mrs. Jones's office when she arrived at NCD.

In addition, Mrs. Jones has been responsible for carrying out some of Ms. Cokley's duties. *Id.* Indeed, Mrs. Jones's inability to manage duties assigned to the Executive Director is at issue in Charge 1, Specification 1 of the proposed suspension. *See* Proposal at 1; E-mail from Sylvia Jones to Jeff Rosen, dated September 25, 2013 (provided by the Agency as evidence in support of the proposed suspension).

B. Mrs. Jones took it upon herself as Director of Administration to have her office communicate with OPM regarding federal telework regulations.

On August 27, 2013, Mrs. Jones learned that Ms. Carroll had been teleworking without an active telework agreement (Ms. Carroll's telework agreement had expired in March 2011) and beyond the scope of the agreement on file with her (Mrs. Jones's) office. *See* E-mail from Sylvia Jones to Julie Carroll and Robyn Powell, dated August 27, 2013 at 2:25 p.m. (provided by the Agency as evidence in support of the proposed suspension). In working with Ms. Carroll on a new telework agreement, Mrs. Jones informed Ms. Carroll that she (Mrs. Jones) needed to verify with OPM whether Ms. Carroll could be approved to telework both on a regular and on a

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[3] While ultimate authority to hire technical and professional employees for NCD is vested with the Executive Director, *see* 29 U.S.C. § 783(a)(2), Mrs. Jones is not aware that delegated hiring authority has been revoked from either of her two peer office directors, Ms. Anne Sommers or Ms. Joan Durocher, who are both Caucasian and who each have an apparent physical disability. Ex. 1 ¶ 4. In fact, Mrs. Jones states that Ms. Sommers has recently been allowed to conduct a hiring without any involvement or intervention from the Chairperson. *Id.* We note that the Chairperson, who transferred Mrs. Jones's hiring authority to Ms. Cokley is also a Caucasian with an apparent physical disability.

[4] Ms. Carroll is still an employee of the Agency, she serves as Senior Policy Advisor. *See* Ex. 1 ¶ 36.

situational basis. *See* E-mail from Sylvia Jones to Julie Carroll and Robyn Powell, dated August 27, 2013 at 3:12 p.m. (provided by the Agency as evidence in support of the proposed suspension).

Mrs. Jones then tasked a member of her staff, Ms. Chanda Bethea, a temporary employee who is no longer with the Agency, to communicate with OPM to reach a conclusion on Ms. Carroll's issue. *See* Ex. 1 ¶ 38. Ms. Bethea's findings were then verbally communicated to Ms. Carroll's supervisor, Dr. Gerrie-Drake Hawkins, as Ms. Carroll herself was out of the office September 3-23, 2013. *Id.* Dr. Drake-Hawkins executed a new telework agreement for Ms. Carroll on September 10, 2013. *See* Telework Application and Agreement for Julie Carroll, enclosed as Ex. 6.

The next day, September 11, 2013, Ms. Cokely sent an e-mail to Mrs. Jones stating that she (Ms. Cokely) had researched the matter and concluded that Ms. Carroll could be approved for telework on both a regular and situational basis. *See* E-mail from Rebecca Cokely to Sylvia Jones, dated September 11, 2013 (provided by the Agency as evidence in support of the proposed suspension). Mr. Rosen wrote to Mrs. Jones with further explanation of the rationale for Ms. Cokley's conclusion on September 19, 2013. *See* E-mail from Jeff Rosen to Sylvia Jones, dated September 19, 2013 (provided by the Agency as evidence in support of the proposed suspension).

While Ms. Cokley and Mr. Rosen both instructed Mrs. Jones to process Ms. Carroll's telework agreement, in their e-mails of September 11 and 19, 2013, respectively, Mrs. Jones was not given or issued an assignment regarding Ms. Carroll between August 27 and September 11, 2013. *See* Ex. 1 ¶ 37. And, during that time, Ms. Carroll continued to telework and provide services to the Agency. *See* Four e-mails, dated August 27, August 29, August 30, and November 18, 2013, enclosed as Ex. 7.

C. Mrs. Jones telephoned Global Networkers President William Haygood to discuss her concerns regarding the performance and the qualifications of a Global Networks employee.

On September 6, 2013, Mrs. Jones telephoned Mr. William Haygood, the President and Chief Operating Officer of NCD contractor Global Networkers, to follow-up on a telephone conversation they had on July 10, 2013, regarding Mrs. Jones's various and serious concerns regarding Mr. Nick Rushizky, a Global Networkers employee working on the NCD contract, which is within the scope of her position duties. *See* Ex. 1 ¶ 42. Mrs. Jones was concerned that Mr. Rushizky had been tampering with Agency e-mail, violating NCD policies and procedures, and that he lacked the required security credentials to work on the NCD contract.[5] *Id.* At the

[5] Mrs. Jones, as the Contracting Officer's Technical Representative ("COTR") for the contract with Mr. Haygood's company, would go on to request that Mr. Rushizky be replaced as the onsite consultant for the final ninety (90) days of the contract period "due to the performance issues that we previously discussed." *See* E-mail from Sylvia Jones to William Haygood, dated October 1, 2013, enclosed as Ex. 8.

conclusion of their conversation, as Mrs. Jones states, she "briefly inquired" whether Mr. Rushizky was familiar with the requirements of the Freedom of Information Act ("FOIA"). *Id.*; *see also* E-mail from David Allen to William Haygood, dated September 17, 2013 ("[FOIA] was one of a number of topics she covered with you [Mr. Haygood]") (provided by the Agency after our request for an un-redacted copy of the evidence originally provided in support of the proposed suspension).

Mrs. Jones subsequently filed a FOIA request for information from Global Networkers. Ex. 1 ¶¶ 42-43.

D. Ms. Cokely addressed Mrs. Jones's concern that NCD Chairperson Jeff Rosen had an usually high and improper level of involvement with NCD staff and with the Agency's day-to-day operations.

Soon after Ms. Cokely was appointed to her position as the Agency's Executive Director, Mrs. Jones expressed to Ms. Cokely her (Mrs. Jones's) concern that Mr. Rosen had been "overstepping his authority" and "attempting to take over" the duties of the Executive Director. *See* Ex. 1 ¶ 10; *see also* 29 U.S.C. § 783(a); Bylaws of the National Council on Disability ("Bylaws"), Article 4, "Executive Director," Section 4.1, "Authorities and Responsibilities." On May 28, 2013, Mrs. Jones and Ms. Cokely discussed the matter of Mr. Rosen's involvement with the day-to-day operations of the Agency and his interruption of the chain of authority. *See* Ex. 1 ¶ 10. Mrs. Jones requested that "all dealings" between herself and Mr. Rosen be routed through Ms. Cokely, as Ms. Cokely is the chief executive officer of the Agency, responsible for the management of NCD staff; Ms. Cokely agreed to this arrangement. *Id.*; *see also* E-mail from Sylvia Jones to Rebecca Cokely, dated May 28, 2013, enclosed as Ex. 2. Following this conversation, there was no direct communication between Mr. Rosen and Mrs. Jones until September 19, 2013, the first day of Ms. Cokley's maternity leave, when Mrs. Jones began receiving a series of express, direct orders from Mr. Rosen.[6] *See* Ex. 1 ¶ 10.

