



CONTINGENCY PLAN FOR OPERATIONS

Send any inquiries to nrcsoperationalstatus@wdc.usda.gov

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Purpose

This document establishes a plan of action to execute an orderly shutdown of NRCS operations in the event of a funding lapse. This plan will be enacted through a notification to all employees from the Natural Resources Conservation Service (NRCS) Associate Chief for Operations at the direction of the Chief.

Scope

The functions and activities described herein are to be executed in accordance with all applicable statutes, regulations, policies, and delegations of authority.

The Antideficiency Act (<http://www.gao.gov/legal/lawresources/antideficiency.html>) prohibits agencies from incurring obligations in advance of, or that exceed, an appropriation. Thus, an agency cannot incur obligations when the funding source for the obligation is an appropriation that has lapsed. Any activities that would incur a new obligation must be suspended and are prohibited. Activities that are under way that would lead to an increased obligation or incurred costs by NRCS must cease.

However, there are limited exceptions to this general rule, including obligations incurred performing activities that protect life and/or property, or incurred to accomplish an orderly shutdown of the normal functions of the agency. In the materials below these activities are referred to as “excepted activities,” and those employees designated to perform these activities are referred to as “excepted employees” during the period they are performing those activities.

High Level Summary

- All employees will be notified verbally of their furlough status (excepted or non-excepted) by their supervisor.
- Each employee is responsible for reporting to his/her supervisor on the first business day following a furlough announcement to confirm completion of shutdown checklist. All employees must ensure that their space is clean, equipment is powered down, and documents and equipment are secured (see Appendix X for a complete list of shutdown activities). Only employees whose physical space is secure and who are on approved telework may confirm completion of the shutdown checklist with their supervisor by telephone.
- An orderly shutdown of agency operations is expected to take place as expeditiously as possible.
- All employees are instructed to monitor the status of the government shutdown and agency operations via the Office of Personnel Management (OPM) website (www.opm.gov) and the Office of Management and Budget (OMB) website (<http://www.whitehouse.gov/omb>).
- On the first business day following enactment of an appropriation for the agency, either through a full-year appropriation or Continuing Resolution (CR), employees will be required to return to work as directed by OPM, OMB, or agency leadership. Employees should be

aware that notification to return to work may be given only through a status update on the OPM or OMB website. Employees should not expect written notification or notification by phone. Rather, employees are instructed to monitor the OPM and OMB websites, as described in the first bullet.

- Employees who are unavailable to report to work on the first business day following enactment of an appropriation for the agency, due to scheduled or unscheduled annual leave, illness, or other reason, must notify their supervisor within 24 hours following enactment of an appropriation for the agency.
- Senior leadership at national headquarters (NHQ), Centers, and States are responsible for identifying potential excepted employees for shutdown and communicating that information to the Associate Chief for Operations. The Associate Chief for Operations will lead a process to determine the approved list of excepted employees. Excepted employees are those who are involved in the orderly shutdown of agency operations or are performing functions related to the protection of life or property.
- Updated phone trees for contact during shutdown should be verified and maintained in preparation.
- Senior leadership—including the Chief, Associate Chiefs, Deputy Chiefs, Regional Conservationists, division directors, and State Conservationists—as well as excepted employees and employees who are on call will retain government-issued cell phones to maintain contact for shutdown operations and emergencies. All other employees must leave government-issued cell phones, laptops, and other devices in a secure location at their duty station.

Communications Timeline

NRCS has prepared a contingency plan for an orderly shutdown of activities in the event of a lapse in appropriations. The following communications will keep the agency informed leading up to a potential shutdown:

- One week prior to possible shutdown: Associate Chief for Conservation, Chief of Staff, Regional Conservationists, and Deputy Chiefs will notify the Associate Chief for Operations regarding employees proposed for excepted status, with written justification. The Associate Chief for Operations will lead shutdown planning with the Regional Conservationists and Deputy Chiefs to determine the approved list of excepted employees. This information will be confirmed with the Chief.
 - All proposed excepted employees are to be identified by name, title and function, and are persons who will either be engaged in protection of life or property, or whose presence will be required to perform functions associated with the orderly cessation of agency activities. Employees should be identified in compliance with applicable human resource regulations and notified of their excepted status only after the list has been approved by the Associate Chief for Operations.

- Three working days prior to possible shutdown: Employees are notified verbally by supervisors of their status as excepted or non-excepted and subsequent expectations during shutdown.
- Three working days prior to possible shutdown: A teleconference should be held with the agency Labor-Management Forum. The Chief Human Resources Officer; Director, Workforce Management Division; and Branch Chief, Employee and Labor Relations Services will provide advance notice to union leadership from AFGC locals 3356, 3839, and 0055, regarding their role in preparing bargaining unit employees should a shutdown occur.
- When approved by the Department: Letter (email) sent from Associate Chief for Operations advising employees to make preparations for possible shutdown. The letter will include reminders regarding cancelling planned travel and meetings, and completing timesheets and will provide shutdown checklists that will need to be completed within 4 hours of arriving at work on the first day of shutdown.
- One business day prior to possible shutdown: An agency leadership teleconference should be held where the Chief will review final preparations and responsibilities/expectations in the event of a shutdown.
- When provided by the Department: Letter (email) from the Assistant Secretary for Departmental Management, advising employees to make preparations for shutdown.
- First day of the shutdown: Furlough notice sent to all non-excepted employees (email) by the Associate Chief for Operations. At the direction of the Chief, the Associate Chief for Operations will notify employees to begin shutdown procedures. Non-excepted employees are to complete shutdown activities defined on checklists within 4 hours of arrival at work. Once completed they will be placed on furlough. Excepted employees will be notified by their supervisors of their responsibility to remain for duty and will receive an email from the Associate Chief for Operations. Additional items include:
 - Supervisors must complete the supervisor shutdown checklist and report status (email or phone) to their supervisor within four hours of initiating shutdown activities.
 - Associate Chief for Operations, Associate Chief for Conservation, Regional Conservationists, and the Chief of Staff are responsible for verifying the completion of shutdown activities within their area of responsibility and reporting this status appropriately.
 - Associate Chief for Conservation, Regional Conservationists, and the Chief of Staff are responsible for reporting status (email or phone) completion of their shutdown activities to the Associate Chief for Operations. Associate Chief for Operations will report completion of shutdown activities to the Chief.

Other Communications:

- Letter to national and state partners (see Template in Appendix I).
- Letter to customers (see Template in Appendix I).

- Additional teleconferences will be held as needed with national and state leaders and stakeholders prior to a possible shutdown.

Prohibited Activities During Shutdown

All employees are responsible for taking necessary actions to implement an orderly and timely shutdown of operations. Work under NRCS authorities will cease during shutdown except for those activities designated as excepted. Those employees identified as excepted can work during a shutdown only on designated excepted activities and should record their time accordingly. Excepted employees return to furlough status when excepted activities are completed.

Below are prohibited activities for all employees identified as non-excepted. If there is a need for any of these activities to be completed during shutdown, the Associate Chief of Operations may approve them on a case-by-case basis.

- Completion of any activities that are mission related.
- Awarding of contracts and/or small purchases.
- Hiring of personnel, or extending the appointment of personnel whose appointments have expired, if doing so would result in unauthorized obligation of funds.
- Travel of persons and/or transportation of things; persons in travel status on the first day of shutdown must return to their duty stations as soon as possible.
- Attending or scheduling meetings, conferences, workshops, and seminars.
- New or continued employment of experts and consultants - such actions will incur a financial obligation which is prohibited during shutdown.
- Attending or scheduling training classes and/or other training activities for which the agency is expected to pay directly or reimburse the employee.
- Use of equipment and utilities not related to authorized activities where their use creates liabilities for the government beyond those existing on the date of the funding lapse.
- Use of a government-owned mobile device by non-excepted employees is prohibited, except for pre-approved agency leaders to monitor shutdown activities and communicate emergencies that may arise.
- The use of vehicles by Agency non-excepted personnel or non-federal partners.
- Volunteering for functions related to official duties.

Employee Designations

An employee is designated in one of three categories, which indicate his/her responsibilities during shutdown. The categories are: excepted; excepted on-call or episodic; non-excepted.

- Excepted: those who are involved in the orderly shutdown of agency operations or are actively and regularly performing functions related to the protection of life or property, even if those activities are not full time (the employee should return to furlough status when the activities are complete). This category should represent the minimum number of employees required to implement approved excepted work.

- Excepted On-Call or Episodic: those employees who **may** be needed to perform functions related to the protection of life or property, or that perform excepted activities on an extremely limited or sporadic basis. Generally, these employees are called on to perform excepted activities on an as-needed basis to perform these functions.
- Non-Excepted: all other employees, including those who are responsible for reporting to work on the first day following shutdown notifications to execute individual shutdown activities (maximum of 4 hours) and will then be placed on furlough status. Employees may report to work by physically showing up to the office, or by checking in with supervisor while on telework schedule provided that the shutdown activities can be completed without a physical presence. Once in furlough status, they are responsible for monitoring the Office of Personnel Management's (OPM) and Office of Management and Budget (OMB) websites for when to report back to duty.

*There is an additional category termed "exempt" for Federal employees: **NRCS does not have any employees that are considered "exempt" for the purposes of shutdown.** Employees are "exempt" from furlough if they are not affected by a lapse in appropriations. This includes employees who are not funded by annually appropriated funds.*

Customer Service Team

The shutdown of operations will be accompanied by employee, customer, and partner questions and concerns. It is important to provide timely and consistent information that is in keeping with statute, regulation, and policy.

A temporary, cross-cutting Customer Service Team ("Team") will be available to address questions and respond to emergencies prior to, during, and after a possible shutdown. The Team will work in a cohesive and coordinated manner to ensure timely, accurate, and consistent responses to shutdown questions. In addition, the Team will inform the agency Shutdown Committee on status of work, and will elevate issues and opportunities that require higher level interaction or resolution. The makeup of the Customer Service Team will be as follows:

- Chief of Staff, Operations, Chair
- Chief of Staff, Conservation
- Chief of Staff, Regional Conservationists' Office
- Director, Strategic Budget Division
- Director, Workforce Management Division (HR)
- Director, Quality Assurance and Policy Division (HR)
- Director, Public Affairs Division
- Chief Procurement and Property Officer
- Director, Quality Assurance and Policy Division (CFO)
- Director, Financial Assistance Programs
- Director, Easement Programs

- Director, Information Technology

An email address (nrcsoperationalstatus@wdc.usda.gov) has been established to allow for questions/comments/considerations to be submitted 24/7 prior to a possible shutdown. A designated member of the team will monitor the box and ensure responses are developed, vetted, and delivered as quickly as possible. Questions and answers with broad applicability will be posted to the agency's Frequently Asked Questions before and after a possible shutdown.

Shutdown Committee

A temporary Shutdown Committee ("Committee") will guide the transition from full operational status to shutdown. The Committee will be responsible for overseeing the implementation of the shutdown plan; providing related policy and procedural direction; ensuring coordination and consistency across functional areas (human resources, financial management, information technology, property and procurement, programmatic, etc.); troubleshooting challenges; and monitoring progress related to shutdown.

Two weeks prior to possible shutdown, the Committee will begin meeting on a daily basis to assess progress and challenges. As progress is made, meetings may be less frequent. The Chair and Vice Chair will be responsible for reporting progress and challenges to the Chief. The Associate Chief for Operations will chair the Shutdown Committee. The Associate Chief for Conservation will serve as vice chair. The complete membership of the Committee will be as follows:

- Associate Chief for Operations, Chair
- Associate Chief for Conservation, Vice Chair
- Chief of Staff
- Chief Human Resources Officer
- Chief Financial Officer
- Chief Information Officer
- Regional Conservationists
- Deputy Chief for Programs
- Deputy Chief for Science and Technology
- Deputy Chief for Soil Science and Resource Assessment
- Deputy Chief for Strategic Planning and Accountability

The Committee will be assisted by the following. Other positions may be called upon for assistance as opportunity warrants.

- Chief of Staff, Operations, Chair
- Chief of Staff, Conservation, Vice Chair
- Director, Strategic Budget Division
- Chief Procurement and Property Officer

- Director, Workforce Management Division (HR)
- Director, Public Affairs Division
- Director, Quality Assurance and Policy Division (HR)
- Director, Conservation Engineering Division
- Chief of Staff, Regional Conservationists' Office
- Director, Financial Assistance Programs
- Director, Easement Programs

In the event of a shutdown, the Agency will implement a two-phased approach to oversee shutdown activities and to monitor essential activities and respond to emergencies and activities, as follows. This approach will allow for enough staff to accomplish needed functions at the beginning of a possible shutdown and stand down to only a few essential staff should the shutdown last for more than three days.

- Days one through three of a possible shutdown: The Chief, the Shutdown Committee, and the Communications Committee, as indicated above, will be designated as excepted and will report to work. In addition, the Executive Assistant to the Associate Chief for Operations will be designated as excepted, on-call.
- After day three of a possible shutdown: Only the following employees will be designated as excepted:
 - Chief
 - Associate Chief for Operations
 - Chief of Staff, Operations,
 - Chief Financial Officer
 - Director, Strategic Budget Division
 - Chief Human Resources Officer
 - Director, Quality Assurance and Policy Division (HR)
 - Chief Information Officer
 - Executive Assistant to the Associate Chief for Operations (on-call).
 -

All other employees in the Shutdown Committee and Communications Committee will be designated as on-call episodic and will be in furlough status unless called in to report. The Associate Chief for Operations will monitor the need for support during the shutdown and will instruct employees to report for duty on a full-time or part-time basis, or will place them in furlough status, as needed.

See Appendix E for a list of Shutdown Committee members and their roles and responsibilities.

Information Technology

The NRCS Chief Information Officer (CIO) is responsible for ensuring an orderly shutdown of Information Technology (IT) Systems, as well as making sure excepted IT systems are available and operating with a high level of confidence:

- All government equipment (computers, laptops, Blackberries, iPhones, iPads, etc.) must be secured and may not be used during the shutdown except by those in excepted and excepted on-call or episodic status. Senior leadership (including the Chief, Associate Chiefs, Deputy Chiefs, Regional Conservationists, division directors, and State Conservationists) should also retain a mobile device to receive information on shutdown status and communicate emergencies.
- If an employee is placed in furlough status, they are not to remotely access government networks or applications.
- Only excepted IT Systems, as identified by agency business leaders, and approved by the Associate Chief for Operations and Associate Chief for Conservation, will be available and operational.
- All non-excepted websites will be offline and users will be redirected to a common splash page.
- Employees should reset active directory passwords and ensure they are synchronized with their mobile devices to ensure expiration does not occur during shutdown.
- The CIO will provide ongoing monitoring to ensure availability and proper functionality of excepted systems during shutdown.
- The CIO will identify the information technology support required to maintain excepted IT services, systems and infrastructure.
- All IT system that are excepted during shutdown will be minimally maintained and will have the following message posted:

Due to Government shutdown:

(1) Information on the website may not be up to date.

(2) Transactions submitted via the website might not be processed until appropriations are enacted.

(3) The agency may not be able to respond to inquiries until appropriations are enacted.

