

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
WASHINGTON REGIONAL OFFICE**

[REDACTED])	
)	
)	
Appellants,)	Docket No. Unassigned
)	
v.)	
)	
DEPARTMENT OF THE INTERIOR,)	Date: March 4, 2025
)	
Agency.)	
)	

**APPELLANTS' NOTICE OF APPEAL
AND REQUEST FOR ADJUDICATION AS A CLASS**

This is a class action appeal filed by [REDACTED] on behalf of the following class: All persons who were subject to separation from federal service on the grounds that they were probationary or trial period employees of the Department of the Interior (DOI) ("Agency") and who were not provided the rights accorded to employees under a Reduction in Force ("RIF"), between February 10, 2025, and the first day of a hearing on Appellants' claims. The filing of this putative class action tolls the time limit to file individual appeals for persons encompassed with the class defined above. 5 C.F.R. §§ 1201.27(a)-(b).

The government's mass separation of those designated probationary employees constitutes a constructive RIF, which the Agency failed to perform in accordance with the regulations governing RIFs. *See* 5 C.F.R. §§ 351. The separated probationary employees retain appeal rights to the MSPB for constructive RIFs, and the MSPB retains jurisdiction over such RIF appeals. 5 C.F.R. § 351.901; *see Bielomaz v. Dept. of the Navy*, 86 M.S.P.R. 276, ¶ 11 (2000).

The named Appellants seek to represent the individuals subjected to the Agency's unlawful RIF. They are three former Agency employees, who are spread geographically and across the agency's subagencies. [REDACTED] worked as a Wildlife Biologist at the Fish and Wildlife Service in Hadley, Massachusetts. [REDACTED] worked as a Physical Scientist at the United States Geological Survey in Carson City, Nevada. [REDACTED] worked as a Park Guide at

the National Park Service in Coulee Dam, Washington. All three were terminated when they received letters from DOI on February 14, 2025, which identically stated that they were being removed due to their probationary status. None were afforded the rights enumerated in 5 C.F.R. Part 351 for federal employees undergoing RIFs, either in these letters or otherwise.

Appellants request this matter be heard as a multi-region class appeal under 5 C.F.R. § 1201.27, as a class appeal is the fairest and most efficient way to adjudicate the appeal and the representative parties will adequately protect the interests of all parties. 5 C.F.R. § 1201.27(a). This appeal also satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure, which guide the MSPB's consideration of class appeals. *See* 5 C.F.R. § 1201.27(c). Specifically, this appeal satisfies the following requirements: numerosity, as the *New York Times* reports that the Agency subjected over 2,000 employees to the same mass removal action;¹ commonality, as members of the class were subject to the same generic notice of removal and none were granted the rights guaranteed by the laws governing RIFs; typicality, as Appellants were subject to the same removal procedures as members of the proposed class and seek the same relief; and adequacy of representation, as Appellants' interests do not conflict with the interests of the class and class counsel have the extensive experience before the MSPB and experience litigating class actions that will ensure effective representation of the proposed class. *See* Fed. R. Civ. P. 23(a). In addition, common questions about the lawfulness of the method of separating members of the class will predominate over any individual questions that may exist, litigation of these claims together will be superior than if they were adjudicated separately, and the adjudication as a class can be conducted manageably. *See* Fed. R. Civ. P. 23(b).

Appellants intend to supplement this notice of appeal with supporting law and evidence on the propriety of proceeding as a class appeal. Appellants respectfully request consideration of this supplemental submission prior to any decision on class certification. Appellants further request that the MSPB set a limited discovery schedule to permit development of the record supporting class certification. *See Beasley v. I.R.S.*, 15 M.S.P.R. 16, 21 n.7 (1983).

¹ Coral Davenport & Chris Cameron, *Firings Expand at Interior Department With Purge of Probationary Workers*, N.Y. TIMES (Feb. 18, 2025).

Respectfully submitted,

/s/ Daniel M. Rosenthal

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Dated: March 4, 2025

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Appellants' Notice of Appeal and Request for Adjudication as a Class was served via personal delivery and certified mail to the Washington Regional Office, with a copy to the Office of Regional Operations, this 4th of March 2025, addressed as follows.