E. By declining to designate an Acting Executive Director for the duration of her maternity leave, Executive Director Rebecca Cokely created an office environment where the line of supervision was unclear.

When the Executive Director is on leave from the Agency, Agency procedures provides that she should designate an individual to act in her place, however such designation is at the Executive Director's discretion, and it is not clear that the Agency has a default mechanism for the appointment of an acting Executive Director.[7] But, when she left the Agency on maternity

[6] Mrs. Jones is not aware that either Ms. Sommers or Ms. Durocher (or Dr. Gerrie Drake Hawkins, who was acting in Ms. Durocher's place in September 2013) has received direct orders from Mr. Rosen, in series such as Mrs. Jones received between September 19 and 22, 2013. *See* Ex. 1 ¶ 10.

[7] If there were a default mechanism for elevating a staff member to act in the Executive Director's place, it appears that it would be through the position description of the General Counsel and Director of Policy, who, "as directed by the Executive Director…acts for the Executive Director in his/her absence." *See* Position description for the General Counsel and Director of Policy, enclosed as Ex. 3, at 3.

leave, Ms. Cokely declined to name a successor to act in her place as "the chief executive officer of the Council." *See* Bylaws, Article 4, Section 4.1.1; Ex. 1 ¶ 11.

Prior to her departure on maternity leave, her first use of leave as Executive Director, Ms. Cokely held a staff meeting with Mr. Rosen on September 18, 2013. *See* Ex. 1 ¶ 11. During that meeting, Ms. Cokely and Mr. Rosen informed Agency staff that no one would be acting in Ms. Cokley's place during her absence.[8] *See* Ex. 1 ¶¶ 11; 13. And when Acting Policy Director Dr. Gerrie Drake-Hawkins expressed concern and asked who would supervise Agency staff, Mr. Rosen responded that there was no need for an acting Executive Director. *See* Ex. 1 ¶ 11. Office directors were then informed to contact the General Services Administration personnel who are contracted to provide administrative support services (such as human resources services and contract expertise services to NCD) if they required assistance, implying that Mr. Rosen would not be supervising Agency staff, including office directors like Mrs. Jones and Dr. Gerrie-Drake Hawkins, who was acting in an office director role at the time. *See Id.*; E-mail from Gerrie Drake-Hawkins to herself, blind copying Sylvia Jones and other unidentified recipients, dated September 29, 2013, enclosed as Ex. 4.

Thus, while Ms. Cokley was on full time maternity leave, September 19 to October 17, 2013, NCD was without a clear line of supervisory authority, except for the directive to look to GSA for administrative services.[9] *See* Ex. 1 ¶ 12.

F. <u>During Ms. Cokley's full-time absence while on maternity leave, Mr. Rosen issued a series of direct orders to Mrs. Jones, all of which Mrs. Jones believed (and still believes) were improper.</u>

Very soon after Ms. Cokely left the Agency on maternity leave, Mr. Rosen began issuing a series of direct orders to Mrs. Jones. Three direct orders are at issue in the proposed suspension. On September 20, 2013, Mr. Rosen sent an e-mail to Mrs. Jones directing her to draft a contingency plan in anticipation of a government shutdown. Mr. Rosen issued this direct order to Mrs. Jones, after being told that the task fell under the duties of the Executive Director,[10] even though Mrs. Jones was already focused on completing the Agency's end-of-year budget activities, which needed to be completed by September 30, 2013, and despite the availability of better-staffed offices to carry out the task. *See* Ex. 1 ¶¶14-18. That same day, Mr. Rosen sent

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[8] Had Ms. Cokley designated an Acting Executive Director, Mrs. Jones apparently would have been the logical choice, both organizationally and by seniority, especially as Ms. Durocher, the General Counsel and Director of Policy, had been out on maternity leave since August 12, 2013, not scheduled to return to the Agency until 2014. *See* Ex. 1 ¶ 13.

[9] Ms. Cokley returned to her duties as Executive Director on a half-time, telework basis, beginning October 17, 2013. Ex. 1 ¶ 12.

[10] Mrs. Jones states that Ms. Cokley received notification of this task from the Office of Management and Budget on September 18, 2013, but did not take any action to complete or to delegate this duty before she left on maternity leave. *See* Ex. 1 ¶ 15.

another e-mail to Mrs. Jones directing her to work on a contract to replace services provided by contractor DEVIS or to provide him with written material showing why such action was improper. *See* Ex. 1 ¶¶ 19-25. Then, at 3:20 p.m. on September 23, 2013, in response to an out-of-office automatic message Mrs. Jones had set on her e-mail inbox, Mr. Rosen sent an e-mail to Mrs. Jones directing her to continue reading and responding to e-mails and telephone calls.[11] Mr. Rosen later directed that a copy of that e-mail be printed and placed under Mrs. Jones's office door on the morning of September 24, 2013. *See* Ex. 1 ¶¶ 26- 35. Mrs. Jones eventually wrote to Mr. Rosen in response to each direct order, protesting his authority to issue her such direct orders, citing the Agency's authorizing statute and bylaws as support for her contentions. At no point did Mr. Rosen (or Ms. Cokely) address Mrs. Jones's concerns and either explain or establish Mr. Rosen's authority to issue direct orders to Agency staff.

G. Ms. Cokely issued the proposed suspension to Mrs. Jones very shortly after Mrs. Jones engaged in protected activity, and following several months of Mrs. Jones's engagement in protected whistleblowing and protected Equal Employment Opportunity ("EEO") activity.

Mrs. Jones has engaged in protected whistleblowing activity since June 2013, regarding Agency activity which Mrs. Jones believes to be unlawful, and has engaged in protected Equal Employment Opportunity ("EEO") since May 2013, regarding Mrs. Jones's allegations of hostile work environment on the bases of her race, color, sex, and disability. Agency management has been aware of these protected activities since at least June 2013. *See* E-mail from Rebecca Cokely to Sylvia Jones, dated June 28, 2013, enclosed as Ex. 9.

