



## **CONTINGENCY PLAN**

**Last Updated: September 2023**

## Scope

This plan of action is developed based on the latest guidance for shutdown planning and activities for this organization, as relayed by the Office of Management and Budget (OMB) and the Department. This plan is subject to amendment as developments require and provided such amendments are consistent with applicable law.

The Department is subject to seasonal variations and at one time up to 80 percent of employees may need to report to work during a furlough, but this would be on an intermittent basis. When Category I funding is no longer available those employees listed in this category will either be furloughed or moved to either Excepted or Exempted and will show in either Category III or Category IV.

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

OMB provides guidance on how to prepare for and operate during a funding gap in OMB Circular A-11. The circular establishes two policies regarding the absence of appropriations:

- 1) A prohibition on incurring obligations unless the obligations are otherwise authorized by law; and
- 2) Permission to incur obligations “as necessary for orderly termination of an agency’s functions,” but prohibition of any disbursement (i.e., payment).

The Anti-Deficiency Act (<https://www.gao.gov/legal/appropriations-law/resources>) prohibits agencies from incurring obligations in advance of, or that exceed, an appropriation. Thus, with certain limited exceptions, 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 must cease.

There are, however, limited exceptions to this general rule, including obligations incurred performing activities that protect life and/or property, incurred to accomplish an orderly shutdown of the normal functions of the agency, or where such payment activity is necessarily implied.

An agency must otherwise continue certain activities despite a lapse in their appropriations because the lawful continuation of other funded or excepted activities “necessarily implies” that these additional activities will continue as well. A “necessary implication” can arise when an agency needs to incur obligations, even though there has been a lapse in the appropriation against which those obligations would be charged, in order to implement:

- 1) An “orderly shutdown” when there has been a lapse in appropriations (as the Department of Justice has explained, “authority may be inferred from the Anti-deficiency Act itself

for federal officers to incur those minimal obligations necessary to closing their agencies”);

- 2) "Excepted" activities including functions:
  - a. Authorized by statute or other legal requirement expressly authorizing an agency to obligate funds in advance of appropriations;
  - b. That address emergency circumstances such that the suspension of the function would imminently threaten the safety of human life or the protection of property;  
or
  - c. That are necessary to the discharge of the President’s constitutional duties and powers.
- 3) Congressionally authorized or appropriated functions for which Congress has provided funding that remains available during the lapse (including funds already obligated from the current fiscal year) where the suspension of the related activity (during the funding lapse) would prevent or significantly damage the execution of the terms of the statutory authorization or appropriation.

## Food Safety

### Food Safety and Inspection Service (FSIS)

#### **FSIS Excepted Activities under Continuing Operations:**

##### **Appropriated Activities**

Those direct functions excepted to ensure that the Nation's commercial supply of meat, poultry, and processed egg products is safe as required under the authority of the Federal Meat Inspection Act (FMIA), as amended; the Poultry Products Inspection Act (PPIA), as amended; and the Egg Products Inspection Act (EPIA) as amended. This includes the daily on-site inspection presence, regulatory enforcement and product testing in the laboratories. In addition, in cases where these functions are performed by State employees (under the Federal State Cooperative Act, Talmadge-Aiken), the activities are considered excepted. These activities are excepted as necessary to protect human life.

##### **Reimbursable Work for Industry**

The agency performs reimbursable work for industry (non-federal partners) as authorized by the Agricultural Marketing Act of 1946; the FMIA; the PPIA; and the EPIA. None of these reimbursable activities are funded under an appropriation prior to reimbursement, and, therefore, are not affected. The agency will continue to offer those services to industry and will maintain the appropriate supervisory, administrative and technical support as necessary. Further, because these activities are funded by non-appropriated sources the agency plans to make actual disbursements from these funds during a partial shutdown.

##### **Designation of Excepted Functions for Continuing Operations**

Based on OMB Circular No. A-11, three of the five categories of employees excepted from being furloughed apply to FSIS:

- Category 1: Their compensation is financed by a resource other than annual appropriations;
- Category 4: Necessary To the Discharge Of the President's Constitutional Duties and Powers;
- Category 5: They are necessary to protect human life and property.