MSPB Washington DC Regional Office
1901 S. Bell Street, Suite 950
Arlington, VA 22202
Fax: (703) 756-7112

MSPB Office of Regional Operations
1615 M Street, NW
Washington, DC 20419
Fax: (202) 653-7130

/s/ Daniel M. Rosenthal
Daniel M. Rosenthal
James & Hoffman, P.C.
1629 K Street NW, Suite 1050
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dmrosenthal@jamhoff.com

Attorney for Appellants

Fw: Notice of Decision to Terminate Competitive Service Appointment During Probationary Period

Fri, Feb 14, 2025 at 4:35 PM

From: Director, Deputy <Deputy_Director@fws.gov>

Sent: Friday, February 14, 2025 4:35 PM

Subject: Notice of Decision to Terminate Competitive Service Appointment During Probationary Period

Memorandum

Subject: Notice of Decision to Terminate Competitive Service Appointment During Probationary Period

Consistent with applicable Federal laws, rules, and regulations, this Memorandum documents and provides written notice of the Department of the Interior's decision to terminate, during the probationary period, your competitive service appointment to the US Fish and Wildlife Service. This decision becomes effective immediately, on the date of this Memorandum, which you have received by via email on the same date. Additionally, a copy of this Memorandum will be mailed to your home. You are instructed to coordinate immediately with your supervisor to satisfy all off-boarding administrative requirements (*e.g.*, surrender all keys to the Federal workplace, Federal access badge, government-owned materials, and government-owned electronic equipment, etc...) and to leave the workplace immediately after satisfying all administrative requirements. The Department will attend to all applicable timekeeping requirements on your behalf and will ensure that you receive full pay through the close of regular business (including any grant of administrative leave, if necessary and appropriate) on the date of this Memorandum.

Your competitive service appointment was subject to a probationary period. During your probationary period, the Department has continued to evaluate your fitness for the position to determine whether you have fully demonstrated your qualifications for continued employment. Until the probationary period has ended, you, as a competitive service appointee, have the burden to demonstrate why the Department should finalize your appointment in the civil service. If, during the probationary period, a competitive service appointee's work performance, which includes any relevant knowledge, skill, or ability, does not satisfy the needs of the Department, and thus the appointee fails to demonstrate the competitive service appointee's fitness or qualifications for continued employment, the Department shall initiate action to separate the competitive service appointee during the probationary period. The probationary period is a highly significant step, and the final step, in the evaluation process, which is used to determine a competitive service appointee's fitness and qualifications for the position. The Department has determined your knowledge, skills, and abilities do not meet the Department's current needs, and it is necessary and appropriate to terminate, during the probationary period, your appointment to the US Fish and Wildlife Service. As written above, this decision becomes effective immediately on the date of this Memorandum.

Probationary Appointee Rights and Procedures

If you believe that you meet the definition of "employee" under 5 U.S.C. § 7511(a)(1), and accordingly, that the Department has erroneously determined that your appointment remains subject to a probationary period, please notify your first-level supervisor immediately.

As a career-conditional competitive service appointee with less than one year of current continuous service, you have no statutory right to file an appeal with the U.S. Merit Systems Protection Board (MSPB). However, pursuant to Federal regulations, you may appeal this decision to the MSPB only if you raise a non-frivolous allegation that partisan political reasons or marital status motivated this termination decision. An appeal to the MSPB must be filed no later than 30 days after the date of, and your corresponding receipt of, this Memorandum. If you do not submit an MSPB appeal within the time set forth by statute, regulation, or order of an MSPB Administrative Judge, the MSPB may dismiss your appeal as untimely filed, unless you show good reason for the delay. The assigned MSPB Administrative Judge may provide you the opportunity to show why your appeal should not be dismissed as untimely. If you choose to file an appeal, your appeal must be filed with the MSPB, must give reasons for contesting this termination decision, must include a copy of this decision being appealed, and if available, include a copy of the SF-50 or similar notice of personnel action.

To appeal this action, you must send your appeal to the MSPB <https://www.mspb.gov/about/contact.htm>. Your appeal may be filed with the MSPB by mailed, by personal delivery, by facsimile, or by commercial overnight delivery. Alternatively, you may submit an appeal online through the MSPB e-appeal system at <https://e-appeal.mspb.gov/>. More information about MSPB contacts and locations can be found on MSPB's website at <https://www.mspb.gov/about/contact.htm>.