Mrs. Jones continued to make protected disclosures to the Office of Special Counsel ("OSC") during the months that followed, and she continued to engage in protected EEO activity through October 30, 2013. *See e.g.* Letter to Sylvia Jones from Sylvia Anderson, dated October 31, 2013, enclosed as Ex. 10 (accepting Mrs. Jones's communications of September 9 and 13, and October 17 and 21, 2013 requesting amendment of her formal EEO complaint); E-mail from Sylvia Jones to Rebecca Cokely, dated October 30, 2013, enclosed as Ex. 11 (objecting to discrimination). Ms. Cokely then issued the proposed suspension to Mrs. Jones via e-mail on November 1, 2013. *See* Proposal; Ex. 1 ¶ 5. This written reply follows.[12]

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[11] Mrs. Jones knows that Ms. Julie Carroll, a Caucasian with an apparent physical disability, was teleworking from September 3-23, 2013, and that Ms. Carroll had an out-of-office automatic message set on her inbox during that time. *See* Ex. 1 ¶ 35; E-mail from Julie Carroll to Sylvia Jones, dated September 12, 2013, enclosed as Ex. 5. Mrs. Jones is not aware that Ms. Carroll responded to e-mail communications during that time, and she is further unaware that Ms. Carroll was ever issued a direct order from Mr. Rosen instructing her to read and to respond to e-mail communications during that period. *Id.*

[12] The deadline for submission of this written reply was originally Monday, November 18, 2013, however that deadline was extended by written correspondence from Ms. Robyn Powell, dated November 6, 2013, through Thursday, November 28, 2013. That deadline was subsequently clarified by Ms. Powell (as November 28, 2013, is federal holiday) and set for Friday, November 29, 2013.

## III. ARGUMENT

To sustain a disciplinary action against Mrs. Jones, the Agency must prove by a preponderance of the evidence that (1) Mrs. Jones actually committed the alleged misconduct, (2) there is a sufficient nexus between the misconduct and the efficiency of the service to sustain the disciplinary action, and (3) any penalty imposed is appropriate for the misconduct involved.[13] *Parsons v. U.S. Dep't of the Air Force*, 707 F.2d 1406, 1409 (D.C. Cir. 1983) (citing *Young v. Hampton*, 568 F.2d 1253, 1257, 1264 (7th Cir. 1977)), *Douglas v. Veterans Admin.*, 5 M.S.P.B. 313, 329 (1981).

### A. Charge 1: Mrs. Jones does not believe the three direct orders at issue in Charge 1 were properly given, and no NCD official has ever explained to Mrs. Jones otherwise.

All three specifications within Charge 1 of the proposed suspension involve direct orders from NCD Chairperson Jeff Rosen issued to Mrs. Jones via e-mail between September 20 and 25, 2013, while NCD Executive Director Rebecca Cokely was away from the Agency full-time on maternity leave. *See* Proposal at 1-2; Ex. 1 ¶ 12 (stating that Ms. Cokely was away from the Agency on a full-time basis from September 19 through October 17, 2013). Therefore, at issue in each specification is the matter of whether Mr. Rosen had the authority to issue those direct orders to Mrs. Jones.

Mrs. Jones understands that authority to manage NCD staff is vested within the Executive Director, and that the Chairperson is removed from direct management, per the Agency's authorizing statute and per the Agency's bylaws. *See* Ex. 1 ¶ 9. Further, she had raised her concerns with direct communication between herself and Mr. Rosen, on May 28, 2013, in conversation with Ms. Cokely, who apparently agreed that communication between Mr. Rosen and staff members needed to be routed through the Executive Director, a position over which Mr. Rosen had supervisory authority as the Chairperson.[14] *See* Ex. 1 ¶ 10. Following that conversation, and lending credence to Mrs. Jones's understanding that Mr. Rosen was not to have direct communications with NDC staff, Mr. Rosen and Mrs. Jones did not have direct communication again, until Ms. Cokely left the office on maternity leave on September 19, 2013. *See Id.*; Ex. 2.

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[13] Preponderance of the evidence is defined as the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue. 5 C.F.R. § 1201.56(c)(2).

[14] We contend that references to the Chairperson's role in the disciplinary process, grievance process, and the performance review process in the Agency's Administrative Policies and Procedures Manual are not to be read as indicating that the Chairperson has any inherent authority to supervise and/or direct staff. Rather, we contend that those duties are delegated to the Chairperson by the Executive Director, who is the individual expressly authorized by the Bylaws to supervise Agency staff and who is expressly given discretion over the contents of the Administrative Policies and Procedures Manual. *See* Bylaws, Article 4, Section 4.1.5(2)(a).

Lending further credit to the understanding that Mr. Rosen did not have the authority to supervise or to direct staff during Ms. Cokley's absence from the Agency, Ms. Cokely informed staff on September 18, 2013, during a meeting where Mr. Rosen was present, that she was not designating any individual to act in her place while she was gone on leave. *See* Ex. 1 ¶ 11. And, Mr. Rosen said there was no need for an Interim Executive Director, implying that no individual was fulfilling the Executive Director's duties while Ms. Cokely was on leave. *Id.* During that meeting, when Acting Policy Director Dr. Gerrie Drake-Hawkins, who was acting in the position which seems to be the default position for acting in the Executive Director's place, inquired as to who would supervise Agency staff, Mr. Rosen responded that there was no need for an Interim Executive Director and that staff should contact GSA for assistance, if needed. *Id.*; Ex. 3; Ex. 4. Notably, Ms. Cokely never notified staff that Mr. Rosen was authorized to act in her place as the designated chief executive officer of the agency, the only position authorized to issue direct orders to Agency staff. *See* Ex. 1 ¶ 11; Bylaws, Article 4, Sections 4.1.1, 4.1.5(2)(b); *see also* 29 U.S.C. § 783(a)(2) ("The Executive Director is authorized to hire technical and professional employees to assist the National Council to carry out its duties."). In sum, Mrs. Jones and other Agency staff were left without any clear line of authority or any indication that Mr. Rosen could issue direct orders to them in Ms. Cokley's absence.[15]

Mr. Rosen and Agency management were aware of Mrs. Jones's concerns, yet they did nothing to address them prior to issuing her the proposed suspension -- even when Mrs. Jones directly challenged Mr. Rosen's authority to issue her direct orders, stating at one point, "[a]s of September 19, 2013, I do not have a supervisor until Nov[ember 4] when Rebecca returns to duty-part time," she was not given an explanation or a justification for why the orders were proper.[16] Further, even though Ms. Cokely asserts in the proposed suspension that Mr. Rosen is

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[15] Merely because Mr. Rosen may have issued direct orders to NCD staff to which Ms. Cokley tacitly consented, prior to September 19, 2013, does not necessarily mean that Mr. Rosen had the authority as Chairperson to issue direct orders to Agency staff. *See Perron v. Dep't of Transportation*, 16 M.S.P.R. 382 (affirming an administrative judge's decision that an order issued by management, other than the employee's immediate supervisor, was proper as it was in the company of the employee's supervisor, was not contradicted by the supervisor, and the employee did not request clarification or question the issuing manager's authority). Ms. Cokley's tacit consent cannot be considered with regard to the specifications offered to support Charge 1, despite Mr. Rosen's copying Ms. Cokley on his e-mail directives to Mrs. Jones, as Ms. Cokley was away from the Agency on a full time basis when those direct orders were issued, and the Agency has not offered any evidence that Ms. Cokley ever affirmed those direct orders prior to her issuance of the proposed suspension. Further, Mrs. Jones questioned Mr. Rosen's authority to issue direct orders to her in response to each direct order at issue in Charge 1 of the proposed suspension.