FSIS has identified its State Meat and Poultry Inspection (MPI), Cooperative Interstate Shipment (CIS) and the Talmadge-Aiken (TA) programs as excepted functions. All employees in the Talmadge-Aiken program are State employees who perform field inspection of meat, poultry and processed egg products in Federal plants. All employees in the CIS and MPI programs are State employees who perform field inspection of meat, poultry and processed egg products in State plants. The agency has identified these activities as excepted commensurate with the identical activities performed by Federal employees.

Following is summary information on the excepted functions.

**Inspection of meat, poultry and egg products:** The following staff functions will be performed to ensure the safety of human life for the duration of a government shutdown:

1. Inspecting before and after slaughter those birds and animals intended for use as food for humans and supervising the further processing of meat and poultry products.
2. Ensuring that meat, poultry, and egg products are safe and preventing the movement or sale in commerce of any meat or poultry products which are adulterated.
3. Applying foreign governments' inspection requirements and procedures to verify that products exported from the United States are safe (including foreign audits of FSIS regulated establishments).
4. Conducting emergency operations in connection with the voluntary recall of meat or poultry products contaminated with drug or chemical residues, other adulterants, or microbial contamination.
5. Conducting epidemiological investigations based on reports of food-borne health hazards and disease outbreaks.
6. Monitoring allied industries to prevent uninspected or adulterated meat, poultry and egg products from illegally entering channels of commerce.
7. Providing pathological, microbiological, chemical, and other scientific examination of meat, poultry and egg products for disease, infection, contamination, or other types of adulteration.
8. Conducting a microbiological monitoring and surveillance program.

**Enforcement/Food Safety Surveillance and Investigations.** To ensure that the Nation's commercial supply of meat, poultry, and egg products, is safe, wholesome, and correctly labeled and packaged FSIS employees may be required to conduct activities related to emergency and significant incidents and/or other services. Excepted activities may include:

1. Traceback/traceforward foodborne illness outbreak investigations.
2. Initiation of recall or performance of recall effectiveness checks.
3. Response to and recovery associated with natural disasters or intentional contamination.
4. Conducting surveillance that cannot be rescheduled.
5. Conducting state and foreign audits required to ensure meat, poultry, and processed egg products entering our food supply are safe.
6. Surveillance required to support OIG and investigations in accordance with agreements.
7. Deposition or testimony scheduled at the direction of the U.S. Attorney.
8. Representing the Agency at MSPB hearings.

**Support of excepted activities.** The following functions are excepted because they are necessary to support excepted activities:

- Agency-wide. The agency must ensure adequate senior level management and coordination of the agency's public health responsibilities during a shutdown. Excepted activities include responding to intentional and unintentional food safety events. A small

number of individuals will support these activities for the duration of the shutdown, while others will be available on-call if such an event occurs, including recall staff, scientists, recall communication specialists, and significant incident specialists.

- Office of Public Health Science (OPHS). In addition to those excepted activities identified above, several supporting activities must be excepted; for example, laboratory equipment maintenance and repair, sample handling, maintaining certifications, quality control, maintaining adequate levels of needed supplies, and providing scientific expertise on issues related to human life.
- Office of Management (OM)
  - Excepted functions are those necessary to maintain and support personnel performing excepted activities to protect human life, and actions necessary to support Office of Workers' Compensation Programs; unemployment compensation claims; actions necessary to respond to death cases; health benefit processing for employees with significant human life events; medical screenings for excepted plant employees; and HR systems and data needed to support excepted activities.
  - Excepted functions include:
    - The acquisition and management of the inventory of replacement of personnel identified as excepted during shutdown through pre-employment processes, up to but not including entering on duty, until passage of appropriations, due to anticipated attrition.
    - Engagement with the exclusive representative of the bargaining unit employees, and designated third parties, to administer discipline, grievances, and charges of unfair labor practice, in accordance with statute and the collective bargaining agreement, which remain in effect during a lapse in appropriations.
    - Administration of Employee Services for employees with significant human life events and processing of benefits for employees who are deceased and/or retired, including those in the process of retiring.
    - Procurement actions necessary to support the excepted activities for the duration of the shutdown. These activities will be limited to those actions for which an obligation has already been made or those "emergencies involving the safety of human life or the protection of property." The Antideficiency Act prohibits federal officials from obligating funds before an appropriations measure has been enacted, so generally no new contracts can be awarded during a shutdown. Staff from other FSIS offices will be excepted to ensure that existing contracts funded with previous allocations are paid according to OMB guidance, which includes COs, CORs, and PMs as necessary.
    - Activities related to the protection of Federal property and records. Inventories of Federal property and records must be taken, and arrangements made to transfer their custody to GSA and OPM. OMB Bulletin 80-14 prohibits such transfer custody until 30 days of lapsed funding has transpired.

