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## Federal Shutdown and the Impact on Employment Obligations and Services (page 1)

On October 1, 2013 (Tuesday) the federal government “shut down” indefinitely. This shutdown is unprecedented back to 1995, when the federal government “shut down” for approximately a month. All federal agencies have an emergency shutdown plan which should be posted on their website. It is presumed that computer sites and the security for them will be maintained through the shutdown in the interest of national security.

The following is a list of closures and delays that local governments can expect during the shutdown period:

### **DisasterAssistance.gov**

Remains fully operational.

**Disease:** The Centers for Disease Control and Prevention will cease disease surveillance, which could be particularly problematic as flu season approaches.

### **The Federal Courts:**

Will be open for a period of at least ten days to process current cases and plan for shutdown. It is recommended that any cases open be postponed according to that courts’ guidance. Action to contact the courts should be made immediately.

### **The Department of Labor:**

The most detailed information on DOL shutdown services is posted in The Federal Register and NOT on the DOL website, there is not a link. The Federal

Register information covers most DOL programs but provides few emergency contacts. [http://wdr.doleta.gov/directives/attach/TEN/TEN\\_8\\_13\\_Att.pdf](http://wdr.doleta.gov/directives/attach/TEN/TEN_8_13_Att.pdf). In that notice a phone number for Employment and Training funds questions was posted: ETA Toll Free Helpline (1-877- US-2JOBS (TTY: 1-877-889-5267).

**E-Verify:** The national system mandated for employers will be shutdown. Source: news reports.

**The National Labor Relations Board** posted a more detailed notice of shutdown plans which is a model for the type of information needed by taxpayers:

Only such government activities necessary to prevent an imminent threat to the safety of human life or the protection of property may be undertaken in the absence of specific budget authority. NLRB offices will reopen after a funding bill is passed by Congress and signed by the President.

Go to [www.nlr.gov/](http://www.nlr.gov/) to view the Federal Register Notice on the effect of the closure on NLRB activities, including:

- Tolling of time for filing documents, including briefs and appeals;
- Postponement of unfair labor practice hearings before Administrative Law Judges;
- Postponement of representation elections and hearings; and

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- Timeliness of charges and petitions. Please note that the six-month statute of limitations remains in effect for the filing of unfair labor practice charges. Please consult the **Federal Register Notice** for specific instructions.

If there is an imminent threat to the safety of human life or the protection of property as a result of a violation of the National Labor Relations Act, you should contact us:

- **by telephone at (202) 273-1000,**
- **by email at [EmergencyContact@NLRB.gov](mailto:EmergencyContact@NLRB.gov)**
- **by FAX at (202) 273-4483**

The Office of Inspector General hotline, [OIGHotline@nlrb.gov](mailto:OIGHotline@nlrb.gov), will also be monitored for emergencies.

### **Equal Employment Opportunity Commission**

Will accept and docket new charges, and examine if immediate injunctive relief is necessary.

Will not conduct any investigations, mediate any charges, litigate except for pending matters in which a court denies an extension of time, will not process FOIA requests, and will not have staff available for questions or correspondence.

Federal courts, meanwhile, will remain open for business as usual for at least 10 business days, after which the Judiciary will reassess the situation.

### **What This Means to Counties**

Document each individual need for a federal agency service or request by date, time, requestor, and type of need. Keep detailed records of documents required to be filed, when they were prepared in final and when the filing mechanism, such as E-Verify, was checked. Keep these dated lists on hand, with copies of necessary filing documents, in a state of preparedness until the system is up again. Be aware that even after the systems are brought back up, there will be significant backlogs that may also have to be documented as to time, place, circumstance, etc, in order to request extensions of time or to defend against late filings, etc. For now, if you have active matters with any federal agencies, expect for them to be on hold. Please remember is that while the EEOC and other agencies might be temporarily out of business, the laws that they enforce are not.