Excepted IT Systems

Name of System	Description	URL
WebTA	WebTA is NRCS' time and attendance system that enables employees to record actual hours worked by program and activity.	https://ias.sc.egov.usda.gov/WebTA

Office Information Profile (OIP)	OIP applications deliver accurate and real-time office information for USDA Service Centers and their partnering agencies.	https://oip.sc.egov.usda.gov
Water and Climate Information Systems (WCIS)	WCIS provides access to snowpack and related climate data called SNOTEL (for Snowpack Telemetry), Soil Climate Analysis Network (SCAN) stations, as well as data from snow courses, stream flow stations, reservoirs, climate indices, National Weather Service COOP stations, 30-year normal, water supply forecasts, and more.	http://www.wcc.nrcs.usda.gov/
Electronic Field Office Technical Guides (eFOTG)	eFOTG provide access to technical guides that contain technical information about the conservation of soil, water, air, and related plant and animal resources.	http://efotg.sc.egov.usda.gov
Plants	PLANTS Web site is a single source of standardized information about plants. This database focuses on vascular plants, mosses, liverworts, hornworts, and lichens of the U.S. and its territories.	http://plants.usda.gov
Web Soil Survey (WSS)	Web Soil Survey (WSS) provides soil data as a single authoritative source of soil survey information and allows user to view and select soils properties of interest	http://websoilsurvey.sc.egov.usda.gov
Conservation Practice Standards (CPS)	CPS provides the ability to create and maintain an authoritative source of national practice standards and corresponding narratives.	cps.sc.egov.usda.gov
Conservation Planning Physical Effect	CPPE provides the ability to look up Conservation Practice Physical Effect values for each Conservation Practice and Resource Concern in every state.	https://cppe.sc.egov.usda.gov/CPPEView.aspx https://cppe.sc.egov.usda.gov/cppe.aspx

Human Resources

In the event of a lapse in appropriations and government shutdown, supervisors must:

- Ensure notice is provided to all non-excepted employees that they are subject to being placed in furlough status.

- Ensure advance notice to all collective bargaining units is provided, as appropriate, concerning shutdown and furlough related topics. Initiate impact and implementation bargaining where requested.
- Cancel annual and sick leave during shutdown for all employees excepted and non-excepted, including leave already approved/commenced.
- Provide employees on a non-duty day for the first day of shutdown with activities they are required to complete as part of an orderly shutdown.
- Make prior arrangements with employees on telework, alternate work schedules, or leave without pay under Family and Medical Leave Act (FMLA), to complete shutdown activities.
- Inform individuals on detail to NRCS from non-Federal organizations (IPA assignments or contribution agreements) that they are subject to furlough in the same manner as permanent employees.
- Inform NRCS employees on detail to Federal or non-Federal organizations that do not pay or share the costs of the detail that they are subject to furlough in the same manner as permanent employees.
- Inform temporary employees and students that they must be furloughed in the same manner as permanent employees.
- Inform Earth Team volunteers that volunteering is not an excepted activity.
- Inform employees who are in temporary housing awaiting permanent relocation that they may must remain in those quarters. Payment for costs will be reimbursed after shutdown has concluded and appropriations are designated.

Unemployment Benefits

While on furlough, employees may become eligible for unemployment compensation. State unemployment compensation requirements differ. In general, the law of the State in which an employee's last official duty station in Federal civilian service was located will be the State law that determines eligibility for unemployment insurance benefits. (See the Department of Labor website "Unemployment Compensation for Federal Employees" at <http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp>.)

Agencies or employees should submit questions regarding unemployment benefits to the appropriate State (or District of Columbia) office. The Department of Labor's website provides links to individual State offices at <http://www.servicelocator.org/OWSLinks.asp>.

A list of Federal Identification Codes (FIC) needed for unemployment compensation applications can be found here http://www.dol.gov/dol/shutdown/FIC_chart.pdf.

If retroactive pay is approved, you are responsible for repaying any unemployment compensation you receive.

Ethics

Ethics rules apply to all employees, even in the event of shutdown. The one exception is that if an employee who is a financial disclosure filer and, therefore, required to obtain prior approval for certain outside employment, wants to participate in new outside employment, they are not required to obtain approval if the government is shutdown. Once the employee is back at work, he or she should then obtain approval for the outside position, if he or she still holds the position.

For more information, please see Legal Advisory LA-13-11, dated September 30, 2013, <http://www.oge.gov/OGE-Advisories/Legal-Advisories/LA-13-11--Ethics-Laws-and-Regulations-Continue-to-Apply-to-Federal-Government-Employees-during-Furlough-Periods/>.

Travel

- Prior to shutdown, all vouchers from previous travel must be submitted and approved to help ensure payment prior to systems being shut down. If travel is taken close to a possible shutdown, payment may not be made until after the shutdown.
- During an extended shutdown event, government issued credit card companies will use a forbearance clause and will work with the government on payments once returned to normal business operations. Employees whose government issued credits cards are in good standing will not move to delinquent status; however, if an employee was in delinquent status prior to the shutdown, then the account will continue in delinquent status until payment is made.
- All employees in travel status or on detail in another location must return to official duty stations as soon as possible once notified to begin shutdown activities.
- Employee change of duty station actions may be delayed, depending upon the individual circumstances.

Contracts, Grants, Agreements and Asset Management

Contracts, Grants and Agreements:

- One week prior to a possible shutdown, the Chief Procurement and Property Officer and State Conservationists must identify all contracts that are excepted and must remain in full effect to ensure the safety of life and/or property. Once OMB guidance is given, contracting officers will notify those contractors who will continue to perform excepted work.
- Work under NRCS authority and requiring NRCS support, oversight, assistance, etc. will cease during shutdown, unless deemed as an excepted activity.
- For previously obligated and awarded contracts, grants, and agreements where it is not critical that NRCS provide oversight, supervision, support, or other assistance to the contractor's or grantee's continued performance during the lapse of operations, those contractors or grantees may continue.

- Contractors and grantees may not continue to work if they use NRCS space, government-issued devices, or any asset owned or leased by NRCS, unless the use of these assets are necessary to perform excepted activities.
- Identify any federal procurement actions (e.g., solicitations, bid openings) that may expire during a shutdown, and take appropriate action to extend, delay, or cancel those actions.

Asset Management:

- All personal property (vehicles, survey equipment, copiers, etc.) owned or leased by NRCS will not be available for use through shutdown unless utilized by an excepted employee while performing excepted activities. All expenses for utilities, supplies, etc., must be kept to the minimum required to perform excepted work and to conserve energy.
- In locations where NRCS shares space with a non-Federal partner or partners that either reimburse NRCS for operational costs or have segregated space, these partners are permitted to continue operations. Partners will, however, be prohibited from access to or use of NRCS equipment, files and other property. All NRCS equipment, files, space and property including segregated and separate space will be secured and locked for the duration of the shutdown.
- Leases will not be terminated in the event of shutdown; however, actions must be taken to secure real and personal property and conserve energy.
- The use of vehicles by non-federal partners or other non-excepted personnel is prohibited.
- Purchase and fleet cards will be available for excepted activities during shutdown.
 - Employees using NRCS owned or leased vehicles must ensure they maintain the logs, as well as all receipts during their excepted work period.
 - All expenses should be kept to the minimum required to perform excepted services.
 - Fleet vehicles should be parked and equipment secured at the designated garage(s) or authorized location(s) to prevent theft/damage, unless required for excepted functions.
- All supervisors must identify measures to secure records, personal property, real property, and facilities that will be maintained and protected during shutdown.

Financial Management

The CFO Organization will centrally manage the spending chain process for excepted activities where obligations and payments need to occur. The Financial Management Modernization Initiative (FMMI) System will be closed at the same time as shutdown. No transactions will be processed, including payments.

Time and Attendance:

All employees must submit their timesheet for the pay period in which the shutdown is occurring, timekeepers must verify those timesheets, and managers/supervisors must certify the timesheets. Timekeepers will then send timesheets to NFC for processing.

Employees who are in excepted status and who work during shutdown must record their hours as usual in WebTCAS and also make note in WebTCAS notes section of their timesheet the hours worked during a shutdown.

Conservation Programs

During a shutdown, NRCS will not be able to deliver its conservation program services to customers. In preparation for a potential shutdown, to the extent possible, States are asked to prioritize:

- Notifying customers NRCS program services that will not be available during shutdown (see Appendix I).
- Completing program activities that can be finished prior to the shutdown, such as processing payments for completed work, or completing planning or design where a TSP or other contractor will be conducting the work without NRCS oversight.
- Cancelling near-term appointments with customers.
- Submitting ProTracts payments before close of business on the last day for which agency operations are funded (that is, by close of business the day before a possible shutdown).

Emergency Watershed Protection Program

- Activities associated with exigencies under the Emergency Watershed Protection Program (EWPP) are excepted because they perform functions necessary for emergencies involving the safety of human life or the protection of property. This includes carrying out Damage Survey Assessments after an event to determine if a potential project is eligible for EWPP assistance and is classified as an exigency.
- At any given time, NRCS generally has a number of EWPP exigency projects under implementation across the nation. During shutdown, these projects would continue forward and be serviced by designated excepted and/or excepted on-call or episodic employees. If a state has one or more EWPP exigency project in implementation, other personnel may be needed to direct, coordinate, and support these excepted and/or excepted on-call or episodic employees and their activities in the field. This will include a designated state Point of Contact (POC) to coordinate EWPP exigency activities within the state and with NHQ.
- One week prior to a possible shutdown, the Deputy Chief for Science and Technology will identify the number of excepted and/or excepted on-call or episodic employees needed to perform critical work associated with EWPP exigencies and will send the list to the Associate Chief for Operations for concurrence. A communications protocol will be implemented to support these excepted activities from field to state POC, to NHQ, and vice versa. Once an EWPP exigency project is completed, and if there are no further EWPP excepted activities for the employee(s) working on that project, the employee(s) will be placed in furlough status.
- Natural events that result in the need for EWPP assistance are dynamic and may occur after shutdown has begun. When warranted, additional employees may be called back to duty in

excepted and/or excepted on-call or episodic status to carry out EWPP Damage Survey Assessments, and to implement eligible EWPP exigency projects.

Plant Materials Centers

Certain Plant Materials Centers (PMC) activities are considered excepted because they are required to protect federal property (i.e. - facilities and the germplasm). PMC excepted activities include:

- Checking PMC facilities, especially critical systems such as seed coolers, which store mission-critical germplasm for conservation activities.
- Addressing critical, unexpected facility maintenance needed to protect federal property.
- Maintaining potted plant materials in greenhouses or outdoor production areas by hand watering or checking that automated systems are operating properly.
- Maintaining seed and plant breeder and foundation production areas. Irrigation activities, chemical treatments, or weed control should be performed only if absolutely required to maintain the purity or viability of the seed or plant production.
- Harvesting breeder and foundation seed fields required to preserve the purity of the germplasm so that unharvested seed does not contaminate existing seed production fields.

The employees required to perform excepted activities will typically be one person per PMC. Time requirements will vary depending on the activities and volume at each location. Additional employees will be designated as excepted and/or excepted on-call or episodic if needed. Excepted and/or excepted on-call or episodic employees will be in furlough status when not performing excepted activities.

Some excepted activities at PMCs vary seasonally due to the seasonal nature of seed and plant production, requiring different amounts of staff and time to complete. One week prior to a possible shutdown, the Deputy Chief for Science and Technology will identify the number of excepted and/or excepted on-call or episodic employees needed to perform work and will send the list to the Associate Chief for Operations for concurrence. The number of employees and time required to perform excepted activities will be kept to a minimum.

- A communications protocol will be implemented between PMCs and National Headquarters (i.e. - the National Program Leader—Plant Materials) to support excepted activities at the PMCs.

Impact Assessment

As part of the shutdown process, it is important to communicate clearly about the potential impacts in order to assist leadership in responding to Departmental, Administration, and Congressional inquiries. These inquiries focus on impacts to: 1) Program Delivery, 2) Customers, 3) Partners, and 4) Administrative Initiatives. For each of these categories, the agency must provide rapid responses based on best available information.

To better prepare for potential service disruptions, the Associate Chiefs will be responsible for obtaining high-level impact assessments from their respective Deputy Areas one week prior to possible shutdown. These assessments will provide concrete estimates of impacts in the four (4) identified categories, including any supporting data or information as addendum. Appendix C is an example of an impact summary from the October 2013 shutdown. However, the items shown on this example are not intended to limit the scope of impacts that could be included. All relevant items should be included in the assessment; for example, the assessment could include potential impacts on resource conditions. Final impact submissions must be provided to the NRCS Chief of Staff and Associate Chief for Operations before close of business on the final day before shutdown begins.

Post Furlough Activities

All employees are responsible for following guidance on OPM and OMB's website related to status. Employees will be required to return to work as directed by OPM and/or OMB when an appropriation is enacted, either by a full-year appropriation or a CR.

Appendix A: Summary of Employment

The following tables should be used during shutdown to accurately capture summary of employment for the three categories (as noted under each table). For the purposes of long term planning, the tables assume a four week shutdown period although shutdown could last shorter or longer.

United States Department of Agriculture – Natural Resources Conservation Service
Summary of employment to be continued in the event of a government shutdown

Activities	Current on board	Estimated Employment for Category I							
		Day 1	Day 2	Day 5	Day 10	Day 15	Day 20	After day 20	Total as % of staff
	10462	0	0	0	0	0	0	0	0%

Category I: Military, Law Enforcement and Direct Provisions of Health

Activities	Current on board	Estimated Employment for Category II							
		Day 1	Day 2	Day 5	Day 10	Day 15	Day 20	After day 20	Total as % of staff
	10462	1500	25	7	7	7	7	7	0.1%

Category II: Financed from Available Funds *

Activities	Current on board	Estimated Employment for Category II							
		Day 1	Day 2	Day 5	Day 10	Day 15	Day 20	After day 20	Total as % of staff
	10462	211	211	211	211	211	211	211	2.0%

Category III: Protect Life and Property; Authorized By Law; or Constitutional Duties and Powers

* On-call personnel to support agency leadership – Day 1; 35, Day 2 onward; 53.

Appendix B: Summary of Program Activities

The following tables should be used during shutdown to accurately capture summary of employment for the three categories (as noted under each table). For the purposes of long term planning, the tables assume a four week shutdown period although shutdown could last shorter or longer.

United States Department of Agriculture – Natural Resources Conservation Service
Summary of program activities to be completed during shutdown

Program/Activity	Dollars in Thousands							
	Continue (y/n)	Exempt (y/n)	Funding Source	\$ Available	Days Operated	Employees Supported	Excepted (y/n)	Employees Supported

Program Impacts			
Week One	Week Two	Week Three	Week Four

Appendix C: Impacts Assessment

(Illustrative Example from Oct. 2013 Shutdown)

Program Delivery

- **Conservation Security and Stewardship Program Payments:** About \$1 billion in payments on about 56,000 contracts (about 70 million acres) were scheduled to begin going out as soon as practicable after October 1st. These payments are delayed until agency operations resume.
- **Conservation Program Enrollment:** New enrollment in EQIP, CSP, WHIP, AMA, FRPP and restoration of existing enrollments in WRP and GRP are delayed. The total apportionment currently on hold is \$3.5 billion (\$2.9 billion in FA and \$600 million in TA).
- **Existing Conservation Contract Implementation:** Hundreds of millions of dollars are on hold in existing conservation program contracts as no payments for completed practices can be made until agency operations resume. Scheduled practices that cannot be completed on time will have to be rescheduled or postponed as a result, and conservation benefits delayed. *[For example, there are an estimated 100,000 existing EQIP contracts with estimated at a value of up to \$750 million in financial assistance payments for this fiscal year 2014].*
- **Conservation Compliance:** Conservation compliance status reviews conducted to evaluate the degree of compliance with HEL and wetlands requirements are on hold. These reviews are typically conducted in the fall after crops are removed from fields. Continued delay may result in inability to conduct reviews this year due to snow or other weather, leaving violations undetected, resources unprotected, and producers unaware of the potential risk to their program benefits.

Customers

- Each day of shutdown, an estimated 540 customers are unable to obtain NRCS **conservation planning assistance** in order to address resource issues, meet regulatory requirements, and prepare to participate in federal, state or local financial assistance programs. *[NRCS typically assists over 135,000 customers annually with conservation planning on about 37 million acres, much of that work occurs in the fall; on average 150,000 acres planned each day].*
- Each day of shutdown, customers are unable to receive NRCS **conservation technical assistance to implement conservation measures** on an estimated 200,000 acres of agricultural and forest land. October through November is a high work season for implementing existing contracts, so delays have a disproportionate impact on producers and conservation goals. Conservation work such as earthmoving and construction not completed before the first freeze will be delayed until the following year. *[NRCS typically assists customers annually with conservation implementation on about 47 million acres, much of that work occurs in the fall; on average nearly 200,000 acres are implemented each day]*

Partners

- The closure of 2,800 NRCS field offices across the nation means that about 8,100 State and local partners do not have access to the NRCS resources they need to deliver services. Conservation district staff rely heavily on NRCS offices, field equipment (survey and GPS), IT (computers, planning systems, servers), and vehicles to deliver State, local, and non-governmental conservation programs.
- Existing contribution agreements where partners are contributing a share, often 50 percent, of the resources cannot be executed if they depend on NRCS office space and resources, delaying conservation practice implementation.