[16] To the extent that the Agency believes Mrs. Jones should have filed a grievance to obtain resolution of her concerns regarding Mr. Rosen's authority as Chairperson, we contend that the substance of Mrs. Jones's objections to Mr. Rosen's direct orders satisfied each of the required elements of an informal grievance (acts, occurrences; dates; parties involved; specific matters directly related to the grievance resolution/relief sought), as stated in the Administrative Policies and Procedures Manual at page 189, except for the requirement that the informal grievance be submitted on the Administrative Grievance Form. We further contend that requirement that a grievance be submitted on the Administrative Grievance Form is immaterial to whether the Agency should accept and consider the grievance, as there is an expressly identified sample form enclosed with the Administrative Policies and Procedures Manual, but we have been unable to locate any document identified as *the* Administrative Grievance Form. And, any concerns regarding the official to whom an informal grievance is issued appear to be with the Administrative Policies and Procedures Manual itself, as it is unclear to whom an informal grievance regarding the

Mrs. Jones's second level supervisor, well aware that Mr. Rosen's authority would be at issue in Mrs. Jones's response to that proposed suspension, neither the proposed suspension nor any of the materials provided by the Agency as supporting the proposed suspension venture to explain or justify Mr. Rosen's authority to issue the direct orders with which Mrs. Jones is alleged to have failed to comply in Charge 1 of the proposed suspension. *See* Proposal at 1. Thus, Mrs. Jones's understanding that Mr. Rosen could not properly issue her direct orders appears reasonable. Therefore, on this basis alone, it would be unjust to sustain any of the specification in Charge 1 of the proposed suspension, and Mrs. Jones should not be found to have failed to follow any supervisory instructions. And, if Mrs. Jones is correct that Mr. Rosen's instructions were improper, then the Agency has failed to prove by a preponderance of the evidence that the direct orders at issue were supervisory, and thus the Charge of Failure to Follow Supervisor's Instructions cannot be sustained.

1. Charge 1, Specification 1: Due to her heavy workload and the priority of her duties with regard to the Agency's Budget, Mrs. Jones could not comply with Mr. Rosen's order that she draft a contingency plan for the event of a government-wide shutdown.

Charge 1, Specification 1 of the proposed suspension alleges that Mr. Rosen gave Mrs. Jones a direct order on September 25, 2013, to draft a contingency plan for the Office of Management and Budget, for the event of a government-wise shutdown, due to be completed that same day. Proposal at 1. The specification goes on to allege that Mrs. Jones e-mailed Mr. Rosen that same day in response, explaining that the contingency plan was the responsibility of the Executive Director. *Id.* The specification then concludes, "[Mrs. Jones] did not submit the draft plan as instructed." *Id.*

In addition to the requirements for sustaining any proposed charge against an employee, for the Agency to sustain this specification, it must prove that Mrs. Jones was able to complete the direct order given to Mrs. Jones on September 25, 2013, or that Mrs. Jones was ordered to complete the assigned task to the exclusion of her other duties. *See Hall v. Veterans Admin.*, 7 M.S.P.R. 161 (1981) (reversing charge that employee refused to follow an instruction where evidence indicated that employee could not comply with the instruction); *Davies v. Dep't of Agriculture*, 5 M.S.P.R. 291 (1981) (reversing charge that employee refused to comply with instruction to take dictation because the evidence indicated the employee was occupied with other duties and the supervisor then gave the assignment to another employee); *see also Redschlag v. Dep't of the Army*, 89 M.S.P.R. (2001) (sustaining charge of failure to complete assigned duties where timeliness was not an issue and the employee never completed the assigned duty).

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Chairperson would be submitted. *See* Administrative Policies and Procedures Manual at 183 ("The deciding official shall be the Executive Director, except when the grievance is against the Executive Director, the deciding official shall be the Chair.").

In this matter, although the proposed suspension fails to mention it, in addition to stating that the contingency plan was the responsibility of the Executive Director, in her e-mail exchange with Mr. Rosen on Wednesday, September 25, 2013, Mrs. Jones stated to Mr. Rosen that "due to an abundance of work to include budget close out I am unable to take on additional responsibilities due to the scope of my duties." *See* E-mail from Sylvia Jones to Jeff Rosen, dated September 25, 2013, at 10:11 a.m. (provided by the Agency as evidence in support of the proposed suspension). It is apparent that Mr. Rosen was familiar with the heavy burden Mrs. Jones bore at that time, as the Agency's end-of-year budget was due on Monday, September 30, 2013, and Mr. Rosen was aware that the annual budget close-out (which Mrs. Jones identifies as the most sensitive and time-consuming task in the Agency) was Mrs. Jones's responsibility and that Mrs. Jones's office was under-staffed. *See* Ex. 1 ¶¶ 4, 16-17.

While Mr. Rosen responded via e-mail with a re-issuance of his direct order, and with an acknowledgement of Mrs. Jones's other duties, he did not direct Mrs. Jones to complete the task to the exclusion of her other duties. *See Davies*, 5 M.S.P.R. at 292 (reversing charge of failure to comply with instruction: "The agency has not shown that the appellant refused to take dictation, only that she informed the supervisor that she was working on other tasks at the time."). After Mrs. Jones responded to that e-mail, in part, questioning why Mr. Rosen and Ms. Cokely waited until seven days after they were notified of the contingency plan requirement from OMB, Mr. Rosen reassigned the task to Director of Legislative Affairs and Outreach Anne Sommers. *See* Ex. 1 ¶ 17.

As Mr. Rosen did not instruct Mrs. Jones to draft the contingency plan at the exclusion of her other duties, it stands to reason that Mrs. Jones did not refuse to draft the contingency plan, but that she was unable to perform that duty, due the same day as issuance of the order in question. It also stands that the contingency plan had a definite completion deadline, and that Mr. Rosen assigned the task to Ms. Sommers, who presumably completed the task satisfactorily and on-time. Therefore, Charge 1, Specification 1 should not be sustained, as the Agency has failed to prove by a preponderance of the evidence that Mrs. Jones was not unable to carry out Mr. Rosen's direct order, and because sustaining this specification would not promote the efficiency of the service.

2. <u>Charge 1, Specification 2: The Agency has produced no evidence of a lawful order from Mr. Rosen to Mrs. Jones on September 24, 2013, giving her a "direct order to extend the existing service from DEVIS."</u>

Charge 1, Specification 2 of the proposed suspension alleges that, "due to [her] disagreement" with the "the decision to replace the IT consulting services used by NCD, Development Info Structure (DEVIS)," Mr. Rosen "emailed [Mrs. Jones] on September 24, 2013 giving [her] a direct order to extend the existing services from DEVIS." Proposal at 1. The specification then states that Mrs. Jones is required to support the Council and to advise the Executive Director, in her role as the Director of Administration. *Id.* Then, without further analysis or context, the specification concludes, "You again, failed to follow supervisory instructions." *Id.*

To sustain this specification, the Agency must prove the specification as written by a preponderance of the evidence. *See Otero v. U.S. Postal Serv.*, 73 M.S.P.R. 198, 202-03 (1997); *see also Gottlieb v. Veterans Administration,* 39 M.S.P.R. 606, 609 (1989) ("The Board is required to review an agency's decision on an adverse action solely on the grounds invoked by the agency..."); *Wiley v. U.S. Postal Serv.*, 102 M.S.P.R. 535, 540 (2005) ("the administrative judge should have analyzed the charge as written by the agency").

