

SAMPLE MEMORANDUM
NOTIFICATION TO EMPLOYEES NOT REQUIRED TO REPORT FOR WORK

TO: [EMPLOYEE'S NAME AND OFFICE]

FROM: [NAME]
Executive Director

In the absence of an approved appropriation, the Commission is not permitted to incur obligations, except in certain circumstances, for the pay of employees.

We are therefore in the unfortunate position of informing you that until an appropriation is approved, or unless you are otherwise directed to report for duty, you will be expected to work no more than one-half day on [MONTH AND DATE], you may not report for work after that date, and you will not be paid absent a determination by Congress that you will be paid while in a non-duty status. During this period, you may not use accrued annual or sick leave, and you will not accrue additional annual, sick or other leave entitlements. You will earn leave for the current pay period based on a pro rata basis. However, you will not have to forfeit any annual leave which would otherwise be lost if not taken by the end of the year, and you are entitled to continued health benefits, regular and optional life insurance, and retirement coverage for at least a period of thirty days beyond your last work day. Further, your service during this period will be counted in determining your eligibility for retirement, as long as your total non-duty status (added to any period of leave without pay) in any calendar year does not exceed six months. This is not considered a break in service.

To ensure that you will receive notice when the Commission again has appropriations, we are instituting "hot line" numbers which you should call each day to find out whether or not you should return to work. For Headquarters personnel, this number is [-]. The hot line number for Regional Office personnel will be the principal Regional Office telephone number, unless you are otherwise notified. Further, to ensure that you receive all pay to which you are entitled, or notification that you should in fact return to work to perform excepted services, even in the absence of an appropriation, please notify your Administrative Officer immediately of your current mailing address and current telephone number. Administrative Officers should forward this information by the close of business today to the Office of Personnel, or, for Regional Office personnel, to the applicable Regional Administrator.

For your information, you may engage in other employment during this period without obtaining approval. However, since you are still considered a government employee during this period, you are still subject to the provisions of the Commission's Conduct Regulation which provide for restrictions on outside employment. Such restrictions include, for example, prohibitions against (1) employment by someone involved in the securities industry; and (2) representation of a party in a matter involving the Federal government.

We regret that the funding hiatus requires us to take this action, and regret any resulting inconvenience or hardship. We are proud of the Commission's employees, and want you to know that we recognize the importance of your work to the successful functioning of the Commission and to the investing public. If the Office of Personnel can assist you in any way during this period, please do not hesitate to call them. We will do whatever possible to see that you return to work at the earliest possible time.