- Management of purchase cards and fleet vehicles (only by those excepted employees carrying out excepted functions.) This includes one person with the ability to carry out purchase card activities for other program areas as needed.
    - Coordination for the delivery of supplies needed to carryout excepted activities.
    - Coordination of credentialing stations for excepted employees.
- Office of the Chief Financial Officer (OCFO).
  - Excepted functions are those necessary to maintain and support personnel performing excepted activities to protect human life, and actions necessary to support time and attendance processing and activities necessary to support excepted activities.
  - Excepted functions include:
    - Payroll processing for industry reimbursable overtime.
    - Issuance of account statements and collection of receipts related to non-appropriated User Fees.
    - Payment to vendors for services rendered prior to the furlough or payments from non-appropriated funds.
    - Management of travel policy for those excepted employees carrying out excepted functions.
    - Management of travel cards (only by those excepted employees carrying out excepted functions).
    - Processing payments for preapproved relocation for excepted personnel.
    - Processing new relocations for employees who complete condition of employment training.
    - Monitoring of financial transactions and disbursements.
    - Providing direct support to excepted employees.
- Office of the Chief Information Officer (OCIO). Excepted functions include continued operation of information systems necessary to support excepted activities, including inspection and enforcement systems, cyber security, maintaining connectivity to the field, maintaining help desk support, among others.
- Office of Public Affairs and Consumer Education (OPACE). Excepted functions include recalls, providing notifications and information to FSIS employees through various communication channels, and monitoring the Meat and Poultry Hotline and Ask USDA for issues related to human life and property.
- Office of Planning, Analysis, and Risk Management (OPARM). Excepted functions include sample scheduling; Public Health Risk Evaluation (PHRE) and Food Safety Assessment (FSA) scheduling; and ensuring PHIS alerts and reports are available for FSIS inspection personnel, state meat and poultry inspection personnel, and industry.
- Office of Employee Experience and Development (OEED). Excepted functions include preparing for, conducting, and finalizing required training for FSIS frontline personnel, including state and TA inspectors.

- Office of Policy and Program Development (OPPD). Excepted functions include provision of expertise on regulatory issues, providing guidance to frontline employees, ensuring labels for FSIS regulated products are reviewed, maintaining the import/export library on the FSIS website, and foreign audits.
- Office of International Coordination (OIC). Excepted functions include providing expertise on international issues, foreign communications, supporting trade functions, and supporting foreign audits.
- Significant Incident and Preparedness Staff (SIPRS). Excepted functions include monitoring and responding to significant incidents involving human life and property; ESF-11 functions; keeping FSIS Incident Management System (FIMS) operational; monitoring FIMS for IRs related to human life and property; and maintaining the Emergency Management Committee (EMC) duty roster, maintaining COOP preparedness, and responding to food defense incidents.
- Internal Affairs (IA), Labor and Employee Relations (LERD), and Civil Rights Staff (CRS). Excepted functions include investigating cases related to the protection of human life, property, and other activities that would inhibit FSIS' ability to perform required functions.

**Guidelines for filling excepted functions.** Consistent with Reduction in Force (RIF) and Furlough guidelines, seniority and the ability to perform the excepted function will be the primary consideration by managers in filling positions for excepted functions.

On an annual basis, approximately 8,400 staff (including those whose time is reimbursable) are required for this effort. The agency will support these activities through its permanent full-time workforce and use of temporary and intermittent personnel as necessary to provide coverage. Approximately 8,000 of these staff are frontline, and they will be excepted for the entire period. The remaining 400 are management, support, and other duties outlined above, and these staff will only work the number of hours needed required to perform their exempt duties (some will be full time, and others may only work a couple of hours).

### Shutdown Impacts

- **Excepted Staff:** FSIS frontline staff (most are GS-5, 7, 8, and 9s) are impacted by missing or delayed paychecks; some run out of funds to purchase gas or make auto repairs to get to work. Frontline staff are required to travel but are not getting reimbursed for travel costs.
- **Expired Contracts:** Contracts expire at various points during the fiscal year, and contracts that expire during shutdowns result in lapse of services that can take long periods to replace
- **Cooperative Agreements for Inspection Services:** States may run out of funds to perform key inspection services. 27 states run Meat and Poultry Inspection (MPI) programs. 9 states run Talmage Aiken (TA) inspection programs. 7 states run Cooperative Interstate Shipment (CIS) inspection programs.