Here, the Agency has produced no evidence that Mr. Rosen issued an order to Mrs. Jones on September 24, 2013, regarding extension of the DEVIS[17] contract. On that ground, alone, Charge 1, Specification 2 cannot be sustained on its merits.

However, even shoe-horning the evidence the Agency *did* provide into the specification, it may be construed that the September 20, 2013 e-mail from Mr. Rosen to Mrs. Jones, subject line "DEVIS," is the e-mail on which Charge 1, Specification 2 relies for evidentiary support. Issues regarding the date of the e-mail aside, the direct order contained therein states, "[Mrs. Jones is] to perform the duties of [her] position, including working on the contract to replace DEVIS immediately or to present [Mr. Rosen] with written material supporting [her] recusal showing why the contemplated action is illegal or against government wide regulations." E-mail from Jeff Rosen to Sylvia Jones, dated September 20, 2013 (provided by the Agency as evidentiary support for the proposed suspension). This direct order makes no mention of extending the DEVIS contract, rather it refers to a replacement for the DEVIS contract. Plainly, this directive does not state what the specification purports the instruction to Mrs. Jones to have been. Therefore, on this additional ground, Charge 1, Specification 2 cannot be sustained on its merits.

Even with an unusually liberal interpretation of the evidence, to infer that the September 20, 2013 e-mail required Mrs. Jones to extend the DEVIS contract (an interpretation which is not supported by any of the other evidence provided by the Agency in support of the proposed suspension), as the September 20, 2013 e-mail from Mr. Rosen alludes, Mrs. Jones does not believe that she could have carried-out that order because she understands that any extension of the DEVIS contract at that time would not have been in accordance with Federal Acquisition Regulations and with the NCD Policies and Procedures Manual. *See* Ex. 1 ¶ 20. It appears that Mrs. Jones's concerns about the illegality of DEVIS contract were known by Mr. Rosen and by Agency management at the time. *See* E-mail from Jeff Rosen to Rebecca Cokely and Sylvia Jones, dated September 10, 2013, enclosed as Ex. 12; Ex. 1 ¶ 22. Those concerns were also validated by senior Agency officials, such as Ms. Sommers and Mr. Gary Blumenthal, who was then-Chair of the NCD Council's Audit and Finance Committee. *See* Ex. 12 at 3 ("It was during the course of that review and contrast against solid contracts for the same services that I [Ms. Sommers] came to more fully appreciate the concerns Sylvia's been raising and how vulnerable

[17] DEVIS provides website services to the Agency, and termination or expiration of the DEVIS contract would result in the Agency's website being taken down until the contract for those services was properly competed. *See* E-mail from Jeff Rosen to Rebecca Cokley and Sylvia Jones, dated September 10, 2013, enclosed as Ex. 12 at 1.

NCD is as a result of a less than adequate original procurement."); E-mail from Gary Blumenthal to Sylvia Jones, dated September 16, 2013, enclosed as Ex. 13 ("I agree with you that a substantial amount of observations you have made about contracts are clearly accurate.")

Therefore, sustaining Charge 1, Specification 2 not only fails because the Agency cannot establish the specification as written by a preponderance of the evidence, but also because sustaining the specification and disciplining Mrs. Jones as a consequence would not promote the efficiency of the service. To wit, even if Mr. Rosen had issued a direct order to Mrs. Jones as alleged in Charge 1, Specification 2 of the proposed suspension,[18] the specification should still not be sustained, as Mrs. Jones would not have carried-out the order due to her validated concerns that doing so would have been unlawful. *See* Ex. 1 ¶¶19-25; *Schmidt v. United States*, 145 Ct. Cl. 632, 636 (1959) (holding that management may not discipline an employee for refusing to obey an illegal order); *Korowin v. Dep't of Justice*, 10 M.S.P.R. 17, 19 (1982) (Reversing charge of failure to carry out instructions, stating, in part, "[t]he agency has not established that appellant had a duty in law, rule, or regulation to obey such a directive.").

3. Charge 1, Specification 3: Mrs. Jones fully complied with Mr. Rosen's September 23, 2013 direct order that she read and respond to e-mails and telephone calls, as Mrs. Jones never closed those lines of communication.

Charge 1, Specification 3 alleges that, on or about Monday, September 23, 2013, Mrs. Jones set an automatic reply on her government e-mail account, informing people that although she was in the office, there would be a delay in her responses to e-mails. *See* Proposal at 2. The automatic reply stated that Mrs. Jones, "would respond to all emails by the close of business on Wednesday, September 25, 2013." *Id.* The specification then alleges that Mrs. Jones told Mr. Blumenthal that she "would not be accepting phone calls during this period." *Id.* The specification goes on to allege that, on September 24, 2013, Mr. Rosen issued a direct order to Mrs. Jones, instructing her to "keep these lines of communications open and to respond appropriately." *Id.* The specification concludes by alleging that "[s]ince [Mrs. Jones] was not reading [her] emails, Mr. Rosen had to have this direct order hand delivered to [her] on that same date."

This specification should fail for multiple reasons. First, although the specification allegedly establishes a "Failure to Follow Supervisor's Instructions," it makes no assertion that Mrs. Jones received a direct order from Mr. Rosen (the purported supervisor) and then

[18] Mrs. Jones states that, even if such an order had been issued, it would have been more properly given to Ms. Sommers, who manages and oversees the Agency's website and serves as the COTR for the DEVIS contract. *See* Ex. 1 ¶ 23.

subsequently failed to follow that order, and thus it should fail.[19] *See Wiley*, 102 M.S.P.R. at 540 (citing *Otero*, 73 M.S.P.R. 198) ("if the agency chooses to label an action of alleged misconduct, then it must prove the elements that make up the legal definition of the charge"). Second, the evidence provided by the Agency in support of the proposed suspension fails to establish that Mrs. Jones failed to follow Mr. Rosen's September 25, 2013 direct order for her to read and respond to e-mail and telephone communications.[20] Third, such an order was unnecessary, as Mrs. Jones continued to read and to respond to e-mail communications while her automatic reply was set on her government e-mail account, a fact which Ms. Cokely should have been aware before she issued the proposed suspension, as she was copied on many of the e-mails sent by Mrs. Jones on September 23 and 24, 2013. *See* Ex. 1 ¶¶ 28-29; Packet of e-mail exchanges involving Sylvia Jones, dated September 23-24, 2013, enclosed as Ex. 14. And fourth, the Agency has failed to provide any evidence to substantiate the assertion that Mrs. Jones told Mr. Blumenthal that she was not accepting telephone calls on either September 23 or 24, 2013. *See* Ex. 1 ¶ 28. Therefore, the specification should not be sustained, as the Agency has failed to prove each of its material details by a preponderance of the evidence.[21]

B. Charge 2: Mrs. Jones was not given an assignment regarding Ms. Carroll's telework and Mrs. Jones did not delay in acting on Ms. Carroll's telework matter.