A copy of the MSPB's regulations concerning appeals is available at <http://www.mspb.gov>. If you decide to file an appeal with the MSPB, you should notify the Board that the Department's contact for the purpose of your appeal is:

Division of Employment and Labor Law (DEL)
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W., Mailstop 6440
Washington, D.C. 20240
sol-inbox-del@sol.doi.gov

If you believe that this action constitutes a prohibited personnel practice under 5 U.S.C. § 2302(b), including but not limited to, claims that the Department took one or more covered personnel actions against you in retaliation for making protected whistleblowing disclosures or engaging in protected activity, you may seek corrective action before the U.S. Office of Special Counsel, which you may contact electronically at www.osc.gov, or by mail at U.S. Office of Special Counsel, 1730 M Street NW, Suite 218, Washington, DC 20036-4505. If your complaint concerns retaliation under 5 U.S.C. § 2302(b)(8) or (b)(9), and OSC dismisses your claim, you may have the right to file an Individual Right-of-Action (IRA) appeal with the MSPB within sixty-five (65) days of OSC's determination. However, in accordance with 5 U.S.C. § 7121(g) (2), if you elect to file a complaint with OSC prior to filing a complaint with the MSPB, you will be deemed to have elected to pursue corrective action under Subchapters II and III of 5 U.S.C. Chapter 12, and may be required to exhaust administrative procedures before OSC prior to filing an IRA appeal with the MSPB. For further information regarding your right to seek corrective action, please refer to 5 U.S.C. § 1221 and 5 C.F.R. §§ 1209.2 & 1209.5.

If you believe that discrimination based on race, color, sex, religion, national origin, age (40 and over), disability, genetic information, or protected activity, in violation of federal antidiscrimination laws, motivated this decision in whole or in part, you may contact an EEO counselor within forty-five (45) days of receiving this Memorandum to discuss your claim(s) and file a complaint. The contact information for an EEO counselor is: EEOcomplaints@fws.gov

You can also find contact information for the applicable servicing EEO office on the Department's website at <https://www.doi.gov/pmb/eo/EEO-COUNSELORS>.

Please note that in accordance with 29 C.F.R. §1614.302 you may not initially file both a mixed case EEO complaint and an MSPB appeal that involves allegations of discrimination on the same matter. Whichever action is filed first shall be considered your election to proceed in that forum.



Separation Information.pdf

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United States Department of the Interior
U.S. GEOLOGICAL SURVEY
12201 Sunrise Valley Drive
Reston, VA 20192

Memorandum

To: [REDACTED]
Physical Scientist

From: Cynthia Lodge
Deputy Director for Operations *Cynthia L Lodge*

Date: February 14, 2025

Subject: Notice of Decision to Terminate Competitive Service Appointment During Probationary Period

Consistent with applicable Federal laws, rules, and regulations, this Memorandum documents and provides written notice of the Department of the Interior decision to terminate, during the probationary period, your competitive service appointment to the position of Physical Scientist at the Nevada Water Science Center, Carson City, Nevada. The decision becomes effective immediately, on the date of this Memorandum, which you have received by hand delivery on the same date. You are instructed to coordinate immediately with your supervisor to satisfy all off-boarding administrative requirements (e.g., surrender all keys to the Federal workplace, Federal access badge, government-owned materials, and government-owned electronic equipment, etc...) and to leave the workplace immediately after satisfying all administrative requirements. The Department will attend to all applicable timekeeping requirements on your behalf and will ensure that you receive full pay through the close of regular business (including any grant of administrative leave, if necessary and appropriate) on the date of this Memorandum.

Your competitive service appointment, which became effective on [REDACTED] was subject to a probationary period, as indicated on your appointment SF-50. During your probationary period, the Department has continued to evaluate your fitness for the position to determine whether you have fully demonstrated your qualifications for continued employment. Until the probationary period has ended, you, as a competitive service appointee, have the burden to demonstrate why the Department should finalize your appointment in the civil service. If, during the probationary period, a competitive service appointee's work performance, which includes any relevant knowledge, skill, or ability, does not satisfy the needs of the Department, and thus the appointee fails to demonstrate the competitive service appointee's fitness or qualifications for continued employment, the Department shall initiate action to separate the competitive service appointee during the probationary period. The probationary period is a highly significant step, and the final step, in the evaluation process, which is used to determine a competitive service appointee's fitness and qualifications for the position. The Department has determined that you have failed to demonstrate fitness or qualifications for continued employment because your subject matter knowledge, skills, and abilities do not meet the Department's current needs, and it is necessary and appropriate to terminate, during the probationary period, your appointment to the position of Physical Scientist at the

Nevada Water Science Center, Carson City, Nevada, within the U.S. Geological Survey. As written above, the decision becomes effective immediately on the date of this Memorandum.