- **Regulations:** Policy priorities and initiatives, including deregulatory policies and modernization programs, get stalled.

### FSIS Activities Prior to a Shutdown

FSIS activities prior to a shutdown may be summarized as preparing as much as possible to implement a shutdown, once OMB has notified USDA and USDA has notified FSIS. The following are critical preparatory activities for FSIS:

- The Administrator will ensure that a review of available funding and excepted functions and positions is conducted, based on the current state of the agency.
- The Administrator will ensure that a shutdown action plan, in chronological order, is developed to support this plan.
- The AA for the OPACE will prepare a Communication Plan for internal and external stakeholders. Employee communication will include questions and answers about rights under grievance procedures, access to benefits, eligibility for workman’s compensation and unemployment benefits and other concerns. Additionally, maintenance of the Emergency Contact Listing for FSIS Senior Executive staff, including phone numbers and email addresses for all staff members. External communication will include disposition and/or postings to hotlines, social media, web resources, and other tools.
- The Office of Human Resources (OHR) will prepare a comprehensive Human Resources Plan, including guidance on bargaining unit requirements, activities that must be performed to implement a furlough, and systems and processes that must be maintained to support excepted activities.
- The CFO will coordinate with the Department’s CFO on access to financial and feeder systems including WebTA, payroll systems, Financial Management Modernization Initiative (FMMI), eTravel and SmartPay for the travel card to ensure timely support for excepted activities as appropriate.
- The OHR and CFO will, consistent with Departmental guidance, develop agency-specific guidance for time and attendance reporting and payroll processing.
- The Director of ASD will develop a plan for procurement, including notifying contractors of their excepted and non-excepted status; and maintaining excepted procurement functions, including those necessary to support the excepted activities for the duration of the shutdown. These will be limited to those that actions for which an obligation has already been made (e.g., providing instructions to a vendor to ship inspection supplies to a specific plant) or those “emergencies involving the safety of human life or the protection of property.”

For Information Technology contracts, ASD will work with the ACIO or their designee to include in their plan specific guidance on information technology-related contracts and agreements and shipping contracts to ensure the continuity of field operations and appropriate management IT development contracts.

ASD will also develop a plan for overseeing management of purchase cards and fleet vehicles (only by those excepted employees carrying out excepted functions.)

- The ACIO will work with program areas to update the list of FSIS applications and web sites that will remain available and those FSIS applications and web sites that will not remain available during a shutdown. Once these are approved by the Office of the Administrator, they will be posted online as appropriate by OPACE as directed by USDA Office of Communications and the USDA Office of the Chief Information Officer. The ACIO will work with the USDA CIO or designee to ensure USDA systems and other shared services will be available to support the Agency's requirements during a shutdown.

Each AA is responsible for ensuring that all employees are designated by name as excepted or non-excepted so that they can be notified of their status.

- Consistent with Departmental and agency guidance, the OHR will be responsible for processing all furlough documents, including updates to furlough notices when non-excepted on-call employees are returned to excepted status. The USDA Office of Human Resources Management, Executive Resources Services will be responsible for processing furlough notices for all FSIS SES/SL/ST employees. In addition, the OHR will undertake a review of all outstanding offers to prospective employees with an effective date likely to be impacted by a shutdown and ensure that appropriate actions are taken. The OHR is also responsible for ensuring continuing availability of information to employees, bargaining unit and non-bargaining unit, on their administrative rights during a furlough.
- The CFO is responsible for ensuring payroll processing occurs for compensable time prior to the shutdown, including having the requisite financial staff in place to monitor funds availability.

### **FSIS Activities under an Orderly Shutdown**

The following are the Agency's plans for implementing an orderly shutdown, contingent on OMB and USDA approval to implement a shutdown.

- The Administrator will be responsible for ensuring that communication to the Management Council addresses the full scope of their responsibilities under a shutdown scenario as soon as appropriate after notification by the Department.
- Each day during the shutdown, the Administrator will conduct a meeting of senior excepted staff to relay and discuss any guidance from the Department and discuss any emergent issues.
- The Administrator is responsible for evaluating emergent needs as the shutdown continues and directing the recall of employees as necessary to meet operational requirements.
- The Administrator is responsible for ensuring that the agency's plan is implemented as established or updated to reflect new requirements.