Charge 2 of the proposed suspension contains only one specification, alleging that Mrs. Jones "took no action to respond to [Ms. Carroll] until [Ms. Cokely] became involved in the issue" on September 11, 2013, on a matter regarding Ms. Carroll's telework agreement with the Agency which arose on August 27, 2013. *See* Proposal at 2. The specification concludes by alleging that, "[i]n failing to act timely, [Mrs. Jones] caused the agency to be unable to utilize Ms. Carroll's services until the agreement was finally approved." *Id.*

As the proposed suspension failed to do with Charge 1, Specification 3, the allegations in Charge 2, even if taken as true, fail to establish the charged misconduct, "Delay in Carrying Out Assignments." *See Wiley*, 102 M.S.P.R. at 540 (citing *Otero*, 73 M.S.P.R. 198) ("if the agency

[19] Mrs. Jones readily acknowledges that she set the automatic reply on her government e-mail account, and she explains that her reason for doing so was to concentrate on closing-out the Agency's budget, which was due on September 30, 2013, a task which had required the efforts of three staff members the year prior. *See* Ex. 1 ¶¶ 19, 34.

[20] The evidence provided by the Agency in support of the proposed suspension does establish that Mr. Rosen e-mailed a direct order, to the effect of that described in Charge 1, Specification 3, to Mrs. Jones on September 23, 2013 at 3:20 p.m. (not on September 24, 2013, as alleged). The evidence also supports a finding that Mr. Rosen instructed Mr. Brown, Mrs. Jones's subordinate, to print out and hand deliver a copy of the September 23, 2013 e-mail directive to Mrs. Jones. *See* E-mail from Jeff Rosen to Lisa Brown-Gilmore, dated September 24, 2013, at 8:24 a.m.

[21] Mrs. Jones also notes that Ms. Carroll, a Caucasian with an apparent physical disability, was teleworking from September 3-23, 2013, and that Ms. Carroll had an out-of-office automatic message set on her inbox during that time. See Ex. 1 ¶ 35; E-mail from Julie Carroll to Sylvia Jones, dated September 12, 2013, enclosed as Ex. 5. Mrs. Jones is not aware that Ms. Carroll responded to e-mail communications during that time, and she is further unaware that Ms. Carroll was ever issued a direct order from Mr. Rosen instructing her to read and respond to e-mail communications during that period. Id.

chooses to label an action of alleged misconduct, then it must prove the elements that make up the legal definition of the charge"). In this instance, the charge fails to allege that Mrs. Jones was given an assignment with regard to Ms. Carroll's telework agreement, and thus the charge that Mrs. Jones failed to carry out an assignment should not be carried. *See* Proposal at 2; Ex. 1 ¶ 37.

But, because the Agency may broadly define "assignment," we address the merits of the allegation. The specification is correct in stating that on August 27, 2013, Mrs. Jones stated to Ms. Carroll that she would research whether Ms. Carroll could have a telework agreement that included both regular and situational telework. *See* Proposal at 2; Ex. 1 ¶ 36; E-mail from Sylvia Jones to Julie Carroll and Robyn Powell, dated August 27, 2013 at 3:12 p.m. Indeed, it was Mrs. Jones who brought that question to light, when she learned that Ms. Carroll had been teleworking for the Agency with a telework agreement which had expired in March 2011. *See* E-mail from Sylvia Jones to Julie Carroll and Robyn Powell, dated August 27, 2013 at 2:25 p.m.

Where the Agency fails to establish a material assertion of the charge by a preponderance of the evidence is its assertion that Mrs. Jones "took no action to respond" to Ms. Carroll until Ms. Cokely involved herself in the matter on September 11, 2013. Mrs. Jones states that she tasked Ms. Chanda Bethea, a temporary employee on her staff, to communicate with OPM to reach a conclusion about Ms. Carroll's telework issue, and that Ms. Bethea communicated her findings to Ms. Carroll's supervisor, Dr. Drake-Hawkins, apparently prior to Ms. Cokley's September 11, 2013 e-mail. *See* Ex. 1 ¶ 38; *see also* Ex. 6. The evidence provided by the Agency in support of the proposed suspension does not refute, and is not inconsistent with, Mrs. Jones's explanation of events. Therefore, the Agency fails to establish by a preponderance of the evidence that Mrs. Jones "took no action to respond" to Ms. Carroll as alleged in Charge 2, and the charge should fail.

The Agency also failed to provide any evidence to establish that from August 27 through September 11, 2013 (a period of fifteen (15) days including four weekend days and a federal holiday), the period during which Mrs. Jones allegedly failed to carry out her assignment, constituted a delay, let alone a delay deserving of discipline. Mrs. Jones provides an enclosed example of a thirteen (13) day period (including only two weekend days), from October 31 through November 14, 2013, during which Ms. Cokely did not respond to Mrs. Jones's request for a decision on payroll matter. *See* E-mail from Sylvia Jones to Rebecca Cokely, dated November 14, 2013, enclosed as Ex. 15. If Ms. Cokley's delay in responding to Mrs. Jones is acceptable, we contend that it would be inequitable to discipline Mrs. Jones for any delay in her action on Ms. Carroll's telework issue. Therefore, for this additional reason, Charge 2 should fail.

And, should the Agency distinguish Mrs. Jones's alleged shortcomings as misconduct because of the alleged negative consequences of her actions, namely that the Agency "was unable to utilize Ms. Carroll's services," we note that the Agency has provided no evidence which supports this assertion. Instead, the record, as supplemented by this written reply and its enclosures, establishes that Ms. Carroll continued to provide services to the Agency after August 27, 2013, while she was still waiting for execution and processing of a new telework agreement.

*See* Ex. 1 ¶¶ 39-40; Ex. 7. Thus, the Agency has failed to establish by a preponderance of the evidence the material fact which may be used to establish that any alleged delay on Mrs. Jones's part with regard to Ms. Carroll's telework agreement was so egregious as to constitute misconduct.

C. Charge 3: There is no identifiable statute, regulation, policy, or established practice which indicates that Mrs. Jones's contact with Mr. Haygood was improper.

Charge 3 of the proposed suspension alleges that Mrs. Jones misused her position by, on or around September 13, 2013, contacting Mr. Haygood, whose company provides contracted-for-services to NCD, and "demand[ing]" that he was to tell one of his employees that "he was to comply with the demands of a Freedom of Information Act (FOIA) request he was to receive shortly." *See* Proposal at 2. The specification goes on to state that Mrs. Jones was the initiator of the request. *Id.* The specification then alleges that Mrs. Jones does not have an official role in the processing of FOIA requests and then concludes by alleging that Mrs. Jones's contacting Mr. Haygood was a misuse of her position as Director of Administration. *Id.*

The charge alleges that Mrs. Jones misused her position without citing to any statute, regulation, policy, or established practice to support its contention. We contend that the charge fails to do so because no such prohibition against Mrs. Jones's action exists. Moreover, Mrs. Jones contends that she does have a role to play in the FOIA process,[22] and that staff members, who have no more implied FOIA responsibilities than she, involve themselves in the FOIA process without consequence. *See* Ex. 1 ¶¶45-47. Therefore, on purely legal grounds, we contend that Charge 3 of the proposed suspension should not be sustained.

