

CONTINGENCY PLAN FOR OPERATIONS OF FARM PRODUCTION AND CONSERVATION – BUSINESS CENTER

December 2018

Purpose

This document establishes a plan of action to execute an orderly shutdown of the Farm Production and Conservation (FPAC) Business Center (BC) operations in the event of a funding lapse. This plan will be enacted through a notification to all employees from the BC's Chief Operating Officer (COO) at the direction of the Under Secretary for FPAC.

Scope

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

The Anti-Deficiency 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 Farm Service Agency, Natural Resources Conservation Service, Risk Management Agency, and the Business Center 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.
- FPAC BC will review NRCS mandatory funding and available carryover technical assistance funding. Upon confirmation that there is no budget agreement, FPAC BC will continue to provide services to NRCS to the extent funding is available. The expectation is that FPAC BC will continue to implement NRCS mandatory and excepted programs. Discretionary programs will be implemented to the extent carryover funding is available to maintain operations.
- Each employee is responsible for reporting to his/her supervisor on the first business day following a furlough announcement to confirm their completion of the shutdown checklist. All employees must ensure that their space is clean and free of perishable foods and trash, equipment is powered down, windows closed, and documents and equipment are secured (see Appendices F and G 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, because of 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 COO. The COO 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. Agency-wide, this will be a very limited number.
- Updated phone trees for contact during shutdown should be verified and maintained in preparation.
- Senior leadership—including the COO, Deputy COO - Business Services, Deputy COO - Enterprise Services, Agency Chief of Staffs, and Division Directors—as well as approved 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

The FPAC-BC has prepared a contingency plan for an orderly approved shutdown of activities in the event of a lapse in appropriations. The timelines in this plan are the agency's intent; however, these timelines are subject to change based on Departmental guidance and expectations that may arise at the time of the shutdown. The following communications approach will keep the agency informed leading up to a potential shutdown:

- One week prior to possible shutdown: The COO, Chief of Staff, and Deputy COO's will notify the COO Chief of Staff regarding employees proposed for excepted status, with written

justification. The COO will lead shutdown planning with the Deputy Chiefs to determine the approved list of excepted employees. This information will be confirmed with the Under Secretary.

- All proposed excepted employees are to be identified by name, title, function, and duty station location, 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 COO.
- Three working days prior to possible shutdown:
 - 1) Employees are notified verbally by supervisors of their status as excepted or non-excepted and subsequent expectations during shutdown.
 - 2) 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, regarding their role in preparing bargaining unit employees should a shutdown occur.
- When approved by the Department: Letter (e-mail) sent from the COO 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 COO will review final preparations and responsibilities/expectations in the event of a shutdown.
- When provided by the Department: Letter (e-mail) from the Assistant Secretary for Management, advising employees to make preparations for a shutdown.
- First day of the shutdown: Furlough notice sent to all non-excepted employees (e-mail) by the COO. At the direction of the Under Secretary, the COO 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 e-mail from the COO. Additional items include:
 - Supervisors must complete the supervisor shutdown checklist and report status (e-mail or phone) to their supervisor within four hours of initiating shutdown activities.
 - COO, Deputy Chiefs, and Division Directors are responsible for verifying the completion of shutdown activities within their area of responsibility and reporting this status appropriately.
 - Deputy Chiefs, and the Agency Chief of Staff are responsible for reporting status (e-mail or phone) completion of their shutdown activities to the COO. The COO will report completion of shutdown activities to the Under Secretary.

Prohibited Activities During Shutdown

All employees are responsible for taking necessary actions to implement an orderly and timely shutdown of operations. Work under FPAC-BC authorities will cease during shutdown except for those activities designated as excepted by the COO. 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. Some excepted activities do not require full-time work and the excepted employee's work schedule will be adjusted appropriately to carry out only the excepted activity(ies).

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 COO may approve them on a case-by-case basis if warranted.

- 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.
- Use of equipment and utilities not related to excepted 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 approved 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.
- Exempt: all employees that are "exempt" from furlough since their work will not be affected by a lapse in appropriations. This includes employees who are not funded by annually appropriated funds.

Customer Service Team (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 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 Team will be as follows:

- Chief of Staff, Chair to the Under Secretary
- Chief of Staff, Business Center
- Chief of Staff, Farm Service Agency
- Chief of Staff, Natural Resources Conservation Service
- Chief of Staff, Risk Management Agency
- Chief Information Officer (CIO)
- Director, Human Resources Division
- Director, Homeland Security Division
- Director, External Affairs Division
- Director, Grants and Agreements Division.