Probationary Appointee Rights and Procedures

If you believe that you meet the definition of “employee” under 5 U.S.C. § 7511(a)(1), and accordingly, that the Department has erroneously determined that your appointment remains subject to a probationary period, please notify your first-level supervisor immediately.

As a career-conditional competitive service appointee with less than one year of current continuous service, you have no statutory right to file an appeal with the U.S. Merit Systems Protection Board (MSPB). However, pursuant to Federal regulations, you may appeal this decision to the MSPB only if you raise a non-frivolous allegation that partisan political reasons or marital status motivated this termination decision. An appeal to the MSPB must be filed no later than 30 days after the date of, and your corresponding receipt of, this Memorandum. If you do not submit an MSPB appeal within the time set forth by statute, regulation, or order of an MSPB Administrative Judge, the MSPB may dismiss your appeal as untimely filed, unless you show good reason for the delay. The assigned MSPB Administrative Judge may provide you the opportunity to show why your appeal should not be dismissed as untimely. If you choose to file an appeal, your appeal must be filed with the MSPB, must give reasons for contesting this termination decision, must include a copy of this decision being appealed, and if available, include a copy of the SF-50 or similar notice of personnel action.

To appeal this action, you must send your appeal to the MSPB Western Regional Office. Your appeal may be filed with the MSPB by mail addressed to Western Regional Office, 1301 Clay Street, Suite 1380N, Oakland, CA 94612-5217 by personal delivery to that office during normal business hours, by facsimile, or by commercial overnight delivery. The facsimile number is (510) 273-7136. Alternatively, you may submit an appeal online through the MSPB e-appeal system at <https://e-appeal.mspb.gov/>. More information about MSPB contacts and locations can be found on MSPB’s website at <https://www.mspb.gov/about/contact.htm>.

A copy of the MSPB’s regulations concerning appeals is available at <http://www.mspb.gov>. If you would like a paper copy of the MSPB’s regulations concerning appeals, you may contact Cathleen Smith, Chief Employee/Labor Relations and Benefits at cmsmith@usgs.gov.

If you decide to file an appeal with the MSPB, you should notify the Board that the Department’s contact for the purpose of your appeal is:

Division of Employment and Labor Law (DEL)
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W., Mailstop 6440
Washington, D.C. 20240
sol-inbox-del@sol.doi.gov

If you believe that this action constitutes a prohibited personnel practice under 5 U.S.C. § 2302(b), including but not limited to, claims that the Department took one or more covered personnel actions against you in retaliation for making protected whistleblowing disclosures or engaging in protected activity, you may seek corrective action before the U.S. Office of Special Counsel, which you may contact

electronically at www.osc.gov, or by mail at U.S. Office of Special Counsel, 1730 M Street NW, Suite 218, Washington, DC 20036-4505. If your complaint concerns retaliation under 5 U.S.C. § 2302(b)(8) or (b)(9), and OSC dismisses your claim, you may have the right to file an Individual Right-of-Action (IRA) appeal with the MSPB within sixty-five (65) days of OSC's determination. However, in accordance with 5 U.S.C. § 7121(g)(2), if you elect to file a complaint with OSC prior to filing a complaint with the MSPB, you will be deemed to have elected to pursue corrective action under Subchapters II and III of 5 U.S.C. Chapter 12, and may be required to exhaust administrative procedures before OSC prior to filing an IRA appeal with the MSPB. For further information regarding your right to seek corrective action, please refer to 5 U.S.C. § 1221 and 5 C.F.R. §§ 1209.2 & 1209.5.

If you believe that discrimination based on race, color, sex, religion, national origin, age (40 and over), disability, genetic information, or protected activity, in violation of federal antidiscrimination laws, motivated this decision in whole or in part, you may contact an EEO counselor within forty-five (45) days of receiving this Memorandum to discuss your claim(s) and file a complaint. The contact information for an EEO counselor is:

Jim Mays
USGS Office of Diversity and Equal Opportunity
12201 Sunrise Valley Drive MS-602
Reston, VA 20192
(703) 648-7787 (Office)
(703) 615-5338 (Cell)
Email: deo_complaints@usgs.gov.