Addressing the individual allegations of the charge, Mrs. Jones openly acknowledges that she contacted Mr. Haygood no September 6, 2013. It is undisputed in the evidence that the primary purposes of that contact were for reasons other than Mrs. Jones's FOIA request. *See* Ex. 1 ¶ 42; E-mail from David Allen to William Haygood, dated September 17, 2013 ("[FOIA] was one of a number of topics she covered with you [Mr. Haygood]."). While Mr. Haygood asserts in his e-mail statement that Mrs. Jones told him that she was filing a FOIA request and that his employee, Mr. Rushizky, was to comply with FOIA requirements, Mrs. Jones believes that Mr. Haygood's recollection of the telephone conversation is inaccurate. *See* E-mail from William Haygood to David Allen, dated September 19, 2013; Ex. 1 ¶ 42. Mrs. Jones recalls that she did not mention to Mr. Haygood that she would be filing a FOIA request, during that telephone call. Ex. 1 ¶ 42. She also recalls that she "only briefly" inquired of Mr. Haygood whether

[22] The Agency's Administrative Policies and Procedures Manual, at page 284, designates the Public Affairs Specialist as the FOIA officer. *See* Ex. 1 ¶ 46. But, while the Agency does have a Public Affairs Specialist, hired several years after issuance of the Manual, that Specialist does not perform FOIA duties. *Id.* However, the position description for one of Mrs. Jones's subordinates, the Staff Assistant, currently Mr. Stacey Brown, states that he is responsible for responding to requests for information, in consultation with his immediate supervisor (Mrs. Jones) and the General Counsel. *Id.*

Mr. Rushizky was familiar with FOIA requirements. *Id.* In light of these conflicting statements, Mrs. Jones's sworn declaration weighed against Mr. Haygood's statement, the Agency has failed to establish the material factual allegations of Charge 3 by a preponderance of the evidence, as the evidence is, at best, in equipoise.[23] *See Knudsen v. Dep't of Health and Human Services*, 35 F.3d 543, 550 (Fed. Cir. 1994) (where evidence is in equipoise, the party with the burden of persuasion has failed to meet that burden).

D. There is a rebuttable presumption that the proposed suspension was issued to Mrs. Jones in unlawful retaliation for her prior protected whistleblowing and EEO activities.

If the proposed suspension was issued to Mrs. Jones in retaliation for her prior protected whistleblowing and EEO activities, it constitutes a prohibited personnel practice and may not be sustained.

A rebuttal presumption of unlawful reprisal is created where there is a "very close" temporal proximity between protected activity and an adverse employment action. *See Clark Cnty. Sch. Dist. v. Breeden*, 532 U.S. 268, 273 (2001). There is no bright line rule, but the Equal Employment Opportunity Commission ("EEOC") and the federal courts have defined "very close" to mean between one month and up to three years, in a case where the Agency had been processing an employee's EEO complaint for that long. *See Moreno v. Dep't of Education*, EEOC Appeal No. 01956683 (July 24, 2000) (alleged retaliation during processing of EEO complaint sufficient to establish rebuttable presumption of reprisal); *Jimenez v. United States Postal Serv.*, EEOC Appeal no. 01870265 (March 29, 1988) (mere proximity of one month between settlement agreement and adverse action sufficient to justify inference of nexus); *Jones v. Bernanke*, 557 F.3d 670 (D.C. Cir. 2009) (one month sufficient to establish rebuttable inference of causation); *Rochon v. Gonzalez*, 438 F.3d 1211 (D.C. Cir. 2006) (same calendar year sufficient); *Singletary v. Distr. of Columbia*, 351 F.3d 519 (D.C. Cir. 2003).

Here, Mrs. Jones engaged in several months of protected whistleblower and protected EEO activity, beginning in May 2013, which was known to Agency management. *See* Ex. 9. Mrs. Jones's most recent protected activity before issuance of the proposed suspension took place on October 30, 2013, when she objected to perceived discriminatory behavior to Ms. Cokely, and for that month prior, Mrs. Jones had been communicating with the Agency to amend her formal EEO complaint, in which Mr. Rosen and Ms. Cokely are involved. *See* Ex. 11; Ex. 10. Therefore, a rebuttable presumption exists that the proposed suspension was issued to Mrs. Jones in retaliation for her protected whistleblower and protected EEO activities.

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[23] Even if the Agency were to take Mr. Rushizky's unsworn e-mail statement into consideration, we note that his account of Mrs. Jones's and Mr. Haygood's conversation is double-hearsay, which is of little probative value, and we also note that Mr. Rushizky's statement contradicts Mr. Haygood's statement with regard to a material fact. To wit, Mr. Rushizky states that Mrs. Jones wanted him to "comply with a FOIA request for emails which I apparently will be seeing next week," and Mr. Haygood recounts that Mrs. Jones "didn't say what or when the [requested] information would be." *See* E-mail from Nick Rushizky to Rebecca Cokley and Robyn Powell, dated September 13, 2013; E-mail from William Haygood to David Allen, dated September 19, 2013.

That rebuttable presumption of reprisal is strengthened by Mrs. Jones's assertions that she has been subjected to disparate treatment, treated differently as an African American woman without an apparent physical disability, than her Caucasian colleagues who do have apparent physical disabilities. *See* Ex. 1 ¶¶ 13, 16, 23, 35, 48-51, 53. Mrs. Jones also presents assertions, which she believes are corroborated by her communications with Mr. Blumenthal, that the proposed suspension was issued to her in retaliation for her refusal to participate in what she believes are unlawful activities, and for her protected disclosures to OSC. The Agency bears the burden of proving that the proposed suspension is not an act of unlawful reprisal, and based on the deficiencies with the proposed suspension and the disparate treatment and selective prosecution asserted by Mrs. Jones, the Agency's successful rebuttal seems unlikely. Therefore the proposed suspension should not be sustained.

## IV. PENALTY DETERMINATION

In *Douglas v. Veterans Admin.*, 5 M.S.P.R. 280 (1981), the Merit Systems Protection Board ("MSPB") established the basic parameters of its authority to review the reasonableness of a penalty imposed by an agency. The *Douglas* decision cites twelve (12) factors, referenced below, some or all of which are usually considered in determining whether the penalty imposed by an agency is appropriate under the circumstances. *Douglas* mandates that selection of an appropriate penalty be undertaken through a responsible balancing of all of the relevant factors present in an individual case. All of the factors will not be pertinent in every instance, but the relevant factors must be balanced in each case to arrive at the appropriate penalty. *Douglas*, at 306.