Administrative

- **Financial Audit:** The auditor (KPMG) was able to continue work without NRCS oversight until existing work was completed, which covered work through October 4, 2013. KPMG is now significantly limited in what can be done with no additional data or interaction with NRCS. As a result, this puts NRCS in severe jeopardy of not finishing the audit by the legal deadline of November 15. It is also going to require NRCS to modify the KPMG contract to even allow them to finish now that we are close to two weeks behind schedule. Existing deliverable due dates are not going to be met and thus a contract modification is needed. If the November 15th date is not changed the auditors could: 1) say that based on existing data and prior year audit information NRCS would get a disclaimer of opinion, or 2) say that they have insufficient data and time to render an opinion at all. OMB is discussing changing the deadline with Departmental CFOs but has not made a decision.
- **Conservation Delivery Streamlining Initiative (CDSI):** Contract solicitation is on hold for the Conservation Desktop/Mobile Planner and with the lost time, we will not be able to meet the November 1st target deadline for contract award. Each week of slippage results in further delays in CDSI implementation and the benefits of conservation streamlining.

The following is a detailed status report on excepted personnel and activities which took place during shutdown related to Emergency Watershed Protection Program (EWPP) and Watershed Rehabilitation Program (WRP) for the October 2013 shutdown. Some of the line items are unique to the circumstances of the October 2013 shutdown (Colorado flooding/tropical storm Karen/SD blizzard). This report should be developed and completed daily during a shutdown period to accurately capture those excepted activities which are being conducted for the protection of life and/or property.

	Original	COB 10/16/2013 (Updated)
States with Projects	22 + Caribbean	All states reported
Total excepted activities	110	136 reported <i>(14 Rehab, PL566, CWPPRA, or ARRA and 122 EWP)</i>
Total excepted employees	130	152* active or on-call status.

		113 reported hours worked. <i>*Increased due to Colorado DSR Team</i>
Colorado EWP Effort	6	25 active with 687 hours worked. <i>(Total staff and hours are included in 152 and 5,180.5 hours)</i>
Total hours worked	---	5,180.5
Total Federal + Sponsor Investment	---	\$233 million
Tropical Storm Karen Prep (10/4/13)	119	48 active with 190.25 hours worked.
South Dakota Blizzard (10/10/13)	4	4 active with 31.25 hours worked.

Appendix D: Excepted Employees

Title	Roles and Responsibilities During Shutdown	# of excepted Employees	# of 'Excepted On-Call or Episodic' Employees
Chief	<ul style="list-style-type: none"> • Communicate the order to execute shutdown procedures. • Lead engagement with the Department. 	1	0
Chief of Staff	<ul style="list-style-type: none"> • Ensure communications consistency. • Provide impact analysis of shutdown. 	1 (on-call during Phase II)	0
Associate Chief for Operations (ACO)	<ul style="list-style-type: none"> • Ensure operational continuity for excepted employees and activities during shutdown. • Provide official notification to key officials to initiate shutdown procedures. • Lead shutdown and continuity processes • Prepare for start-up once appropriations have been designated. 	1	1
Associate Chief for Conservation (ACC)	<ul style="list-style-type: none"> • Oversee shutdown operations for employees and activities within the office of the ACC. • Provide oversight of Emergency Watershed Protection Program, Dam Safety and Rehabilitation, and Plant Materials Centers, as needed. 	1 (on-call during Phase II)	1
Chief of Staff, Operations	<ul style="list-style-type: none"> • Manage shutdown operations and report progress. • Identify roles, responsibilities, activities, and timelines for shutdown. • Certify completion of agency shutdown. 	1	0

Title	Roles and Responsibilities During Shutdown	# of excepted Employees	# of 'Excepted On-Call or Episodic' Employees
Chief Human Resources Officer	<ul style="list-style-type: none"> Impact and implementation bargaining with unions. Support for shutdown operations. 	1	4
Chief Procurement and Property Officer	<ul style="list-style-type: none"> Provide guidance and oversight of procurement and acquisition shutdown activities. Perform operations necessary to notify contractors and recipients, and suspend/stop work if needed in accordance with OMB, Department, and NRCS guidance. 	1 (on-call during Phase II)	10
Chief Information Officer (CIO)	<ul style="list-style-type: none"> Lead Shutdown of IT systems, security of PII and data. Ensure continued operation of excepted IT systems. 	1	10
Director, Continuity of Operations	<ul style="list-style-type: none"> Lead in any continuity of operations issues in relation to emergency situation. 	0	1
Director, Human Resources Management Division Director, HR Accountability and Policy Oversight	<ul style="list-style-type: none"> Communicate final processes and procedures related to impacts on workforce. Coordinate payroll processing and closing with NFC. Answer employee questions during shutdown. Master timekeeper to close out all timesheets and transmit to NFC. Employee and Labor Relations Specialist to guide agency implementation of policy. 	2 (on-call during Phase II)	5
Chief Financial Officer (CFO)	<ul style="list-style-type: none"> Provide guidance and oversight related to availability of funding related to shutdown activities. 	1	0

Title	Roles and Responsibilities During Shutdown	# of excepted Employees	# of 'Excepted On-Call or Episodic' Employees
Director, Strategic Budget Division (NHQ)	<ul style="list-style-type: none"> Provide guidance related to proper execution of budget-related shutdown activities. 	1	3
Regional Conservationists	<ul style="list-style-type: none"> Provide guidance to and oversight of shutdown procedures of all NRCS state and field offices. 	5 (on-call during Phase II)	0
Deputy Chief for Programs	<ul style="list-style-type: none"> Ensure appropriate shutdown procedures of all activities related to programs. 	3 (on-call during Phase II)	0
Deputy Chief for Science and Technology	<ul style="list-style-type: none"> Ensure appropriate shutdown procedures for all employees and activities related to Science and Technology and provide guidance to continuing excepted activities. 	1 (on-call during Phase II)	0
Deputy Chief for Soil Science and Resource Assessment (SSRA)	<ul style="list-style-type: none"> Ensure appropriate shutdown procedures for all employees and activities related to SSRA. 	1 (on-call during Phase II)	0
Deputy Chief for Strategic Planning and Accountability	<ul style="list-style-type: none"> Ensure appropriate shutdown procedures for all employees and activities related to Strategic Planning and Accountability. 	1 (on-call during Phase II)	0
Director of Conservation Engineering Division	<ul style="list-style-type: none"> Provide oversight to on-going and new exigent Emergency Watershed Protection Program projects (CO Fires, Floods, etc.) that will continue through shutdown. 	1 (on-call during Phase II)	1
Personnel Support to Emergency Watershed Protection Program	<ul style="list-style-type: none"> Provide state level oversight to on-going exigent Emergency Watershed Protection Program projects (CO Fires, Floods, etc.) on identified projects that will continue through furlough to 	0	106

Title	Roles and Responsibilities During Shutdown	# of excepted Employees	# of 'Excepted On-Call or Episodic' Employees
	<p>protect life and property (list may include State Conservationist, State Administrative Officers, Engineers, Construction Inspectors, Budget Officer, Contracting Specialist, etc.). Justification for staff will need to be provided on each project listed.</p>		
Water and Climate Center	<ul style="list-style-type: none"> Maintain critical water climate information and snow survey program data that arises as an emergency. 	0	1
Dam Safety and Rehabilitation	<ul style="list-style-type: none"> Conduct activities to protect life and property in relation to NRCs approximately 12,000 small watershed dams. 	0	78
National Plant Materials Program Leader	<ul style="list-style-type: none"> Provide oversight and coordination of PMC excepted activities that will continue through shutdown. 	1 (on-call during Phase II)	0
Plant Material Center (PMC) Personnel	<ul style="list-style-type: none"> Maintain federal property and mission-critical plant stock viability at plant materials centers; typically 26 employees for routine excepted activities such as securing property and watering plant material, Additional PMC employees may be designated as 'excepted on-call or episodic' if needed to for specific seasonal duties: the number of staff and required hours depends on the season the shutdown occurs 	0	25

Appendix E: Shutdown Committee

The roles and responsibilities of the Shutdown Committee are as follows:

Associate Chief for Operations:

- Serve as committee Chair.
- Guide implementation of Shutdown Plan.
- Ensure coordination across functional areas.
- Ensure Chief is kept informed - elevate issues, challenges, and opportunities, as appropriate.
- Lead the application of lessons learned to normal operations, as appropriate.
- Ensure communication and coordination in a timely manner.

Associate Chief for Conservation:

- Serve as committee Vice Chair and Chair in absence of the Associate Chief for Operations.
- Ensure coordination across functional areas.
- Lead input and processes related to Programs, Science & Technology, and Soil Survey and Resource Assessment.

Chief of Staff:

- Lead development of any short and/or long-term assessment on impacts of shutdown.
- Facilitate communication with Natural Resources and Environment (NRE), Office of Budget and Program Analysis (OBPA), Office of Civil Rights (OCR), other Departmental Offices, and Congressional staff.
- Identify opportunities for improvement.

Chief Human Resources Officer

- Facilitate communication with Assistant Secretary for Administration (ASA), Office of Human Resource Management (OHRM), Office of Procurement and Property Management (OPPM), and other Departmental Offices as necessary.
- Assign resources to address employee questions as a result of being furloughed.
- Communicate guidance to the Assistant State Conservationists for Management and Strategy.
- Chair the Labor-Management Forum and notify them of shutdown plans and status.

Chief Financial Officer:

- Ensure coordination with the Departmental Office of the Chief Financial Officer.
- Provide overarching guidance related to availability of funding based on approved funding levels.
- Facilitate the coordination of funding or financial system issues/opportunities with State Conservationists and State Budget Officers during shutdown.
- Coordinate with NRCS Chief Information Officer (CIO) and Deputy Chief for Programs on IT systems shutdown and interoperability.

Chief Information Officer:

- Ensure communication with the Departmental Office of the Chief Information Officer.

- Lead the shutdown of IT systems, secure PII and sensitive data.
- Coordinate with the Office of the Chief Information Officer – Information Technology Solutions and National Information Technology Center (NITC) on the orderly shutdown of interdependent and enterprise IT systems, assets and resources.
- Monitor excepted NRCS IT Systems, tools and website to ensure they are functioning appropriately.
- Coordinate with other agency leaders on IT systems shutdown and interoperability.

Regional Conservationists:

- Ensure consistent and timely communication with states.
- Ensure consistency in shutdown activities across regions and states.
- Ensure timely identification of partner issues and consistent handling across regions and states.
- Collect and report to the Committee on lessons learned from state perspective.
- Gather needed input for any short and/or long-term assessments of shutdown impacts.

Deputy Chief for Programs:

- Ensure coordination and timely handling of programmatic issues.
- Provide assessment, analysis, and reports on the impact of shutdown on NRCS programs.
- Coordinate with NRCS Chief Information Officer and Chief Financial Officer on programmatic IT systems shutdown and interoperability.
- Coordinate with Deputy Chiefs for Strategic Planning and Accountability, Science and Technology, and Soil Science and Resource Assessment to assess and report on the impacts of shutdown on conservation implementation, conservation effects and performance measures.

Deputy Chief for Science and Technology:

- Ensure coordination and timely handling of science and technology issues.
- Provide assessment, analysis, and reports on the impact of shutdown on science and technology development and delivery.
- Coordinate with NRCS Chief Information Officer on science and technology IT applications shutdown.
- Coordinate with Deputy Chiefs for Strategic Planning and Accountability, Programs, and Soil Science and Resource Assessment to assess and report on the impacts of shutdown on conservation implementation, conservation effects and performance measures.

Deputy Chief for Soil Science and Resource Assessment:

- Ensure coordination and timely handling of soil science and resource assessment issues.
- Provide assessment, analysis, and reports on the impact of shutdown on soil science and resource assessment.
- Coordinate with NRCS Chief Information Officer on soil science and resource assessment IT applications start-up.
- Coordinate with Deputy Chiefs for Programs, Science and Technology, and Strategic Planning and Accountability to assess and report on the impacts of shutdown on conservation implementation, conservation effects and performance measures.

Deputy Chief for Strategic Planning and Accountability:

- Ensure coordination and timely handling of strategic planning and accountability issues.
- Provide assessment, analysis, and reports on the impact of shutdown on strategic planning and accountability.
- Coordinate with NRCS Chief Information Officer on strategic planning and accountability IT applications shutdown.
- Coordinate with Deputy Chiefs for Programs, Soil Science and Resource Assessment, and Science and Technology to assess and report on the impacts of shutdown on conservation implementation, conservation effects and performance measures.

Appendix F: Orderly Suspension of Operations Checklist (EMPLOYEE)

To be completed before departure.

- Secure all Personally Identifiable Information (PII) and other confidential data in your work area and clear the open workspace of documents.
- Ensure your supervisor has your current, non-government contact information. Make sure you have your supervisor's appropriate contact information.
- Complete all shutdown activities as directed by your supervisor.
- Discuss cancellation of meetings scheduled during shutdown with supervisor.
- Document status of assignments and projects so they can be resumed, transferred, or otherwise appropriately handled when appropriations are designated.
- Remove or secure all valuable belongings. You will not be allowed to return to the building during shutdown to collect anything unless you are an excepted employee.
- Dispose of/remove all perishable food items. Remove food items from the refrigerator and clean/remove dirty dishes. Ensure all small appliances are turned off and unplugged.
- Secure all government equipment, especially portable electronic devices.
- Verify access to system(s) is not set to expire in the near future – reset any passwords as necessary. Log into system(s) requiring periodic access to prevent needing an access reset when returning to work.
- Make sure you have recorded and validated time in WebTA for the current pay period. *Employees will appropriately code work performed for working days, and the remaining days of shutdown will be coded as furlough.* Time spent on shutdown procedures will be compensated after restoration of funding.
- Set your email out-of-office notification with the pre-approved scripted message (see Appendix H).
- Set your voicemail with the pre-approved scripted message (see Appendix H).
- Post out-of-office signage on doors and other locations visible to the public (see Appendix H).
- Completely shut down your computer and monitor (unless directed otherwise by IT staff).
- Following this, turn off your government issued mobile devices and/or laptops, as use is prohibited for the duration of the furlough period by non-excepted employees. A non-excepted employee's use of government issued equipment may result in a fine(s) up to \$5,000 or a prison sentence of up to two years. Senior leadership who are on-call during a furlough may keep their cell phone on but should not use it unless contacted by a government employee or to report an emergency.
- Ensure your trash can is clear of any perishable items and place trash bag in hallway. Lock your office door, if applicable, at departure.
- Please be advised, in the event of a lapse in appropriations, furloughed employees are authorized by the Department of Transportation to use their transit benefits to travel to

and from work on the day of shutdown for the purposes of conducting shutdown activities. After this time, the transit benefit may be used only by employees who are in excepted status.

- Employees cannot use personal phones and personal private email accounts to conduct government business.
- Do not use your government purchase, fleet or travel card if you are on furlough.

You may be eligible for unemployment insurance. Below is applicable information should you decide to apply for unemployment insurance/compensation.

If retroactive pay is approved, you are responsible for repaying any unemployment compensation you receive.

- Applications for unemployment are submitted to the state where you are employed, not where you live.
- Consider printing applicable documents (SF-8, last SF50, furlough notice/letter, creditor letter) during shutdown procedures to ensure you have the necessary materials if you choose to apply.
- Information about the unemployment compensation eligibility and the application process in your state is available at the Department of Labor's website: <http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp> or at your state employment office.
- A listing of helpful unemployment insurance websites:
<http://workforcesecurity.doleta.gov/unemploy/aboutui.asp>
- Unemployment insurance information by location (USA map):
<http://www.servicelocator.org/OWSLinks.asp>
- NFC's Employee Services website with information on employment verification:
<https://www.nfc.usda.gov/index.php>

Appendix G: Orderly Suspension of Operations Checklist (SUPERVISOR)

In Advance

In the event supervisors are officially informed prior to day one of shutdown, employees are to be given guidance for making prior arrangements for the orderly completion of shutdown activities.