Shutdown Committee (Committee)

A temporary 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 or as needed basis to assess progress and challenges. As progress is made, meetings may be less frequent. The Chair will be responsible for reporting progress and challenges to the COO. The Deputy COO - Business Services will chair the Committee. The Deputy COO - Enterprise Services will serve as Vice Chair. The complete membership of the Committee will be as follows:

- Deputy COO - Business Services, Chair
- Deputy COO - Enterprise Services, Vice Chair
- COO Chief of Staff
- Chief Human Resources Officer
- Chief Financial Officer (CFO)
- CIO
- Director, External Affairs Division
- Director, Management Services Division
- Director, Acquisitions Division
- Director, External Affairs Division
- Director, Homeland Security Division.

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

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. 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 COO, the Committee, and the Team, as previously indicated, will be designated as excepted or excepted on-call and will report to work. In addition, the Executive Assistant to the Deputy COO will be designated as excepted, on-call.
- After day three of a possible shutdown: Only the following employees may be designated as excepted as determined by the COO and Deputy Chiefs:

- COO
- COO Chief of Staff
- CFO
- Chief Acquisition Officer
- Chief Human Resources Officer
- CIO
- Executive Assistant to the Deputy COO - Business Services.

All other employees in the Committee and Team will be designated as on-call episodic and will be in furlough status unless called in to report. The Deputy COO - Business Services 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 place them in furlough status, as needed.

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

Information Technology

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, 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 Under Secretary, Chief of Staff, COO, Deputy Chiefs, designated officials from the Agency's leadership teams to include State Executive Directors (FSA), Regional Conservationists (NRCS), Division Directors, and State Conservationists (NRCS) 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 leaders, and approved by the Under Secretary 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 minimum 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

Exempted IT systems are determined by each Agency and included in each Agency's Contingency Plan for Shutdown.

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 as appropriate.
- 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 from non-Federal organizations (IPA assignments or contribution agreements) that they are subject to shutdown in the same manner as permanent employees.
- Inform employees on detail to Federal or non-Federal organizations 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 volunteers that volunteering is not an excepted activity.
- Inform employees who are in temporary housing awaiting permanent relocation that they cannot remain in those quarters.

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 Government (or District of Columbia) unemployment office. The Department of Labor website provides links to individual State offices at <http://www.servicelocator.org/OWSLinks.asp>.

The Federal Identification Code (FIC) needed for U.S. Department of Agriculture unemployment compensation applications is 445.

***If retroactive pay is approved, an employee is wholly responsible for repaying any unemployment compensation the employee may receive. ***

Ethics

Ethics rules apply to all employees, even in the event of shutdown. While on furlough, an individual remains an employee of the Federal Government. Therefore, executive branch-wide standards of ethical conduct and rules regarding outside employment continue to apply when an individual is furloughed (specifically, the executive branch-wide standards of ethical conduct found at 5 CFR part 2635). In addition, there are specific statutes which prohibit certain outside activities, and agency-specific supplemental rules that require prior approval of, and sometimes prohibit, outside employment. Employees who are required to file financial disclosures must continue to seek approval of any outside employment they wish to engage in prior to accepting such employment during a shutdown. Further, any employee who wants to engage in outside employment during a Government shutdown that would be the same or similar to the type of work that the employee performs in his or her Federal duties must seek prior approval for engaging in that outside employment.

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 and employees 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.

Financial Management

Budget and Financial Management 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 WebTA and also make note in WebTA notes section of their timesheet the hours worked during a shutdown.

Post Furlough Activities

All employees are responsible for following guidance on OPM's 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 B: Excepted Employees

Title	Roles and Responsibilities During Shutdown
COO	<ul style="list-style-type: none">• Communicate the order to execute shutdown procedures.• Lead engagement with the Department.
Chief of Staff	<ul style="list-style-type: none">• Ensure communications consistency.• Provide impact analysis of shutdown.
Deputy COO - Business Center	<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.• Manage shutdown operations and report progress.• Identify roles, responsibilities, activities, and timelines for shutdown.• Certify completion of agency shutdown.• Provide needed metrics and reports.• Lead in any continuity of operations issues in relation to emergency situations.

Title	Roles and Responsibilities During Shutdown
Chief Human Resources Officer	<ul style="list-style-type: none"> • Impact and implementation bargaining with unions. • Support for shutdown operations. • 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.
Director, Acquisitions Division	<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 FPAC guidance.
CIO	<ul style="list-style-type: none"> • Lead Shutdown of IT systems, security of PII and data. • Ensure continued operation of excepted IT systems.
CFO	<ul style="list-style-type: none"> • Provide guidance related to proper execution of budget-related shutdown activities. • Provide guidance and oversight related to availability of funding related to shutdown activities. • Provide guidance and support related to travel during shutdown activities.

Appendix C: Shutdown Committee

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

Deputy COO - Business Services:

- Serve as committee Chair.
- Leads implementation of Shutdown Plan and status.
- Ensure coordination across functional areas.
- Ensure COO 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.