- The Administrator or his/her designee will verify through contacts with each of the AAs that they, their managers, and the employees in their program area have received notification of the shutdown, of whether they are excepted or non-excepted, and of what they are to do on the first day of a shutdown.
- If a manager decides that he/she needs to return a non-excepted employee to duty, the manager will need to obtain the concurrence of the AA or his/her excepted designee. Once concurrence is received, the manager is to follow procedures provided by OHR in returning non-excepted employees to duty and tracking time worked.
- Consistent with Departmental and agency guidance, the AAs will ensure that, for their program areas:
  - All non-excepted travelers have returned to their duty station, unless the return disrupts an excepted activity;
  - All time and attendance records are complete;
  - All workstations, records and property are secured;
- Other actions as identified.
- Consistent with Departmental and agency guidance, the CFO will be responsible for ensuring availability of all financial systems necessary to support excepted activities.
- Consistent with Departmental and agency guidance, the ACIO will be responsible for ensuring availability of all information technology systems necessary to support excepted activities and/or the orderly shutdown of systems that do not support excepted activity.

For succeeding days after a government shutdown, and on a daily basis, supervisors of employees performing excepted activities will assess the continued need for such employees and release them from duty if necessary, effective with the close of business.

### **FSIS Operational Plan for Lapse of Appropriations**

This plan is subject to OMB and USDA guidance and may change based upon that guidance.

#### **At least 7 Calendar Days Prior to Day 1, the following actions will be completed:**

- The Administrator ensures that communication to the Management Council addresses the full scope of responsibilities under a shutdown scenario as soon as appropriate after notification by the Department.
- The Administrator ensures identification of appropriate Department contacts for communications purposes and orderly close down of the agency; e.g., who at USDA will notify who at FSIS to initiate shutdown procedures in motion or to confirm that a shutdown will not be necessary.
- The Administrator ensures identification of excepted positions necessary to carry out excepted functions. Consistent with RIF and furlough guidelines, seniority and the ability to perform the excepted function are the primary considerations used by managers to identify excepted positions. This is to be done in a consistent and fair manner in

compliance with applicable personnel regulations and Equal Employment Opportunity Commission (EEOC) guidance to ensure that one or more groups of employees are not unintentionally impacted by the selection process. Positions are identified by job title, classification and any other information, such as grade and duty station.

- The AA for OFO is responsible for communicating with State Meat, Poultry, and Egg Inspection Agencies so that they can administer programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the FMIA, PPIA, and EPIA, Talmadge-Aiken Act, and Cross Utilization agreements during an emergency shutdown; so that the cost for providing this service to the Agency under an emergency shutdown can be determined; and so that the Agency can appropriately reimburse the State Agency for work done under an emergency shutdown.
- The AA for OPACE prepares a Communication Plan for employees and other internal and external stakeholders on Agency operations and critical issues. External communication includes postings to hotlines, social media, web resources, and other tools.
- The FSIS CHCO consistent with OPM and Department guidance, implements a comprehensive Human Resources (HR) Plan, including guidance on administering the collective bargaining agreement for bargaining unit employees, and guidance on activities that must be performed to implement a furlough, and systems and processes that must be maintained to support excepted activities. Employee and supervisor HR communication materials will address questions about rights under grievance procedures, rights for bargaining unit employees, access to benefits, eligibility for workers compensation and unemployment benefits and other concerns. The Agency will notify all employees of their excepted or non-excepted status.
- The CFO coordinates with the Department's CFO on access to financial and feeder systems including WebTA, payroll systems, FMFI, SmartPay, and IAS to ensure timely support for excepted activities as appropriate.
- The ACIO identifies what system support is needed to maintain essential services and information technology infrastructure.
- The Director, ASD identifies measures to secure records, personal property, real property, and facilities that will be maintained and protected until appropriate disposition is accomplished.
- The AA for OFO will coordinate with OHR and OA to organize work unit meetings (WUM) in the week leading up to the potential shutdown lasting no more than 30 minutes.
- Each AA identifies all potential meetings, hearings, and other previously arranged Agency business that may need to be cancelled.
- Each AA identifies all employees that are to be in travel status on Day 1 of anticipated shutdown, so that they can be quickly alerted if they need to return to duty station.
- Each AA updates emergency telephone lists for the units in their program.