Day One, Within Four Hours

All non-excepted employees should report to work for the sole purpose of engaging in orderly completion of shutdown activities. Excepted employees should be instructed to report for work and to perform their excepted activities. For those teleworking and who have already secured documents, cleaned physical space, etc., they may “report” by telephone. Supervisors who have employees on AWS schedules or scheduled leave should make prior arrangements with employees for completion of shutdown activities.

Employees on detail to federal agencies from non-federal organizations that do not pay, or share the costs of the detail, are subject to furlough in the same manner as other employees. Temporary employees must be furloughed in the same manner as permanent employees.

The supervisors’ checklist is as follows:

- Issue “Notice of Furlough” and “Furlough Checklist” to all employees.
- Survey your employees regarding any meetings scheduled involving non-government entities and take appropriate action.
- Ensure all outstanding travel vouchers have been approved and processed via Concur for travel dates prior to shutdown.
- Make certain employees in travel status have been directed to return home.
- Ensure employees have cancelled any reservations made outside of Concur (such as hotel and rental car) for travel scheduled during shutdown. Financial Systems, Concur Support Team must be notified to cancel any approved travel. Travelers need to be advised of this, and should shutdown end prior to the scheduled travel, the travel will need to be resubmitted in Concur for approval and ticketing.
- Provide detailed instructions to all employees designated as excepted including:
 - Nature of work assignments.
 - Work site for furlough period.
 - Expectations for communication.
 - Tour of duty.
 - Organizational contacts for the furlough period.
 - Other pertinent information.
- Check and ensure all items have been cleared from common break areas (remove food from refrigerator, coffee pots cleaned and turned off, etc.).

- Non-excepted employees will not be allowed to use government-issued equipment during the furlough period. A non-excepted employee's use of government-issued equipment may result in a fine(s) up to \$5,000 or a prison sentence of up to two years.
- Cancel all annual and sick leave during the furlough period to include leave already commenced and approved.
- All supervisors who certify time are requested to certify furloughed (excepted and 'non-excepted') staff time and attendance records for the current pay period as a part of the orderly shutdown procedures.
- Make sure you have verified time in WebTA for all employees whom you supervise. *Employees will appropriately code work performed for working days, and the remaining days of shutdown will be coded as furlough.*
- Set email out-of-office notification with the pre-approved scripted message for any shared mail accounts associated with your team/staff (see Appendix H).
- Set voicemail with the pre-approved scripted message for any shared voicemail accounts associated with your team/staff (see Appendix H).
- Display appropriate signage around the office to notify employees and/or customers of shutdown (see Appendix H).
- Remember to take call tree lists home.
- Complete employee furlough checklist.

Supervisors should coordinate with their servicing Human Resources Offices to coordinate and discuss requirements for any personnel actions relative to the furlough.

Prohibited Activities

Unless they are necessary to the direct support of authorized excepted activities, the following will not be permitted during a shutdown:

- Awards of contracts and small purchases; do not use your government purchase, fleet or travel card if you are on furlough.
- Hiring of personnel or extending the appointment of personnel whose appointments have expired, if doing so would result in unauthorized obligation of funds during a lapse of appropriations.
- Travel of persons and transportation of things; persons in travel status on the first day of shutdown must return to their duty stations as soon as possible.
- Holding/attending meetings, conferences and seminars.
- New or continued employment of experts and consultants, if such actions will incur a financial obligation.
- Holding/attending training classes and other training activities.
- Use of equipment and utilities not related to authorized activities where their use creates liabilities for the Government beyond those existing on the date of the funding lapse;

Employees cannot use personal phones and personal private email accounts to conduct government business while on furlough unless you are notifying employees to return to work.

- Authorization of overtime.

When Funding Is Approved

Supervisors should contact employees and provide information about returning to work.

Employees are expected to return to work as normally scheduled. Employees on compressed work schedules remain on the same compressed schedule – there should be no shifting of the non-work day(s). Supervisors are advised to allow employees flexibility (excused absence if a couple of hours late, telework location) when returning to work the first day in consideration of scheduling issues.

Appendix H: Communications Items to Assist in Orderly Shutdown of Operations

Employees should refer to the scripts below in order to set voicemail and e-mail out-of-office language appropriately.

Employee Voicemail

This language should be recorded on the employee voicemail system as part of orderly shutdown procedures.

“Hello, you have reached [NAME – OFFICE]. I am not in the office at this time as I am currently on furlough due to the lapse in federal government appropriations resulting in a shutdown. Please feel free to leave me a message that I will be happy to respond to when funding has been restored.

Please note that during the shutdown period, I will not have access to email or voicemail. Thank you and have a great day.”

Employee E-mail Out of Office

This language should be inserted into employee out-of-office as part of orderly shutdown procedures.

“Thank you for your message.

I am not in the office at this time as I am currently on furlough without access to email, due to the lapse in federal government appropriations resulting in a shutdown. I will return your message as soon as possible once funding has been restored.

For updated information about government status, visit www.opm.gov”

Signage for Closed Offices

This language should be printed out and displayed in appropriate locations as part of orderly shutdown procedures.

“This U.S. Department of Agriculture (USDA) office is currently closed due to the lapse in federal government appropriations. The office will reopen once Congress restores funding.

Thank you for your understanding.”

Appendix I: Template Letters

Letter to Customers

United States Department of Agriculture



Natural Resources Conservation Service
1400 Independence Avenue SW
Washington, D.C. 20250

NRCS Customers,

Due to a lapse in appropriations for the Natural Resources Conservation Service (NRCS), NRCS has initiated the process of an orderly shutdown. You can view USDA's plans for a lapse in appropriations at <http://www.whitehouse.gov/omb/contingency-plans>.

We understand the uncertainty that the current circumstances present for Americans that USDA serves every day, as well as our many partners around the country. Effective today, except for critical activities that protect life and property (i.e. work on high-hazard dams and preserving plants at PMCS), many NRCS staff will be furloughed pending reinstatement of funding by Congress. These staff will not be available by phone or email, and cannot carry out work for the Agency, until funding is restored.

In NRCS, this means that many services will be delayed or interrupted, such as:

Previously awarded/obligated grants and agreements, including Farm Bill program funding.

- Partners/landowners/recipients can continue the work of these agreements/grants to the extent that they can do so without any technical or other assistance from NRCS.
- All actions taken will be at the partners/landowners/recipients own risk as no certifications, reimbursements, etc., will be conducted or processed.
- Until NRCS employees return and all operations are fully functional, payments will be delayed.

Previously awarded/obligated agreements with local sponsor organizations, who in turn solicit and enter into contracts for conservation work and the support and assistance by NRCS will not be considered a critical activity.

- Parties to this type of agreement and action can proceed to solicit and award contracts at their own risk, as no technical assistance or administrative actions (e.g., reimbursement) from NRCS can be conducted during shutdown.

- Only when all government functions are operational will NRCS be able to provide assistance and process payments.

Previously awarded technical services providers (TSPs) agreements:

- TSPs may provide landowners and customers their services; however, if NRCS support, assistance, or oversight is required, then work under these agreements must be suspended until funds become available.
- No reimbursement or technical assistance from NRCS will occur during shutdown.

We are committed to keeping you as up to date as possible, within the limits of current circumstances.

For updated information about government status, visit www.opm.gov

Sincerely,
Jason A. Weller
Chief, NRCS

Letter to Partners

United States Department of Agriculture



Natural Resources Conservation Service
1400 Independence Avenue SW
Washington, D.C. 20250

Conservation Partners,

The Administration is working diligently with Congress on legislation to fund critical government operations with either appropriations legislation for the remainder of the fiscal year, or a short term continuing resolution (CR). Prudent management requires us to be prepared for all contingencies, including the possibility that a funding lapse could occur.

At the Natural Resources Conservation Service (NRCS), should a lapse in funding occur, except for critical activities that protect life and property (i.e. work on high-hazard dams and preserving plants at PMCS), NRCS will shut down.

The following NRCS programs and services will be impacted in the event of a government shutdown:

Previously-awarded/obligated grants and agreements, including Farm Bill program funding remain in effect.

- Partners/landowners/recipients can continue the work of these agreements/grants to the extent that they can do so without any technical or other assistance from NRCS.
- All actions taken will be at the partners/landowners/recipients own risk as no certifications, reimbursements, etc., will be conducted or processed.
- Until NRCS employees return and all operations are fully functional, payments will be delayed.

Previously awarded/obligated agreements with local sponsor organizations, who in turn solicit and enter into contracts for conservation work and the support and assistance by NRCS will not be considered a critical activity.

- Parties to this type of agreement and action can proceed to solicit and award contracts at their own risk, but no technical assistance or administrative actions (e.g., reimbursement) from NRCS can be conducted during shutdown.
- Only when all government functions are operational will NRCS be able to provide assistance and process payments.

Previously awarded technical services providers (TSPs) agreements remain in effect.

- TSPs may provide landowners and customers their services; however, if NRCS support, assistance, or oversight is required, then work under these agreements must be suspended.
- No reimbursement or technical assistance from NRCS will occur during shutdown.

For updated information about government status, visit www.opm.gov

We value your partnership and understand the uncertainty these circumstances present for the citizens USDA serves every day, as well as our many conservation partners around the country.

We are committed to keeping you up to date as circumstances evolve.

Sincerely,
Jason A. Weller
Chief, NRCS

Employee Memo from Department

Emergency Furlough

In the absence of a signed Budget or Continuing Resolution to provide funding to continue Federal Government operations, no further financial obligations may be incurred, except those for the orderly suspension of USDA's operations or performance of activities excepted from furlough. Excepted activities include those for law enforcement, and that protect health and safety; those financed from available funds such as trust funds or carry-over funds; those that protect life and property, or those that are necessary to begin shutdown of other activities. Employees required for orderly shutdown of agency operations, or performing one of the excepted activities defined by law constitute a competitive level for shutdown purposes. Each staff office, mission area and agency is responsible for maintaining a plan that specifies excepted activities and required procedures for the orderly shutdown of their organization, and only employees identified for the orderly suspension of activities will be retained. Supervisors will notify those employees performing excepted activities.

Because you are not engaged in one of the excepted functions, you are being placed in a furlough status. This furlough, e.g., non-pay or non-work status, is not expected to exceed 30 days. During the furlough, you will not be permitted to perform your government duties as an unpaid volunteer, and you must remain away from your workplace unless and until recalled to duty.

This action is being taken because of a sudden emergency requiring curtailment of your agency's activities; therefore, no advance notification is possible. The customary 30-day advance notice period and opportunity to answer are suspended under the provisions of 5 CFR 752.404(d)(2) and 5 CFR 359.806(a) for Senior Executive Service employees.

Employees in furlough status are prohibited from using all government-issued mobile devices while in furlough status. The same prohibition applies to use of any government system, including remotely accessing government email or other automated systems. A non-excepted employee's use of government-issued equipment may result in a fine(s) of up to \$5,000 or a prison sentence of up to two years. Some web pages will be available to continue ongoing services such as the USDA Employee Personal Page and certain Office of Personnel Management sites and others. The USDA Ops Center will remain operational and the website address is <http://www.dm.usda.gov/beprepared/>. This site will be updated daily at midnight. In addition, USDA is setting up an Employee Information Line (**1-800-932-1902**) at which employees may obtain updated information about any shutdown and subsequent termination of shutdown. It is recommended that you check these resources often.

You will receive instructions from your supervisor for shutdown activities and completion of your time and attendance. Time required for shutdown activities will be determined on a case-

by-case basis though may not take more than four hours without supervisory approval. Orderly shutdown is limited to those activities required to secure files, records and equipment, complete time and attendance records, and otherwise make preparations to preserve work. Employees on AWS schedules, telework, or scheduled leave should make prior arrangements with their supervisors for completion of shutdown activities. Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is cancelled. Supervisors at their discretion may allow their employees to conduct shutdown activities from a remote location. Employees without an existing telework agreement may also conduct shutdown activities from a remote location if the nature of the employee's shutdown activities are *de minimis* (i.e., can be completed in approximately 15 minutes).

When agreement on the Federal budget for USDA has been approved, you will be notified by phone, letter, and/or by public media announcement when to return to work. In addition, Federal government operating status will be available on the Office of Personnel Management's website at www.opm.gov.

During the furlough, employees may engage in outside employment, however, all employees must ensure that such outside employment does not pose a conflict of interest with their official USDA duties, and are required to comply with the ethics regulations governing engaging in outside employment or activities (5 C.F.R. Parts 2635 and 8301). During the furlough, I am waiving the requirement for employees to seek advance approval of any outside employment or activity. However, it is important to note that the ethics rules still apply to all employees during a furlough period, so any outside activity or employment must not present a conflict of interest with your USDA position and duties. Employees are referred to the Office of Ethics website to review the applicable ethics rules governing outside employment at: www.usda.gov/ethics.

Depending upon your type of appointment, you may or may not be able to appeal this action to the Merit Systems Protection Board (MSPB). If you wish to determine your appeal rights, you should contact your servicing Human Resources Office. If you have the right of appeal to MSPB and wish to appeal this action, you must file the appeal (<http://www.mspb.gov/appeals/appeals.htm> and <https://e-appeal.mspb.gov/>) within 30 calendar days after the effective date of your furlough. Your servicing Human Resources Office can provide you a copy of the MSPB regulations and the address of the MSPB Regional Office having jurisdiction.

Career SES appointees (except reemployed annuitants) who believe requirements of 5 CFR 359, subpart H, or the agency's procedures have not been correctly applied may also appeal to MSPB. Career SES appointees may inspect the regulations and records pertinent to this action by contacting the Director, Executive Resources Management Division at 202-720-8629.

Employees, who have completed a probationary or trial period or one year of continuous employment in the competitive service, under other than a temporary appointment, may appeal this action to the MSPB. Employees in the excepted service who have veterans' preference may appeal to MSPB if they have completed one year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans' preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to MSPB if they have completed two years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two years or less.

If you are a member of a bargaining unit and are covered by a labor management agreement that allows for a grievance of an adverse action, you may grieve this action under your negotiated grievance procedure or you may appeal to MSPB under the procedures outlined above, but not both. To obtain information on filing a grievance under the negotiated grievance procedure, contact your union representative. You may also refer to your labor-management agreement for your rights.

If you have particular questions not addressed in this notice, please contact your servicing Human Resources Office or follow the link to the Office of Personnel Management's (OPM's) website for additional information: <http://www.opm.gov/furlough/>. We sincerely regret any hardship this action has caused you and recognize the serious impact any furlough has on employees. The Secretary is closely monitoring budget discussions and is committed to responding to budgetary constraints in a manner that will provide minimal disruption to your life, as much as possible, while striving to adequately serve the American people. We are hopeful that the legislation or the appropriations necessary to continue USDA's activities will be enacted soon.

Appendix J: Excepted Contracts Guidance

Excepted contracts

States and NHQ will identify federal contracts (governed by the Federal Acquisition Regulation) that must remain in full effect to ensure the safety of life and/or property (i.e., excepted contracts).

- NRCS State Conservationists, Contracting Officers, Program Managers, and other State Leadership must identify the contracts that are excepted and must continue.
- The Department of Justice and OMB have defined such contracts to be those for which the suspension of the function would imminently threaten the safety of human life or the protection of property.) To be excepted, the following two conditions must exist:
 - A reasonable and articulable connection between the obligation (i.e., a contract or grant) and the safety of life or the protection of property, **AND**
 - Some reasonable likelihood either the safety of life or the protection of property would be compromised in some significant degree by failure to carry out the function in question – and the threat to life or property can be reasonably said to be near at hand and demanding immediate response.
- Contracting Officers will notify contractors/vendors who have excepted contracts that their contracts will continue.
- Include in the notification the name and contact information for the Contracting Officer that will serve as the point of contact on the excepted contract during shutdown.
- States will notify NHQ of excepted contracts that will remain in effect. This notification will be sent to the Chief Acquisition Officer. No specific format is required, but the following information should be included:
 - Contract number.
 - Contractor contact information.
 - Location of work to be performed.
 - Brief description of project.