You can also find contact information for the applicable servicing EEO office on the Department's website at deo_complaints@usgs.gov.

Please note that in accordance with 29 C.F.R. §1614.302 you may not initially file both a mixed case EEO complaint and an MSPB appeal that involves allegations of discrimination on the same matter. Whichever action is filed first shall be considered your election to proceed in that forum.

If you have procedural questions, you may contact Cathleen Smith, Chief Employee/Labor Relations and Benefits at cmsmith@usgs.gov.

Acknowledgment of Receipt

Please acknowledge receipt of this written notice by signing and dating below. Your signature does not mean that you agree or disagree with the contents of this Memorandum, and by acknowledging receipt, you will not forfeit any of the rights described above. However, your failure to sign will not void the contents of this Memorandum.



DATE



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, NW Washington, DC 20240



Memorandum

To:

[REDACTED]
Park Guide

//s//

From:

Lena McDowall

Deputy Director, Management and Administration

Date:

February 14, 2025

Subject:

Notice of Decision to Terminate Competitive Service Appointment During Probationary Period

Consistent with applicable Federal laws, rules, and regulations, this Memorandum documents and provides written notice of my decision to terminate, during the probationary period, your competitive service appointment to the position of Park Guide, with the National Park Service. My decision becomes effective immediately, on the date of this Memorandum, which you have received by hand delivery on the same date. You are instructed to coordinate immediately with your supervisor to satisfy all off-boarding administrative requirements (*e.g.*, surrender all keys to the Federal workplace, Federal access badge, government-owned materials, and government-owned electronic equipment, etc...) and to leave the workplace immediately after satisfying all administrative requirements. The Department will attend to all applicable timekeeping requirements on your behalf and will ensure that you receive full pay through the close of regular business (including any grant of administrative leave, if necessary and appropriate) on the date of this Memorandum.

Your competitive service appointment, which became effective on [REDACTED], was subject to a probationary period, as indicated on your appointment SF-50. During your probationary period, the Department has continued to evaluate your fitness for the position to determine whether you have fully demonstrated your qualifications for continued employment. Until the probationary period has ended, you, as a competitive service appointee, have the burden to demonstrate why the Department should finalize your appointment in the civil service. If, during the probationary period, a competitive service appointee's work performance, which includes any relevant knowledge, skill, or ability, does not satisfy the needs of the Department, and thus the appointee fails to demonstrate the competitive service appointee's fitness or qualifications for continued employment, the Department shall initiate action to separate the competitive service appointee during the probationary period. The probationary period is a highly significant step, and the final step, in the evaluation process, which is used to determine a competitive service appointee's fitness and qualifications for the position. The Department determined that you have failed to demonstrate fitness or qualifications for continued employment because your subject matter knowledge, skills, and

abilities do not meet the Department's current needs, and it is necessary and appropriate to terminate, during the probationary period, your appointment to the position of Park Guide, at Coulee Dam, Washington, within the National Park Service. As written above, my decision becomes effective immediately on the date of this Memorandum.

Probationary Appointee Rights and Procedures

If you believe that you meet the definition of "employee" under 5 U.S.C. § 7511(a)(1), and accordingly, that the Department has erroneously determined that your appointment remains subject to a probationary period, please notify your first-level supervisor immediately.

As a career-conditional competitive service appointee with less than one year of current continuous service, you have no statutory right to file an appeal with the U.S. Merit Systems Protection Board (MSPB). However, pursuant to Federal regulations, you may appeal this decision to the MSPB only if you raise a non-frivolous allegation that partisan political reasons or marital status motivated this termination decision. An appeal to the MSPB must be filed no later than 30 days after the date of, and your corresponding receipt of, this Memorandum. If you do not submit an MSPB appeal within the time set forth by statute, regulation, or order of an MSPB Administrative Judge, the MSPB may dismiss your appeal as untimely filed, unless you show good reason for the delay. The assigned MSPB Administrative Judge may provide you the opportunity to show why your appeal should not be dismissed as untimely. If you choose to file an appeal, your appeal must be filed with the MSPB, must give reasons for contesting this termination decision, must include a copy of this decision being appealed, and if available, include a copy of the SF-50 or similar notice of personnel action.