### **Days Before Day 1:**

- OHR begins preparing furlough notification letters for all employees to be furloughed.
- Ensure at least two excepted employees have access and are monitoring eCop to quickly react to and distribute new department guidance as it is received.
- Alert all employees of possible furlough and their status. Because of the geographic dispersal of the workforce, FSIS will send a brief, one-page alert to all employees signed by the Administrator or Under Secretary and including only the most basic information: why we may need to take this action; categories of excepted employees; categories of non-excepted employees; how employees will be notified if they are actually furloughed; instructions for Day 1 – report to duty station or, if teleworking, report in to supervisor.
- Director ASD, creates a master list of essential and non-essential contracts.

### **2 Days Before Day 1:**

- Provide all managers with an Agency alert (OPACE) on the possible upcoming shutdown and HR information packages (OHR) to disseminate to their subordinate supervisors. Packages include samples of all materials that will be provided to employees: for example; sample furlough letter, sample letter confirming employee will not be furloughed; procedures for call-back if furloughed employee is required to work.
- Hold teleconference with managers and supervisors to alert them of a possible furlough; go over package, address questions and confirm understanding.
- Supervisors alert employees in travel status that they may need to return to duty station in 2 days; confirm how they will be reached or who they should call or final instructions on Day 1 if travel cannot be concluded before Day 1.
- Managers and supervisors coordinate activities to prepare for potential shutdown, such as: Document the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when the Agency's ultimate funding situation is determined; identify and stage files for potential boxing and storage or transfer.
- Director ASD, provides pre-notification to vendors that their contracts will or won't be considered essential if there is a shutdown. Holds a phone meeting with all FSIS CORS to provide guidance on dealing with contracts and contractors in the event of a shutdown.

### **1 Day Before Day 1:**

- Resolve and document answers to new questions and concerns; dialogue among managers, supervisors, to minimize confusion. (All)
- Supervisors notify employees as to their furlough or non-furlough status: face-to-face, telephone, e-mail notification. This notification will be complemented by written notification (HR will provide template to supervisors). Supervisors should make sure that they have contact information for all employees (including personal e-mail addresses where possible).
- Finalize processing of materials for internet and intranet posting, e-mail dissemination, phone message from Administrator or Under Secretary. Ensure at least two excepted FSIS employees have access to external communication platforms. (OPACE and OM)

- Provide updated EMC duty roster with exempted employees serving on the EMC (Significant Incident and Preparedness Staff (SIPRS))
- Provide COOP employee contract information (SIPRS)
- If required, provide a list of FSIS staff (names and buildings) who need access to federal buildings during a shutdown to OO (OM)

### **Day 1**

- The Administrator is responsible for ensuring that the agency's plan is implemented as established or updated to reflect new requirements.
- Verify that all public notification materials and employee guidance materials are posted on internet, intranet as appropriate. (OHR/OPACE) (To enable at least 4 hours of viewing by employees.)
- Director, ASD, coordinates with all contracting officers and contracting officer technical representatives to notify all contractors and vendors on non-essential contracts that work is suspended. This work may continue into Day 2.
- All employees report to their supervisors to receive assignments of duties or pertinent information for an orderly shutdown. For those employees teleworking, "report" may be done by telephone. Where possible, telework should be encouraged. Shutdown activities will normally not take more than 4 hours, though more time or less may be necessary as determined by the supervisor.
- Supervisors begin shutdown tasks, including ensuring that:
  - All records, personal property and real property, including workstations, are secured;
  - All employees, excepted or not excepted, complete appropriate T&As for pay period involving furlough using Agency-specific instructions consistent with Departmental guidance;
  - Instruct non-excepted employees to monitor the status of the government shutdown and agency operations primarily via the OPM website;
  - All non-excepted employees put out-of-office messages on their phone and email; and
  - All non-excepted employees leave the worksite as they complete shutdown activities.
- Supervisors contact any employees on leave and communicate that employee leave is cancelled. The employee can request permission from their supervisor to be absent, but they cannot be in approved leave status during the shutdown.
- Supervisors contact any employee in non-excepted travel status and direct employee to return to duty station.
- Managers, supervisors and employees cancel all meetings, hearings and previously arranged Agency business for Week 1 of shutdown.