Note: This notification cannot be issued to contractors until NRCS receives notification from OMB.

Non-excepted contracts (i.e., where there is no threat to life or property)

Upon the notification of the government shutdown, NRCS Contracting Officers will:

- Issue notifications to suspend/stop work for non-excepted contracts where:
 - Performance would incur costs to the Agency.
 - Access to NRCS office locations would be prohibited.
 - Supervision, oversight, or support by NRCS is required.
 - Continuation would be a waste of taxpayer money (i.e., janitorial services).
- Notification to contractors will be in accordance with Federal Acquisition Regulation Subpart 42.13.

- Contracting Officers notify the Chief Acquisition Officer via e-mail that all stop work/suspension notices have been issued as required.

Note: The Integrated Acquisition System (IAS) will not be operational and all actions will be required to be completed manually. Upon return to work, all IAS actions will then be entered into the system.

Other Acquisitions Guidance

Routine, on-going operational and administrative activities relating to contract or grant administration (including payment processing) cannot continue when there is a shutdown. NRCS employees who perform activities associated with contract or agreement/grant administration (including oversight, inspection, payment, or accounting) should generally not continue work during shutdown, unless performing functions related to an excepted contract.

Extension or Cancellation of Procurement Actions

Contracting Officers will identify any federal procurement actions that may expire during shutdown.

- Contracting officers, in conjunction with State Leadership, must make a determination on contracts with options that may need to be exercised before the shutdown occurs.
- Contracting officers must review and identify impacts of shutdown on any solicitations, bid openings, etc., that will expire, or that are scheduled to be conducted during the potential shutdown period.
- Contracting officers will take the necessary actions to cancel, extend, or delay any of the above actions.

Contractors Performing Work On-Site at NRCS Offices/Locations:

Communicate possible suspension of work to contractor program managers for personnel working on-site at NRCS locations.

- Contracting Officers will notify appropriate Contractors' program managers of the potential to suspend/stop work on non-excepted contracts in the event of shutdown.
- Contracted staff should take appropriate actions on the last day of funding in anticipation of a potential shutdown.
- If/when a shutdown occurs, and upon the Contracting Officer's issuance of the suspension/stop work notice, the Contractors' program/project managers will notify their respective contracted employees.

Examples for Grants and Agreements (including Farm Bill program funded)

- For previously-awarded and obligated grants and agreements (including Farm Bill program funding):
 - These instruments remain in effect.

- Partners/landowners/recipients should be notified they can continue the work of these agreements/grants to the extent that they can do so without any technical or other assistance from NRCS.
- The notification should also indicate that until NRCS employees return and all operations are fully functional, payments will be delayed; therefore, any actions they take will be at their risk as no certifications, reimbursements, etc., will be conducted or processed.
- For previously awarded/obligated agreements with local sponsor organizations, who in turn solicit and enter into contracts for conservation work and the support and assistance by NRCS is not critical:
 - Parties to this type of agreement and action could proceed to solicit and award contracts at their own risk, as no technical assistance or administrative actions (e.g., reimbursement) from NRCS can be conducted during shutdown. Only at the time that all government functions are once again operational would NRCS be able to provide assistance and process payments.
- For technical services providers (TSPs) - for example, generally funded 50% by NRCS and 50% by a partner organization:
 - Since these agreements were previously executed and funds already obligated, TSPs may provide landowners and customers their services; however, no reimbursement or technical assistance from NRCS will occur during shutdown.
 - If NRCS support, assistance, or oversight is critical to the work, then work under these agreements must be suspended.

Depending upon the length of the shutdown, NRCS may need to issue supplemental guidance around excepted contracts, grants and agreements.

Appendix K: Frequently Asked Questions (FAQs)

The Department also maintains a website on the home page that information will be posted to for all USDA employees during the shutdown at www.usda.gov/beprepared.

General

This guidance on a shutdown furlough applies to activities that are funded by annual appropriations. Additional Office of Personnel Management (OPM) guidance on furloughs is available at <http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/>.

Q: What is a shutdown furlough?

A: A shutdown furlough is the placing of an employee in a temporary non duty, non-pay status because of lack of funds. For most employees, there are two basic categories of furloughs, each involving different procedures. A furlough of 30 calendar days or less is covered under “Title 5, Code of Federal Regulations (CFR), Part 752, Adverse Action Procedures.” A furlough of more than 30 calendar days is covered under Title 5 CFR, Part 351, and “Reduction-In-Force Procedures.” All furloughs for Senior Executive Service members are covered under Title 5, CFR, Part 359, Subpart H.

Q: Who can be furloughed?

A: All NRCS employees can be put in furlough status. This includes non-career SES and Schedule C political appointees who are not presidentially appointed. NRCS does not have any presidentially appointed employees.

Q: Who are excepted employees?

A: In the context of furlough, the term excepted is used to refer to employees who are funded through annual appropriations, who are nonetheless excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. Excepted employees include employees who are performing emergency work involving the safety of human life or the protection of property or performing certain other types of excepted work. Senior agency leaders determine which employees are designated to be handling excepted and non-excepted functions.

Q: Can excepted employees be required to perform work on a holiday that occurs during a furlough?

A: Yes. Each agency is responsible for determining which excepted activities must be performed on a holiday in order to carry out functions related to national security, protection of life or property, or the orderly suspension of operations. If an excepted employee refuses to report for work on a holiday after being ordered to do so, he or she can be considered absent without approved leave (AWOL) and may be subject to

disciplinary action.

Q: Can we on-board new employees who are scheduled to report for duty on the Sunday before the expected lapse in appropriations?

A: Current federal employees transferring to NRCS with a continuation of government employment should be on-boarded following normal entrance on duty procedures to include the transfer of any benefits. The employee should then be either placed in a furlough status or excepted from furlough in accordance with NRCS' shutdown plan. New federal government employees must have their entrance on duty placed on hold until such time appropriations are available to effect the appointment.

Q: May employees take other jobs while on furlough?

A: NRCS employees are required to comply with the ethics regulations governing engaging in outside employment or activities (5 C.F.R. Parts 2635 and 8301). During furlough, the requirement for employees to seek advance approval of any outside employment or activity has been waived. It is important to note that the ethics rules still apply to all employees during a furlough period, so any outside activity or employment must not present a conflict of interest with your NRCS position and duties. Employees are referred to the Office of Ethics website to review the applicable ethics rules governing outside employment at www.usda.gov/ethics.

Q. May an employee volunteer to do his or her job on a non-pay basis during a furlough period?

A: No. Unless otherwise authorized by law, an agency may not accept the voluntary services of an individual (31 U.S.C. 1342). Furthermore, the Antideficiency Act prohibits agencies from accepting voluntary labor for services that are not essential; vital to the protection of life and property, during shutdown. Federal officials or employees who violate rules can be fined up to \$5,000 or sent to prison for two years. In other words, it is illegal for employees to work, and for agencies to allow work to be done. This would also prohibit use of electronic systems during shutdown.

Q: How is a furlough recorded on the Time and Attendance sheet?

A: In WebTA, select "furlough" from the dropdown leave menu.

Shutdown Procedures

The following questions and answers address issues that may arise in relation to an orderly shutdown of agency operations.

Q: Do I need to come into the office on my next scheduled workday if there is a furlough?

A: Yes, unless otherwise instructed. Non-excepted employees should report to work on

the next scheduled workday for the sole purpose of engaging in orderly shutdown activities. Supervisors will provide employees with instructions to shutdown their activities and secure property in their offices, leave out of office phone and email messages, complete timesheets, etc.

Excepted employees should be instructed to report for work and to perform their excepted activities as required. For those teleworking, "report" may be done by telephone. Supervisors who have employees on Alternative Work Schedule (AWS) may make prior arrangements with them for completion of shutdown activities or make the determination to change the employees' work schedules, requiring them to report for duty. Supervisors who have employees on scheduled leave should make prior arrangements with them for completion of shutdown activities or make the determination to cancel the employees' leave, requiring the employee to report for duty.

Q: In the event of a lapse on a Friday, when would employees whose schedule is a normal Monday-Friday work week, and who are funded by annual appropriations be expected to conduct orderly shutdown activities?

A: They should be directed to return to work on the following Monday morning to conduct such activities.

Q: Can a supervisor direct an employee to report for duty on their flexible work day to conduct an orderly shutdown of their work if they are not scheduled to come in?

A: Yes. Employees are required to report for duty on their flexible work day if it is the day before an anticipated lapse in appropriations to conduct an orderly shutdown of their work.

Q: In the event of a lapse on a Friday, for employees whose schedule is a normal Monday-Friday work week, can they continue to work remotely over the weekend preceding the Monday orderly shutdown?

A: No. Following a lapse in appropriations, the Antideficiency Act bars non-excepted work by such employees other than to perform orderly shutdown activities.

Q: How long should "orderly shutdown" take?

A: Ordinarily, furloughed employees should take no more than four hours to provide necessary notices and contact information, secure their files, complete time and attendance records, and otherwise make preparations to preserve their work. The Office of Management and Budget (OMB) Circular A-11 requires the Department to provide OMB with written justification for the conduct of orderly shutdown activities in excess of one half of one day. While it may be appropriate in limited circumstances for some employees to take longer to assist in shutdown activities (e.g., seeking court continuances or stop-work orders on pending contracts), these may not be necessary in the event a

very short period of a lapse in appropriations is anticipated. Every effort should be made to prepare for these needs in advance of a lapse so that orderly shutdown activities are minimized.

Pay

The information contained in the following questions and answers provides guidance on pay issues that may arise during a furlough.

Q: Will excepted employees be paid for performing work during a shutdown? If so, when will excepted employees receive such payments?

A: Agencies will incur obligations to pay for services performed by excepted employees during a lapse in appropriations, and those employees will be paid after Congress passes and the President signs a new appropriation or continuing resolution.

Q: If I am required to come into the office during the furlough, either for orderly suspension of operations or as an excepted employee, will I be paid?

A: Yes, after appropriations or a continuing resolution is passed. Under the authority of the Antideficiency Act (31 U.S.C. 1341 et seq.), federal officers may incur no obligations that cannot lawfully be funded from prior appropriations, unless such obligations are otherwise authorized by law. Orderly shutdown of operations and activities excepted from the shutdown are authorized by law. However, even though the government can incur obligations as necessary for orderly terminations of an agency's functions, no funds may be disbursed.

Q: May an employee work on a furlough day in exchange for taking a day off at another time for religious observances?

A: No. The statute that permits employees to take compensatory time off for religious observances [5 U.S.C. 5550(a)] does not authorize voluntary services of any individual on a furlough day. Periods of time worked in exchange for taking time off for religious observances must be scheduled on non-furlough days.

Q: In the past, I have been sent home by my agency because an appropriations bill had not been signed by the President. However, when I returned to work, I was paid retroactively for the time I was sent home. Is it likely this will happen again?

A: Not necessarily. In past years when this has occurred, the Congress has provided, in law, that federal employees be paid for the brief time periods they were released without pay. Congress would again need to provide for payment in law.

Q: When an employee's pay is insufficient to permit all deductions to be made, what is the order of precedence for withholdings?

A: This Order of Precedence for civilian federal employees applies **only** when gross pay is not sufficient to permit all deductions; it will be used to determine the order in which authorized deductions from an employee's pay will be processed. More detailed information can be found at: OPM Letter PPM-2008-01; Order of Precedence When Gross Pay Is Not Sufficient to Permit All Deductions.

- Retirement
- Social Security (OASDI) Tax
- Medicare Tax
- Federal Income Tax
- Basic Health Insurance Premium
- Basic Life Insurance Premium
- State Income Tax
- Local Income Tax
- Collection of Debts Owed to the U.S. Government
 - Continuous Levy under the Federal Payment Levy Program (tax debt)
 - Salary Offsets
- Court-Ordered Collection/Debt
 - Child Support
 - Alimony
 - Bankruptcy
 - Commercial Garnishments
- Optional Benefits
 - Health Care/Limited-Expense Health Care Flexible Spending Accounts
 - Dental
 - Vision
 - Health Savings Account
 - Optional Life Insurance Premiums
 - Long-Term Care Insurance Premiums
 - Dependent-Care Flexible Spending Accounts
 - Thrift Savings Plan (TSP)
 - Loan Payments
 - Basic Contributions
 - Catch-up Contributions
 - Other Optional Benefits
- Other Voluntary Deductions/Allotments
 - Military Service Deposits
 - Professional Associations
 - Union Dues
 - Charities
 - Bonds
 - Personal Account Allotments

- Additional Voluntary Deductions
- IRS Paper Levies

Q: May employees be furloughed on a holiday?

A: Employees may be furloughed for periods of time that include holidays.

Q: If employees are furloughed on the last workday before a holiday or the first workday after a holiday (but not on both days), will they be paid for the holiday?

A: Yes. The general rule is that an employee is entitled to pay for a holiday so long as he/she is in a pay status on either the workday preceding a holiday or the workday following a holiday. The employee is paid for the holiday based on the presumption that, but for the holiday, the employee would have worked.

Q: If employees are furloughed on the last workday before a holiday and the first workday after a holiday, will they be paid for the holiday?

A: No. If a furlough includes both the last workday before the holiday and the first workday after the holiday, the employee is not entitled to pay for the holiday because there is no longer a presumption that, but for the holiday, the employee would have worked on that day. (Comptroller General Opinion B-224619, August 17, 1987)

Q: What pay entitlements will accrue to an excepted employee who performs work on a holiday?

A: The government will be obligated to pay an excepted employee who performs work on a holiday according to the normal rules governing pay for work on a holiday. Under these rules, an excepted employee would receive his or her rate of basic pay, plus holiday premium pay at a rate equal to the employee's rate of basic pay. In addition, if such an employee performs officially ordered or approved overtime work on a holiday (i.e., work in excess of his or her basic non-overtime work requirement for that day), the employee would receive overtime pay (or compensatory time) for that work. Of course, an employee cannot be paid for working on a holiday until an appropriations act or a continuing resolution is enacted.

Unemployment Compensation

Please see the following link for more information regarding unemployment compensation for federal employees: <http://www.workforcesecurity.doleta.gov/unemploy/unemcomp.asp>

Q: Are employees entitled to unemployment compensation while on furlough?

A: Employees may be eligible for unemployment compensation, especially if they are on consecutive furlough days. State unemployment compensation requirements differ. Employees should file and submit their questions to the appropriate State

Unemployment Office in the location where they work. The servicing NRCS Human Resources Office will provide NRCS employees with a claim form (Unemployment Compensation for Federal Employees (UCFE) Program, SF-8) for filing claims on the day of the orderly shutdown activities. *Note: If you receive unemployment compensation and are subsequently paid retroactively for furlough time, any unemployment compensation received must be repaid.*

Non Pay Status and Effect on Benefits

The following questions and answers provide information regarding the effects of non-pay status on employee benefits during a furlough.

Q: To what extent does non-pay status affect civil service benefits and programs?