To appeal this action, you must send your appeal to the appropriate MSPB Regional/Field Office. A list of MSPB Regional/Field Offices is enclosed below and can also be found on MSPB's website at <https://www.mspb.gov/about/contact.htm>. Your appeal may be filed with the MSPB by mail addressed to the MSPB Regional/Field Office with jurisdiction over your state, by personal delivery to that office during normal business hours, by facsimile, or by commercial overnight delivery. The mailing address and facsimile numbers for the MSPB Regional/Field Offices are listed below. Alternatively, you may submit an appeal online through the MSPB e-appeal system at <https://e-appeal.mspb.gov/>. More information about MSPB contacts and locations can be found on MSPB's website at <https://www.mspb.gov/about/contact.htm>.

MSPB Contacts and Locations

Headquarters, Washington, DC

1615 M Street, NW
Washington, DC 20419
(202) 653-7200 - telephone
(202) 653-7130 - fax
mspb@mspb.gov - email

Dallas Regional Office

1100 Commerce Street
Room 620
Dallas, TX 75242-9979
(214) 767-0555 - telephone
(214) 767-0102 - fax
dallas@mspb.gov

Washington DC Regional Office

Washington DC Regional Office
1901 S. Bell Street
Suite 950
Arlington, Virginia 22202 (703) 756-6250 - telephone
(703) 756-7112 - fax
washingtonregionaloffice@mspb.gov

Atlanta Regional Office

401 W. Peachtree Street, NW
10th Floor
Atlanta, GA 30308-3519
(404) 730-2751 - telephone

Denver Field Office

165 South Union Boulevard
Suite 318
Lakewood, CO 80228-2211
(303) 969-5101 - telephone

Western Regional Office

1301 Clay Street, Suite 1380N
Oakland, CA 94612-5217
(510) 273-7022 - telephone
(510) 273-7136 - fax
WesternRegionalOffice@mspb.gov

(678) 804-4646 - fax

atlanta@mspb.gov

Central Regional Office

230 South Dearborn Street

31st Floor

Chicago, IL 60604-1669

(312)353-2923 - telephone

(312) 886-4231 - fax

chicago@mspb.gov

(303) 969-5109 - fax

denver@mspb.gov

Northeastern Regional Office

1601 Market Street

Suite 1700

Philadelphia, PA 19103

(215) 597-9960 - telephone

(215) 731-3962 - fax

philadelphia@mspb.gov

A copy of the MSPB's regulations concerning appeals is available at <http://www.mspb.gov>. If you would like a paper copy of the MSPB's regulations concerning appeals, you may contact the HR Division at hrd_people_group@nps.gov.

If you decide to file an appeal with the MSPB, you should notify the Board that the Department's contact for the purpose of your appeal is:

Division of Employment and Labor Law (DEL)

U.S. Department of the Interior

Office of the Solicitor

1849 C Street, N.W., Mailstop 6440

Washington, D.C. 20240

sol-inbox-del@sol.doi.gov

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If you believe that discrimination based on race, color, sex, religion, national origin, age (40 and over), disability, genetic information, or protected activity, in violation of federal antidiscrimination laws, motivated this decision in whole or in part, you may contact an EEO counselor within forty-five (45) days of receiving this Memorandum to discuss your claim(s) and file a complaint. The contact information for an EEO counselor is:

Washington Support Office (WASO)

Office of Equal Opportunity Programs

1849 C Street, NW MS 2505

Washington, DC 20240

(202) 354-1852

EEO@NPS.GOV

You can also find contact information for the applicable servicing EEO office on the Department's website at <https://www.doi.gov/pmb/eo/EEO-COUNSELORS>.

Please note that in accordance with 29 C.F.R. §1614.302 you may not initially file both a mixed case EEO complaint and an MSPB appeal that involves allegations of discrimination on the same matter. Whichever action is filed first shall be considered your election to proceed in that forum.

Should you have any questions, please contact the Human Resources Division's People Group at hrd_people_group@nps.gov.

Acknowledgment of Receipt

Please acknowledge receipt of this written notice by signing and dating below. Your signature does not mean that you agree or disagree with the contents of this Memorandum, and by acknowledging receipt, you will not forfeit any of the rights described above. However, your failure to sign will not void the contents of this Memorandum.

DATE