

Hayes Nivia

From: *IRS Human Capital Officer
Sent: Thursday, December 15, 2011 3:27 PM
To: &&Employees All
Subject: Notice of potential lapse in appropriations

As you are probably aware, the IRS, like most federal agencies, has been operating under a continuing resolution since October 1, 2011. The current continuing resolution will expire at midnight on December 16, 2011. If Congress does not pass an appropriation for Fiscal Year 2012 or a continuing resolution by midnight on December 16, 2011, we will be forced to suspend all operations except those specifically authorized, and employees, unless specifically excepted, will be furloughed for a period not to exceed 30 calendar days. This furlough will begin upon notification, but not later than noon on December 19, 2011, if the current continuing resolution lapses. Please note that this email **is not** your formal notice of furlough.

Employees scheduled to work December 17 and/or 18, and all employees scheduled to work on Monday, December 19, should report to duty as normal even if news reports indicate that our appropriations have lapsed. The Service cannot implement a shutdown of operations without authorization from the Department of Treasury. Therefore, until we receive such notice and authority, normal business will continue.

This furlough (if effected) is being initiated under the authority of 5 CFR Part 752, Subpart D, because the IRS does not have a current appropriation for FY 2012. The absence of continued funding is an emergency under these regulations. As a result, 30-day advance notice is not being provided.

When you are on furlough, you will be in non-pay, non-duty status. Paid leave, such as annual, sick, court or military leave that has been approved for this furlough period is cancelled. Also, during the furlough, you must remain away from your workplace and you are prohibited by law from working, even on a voluntary basis. If you are in travel status at the time of furlough, return home unless otherwise directed by your manager.

If some employees in your organizational unit are not being furloughed, it is because, based on law, they have been excepted from the furlough because of their specific duties. Employees excepted from the furlough have been notified. Unless you have been notified that you are excepted, you will be furloughed beginning at noon on December 19, 2011.

If there is a lapse in appropriation, you may get information from the media about the status of the furlough. When you hear that a continuing resolution or that the FY 2012 appropriation has been approved, you will be expected to report to work no later than four hours after that announcement, if it occurs on a workday. Otherwise, you should report at your normal start time on your next regularly scheduled workday. If the announcement contains more specific instructions on when to report to work, you will be expected to follow those instructions. An unscheduled leave policy will be in effect on the day the IRS is re-opened. You may also call the IRS Emergency Information Hotline at 866-743-5748, Option 3 (TTY at 866-924-3578) for information. Campus employees should use the emergency hotline procedures specific for their campus. Information is also available at <http://www.irs.gov/employee>.

You may appeal this action to the Merit Systems Protection Board (MSPB) if your employment status meets any of the following criteria:

1. You have completed a probationary trial period or one year of current continuous employment in the competitive service under other than a temporary appointment.
2. You are a preference-eligible employee in an excepted service appointment and have completed one year of current continuous service in the same position or positions similar

to the one you now hold.

3. You are in an excepted service appointment and have completed two years of current continuous service in the same or similar position under other than a temporary appointment limited to two years or less.

If you have the right of appeal and wish to appeal this action to the MSPB, you must file your appeal during the period beginning the day after the effective date of the furlough and ending on the 30th day after the effective date. You have the right to be represented in this matter by an attorney or other person you may choose. You may obtain a copy of the appeal form, review the MSPB regulations and ascertain the location of the appropriate MSPB Regional Office through the website: <http://www.mspb.gov/>

You may be entitled to unemployment benefits during the furlough period. You may want to contact the State Unemployment Office in your jurisdiction to determine eligibility and procedures through the following website: http://www.dol.gov/whd/contacts/state_of.htm or refer to the [State Unemployment Benefits Chart \(.pdf\)](#) located on the [IRS Shutdown Contingency Planning](#) web page.

We will provide additional information as it becomes available. In the meantime, please review some compiled [questions and answers](#) concerning shutdown that may address your concerns, and see the [IRS Shutdown Contingency Planning website](#) for additional resources.

FOR BARGAINING UNIT EMPLOYEES ONLY:

As an alternative to an appeal to MSPB, bargaining unit employees may appeal this decision, with the consent of NTEU, to binding arbitration. Under no condition can you appeal this action to both the MSPB and arbitration. (Filing an appeal in both forums will result in the dismissal of whichever appeal is filed later.)