A: Non pay status (which includes furlough, leave without pay, absence without leave, and suspension) is credited as follows:

- **Federal Employee Health Benefits (FEHB):** Enrollment continues for no more than 365 days in a non-pay status. The non-pay status may be continuous or broken by periods of less than four consecutive months in a pay status [5 CFR 890.303(e)]. The Government contribution continues while employees are in a non-pay status. The employee will incur a debt for their premium and will be required to pay it upon return to duty. Visit <http://www.opm.gov/insure> for more information.
- **Federal Employee Dental and Vision Insurance Plan (FEDVIP):** Deductions cease when the employee is placed in a non-pay status, and there are insufficient funds to cover the premium(s). **In order for employees to continue FEDVIP coverage, the employee must make payments while in a non-pay status.** Visit the FEDVIP website, <http://www.benefeds.com> for more information.
- **Flexible Spending Account (FSA):** Deductions will cease for periods of non-pay status where there is insufficient funds to cover the Flexible Spending Account (FSA) premium(s). If the employee is in a non-pay status and has not pre-paid the FSA allotment, their FSA account will be frozen and the employee will not be eligible for reimbursement of any health care expenses incurred during that period until he/she returns to a pay status and allotments are successfully restarted. However, if the employee has a Dependent Care Flexible Spending Account (DCFSA), dependent care expenses incurred during the period in a non-pay status which meet IRS guidelines for eligible expenses (i.e., the employee must incur the expenses in order to allow the employee and his/her spouse to work or attend school) may be reimbursed up to the FSA account balance. When the employee returns to a pay status, allotments will be recalculated based on the number of pay dates remaining in the Benefit Period. Visit the TSP website, www.fsafeds.com for more information.
- **Federal Employees Group Life Insurance (FEGLI):** Coverage continues for 12 consecutive months in a non-pay status without cost to the employees [5 CFR 870.401(c)] or to the

agency [5 CFR 870.401(d)]. The non-pay status may be continuous or it may be broken by a return to duty for periods of less than four consecutive months. Visit <http://www.opm.gov/insure> for more information.

- **Federal Long Term Care Insurance Program (FLTCIP):** FLTCIP Partners are working with the Office of Personnel Management (OPM) to put a process in place to handle premium collection. However, this is a unique situation and no hard decisions have been made. Once a process has been put in place information will be available at: www.LTCFEDS.com
- **Annual Leave and Sick Leave:** When a full-time employee accumulates 80 hours of leave without pay, the amount of annual and sick leave that may be accrued in that pay period is reduced by the amount of leave the employee would normally earn during the pay period (5 CFR 630.208). When a part-time employee is in a non-pay status, he or she will accrue less annual leave and sick leave, because part-time employees earn leave on a pro-rata basis, i.e., based on hours in a pay status (5 CFR 630.303 and 630.406). For purposes of computing accrual rates for annual leave, creditable service for time in a non-pay status is limited to an aggregate of 6 months in a calendar year [5 U.S.C. 6303(a) and 8332(f)].
- **Within-Grade Increases:** Within-grade and step increases for General Schedule (GS) and Federal Wage System employees are awarded on the basis of length of service and individual performance. Such increases may not be denied or delayed solely because of lack of funds. However, extended periods of non-pay status (e.g., because of a furlough for lack of funds) may affect the timing of such increases. For example, a GS employee in steps 1, 2, or 3 of the grade who is furloughed an aggregate of more than 2 workweeks during the waiting period would have his or her within-grade increase delayed by at least a full pay period [5 CFR 531.406(b)].
- **Retirement:** An aggregate non pay status of 6 months in any calendar year is creditable service. Coverage continues at no cost to the employees while in a non-pay status. When employees are in a non-pay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay (5 U.S.C. 8332 and 8411). The exception would be an employee who had substantial time in a non-pay status earlier in the year if the furlough causes him or her to have more than six months' time in a non pay status during the calendar year.
- **Thrift Savings Plan (TSP):** While you are in a non-pay status you will not be able to contribute to the TSP because you employee contributions must be made through payroll deductions. FERS employees will not receive agency matching contributions (which are based on your employee contributions). FERS employees will not receive Agency Automatic (1%) Contributions, which are calculated on basic pay earned each pay period. All employees can continue to manage their TSP account with interfund transfers. You can also make contribution allocation changes that will take effect when you are once again in pay status, or when you make future loan payments to your account. You can transfer or roll over funds into your TSP account from traditional IRAs, SIMPLE IRAs, and eligible employer plans. You can request financial hardship or age-based service withdrawals if you

are eligible. You are not eligible to request a new TSP loan. If you already have a TSP loan when you are placed in a non-pay status, a period without pay may result in a missed payment because TSP loan payments are made through payroll deductions (unless you make payments directly from your own funds). A suspension of loan payments is not automatic. To suspend your payments, you (or your agency or service) must provide the TSP with proper documentation of your non pay status.

For more information, refer to the TSP Fact Sheet- Effect of Non Pay Status on TSP Participation. The fact sheet can be found at www.tsp.gov

- **Career Tenure:** The first 30 calendar days of each non pay period is creditable service.
- **Probationary Period:** An aggregate of up to 22 workdays in a non-pay status is creditable service.
- **Qualification Standards:** There is no requirement to extend qualifying periods by the amount of non-pay status. However, agencies may require such extensions in order to meet training requirements or ability to perform.
- **Time-In-Grade requirements:** Non pay status is creditable service.
- **Military Duty or Workers' Compensation:** Non pay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of federal employment for all purposes upon the employees' return to duty.

Office of Workers' Compensation

Please see the following link for more information regarding the federal workers' compensation program: <http://www.dol.gov/owcp/>

Q: If employees are receiving Continuation of Pay (COP) due to job-related injuries, can the COP be terminated or interrupted by furlough?

A: No. According to the Department of Labor, employees are maintained on COP status during periods of furlough.

Retirement

For more information regarding retirement, please see the U.S. Office of Personnel Management website at: <http://www.opm.gov/retirement-services/>

Q: What will happen to employees who would have retired while their agencies were shut down?

A: For employees who, on or before the requested retirement date, submitted some notice of their desire to retire, NRCS will, when the lapse in appropriations ends, make the

retirement effective as of the date requested. The retirement request may be informal (such as a letter requesting retirement), and can be either mailed or personally submitted. Any additional required paper work, such as the formal retirement application, may be completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, because the individual would no longer be an employee of the agency.

Some employees may request retirement retroactive to a date prior to submission of the request. The Comptroller General (CG) has issued guidance permitting retroactive personnel actions (including retirements) only under limited enumerated circumstances. It will be up to NRCS to determine in each case whether the OPM's requirements and the Comptroller General's guidance have been met.

At 58 Comp. Gen. 51, at 53 (1978), the Comptroller General stated:

As a general rule a personnel action may not be made retroactive so as to increase the rights of an employee to compensation. We have made exceptions to this rule where administrative or clerical error (1) prevented a personnel action from being effected as originally intended, (2) resulted in nondiscretionary administrative regulations or policies not being carried out, or (3) has deprived the employee of a right granted by statute or regulation.

Leave

The following information addresses common leave questions that may arise during a shutdown furlough.

Q:

Part A. If employees request paid leave--i.e., annual, sick, court, military leave, or leave for bone marrow or organ donation--after receiving a furlough notice, can the requests be denied for those days that coincide with the dates of furlough?

Part B. If an agency has already approved requests for these categories of paid leave before issuance of the proposed furlough notice, can the approval be rescinded and the employees furloughed on the days that coincide with the dates of furlough?

A: The answer to both questions is yes.

In a "shutdown" or "emergency" furlough, all paid leave is canceled because the necessity to furlough supersedes leave rights. The Antideficiency Act (31 U.S.C. 1341 et seq.) does not allow authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid leave creates a debt to the government that is not authorized by the Act. Therefore, agencies are instructed that, during a lapse in

appropriations, all paid leave must be canceled and employees must either be (1) at work performing excepted activities or (2) be furloughed.

Employees that have preapproved leave extending beyond the end of the furlough must discuss and confirm the status of the leave with their supervisor.

Q: May excepted employees take previously approved paid leave during a furlough caused by a lapse in appropriations--i.e., a "shut-down" or "emergency" furlough? May excepted employees be granted new requests for paid leave during the lapse in appropriations?

A: No. When an employee is not at work and performing the duties determined by the employing agency to be allowable activities in compliance with the Antideficiency Act, he or she cannot be in a paid leave status. Therefore, agencies must take one of the following actions: (1) cancel any approved paid leave during the furlough and/or deny any new requests for paid leave or (2) furlough the employee for the period of the employee's absence from duty. An agency may subsequently terminate the furlough whenever the employee's services are required for excepted activities.

If an excepted employee refuses to report for work after being ordered to do so, he/she will be considered absent without approved leave (AWOL) and may be subject to disciplinary action.

Employees who are fully funded through non-appropriated funds or from an appropriation that continues to remain available are not impacted by the furlough and should follow normal leave procedures.

Q: If an employee who would be furloughed is on approved leave without pay (LWOP), must the LWOP be terminated and the employee furloughed?

A: No. The status of an employee in LWOP is not disturbed unless there is indication that the employee may return from the LWOP during the furlough.

Q: If an employee is on leave under the Family and Medical Leave Act of 1993 (FMLA) during the furlough, does the leave count towards the 12-week entitlement to FMLA leave?

A: An employee who is on approved LWOP under the FMLA on days that coincide with the period of furlough will continue to be charged LWOP. Consistent with law and regulations, the LWOP taken under the FMLA is part of the 12-week entitlement. However, an employee who was scheduled during the furlough to take paid leave under the FMLA (i.e., an employee chooses to substitute annual leave or sick leave, as appropriate, for unpaid leave under the FMLA) must be placed on furlough instead. Because the paid leave was canceled, the period of absence may not be used to reduce the 12-week entitlement to

FMLA leave.

Travel

The following questions and answers relate to travel and relocation benefits when a lapse in funding has occurred.

Q: Can employees on furlough receive travel allowances?

A: Although employees on furlough are in a non-pay status, they are entitled to transportation and per diem/actual subsistence allowances to return to their official duty station.

Q: I understand that employees on travel will be directed back to their duty station, and no further travel approved during the lapse in funds. What impact does a lapse in funds have on an employee who is in temporary quarters due to an approved relocation?

A: The relocation agreement between the employer and the employee is considered a contract, and therefore, at the time that the contract is executed, the funds are considered obligated. Additionally, the employee's new duty station is considered their duty station of record, and as such, could not "return" to anywhere.

Q: If employees funded through appropriations that have lapsed are on temporary duty assignments away from their normal duty stations at the time of an appropriations lapse, can they make arrangements to return home sooner than planned?

A: They are encouraged to do so wherever reasonable and practicable. However, agencies should make a determination of reasonableness and practicality based on the length of the assignment and the time required for return travel, compared to the anticipated length of the lapse, so as to minimize the burdens of doing so.

Q: Should persons who have travel scheduled to begin on Sunday for work on Monday be cancelled by noon on Friday if we have no notification of government funding beyond Monday?

A: Yes.

Detail

The supervisor of record will be responsible for communicating all furlough related guidance to an employee on detail.

Q: How do we treat employees on detail?

A: Individuals on detail to NRCS from non-federal organizations (IPA assignments or contribution agreements) that do not pay or share the costs of the detail are subject to

furlough in the same manner as other employees. NRCS employees on detail to federal or non-federal organizations that do not pay or share the costs of the detail are subject to furlough in the same manner as other employees.

Appeals and Grievances

Federal employees have the right to appeal a shutdown furlough to the Merit Systems Protection Board (MSPB) within 30 calendar days after the effective date of the furlough. As a furlough is a matter appealable to the MSPB, it is *excluded* from coverage from the USDA's administrative grievance system.

Q: If an employee decides to challenge a shutdown furlough, from what point would the time for appeal to the Merit Systems Protection Board (MSPB) run?

A: Employees must file an appeal with the MSPB within 30 days after the effective date of their first furlough day, or 30 days after the date of their receipt of the decision notice whichever is later.

Q: As a bargaining unit member, can I file a grievance and an appeal on the furlough action?

A: A bargaining unit employee has the right to file a grievance under an applicable negotiated grievance procedure or file an appeal with the MSPB. As a furlough is a matter appealable to the MSPB, it is *excluded* from coverage from the USDA's administrative grievance system. If a furlough is covered by an applicable negotiated grievance procedure, a bargaining unit member may elect to file a grievance under that procedure OR an appeal to the MSPB, both not both.

Appendix L: Start Up Plan

Purpose

This document establishes a plan of action to execute an orderly start-up of NRCS operations following the approval of fiscal year (FY) 2016 funding. This plan will be enacted through a notification to all employees from the Natural Resources Conservation Service (NRCS) Associate Chief for Operations at the direction of the Chief, NRCS.

Scope

The functions and activities described herein are to be executed in accordance with all applicable statutes, regulations, policies, and delegations of authority.

High-Level Summary

- The NRCS Shutdown Plan instructed employees to monitor the status of the government shutdown and agency operations via the Office of Personnel Management (OPM) website (www.opm.gov) and news sources.
- Unless it is a regularly scheduled non-duty day or an employee is on approved leave or leave without pay under the Family and Medical Leave Act (FMLA), employees are expected to return to work the next work day following the President signing a bill funding the agency. Any delay in reporting for duty requires a request for leave that must be approved by the supervisor.
- An orderly start-up of agency operations is expected to take place as expeditiously as possible, so that service to customers can resume quickly.

Initial Communications Timeline

NRCS has prepared for an agency start-up following an approval of FY 2016 funding. In order to keep the agency informed during this start-up process the following communications will occur (note: Day 1 is the first full day of operations upon restoration of funding):

- Following approval of FY 2016 funding: Federal employees receive notification either from the OPM website or the news media that they should report for work on the next work day.
- Following approval of FY 2016 funding: The Deputy Chief for Management, on behalf of Senior NRCS Leadership, will conduct a Labor-Management Teleconference to provide advance notice to union leadership from AFGE locals 3356, 3839, and 0055, regarding the operational status of the agency.
- Day 1: 9:00 am EST – Joint meeting of the Start-Up Committee and Start-Up Customer Service Team to initiate the Start-Up of NRCS Operations Plan
- Day 1: 1:00 pm EST – State Conservationists' Teleconference – Agency Chief will review the start-up plan with senior agency leaders and provide any guidance from the Department.
- Day 1: 2:30 pm EST – State Administrative Officer's Teleconference – Agency Deputy Chief for Management, Chief Financial Officer, and Chief Information Officer will review the start-

up plan, focusing on specific guidance for human resources, contracting, budget and finance, and information technology (IT), and provide any guidance from the Department.

- Day 1: 3:30 pm EST – State Program Managers’ Teleconference – Agency Deputy Chief for Programs, Deputy Chief for Management, and Chief Financial Officer will review the start-up plan, focusing on specific guidance for contracting, payments, and programs, and provide any guidance from the Department.
- Day 2: 9:00 am EST – Joint meeting of the Start-Up Committee and Start-Up Customer Service Team to continue implementation of the Start-Up of NRCS Operations Plan
- Day 2: 1:00 pm EST – State Budget Officers’ Teleconference – Agency Chief Financial Officer will review the start-up plan, focusing on specific guidance for payments and budgets, and provide any guidance from the Department.
- Day 2: 2:30 pm EST – State Human Resource Officers’ Teleconference – Deputy Chief for Management and Director of Human Resource Management Division will review the start-up plan, focusing on specific guidance for human resources, and provide any guidance from the Department.
- Day 3: 9:00 am EST – Joint meeting of the Start-Up Committee and Start-Up Customer Service Team to continue implementation of the Start-Up of NRCS Operations Plan
- Day 3: 1:00 pm EST – State Conservationists’ Teleconference – Agency Chief will check status of operations start-up, gather information on major issues and needs related to start-up and post-shutdown activities, and provide any additional guidance.
- Other Communications:
 - Letter to partners from the Chief (nationally) and State Conservationists (state-wide) (see Template in Appendix B).
 - Letter to customers from the State Conservationists (see Template in Appendix B).
 - Additional teleconferences as needed with state leaders.

General Start-Up Procedures

All employees are responsible for taking necessary actions to restore the agency to a fully operational status. Key items to address include, but are not limited to:

- Turn off the out-of-office message for your Outlook email.
- Reset your voice mail message.
- Remove all signage indicating the office was closed because of the funding lapse.
- Restart computers and other IT devices according to guidance outlined in the Information Technology section of this plan.
- Resume use of transit benefits, if available where you work.
- Resume use of government-issued mobile devices, including cell and smart phones, tablets, and/or laptops for approved purposes.
- Resume use of government purchase, fleet and travel cards for appropriate government use.

Customer Service for Start-Up of NRCS Operations

The re-start of NRCS operations will be accompanied by many employee, customer, and partner questions and concerns. It is important for NRCS to provide timely and consistent information that is in keeping with statute, regulation, and policy, and that this information is accessible throughout NRCS.