An agency may not simply go through the motions with regard to the *Douglas* factors; there must be "real consideration by the deciding official of the relevant mitigating factors and the particular circumstances of the case." *Zazueta v. Dep't of Justice*, 94 M.S.P.R. 493, 497 (2003) *citing Omites v. United States Postal Serv.*, 87 M.S.P.R. 223, 228 (2000). If the record fails to show that the deciding official considered both the aggravating and mitigating *Douglas* factors, little deference is usually given to the agency's choice of penalty. *Wynne v. Dep't of Veterans Affairs*, 75 M.S.P.B. 127, 133 (1997).

Under *Douglas*, the following factors are generally recognized as relevant to assessing an appropriate penalty:

1. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;

2. The employee's job level and type of employment, including supervisory, or fiduciary role, contacts with the public, and prominence of the position;

3. The employee's past disciplinary record;

4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;

5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;

6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;

7. Consistency of the penalty with any applicable agency table of penalties;

8. The notoriety of the offense or its impact upon the reputation of the agency;

9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about conduct in question;

10. Potential for the employee's rehabilitation;

11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and;

12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Douglas, at 332.

We contend that a proper analysis of the *Douglas* factors not only mitigate the penalty in this matter, should you sustain any of the specifications and charges against Mrs. Jones, but that a proper analysis demonstrates that the proposed suspension should not be sustained at all.

A. *Douglas* Factor #1 – Nature and Seriousness of the Offense

In evaluating whether a penalty is merited, consideration is to be given to the nature and seriousness of the misconduct, including whether the offense was committed maliciously or for

gain, or was frequently repeated. *See Dogar v. Dep't of Defense*, 95 M.S.P.R. 52, 60 (2003); *Rackers v. Dep't of Justice*, 79 M.S.P.R. 262, 282 (1998), *aff'd* 194 F.3d 1336 (Fed. Cir. 1999).

In apparent consideration of this *Douglas* factor, the proposed suspensions states that the "misconduct mentioned above has been extremely disruptive to the mission of the organization," that Mrs. Jones has allegedly "repeatedly failed to follow supervisory instructions, defying [Ms. Cokley's] authority as [Mrs. Jones's] supervisor," and that the proposing official considers the "misconduct to be very serious." *See* Proposal at 3.

In response, we draw the Agency's attention to the purpose of Mrs. Jones's alleged misconduct, which were not malicious or for gain. At issue in Charge 1 of the proposed suspension are matters which Mrs. Jones believed to be improperly ordered of her, and which the Agency has not yet explained or proven to be proper, and which Mrs. Jones did not carry out because she believed the substance of the orders to require her to engage in unlawful activity (except for Specification 3, which Mrs. Jones definitively demonstrates with the enclosed evidence cannot be sustained). As such, it is difficult to understand the proposed suspension's assertion that Mrs. Jones's alleged misconduct was disruptive to the mission of the organization, when it seems that Mrs. Jones has only had the Agency's mission, within compliance with the law, at heart.

We also note that the aggravating factor identified in Charge 2, regarding the seriousness and the alleged consequences of Mrs. Jones's alleged misconduct, is not supported by any evidence in the record. Nor does the Agency assert or establish that Mrs. Jones violated any law, policy, or practice in her alleged actions at issue in Charge 3.

Therefore, this *Douglas* factor should not be used to aggravate the penalty in this matter, and may be used to consider the allegations against Mrs. Jones to determine that no penalty is warranted at all.

B. <u>*Douglas* Factor #2 – Employee's Job Level and Type of Employment</u>

While an Agency may hold a supervisor to a higher standard, a supervisory role does not preclude penalty mitigation. *See Halper v. United States Postal Serv.*, 91 M.S.P.R. 170, 174 (2002) (mitigating proposed penalty for supervisor); *Vitanza v. United States Postal Serv.*, 89 M.S.P.R. 319, 322 (2001). Furthermore, the MSPB has discouraged decision-makers from imposing harsh penalties on an employee to set an example for others. *Blake v. Dep't of Justice*, 81 M.S.P.R. 394, 418 (1999) ("Exemplary punishment is generally contrary to the *Douglas* factors, and we find it inappropriate here."); *Harper v. Dep't of the Air Force*, 61 M.S.P.R. 446, 448 (1994).

Thus, this *Douglas* factor does not preclude mitigation of any penalty in this matter.

C. *Douglas* Factors #3 and #4 – Prior Disciplinary Record and Past Work Record

Performance records and years of service can be significant mitigating factors. *Douglas*, 4 M.S.P.R. at 315 (since agency presented no evidence indicating that employee's performance on the job was deficient, he was entitled to the presumption that his performance has been satisfactory). Thus, an employee's past work record is an appropriate factor to consider in evaluating the reasonableness of an agency-imposed penalty. *Luciano v. Dep't of Treasury*, 88 M.S.P.R. 325, 342-43 (2001). This includes her length of service, performance on the job and her dependability. *See Douglas*, 5 M.S.P.R. at 332. The absence of a prior disciplinary record is a significant mitigating factor. *Wentz v. U.S. Postal Serv.*, 91 M.S.P.R. 176, 185 (2002); *Robertson v. Dep't of Justice*, 81 M.S.P.R. 658, 664 (1999) (employee's past work record, which included more than twenty (20) years of federal service, and his lack of a prior disciplinary record were significant factors resulting in mitigation of proposed penalty).

Although the proposed suspension does consider these *Douglas* factors in its analysis of the proposed penalty, it is not clear that these factors were given the considerable weight they deserve, in light of Mrs. Jones's 24 years of public service and her successful performance record with the Agency.

D. *Douglas* Factor #5 – Effect on the Employee's Ability to Satisfactorily Perform His Duties

The record shows that Mrs. Jones has professionally handled this disciplinary matter and not allowed it to affect her ability to satisfactorily perform her duties. *See McAllister v. United States Postal Serv.*, 42 M.S.P.R. 658, 663 (1989) (employee's ability to continue to provide valuable services to the agency is a relevant factor in mitigating a penalty). Consequently, this *Douglas* factor weighs in favor of mitigation in this matter.

E. *Douglas* Factor #6 – Consistency of the Penalty with Those Imposed on Other Employees

The penalty imposed on an employee should be consistent with those imposed on other employees for the same or similar offenses that are charged. Where an agency knowingly and intentionally treats similarly situated employees differently with respect to a penalty, reversal or mitigation of the penalty is warranted. *See Facer v. Dep't of the Air Force*, 836 F.2d 535, 539 (Fed. Cir.1988). Where the actions and their surrounding circumstances are substantially similar, "the agency must prove a legitimate reason for the difference in treatment by a preponderance of the evidence before the penalty can be upheld." *Villada v. U.S. Postal Serv.*, 115 M.S.P.R. 268 (2010) *citing Lewis v. Dep't of Veterans Affairs*, 113 M.S.P.R. 657 (2010). That the employee in question and comparator(s) are in different work units is, alone, insufficient to justify the imposition of different penalties. *Williams v. Social Security Admin.*, 586 F.3d 1365, 1368-69 (Fed. Cir. 2009).