- Validate existing communication strategy and employee contact information for future communication need.
- Excepted CFO employees record all current and prior year budget authority available for expenditure and all future budget authority and other reconciliations; review and adjust as necessary all apportionment and allocations, particularly for the reimbursable programs; confirm internal processes for interim payroll processing are complete; and oversee/sign-off on all financial reporting data and allocations.
- OHR begins preparing and distributing formal written notices to Assistant Administrators for further distribution to staff.
- OHR begins preparing and processing Personnel Actions for furloughed employees and for furloughed employees returned to work.

### Day 2 -20

- The Administrator is responsible for ensuring that the agency's plan is implemented as established or updated to reflect new requirements.
- For succeeding days after a government shutdown, and daily, supervisors of excepted/on duty employees assess the continued need for such employees and release them from duty if necessary, effective with the close of business as shut-down tasks are completed.
- Each day during the shutdown, the Administrator will conduct a meeting of senior excepted staff to relay and discuss any guidance from the Department and discuss any emergent issues.
- If a manager decides that he/she needs to return a non-excepted employee to duty, the manager will need to obtain the concurrence of the Assistant Administrator or his/her excepted designee. Once concurrence is received, the manager is to follow procedures provided by their respective AA in returning non-excepted employees to duty and tracking time worked. At a minimum, the manager is to notify the returning employee in advance of the start date & time, duty location, and to whom the returning employee is to report to, along with an estimate of how long the employee will be needed to perform excepted duties.

### Further breakdown of all FSIS personnel, grouped as follows:

- **Excepted/ On Duty.** Personnel essential to the functioning of food safety operations in the nation's food supply, who would continue to perform services essential to public health during a government shutdown.
- **Not paid with appropriated funds.** Personnel either specially contracted or paid for through non-appropriated funding who remain on duty and are not affected by furlough.
- **Non-Excepted/ On Call (Furloughed).** Personnel normally needed for day to day operations during regular FSIS operations, but not likely to be needed during a government shutdown. Subject to recall to Excepted/on duty status.

Based on the FSIS established criteria, the agency anticipates that its workforce will break down into the following categories in the event of a government shutdown:

Within 24 hours of the notice of a Federal Government shutdown, and by the close of business on the applicable day, employees listed above as on duty and contractors will be identified and instructed to continue to report for duty until otherwise advised. Other employees will be notified that they will be on furlough effective with the close of business date as specified by the Agency and will not return to work until officially notified to report for duty by their supervisor. For succeeding days after a government shutdown, and on a daily basis, supervisors of excepted/on duty employees will assess the continued need for such employees and release them from duty if necessary, effective with the close of business as essential shut-down tasks are completed. Depending upon the extent of the period of time the agency is operating without funding; non-excepted employees will be on an “on call” basis and returned to work when required.

### State MPI Programs

The Agency will share its criteria for establishing excepted duties, positions, and functions from its approved Agency Shutdown Plan with State Meat, Poultry, and Egg Inspection Agencies so that they can administer programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the FMIA, PPIA, EPIA, Talmadge-Aiken Act, Cross Utilization agreements during an emergency shutdown; determine cost for providing this service to the Agency under an emergency shutdown; and for Agency reimbursement to the State Agency under an emergency shutdown. The AA for OFO is responsible for communication with the states. Cooperators are defined as State Agencies.

The following conditions exist for Cooperators administering programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the Federal Meat Inspection, Poultry Products Inspection and Egg Products Inspection Acts, and Talmadge-Aiken Act.

- A. The Cooperator shall:
  - Administer and enforce the State and meat and/or poultry inspections program, including recruiting, selecting and assigning, training and supervising State personnel.
  - Maintain complete accounting, property and program records and/or reports as required by 7 CFR Part 3015, FSIs Directives 3300.1 and 5720.2 depicting the status of the inspection program(s) within the State.
  - Compensate all State employees working under the terms of this agreement wholly from public funds of the State.

The following conditions exist for FSIS to support Cooperators administering programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the FMIA, PPIA, EPIA, and Talmadge-Aiken Act.

- B. The Service shall:
  - 1. Furnish the Cooperator with financial and other aid for the administration of such a program.

The following conditions exist for FSIS and Cooperators administering programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the FMIA, PPIA, EPIA, and Talmadge-Aiken Act.



C. It is Mutually Understood and Agreed that:

1. The amount to be contributed to the Cooperator under paragraph B(1), (2) and (3) of this Agreement shall not exceed 50 percent of the estimated total cost of the cooperative program established by this agreement or under any additional cooperative agreement, such as one entered into under the authority of the Tallmadge-Aiken Act (7 U.S.C. 450), except for overtime expenses.