A temporary cross-cutting Start-Up Customer Service Team (“Team”) will be available to address this need on Day 1 of the return of the NRCS workforce to duty status. The Team will work in a cohesive and coordinated manner to ensure timely, accurate, and consistent responses to shutdown/start-up questions from employees, customers, and partners. In addition, the Team will inform the Start-Up Committee on the status of its work, and will elevate issues and opportunities that require higher level interaction or resolution.

The makeup of the Start-Up Customer Service Team will be as follows:

- Director, Budget Division, Chair
- Director, Human Resources Division
- Director, Human Resources Accountability and Policy Oversight Division
- Director, Public Affairs Division
- Chief Acquisitions Officer
- Director, Financial Policy, Training, and Systems
- Director, Financial Assistance Programs
- Director, Easement Programs
- Director, Information Technology
- Chief of Staff, Regional Conservationists Office

A centralized email box (nrcsoperationalstatus@wdc.usda.gov) has been established so that all employees can submit shutdown and start-up questions on a 24 hour/7 days per week basis. The Team will monitor the box and ensure that responses are developed and appropriately vetted, and that employees receive responses as rapidly as possible. Questions and answers with broad applicability also will be posted to the agency’s Frequently Asked Questions, which will be accessible to all NRCS employees via USDA Connect.

Guidance for the Start-Up of NRCS Operations

A temporary Start-Up Committee (“Committee”) will guide the agency’s transition from shutdown to full operational status. The Committee will be responsible for overseeing the implementation of the start-up plan; providing related policy and procedural direction; ensuring coordination and consistency across functional areas (human resources, financial management, information technology, property and procurement, programmatic, etc.); troubleshooting system and unique challenges; and monitoring progress related to restoring full operational status and in addressing employee, partner, and customer concerns.

Initially, the Committee will meet on at least a daily basis to assess progress and issues. As issues are resolved and progress continues, meetings may be less frequent. The Committee also will assess lessons learned from the shutdown and start-up and apply those to normal operations where applicable, and to plans prepared in the event of a future shutdown/start-up. The chair will be responsible for reporting progress and issues to the Chief. The Committee will be disbanded when the Chief has determined operations are back to normal and any major issues/challenges related to the shutdown have been resolved.

The Associate Chief for Operations will chair the Start-up Committee. The Associate Chief for Conservation will serve as vice chair. The complete membership of the Committee will be as follows:

- Associate Chief for Operations, Chair
- Associate Chief for Conservation, Vice Chair
- Chief of Staff
- Chief Human Resources Officer
- Chief Financial Officer
- Chief Information Officer
- Regional Conservationists
- Deputy Chief for Programs
- Deputy Chief for Science and Technology
- Deputy Chief for Soil Science and Resource Assessment
- Deputy Chief for Strategic Planning and Accountability

The Committee will be assisted by the following positions. Other positions may be called upon for assistance as the issues, challenges, and opportunities warrant.

- Chief of Staff, Operations, Chair
- Chief of Staff, Conservation, Vice Chair
- Director, Strategic Budget Division
- Chief Procurement and Property Officer
- Director, Workforce Management Division (HR)
- Director, Public Affairs Division
- Director, Quality Assurance and Policy Division (HR)
- Director, Conservation Engineering Division
- Chief of Staff, Regional Conservationists' Office
- Director, Financial Assistance Programs
- Director, Easement Programs

See appendix for a list of the specific duties of the Start-Up Committee.

Information Technology

The NRCS Chief Information Officer (CIO) is responsible for ensuring that Information Technology (IT) Systems are available and operating with a high level of confidence to perform agency business operations across the enterprises. Upon restoration of funding for the agency:

- NRCS CIO will restore all NRCS production IT systems, business tools, and websites to their last known state in order to conduct official NRCS business.
- NRCS CIO will coordinate with USDA-OCIO-ITS and NITC to ensure all interdependent and enterprise IT systems are online and available.
- Employees should retrieve all IT equipment (laptops, Blackberry, iPhone, iPads, etc.) from their secured location in order to conduct official NRCS business.
- Employees will restart their computers and other IT devices to ensure all memory, temporary files, and caches are cleaned, giving the computer a fresh start.
- Reset any expired passwords, and ensure that any associated equipment (e.g., smart phone, notebooks, iPad) is also updated.
- Employees should connect computers and laptops to the IT network to ensure all systems are updated with the appropriate security patches and system updates. As a result of IT systems being offline for several days this process may take up to 4 hours to complete. Do not turn off computers while the updates are in progress.
- NRCS CIO will work with USDA-OCIO-ITS to ensure technical issues submitted to the IT helpdesk are addressed completely and in a timely manner.
- NRCS CIO will provide ongoing monitoring to ensure availability and proper functionality of IT systems throughout the start-up and recovery process.
- NRCS CIO will provide Business Application help desk support for NRCS IT systems that support official business (i.e., ProTracts, WebTA, OIP, etc.). All other user technical issues should be submitted to the appropriate Tier 1 ITS Help Desk. Tier 1 IT helpdesk contact information is provided below:
 1. NRCS Business Applications Help Desk Numbers:
 - 970-372-4200
 2. OCIO-ITS Tier I - Help Desk
 - 202-690-1000
 - 1-877-873-0783
 - ServiceDesk-KC@KCC.usda.gov

Human Resources

The Director, Human Resources Management Division is responsible for ensuring that all Human Resources (HR) services and guidance is provided to NRCS employees, including HR Specialists in order to return to operations after a government shutdown due to a lapse in appropriations. The following attachments includes Human Resources Guidance (Appendix C), Frequently Asked Questions (FAQs) (Appendix D), and Case File Note (Appendix E). In addition,

the Start-Up Customer Service Team referred to previously is available to provide additional assistance.

- Return to Duty After Shutdown
 - Generally, employees are expected to return to work the next business day or scheduled work day following the approval of a budget or a continuing resolution.
 - If an employee received unemployment compensation and is paid retroactively for time during furlough the employee will be required to repay the unemployment compensation. For further guidance please visit <https://www.nfc.usda.gov/>
- Time and Attendance
 - Timekeepers must follow up with supervisors and employees to determine if a corrected timesheets need to be prepared for pay periods affected by the furlough.
- Guidance for HR Staffing Specialist and Assistants
 - Proceed to process outstanding personnel actions.
 - Review expiration dates of certificates of eligible applicants and document the case file with the “Note to Case File” provided in Appendix E of this document.
 - If a vacancy announcement closed during the furlough, please work quickly to rate, rank, and notify applicants of their eligibility.
 - Issue certificates of eligible applicants to the hiring managers, when appropriate.
 - For case files that were affected by the furlough, please be sure to add the “Note to Case File” document, Appendix E for future auditing purpose.
- Performance Management
 - The Department has agreed to provide USDA Agencies an extension on rating performance for FY2015 as well as issuing new performance plans for FY 2016. Once the extension dates are received from the Department, all NRCS employees and supervisors will be notified.

Travel

The CFO are responsible for providing coordinated guidance to authorized agency travelers on issues that may have arisen because of the shutdown and furlough.

- Travelers should complete any outstanding travel vouchers immediately after NRCS has confirmed the operational status of all associated IT systems.
- The NRCS CFO is working with the Department’s Office of the Chief Financial Officer to determine policy regarding timely payment of travel card balances since NRCS employees did not have access to the travel system during the government shutdown. Once the Department makes its determination, the NRCS CFO will communicate the Department’s policy and guidance via an FM Communication and during an FM Conference call.

Contracts, Grants, Agreements, and Asset Management

The Chief Procurement and Property Officer is responsible for managing the resumption of functions related to acquisitions and procurements; contracts, grants, and agreements; and asset management (i.e., real and personal property). The expectation is that these activities will resume within two (2) working days following agency start-up.

Contracts, Grants and Agreements Guidance

- Contracts, Grants and Agreements under NRCS authority, and requiring NRCS support, oversight, assistance, will resume as determined by the appropriate Contracting Officer and Grants/Agreements signatory officials.
- Contracting Officers will issue resume work orders (modifications) for those contracts that were suspended/stopped during the furlough.
- Interagency and other agreements will resume under the existing terms of the agreement.

Asset Management Guidance

- Personal property (vehicles, survey equipment, copiers, etc.) owned or leased by NRCS will be made safe, ready, and available for use by authorized Federal and non-Federal personnel. The use of vehicles by non-Federal partners or other agency personnel may resume according to the terms of existing agreements.
- Real property (buildings/office space) owned or leased by NRCS will be made safe and available for use by authorized Federal and non-Federal personnel, and reopened to the public as appropriate.

Financial Management

The Chief Financial Officer (CFO) is responsible for ensuring that funding for agency operations is made available in a timely manner, and for ensuring that agency financial operations are properly resumed, including close-out of FY 2015 and completion of the financial audit.

Financial Management Modernization Initiative (FMMI) Accessibility

- The FMMI system is managed by the Department's Office of the Chief Financial Officer. It is anticipated that FMMI will be made available to all USDA agencies within the first business day after operations resume. The interface between FMMI and agency IT systems will be evaluated to ensure that it is functioning properly.
- Questions about FMMI access should be directed to the Financial Policy, Training and Systems Division at nrcs.fmmi@wdc.usda.gov for resolution.

Posting FY 2015 Obligations

- Valid and signed obligations for FY 2015 that were not entered into FMMI prior to the close of operations on September 30, 2015, cannot be entered directly by NRCS personnel. NRCS CFO will coordinate with NFC to have these obligations posted in FMMI.
- The Corporate Accounting Division, in conjunction with the Financial Policy, Training and Systems Division, will issue instructions within 48 hours after operations resume on how and by whom prior-year obligation information will be collected for entry by NFC.
- Year-end guidelines for adjustments in period 13 are still valid and should be followed if needed.

Financial Audit

- NRCS CFO is working with the Auditors, KPMG, and the Office of Inspector General, which oversees the Departmental Financial Statement Audits, to assess how to bring the financial audit to closure for FY 2015.
- Any outstanding audit samples should be completed and returned to Quality Assurance as soon as possible, following previously established procedures.
- Once final plans have been developed, NRCS CFO will communicate those plans via an FM Communication as well as making it a topic for an FM Conference call.

Discretionary funding

- New FY 2016 discretionary funding made available will be loaded into FMMI, reflecting the terms and conditions of the appropriations language and automatic apportionment by the Office of Management and Budget (OMB).
- Carryover authority – Allowance holders are **NOT** to obligate carryover funding. Unobligated balances will be swept to the unallocated level in FMMI and made available for use in FY 2016. Carryover funding will be used for agency priorities as determined by the Chief, including:
 - Unobligated balances to be used for obligation in FY 2015 (see Posting Prior Year Obligations above).
 - Unobligated balances designated for previously approved specific purposes (e.g., CDSI, FTA).

Mandatory funding (Farm Bill conservation programs)

- The Budget Director will review the terms and conditions of the OMB-approved apportionment (14-AP-NRCS-1) and load authority into FMMI.
- Mandatory funding will be made available based on terms and conditions of the appropriations language and OMB's automatic apportionment, as applicable.

FY 2016 Allocations

- Initial allocations, based on a percentage of the FY 2015 final allocations, will be provided within five (5) days of resumption of full operation.
- Initial allocations will support agency operations during pendency of complete allocation process. The level provided will:
 - Permit States to begin program operations while maintaining flexibility needed for making final allocations.
 - Ensure funding for prior-year payments for the Conservation Security and Conservation Stewardship Programs is made available.
- Allowance holders will need to work with their budget officers to align resources as needed to ensure that critical obligations, including payroll, can be processed timely.

Farm Bill Programs

Shutdown put a number of Farm Bill program activities on hold (e.g., payments for completed work, contract modifications, WRP wetland restoration). To ensure a consistent and orderly return to program operations:

- The NRCS CIO, CFO, and Deputy Chief for Programs will coordinate regarding the resumption of agency financial assistance systems to ensure that they are interfacing and functioning properly (e.g., ProTracts and FMFI). States will be notified as soon as testing is complete and the systems are available for use.
- States must **NOT** submit any ProTracts payments until notified by the Deputy Chief for Programs that financial assistance systems are back on-line and functioning properly.
- States are asked to prioritize:
 - Program activities placed on hold as a result of the shutdown. For example, payments that were ready to process or conservation practice check-outs that were scheduled by October 1, 2015, should be given priority as work resumes.
 - Response to new requests resulting from the shutdown, such as check-out for work conducted during shutdown or contract modifications required as a result of shut-down related delays.

Initiation of FY 2014 Farm Bill program activities, such as Conservation Stewardship Program and Conservation Security Program obligations and payments, sign-ups, etc. will follow normal program guidance provided by the Deputy Chief for Programs.

Appendix: Start Up Committee

The roles and responsibilities of the Start-Up Committee will be as follows:

Associate Chief for Operations

- Serve as chair of Committee;
- Guide implementation of start-up and post shutdown plan;
- Ensure coordination across functional areas;
- Ensure Chief is kept informed and elevate issues, challenges, and opportunities, as appropriate;
- Lead the application of lessons learned to normal operations, as appropriate; and
- Ensure communication and coordination in a timely manner with agency leadership.

Associate Chief for Conservation

- Serve as chair in absence of Associate Chief for Operations;
- Ensure coordination across functional areas; and
- Lead input and processes related to programs, science and technology, and soil survey and resource assessment.

Chief of Staff

- Lead development of any short- and/or long-term assessment of the impacts of shutdown;
- Facilitate communication with NRE, OBPA, OCR, other Departmental Offices, and Congressional staff; and
- Identify issues/opportunities for improvement.

Chief Human Resources Officer

- Ensure coordination within Management Deputy Chief area;
- Facilitate communication with ASA, OHRM, OPPM, and other Departmental Offices as necessary;
- Assign resources to address employee questions as a result of being furloughed; and
- Identify issues/opportunities for improvement with State Administrative Officers (SAOs).

Chief Financial Officer

- Ensure coordination with the Departmental Office of the Chief Financial Officer;
- Provide overarching guidance to the agency related to availability of funding based on approved funding levels;
- Facilitate the coordination of funding or financial system issues/opportunities with State Conservationists and State Budget Officers during the start-up process; and
- Coordinate with NRCS CIO and Deputy Chief for Programs on IT systems start-up and interoperability.

Chief Information Officer

- Ensure communication with the Departmental Office of the Chief Information Officer;
- Lead the start-up of IT systems, secure PII and sensitive data;

- Coordinate with OCIO–ITS and NITC on the orderly start-up of interdependent and enterprise IT systems, assets and resources;
- Monitor NRCS IT Systems, tools and website to ensure they are functioning appropriately; and
- Coordinate with other agency leaders on IT systems start-up and interoperability.

Regional Conservationists

- Ensure consistent and timely communication with states;
- Ensure consistency in start-up and follow through across regions and states;
- Ensure timely identification of partner issues and consistent handling across regions and states;
- Collect and report to the Committee on lessons learned from a state perspective; and
- Gather needed input for any short- and/or long-term assessments of the impact of the shutdown.

Deputy Chief for Programs

- Ensure coordination and timely handling of programmatic issues;
- Provide assessment, analysis, and reports on the impact of the shutdown on NRCS programs;
- Coordinate with NRCS CIO and CFO on programmatic IT systems start-up and interoperability; and
- Coordinate with Deputy Chiefs for Strategic Planning and Accountability, Science and Technology, and Soil Science and Resource Assessment to assess and report on the impacts of the shut down on conservation implementation, conservation effects and performance measures.

Deputy Chief for Science and Technology

- Ensure coordination and timely handling of science and technology issues;
- Provide assessment, analysis, and reports on the impact of the shutdown on science and technology development and delivery;
- Coordinate with NRCS CIO on science and technology IT applications start-up; and
- Coordinate with Deputy Chiefs for Strategic Planning and Accountability, Programs, and Soil Science and Resource Assessment to assess and report on the impacts of the shut down on conservation implementation, conservation effects and performance measures.