The following agreement exists for FSIS and Cooperators administering programs under cross utilization agreements provided for in Intergovernmental Cooperation Act of 1968. Under the statute, FSIS reimburses the State Agency for administering and enforcing Federal Meat Inspection, Poultry Products Inspection and Egg Products Inspection Acts. The agency acknowledges that it will be incurring emergency obligations under a shutdown for the Tallmadge-Aiken program.

### **Start-Up of Operations Plan**

- The FSIS Shutdown Plan instructed employees to monitor the status of the government shutdown and agency operations primarily via the OPM website.
- Unless it is a regularly scheduled non-duty day, or employee is absent due to leave that was previously approved, or on 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. Supervisors should use their discretion should notification arrive late in the evening.
- 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**

FSIS has prepared for an agency start-up following an approval of 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 funding: Furloughed Federal employees receive notification via the OPM website that they should report for work on the next workday.
- Following approval of funding: LERD will conduct a Labor-Management Teleconference to provide advance notice to union leadership, regarding the operational status of the agency.
- Day 1:
  - FSIS Management Council -initiates the Start-Up of FSIS Operations Plan
  - FSIS Administrator will review the start-up plan with the Management Council and provide any new guidance from the Department.
  - OA, OFO AA, CFO, OM AA, CHCO, and ACIO will review the start-up plan, focusing on specific guidance for human resources, time and attendance, contracting,

budget and finance, and information technology (IT), and provide any guidance from the Department.

- Day 2: Joint meeting of the FSIS Management Council and Start-Up Team to continue implementation of the Start-Up of FSIS Operations Plan
- Day 3: Joint meeting of the FSIS Management Council and Start-Up Team to continue implementation of the Start-Up of FSIS Operations Pl. The Administrator 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: OPACE will coordinate and oversee any external communication necessary post-shutdown.

### **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(s).
- 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.
- Inform supervisor of any issues that must be immediately addressed as a result of shutdown in order to resume operations.

### **Customer Service for Resumption of All FSIS Operations**

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

A user notice should be distributed to remind employees of required start-up procedures, including voicemail and out-of-office message updates.

### **Information Technology**

The FSIS ACIO is responsible for ensuring that 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:

- FSIS ACIO will restore all FSIS IT systems, business tools, and websites to their last known state in order to conduct official FSIS business.
- FSIS ACIO will coordinate with USDA OCIO to ensure all interdependent and enterprise IT systems are online and available.
- Employee notifications will be provided as appropriate.
- 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. Employees will be instructed not to turn off computers while the updates are in progress.
- FSIS CIO will provide ongoing monitoring to ensure availability and proper functionality of IT systems throughout the start-up and recovery process.

### **Human Resources**

The CHCO is responsible for ensuring that all Human Resources (HR) services and guidance is provided to FSIS employees in order to return to operations after a government shutdown due to a lapse in appropriations.

- Time and Attendance
  - Timekeepers must follow up with supervisors and employees to determine if corrected timesheets need to be prepared for pay periods affected by the furlough (WebTA guidance – prepared in coordination with the CFO -- will be provided by COB on day 1).

### **Travel**

The CFO is 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 FSIS has confirmed the operational status of all associated IT systems.
- The FSIS CFO will work with the Department's CFO to determine policy regarding timely payment of travel card balances since FSIS employees will not be reimbursed for any travel expenses from appropriated funds that are incurred during the furlough until an appropriation is received. Once the Department makes its determination, the FSIS CFO will communicate the Department's policy and guidance.

### **Contracts, Agreements, and Asset Management**

The Director, ASD 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, and Agreements Guidance:

- Contracts and Agreements under FSIS authority, and requiring FSIS support, oversight, assistance, will resume as determined by the appropriate Contracting Officer and 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 FSIS 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 FSIS 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 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 (if appropriate).

- Financial Management Modernization Initiative (FMMI) Accessibility:
  - The FMMI system is managed by the Department's OCFO. 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.
- Discretionary funding:
  - Applicable discretionary funding made available will be loaded into FMMI, reflecting the terms and conditions of the appropriations language and automatic apportionment by OMB.
- Applicable Allocations:
  - Initial allocations, based on a percentage of the prior year appropriation or continuing resolution 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.
  - Full allocations will be provided within five (5) business days of the receipt of a full year appropriation.