Deputy Chief for Soil Science and Resource Assessment

- Ensure coordination and timely handling of soil science and resource assessment issues;
- Provide assessment, analysis, and reports on the impact of shutdown on soil science and resource assessment;
- Coordinate with NRCS CIO on soil science and resource assessment IT applications start-up; and
- Coordinate with Deputy Chiefs for Programs, Science and Technology, and Strategic Planning and Accountability to assess and report on the impacts of the shut down on conservation implementation, conservation effects and performance measures.

Deputy Chief for Strategic Planning and Accountability

- Ensure coordination and timely handling of strategic planning and accountability issues;
- Provide assessment, analysis, and reports on the impact of shutdown on strategic planning and accountability;
- Coordinate with NRCS CIO on strategic planning and accountability IT applications start-up; and
- Coordinate with Deputy Chiefs for Programs, Soil Science and Resource Assessment, and Science and Technology to assess and report on the impacts of the shut down on conservation implementation, conservation effects and performance measures.

Appendix: Template Letters

Letter to Customers

United States Department of Agriculture



Natural Resources Conservation Service
1400 Independence Avenue SW
Washington, D.C. 20250

Dear NRCS Customers,

There is now an enacted [Fiscal Year (FY) 2016 continuing resolution] that provides funding for the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). We are in the process of an orderly start-up of conservation activities for FY 2015. Thank you for your patience and support during the period that our conservation services were unavailable.

We realize that the temporary lapse in service has created a backlog in requests and service delivery needs. While this backlog was not created overnight and will not be addressed overnight, we are committed to a proactive and customer-focused approach to prioritize activities so that we can provide the service you expect and deserve as quickly as possible. Please contact your local field office if you have any questions or need additional information.

Thank you again for all you do for conservation and the Nation.

Sincerely,

State Conservationist

Letter to Partners

United States Department of Agriculture



Natural Resources Conservation Service
1400 Independence Avenue SW
Washington, D.C. 20250

Dear NRCS Partners,

There is now an enacted [Fiscal Year (FY) 2016 continuing resolution] that provides funding for the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). We are now beginning an orderly start-up of our conservation activities for FY 2015. Thank you for your patience and support during the period that our facilities, equipment, and services were unavailable.

I know that the funding lapse produced difficulties and challenges for many of you and your organizations, from closing offices and facilities and shutting down access to equipment and information to delaying payments and creating a backlog in customer requests and service delivery needs. We will be taking a proactive and customer-focused approach to prioritize activities so that we can get back to normal operations as quickly as possible. As conservation partners, we will be working closely with you to achieve this goal.

Thank you again for all you do for conservation and the Nation. I look forward to a great year for conservation, made possible through our strong conservation partnership.

Sincerely,

State Conservationist

Appendix: Human Resources Guidance

Appeals

Federal employees have the right to appeal a shutdown furlough to the Merit Systems Protection Board (MSPB) within 30 calendar days after the effective date of the furlough.

- **Appeal Rights**
 - Employees who have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the MSPB. Employees in the excepted service who have veterans preference may appeal to MSPB if they have completed one year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to MSPB if they have completed two years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two years or less.
 - Career SES appointees (except reemployed annuitants) who believe the requirements of Title 5, Code of Federal Regulations, Part 359, Subpart H, have not been correctly applied may also appeal to MSPB.
- **Appeal Process**
 - If you have the right of appeal to MSPB, and wish to appeal this action, you must file the appeal within 30 calendar days after the effective date of your furlough. If you wish to file an appeal, you may obtain information about the appeals process and a copy of the appeals form from the MSPB website at <http://www.mspb.gov/appeals/appeals.htm>. MSPB requires an appeal to be filed with the MSPB regional or field office serving the area where your duty station was located when the action was taken. MSPB also offers the option of electronic filing at <https://e-appeal.mspb.gov/>. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing.
- **Bargaining Unit Employees**
 - Bargaining unit employees may grieve this action in accordance with their applicable negotiated agreement or may appeal to MSPB in accordance with the procedures outlined above, but not both.

Benefits

- **Federal Employee Health Benefits (FEHB) Program**
 - NRCS employee's FEHB coverage will continue even if an agency does not make the premium payments on time. Since the employee will be in a non-pay status, the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status. The government contribution continues while employees are in non-pay status

- NRCS employees in a non-pay status due to a lapse of appropriations (shutdown furlough) will not have the opportunity to terminate or cancel FEHB coverage. The employee will remain covered; the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.
- New enrollments or changes in enrollment due to a Qualifying Life Event do not take effect until the employee has been back in pay status for any part of the prior pay period.
- **Federal Employees' Group Life Insurance (FGLI) Program**
 - Coverage continues for 12 consecutive months in a non-pay status without cost to the employee or to the agency. Neither the employee nor the agency incurs a debt during this period of non-pay.
- **Flexible Spending Account (FSAFEDS) Coverage**
 - Payroll deductions will cease for any employee that does not receive pay. The employee remains enrolled in FSAFEDS, but eligible health care claims incurred during a non-pay status will not be reimbursed until the employee returns to a pay status and allotments are successfully restarted. The remaining allotments are recalculated over the remaining pay periods to match the participant's election amount.
 - Eligible dependent care expenses incurred during a non-pay status may be reimbursed up to whatever balance is in the employee's dependent care account—as long as the expense incurred during the non-pay status allows the employee (or spouse if married) to work, look for work or attend school full-time.
- **Federal Long Term Care (FLTCIP) Program**
 - Payroll deductions will cease for any employee that does not receive pay. Coverage will continue so long as premiums are paid. If Long Term Care Partners does not receive payment for three consecutive pay periods, they will begin to direct bill the enrollee. The enrollee should pay premiums directly billed to him/her on a timely basis to ensure continuation of coverage.
- **Federal Dental and Vision (FEDVIP) Program**
 - Payroll deductions will cease for any employee that does not receive pay. BENEFEDS will generate a bill to enrollees for premiums when no payment is received for two consecutive pay periods.
- **Thrift Savings Plan (TSP) (contributions, investments, and loan)**
 - Please see attached for details related to TSP accounts while in non-pay status. Also, NRCS employees should refer to the TSP website for more detailed information. Be sure to have your account number or log-in ID and password when accessing your TSP Account on the website. <https://www.tsp.gov/index.shtml>
- **Processing Disability Benefits**
 - Disability, reconsideration, and appeals employees at OPM will continue working on your case. If the application requires additional information from other agencies, expect delays during a government furlough.
- **Processing Court Ordered Benefits**

- OPM employees will continue working to process court ordered benefits. If the application requires additional information from other agencies, delays may occur during a government furlough.
- **High-3 Average Salary**
 - Generally there will be no effect on the high-3 average salary unless the furlough causes the employee to be in a non-pay status for more than 6 months during the calendar year.

Details

The supervisor of record will be responsible for communicating all start-up guidance to employees on detail, including when he/she will return her his/her detail assignment.

Employee Assistance Program (EAP)

The Sand Creek Employee Assistance Program can be helpful in providing confidential counseling and coaching has experienced, licensed counselors ready to assist all NRCS employees and NRCS family members, 24 hours a day/7 days a week at 1-800-632-7643. The EAP is a free, confidential counseling service that can assist in helping cope with stressful and challenging situations.

Sand Creek offers assistance and guidance on many life and wellness items including health, financial assistance, managing stress, offerings from the EAP are available online by going to <http://www.sandcreekeap.com/members.aspx> and logging-in under worklife wellness: **Username: USDA Password: employee.**

Intergovernmental Personnel Act (IPA)

The specific authority for furloughing personnel who are working under mobility agreements pursuant to the Intergovernmental Personnel Act (IPA), either inside the NRCS or with other organizations, will depend upon the nature of individual agreements, the status of the appointments, and/or the funding arrangements for the assignments.

Retirement

If an NRCS employees would have retired during the furlough, and submitted notice of their desired retirement date prior to the furlough, HR Specialist should, when the lapse in appropriations ends, make the retirement effective as of the date requested. The retirement request may be informal (such as a letter requesting retirement), and can be either mailed or personally submitted. Any additional required paper work, such as the formal retirement application form, may be completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of NRCS.

Return to Duty After Shutdown

- Generally, employees are expected to return to work the next business day or scheduled work day following the approval of a budget or a continuing resolution.
- However, guidance concerning when furloughed employees should come back to work at the conclusion of the shutdown has to be tailored to the employee’s specific situation. NRCS will apply a rule of reason in requiring employees to return to work as soon as possible, taking into account the disruption to the lives and routines of furloughed employees that a shutdown has caused.

Time and Attendance

During a furlough all time and attendance must be reported as furlough, even for employees that are considered excepted and/or excepted on call or episodic. Employees must keep track of the number of hours worked while the government is in furlough status.

Steps for coding time in WebTA as furlough are:

1. In the timesheet, click on the “+” in the “Leave Used” section. This will bring up the profile.
2. The “**Changes are for Current Timesheet Only**” radio button should already be selected (default); if not please select it.
3. Scroll down to the “**Timesheet Categories for Leave**” Section and click on the dropdown menu.
4. Select “**Furlough**” and click the “**Add**” radio button.
5. Click “**Save**” at the top.
6. You will be returned to the timesheet.

NOTE: Employees should document furloughed time based on the number of hours they are scheduled to work on the days for which NRCS is in furlough status. Employees on the alternative work schedule (AWS) schedule/days should not be changed once the agency is in furlough status.

Employees will be paid for hours work prior to the furlough, if it takes place in the same pay period. However, employees that are considered excepted on call or episodic will not be paid for the hours worked during the furlough status until after Congress passes and the President signs a new appropriation or continuing resolution.

Congress will determine whether furloughed employees receive pay for the furlough period. All employees will be notified once this decision is made.

Transit Subsidy Program

All employees will have received their monthly allowance for transit subsidy when government operations resume. Only excepted employees were authorized to utilize the allowance while in furlough status.

Appendix: Case File Note

NOTE TO FILE

Current date: _____

Vacancy Announcement Number: _____

Announcement Open & Close Dates: _____

Position Title: _____

Position Series & Grade: _____

This case file was delayed due to the October 1, 2015, Federal government shutdown due to the lapse in appropriation. At the time of shutdown, this file was at _____ (add current step and status in process) _____. All work resumed as soon as possible after start-up operations resumed.

Name of HR Specialist: _____

Phone number of HR Specialist: _____

Email address of HR Specialist: _____

**UNITED STATES DEPARTMENT OF AGRICULTURE
 FY 2016
 SUMMARY OF EMPLOYMENT TO BE CONTINUED IN THE EVENT OF A GOVERNMENT SHUTDOWN**

<u>Agency</u>	Current On-Board Staff	Estimated Employment for Category One						Total After Day 20	Total as % of Staff
		2nd Half Day One	Day 2	Day 5	Day 10	Day 15	Day 20		

Natural Resources Conservation Service:

Not applicable

KEY:

Category I: Military, Law Enforcement and Direct
 Provision of Health

<u>Agency</u>	<u>On-Board Staff</u>	<u>2nd Half Day One</u>	<u>Day 2</u>	<u>Day 5</u>	<u>Day 10</u>	<u>Day 15</u>	<u>Day 20</u>	<u>After Day 20</u>	<u>as % of Staff</u>
Natural Resources Conservation Service:									
Work on emergency watershed protection projects, high hazard dams, and protection of live plant materials and critical infrastructure at the Plant Materials Centers (details below).	10,462	211	211	211	211	211	211	211	2.0%
<i>Provide state-level oversight to on-going Emergency Watershed Protection Program projects on identified projects that will continue through furlough to protect life and property (list to be finalized as appropriate). Engineers, Construction Inspectors, Agreements and Contracting Specialist, etc.</i>	(10,462)	(108)	(108)	(108)	(108)	(108)	(108)	(108)	1.0%
<i>Conduct needed activities to protect life and property in relation to the approximately 12,000 small watershed dams constructed with NRCS assistance.</i>	(10,462)	(78)	(78)	(78)	(78)	(78)	(78)	(78)	0.7%
<i>Maintain Federal property and mission-critical plant stock viability at plant materials centers. (26 people for routine excepted activities, total 302 hours/week (average 12 hours/week/PMC); 14 additional people for on-call duties if needed, total 452 hours over the month of October (average 18 hours total/PMC)</i>	(10,462)	(25)	(25)	(25)	(25)	(25)	(25)	(25)	0.2%

KEY:

Category III: Protect Life and Property; Authorized by Law; Implied by Law; or Constitutional Duties and Powers

UNITED STATES DEPARTMENT OF AGRICULTURE
FY 2016
SUMMARY OF ACTIVITIES TO BE CONTINUED IN THE EVENT OF A GOVERNMENT SHUTDOWN
(Dollars in Thousands)

Program/Activity	Is the Program/Activity Exempt	Funding Source 1/	Amount Available	Number of Days Funds Support	Total Number of Staff Supported	Total Number of Excepted Employees	Program Impacts			
							Week			
			\$	N/A	N/A	N/A	1	2	3	4
None	No	N/A	\$ -	N/A	N/A	N/A				
							<ul style="list-style-type: none"> Conservation Security and Stewardship Program Payments: About \$1 billion in payments on about 56,000 contracts (about 70 million acres) were scheduled to begin going out as soon as practicable after October 1st. These payments are delayed until agency operations resume. Conservation Program Enrollment: New enrollment in EQIP, CSP, ACEP, AMA, and restoration of existing enrollments in WRP, FRPP, and GRP are delayed. The total apportionment currently on hold is \$3.9 billion (\$2.8 billion in FA and \$1.1 billion in TA). Existing Conservation Contract Implementation: Hundreds of millions of dollars are on hold in existing conservation program contracts as no payments for completed practices can be made until agency operations resume. Scheduled practices that cannot be completed on time will have to be rescheduled or postponed as a result, and conservation benefits delayed. <i>[For example, there are an estimated 100,000 existing EQIP contracts with estimated at a value of up to \$750 million in financial assistance payments for this fiscal year 2014].</i> Conservation Compliance: Conservation compliance status reviews conducted to evaluate the degree of compliance with HEL and wetlands requirements are on hold. These reviews are typically conducted in the fall after crops are removed from fields. Continued delay may result in inability to conduct reviews this year due to snow or other weather, leaving violations undetected, resources unprotected, and producers unaware of the potential risk to their program benefits. Each day of shutdown, an estimated 540 customers are unable to obtain NRCS conservation planning assistance in order to address resource issues, meet regulatory requirements, and prepare to participate in federal, state or local financial assistance programs. <i>[NRCS typically assists over 135,000 customers annually with conservation planning on about 37 million acres, much of that work occurs in the fall; on average 150,000 acres planned each day].</i> Each day of shutdown, customers are unable to receive NRCS conservation technical assistance to implement conservation measures on an estimated 200,000 acres of agricultural and forest land. October through November is a high work season for implementing existing contracts, so delays have a disproportionate impact on producers and conservation goals. Conservation work such as earthmoving and construction not completed before the first freeze will be delayed until the following year. <i>[NRCS typically assists customers annually with conservation implementation on about 47 million acres, much of that work occurs in the fall; on average nearly 200,000 acres are implemented each day]</i> The closure of 2,800 NRCS field offices across the nation means that about 8,100 State and local partners do not have access to the NRCS resources they need to deliver services. Conservation district staff rely heavily on NRCS offices, field equipment (survey and GPS), IT (computers, planning systems, servers), and vehicles to deliver State, local, and non-governmental conservation programs. Existing contribution agreements where partners are contributing a share, often 50 percent, of the resources cannot be executed if they depend on NRCS office space and resources, delaying conservation practice implementation. Financial Audit: The auditor (KPMG) will be able to continue work without NRCS oversight until existing work is completed. KPMG will be significantly limited in what can be done with no additional data or interaction with NRCS. As a result, this puts NRCS in severe jeopardy of not finishing the audit by the legal deadline of November 6. If the November 6th date is not changed the auditors could: 1) say that based on existing data and prior year audit information NRCS would get a disclaimer of opinion, or 2) say that they have insufficient data and time to render an opinion at all. Conservation Delivery Streamlining Initiative (CDSI): Contract solicitation is on hold and with the lost time, we will not be able to meet the target deadline for contract award. Each week of slippage results in further delays in CDSI implementation and the benefits of conservation streamlining. 			