Deputy COO - Enterprise Services:

- Serve as committee Vice Chair and Chair in absence of the Deputy COO - Business Services.
- Ensure coordination across functional areas.

COO Chief of Staff:

- Lead development of any short and/or long-term assessment on impacts of shutdown.
- Facilitate communication with, 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), and other Departmental Offices as necessary.
- Assign resources to address employee questions as a result of being furloughed.
- Communicate guidance to Farm Service Agency, Natural Resources Conservation Service, and Risk Management Agency.
- Chair the Labor-Management Forum and notify them of shutdown plans and status.

CFO:

- 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 Farm Service Agency, Natural Resources Conservation Service, and Risk Management Agency during shutdown.
- Coordinate with CIO on IT systems shutdown and interoperability.

Director, Management Service Division:

- Facilitate communication with Assistant Secretary for Administration (ASA), Office of Procurement and Property Management (OPPM), and other Departmental Offices as necessary.
- Assign resources to address questions of employees, partners, and vendors, regarding work on agreements, contracts, personal and real property (leased space).

- Communicate guidance to Farm Service Agency, Natural Resources Conservation Service, and Risk Management Agency.

Director, Acquisitions Division:

- 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 FPAC guidance.

CIO:

- 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 Farm Service Agency, Natural Resources Conservation Service, and Risk Management Agency IT Systems, tools and website to ensure they are functioning appropriately.
- Coordinate with other agency leaders on IT systems shutdown and interoperability.

Director, External Affairs Division

- Ensure communication with stakeholders outside of the Department.

Director, Homeland Security Division

- Obtain/personal contact information for all employees.

Appendix D: Excepted Contracts Guidance

(Subject to adjustment due to any updated Departmental 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).

- The Chief Acquisition Officer, State Conservationists, NHQ Programmatic Leaders, and their respective Contracting Officers and Contracting Officer Representatives 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 Procurement and Property Officer and the Chief of Staff to the Associate Chief for Operations. 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 FPAC-BC, Farm Service Agency, Natural Resources Conservation Service, and Risk Management Agency 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, Contracting Officers will:

- Issue notifications to suspend/stop work for non-excepted contracts where:
 - Performance would incur costs to the Agency.
 - Access to agency office locations would be prohibited.

- Supervision, oversight, or support by the Agency 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. 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 Agency Offices/Locations:

Communicate possible suspension of work to contractor program managers for personnel working on-site at agency 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 agencies.
 - The notification should also indicate that until agency 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 agencies 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 the agencies can be conducted during shutdown. Only at the time that all Government functions are once again operational would agencies be able to provide assistance and process payments.

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

Appendix E: Start Up Plan

Purpose

This document establishes a plan of action to execute an orderly start-up of operations following the approval of funding for the current fiscal year. This plan will be enacted through a notification to all employees from the COO, FPA-BC.

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 Shutdown Plans 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

FPAC has prepared for an agency start-up following an approval of current fiscal year 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 for the current fiscal year: 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 funding for the current fiscal year: The Chief Human Resources Officer, on behalf of Senior Leadership, will conduct a Labor-Management Teleconference to provide advance notice to union leadership 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 Operations Plan
- Day 1: 1:00 pm EST – Agency Leadership Teleconference – Deputy COO - Business Services will review the start-up plan with senior agency leaders and provide any guidance from the Department.

- Day 1: 2:30 pm EST – FPAC Strategy Teleconference –COO, Deputy COO – Business Center, COS, Chief Human Resources Officer, CFO, Director, Acquisitions Division, and CIO 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 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 FPAC-BC Operations Plan
- Day 2: 1:00 pm EST – CFO will review the start-up plan, focusing on specific guidance for payments and budgets, and provide any guidance from the Department.
- Day 2: 1:30 pm EST – Chief Human Resources Officer 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 FPAC-BC Operations Plan
- Day 3: 1:00 pm EST – COS 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 customers (see Template in Appendix L).
 - Additional teleconferences as needed.

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 e-mail.
- 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 Operations

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

A temporary cross-cutting Start-Up Customer Service Team will be available to address this need on Day 1 of the return of the workforce to duty status. The Start-Up Customer Service 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 Start-Up Customer Service 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:

- Chief of Staff, Chair to the Under Secretary
- Chief of Staff, Business Center
- Chief of Staff, Farm Service Agency
- Chief of Staff, Natural Resources Conservation Service
- Chief of Staff, Risk Management Agency
- Chief Information Officer (CIO)
- Director, Human Resources Division
- Director, Homeland Security Division
- Director, External Affairs Division
- Director, Grants and Agreements Division.

Guidance for the Start-Up of FPAC-BC Operations

A temporary Start-Up Committee will guide the agency's transition from shutdown to full operational status. The Start-Up 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 Start-Up 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 Start-Up 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 FPAC-COO. The Start-Up Committee will be disbanded when the FPAC-BC COO has determined operations are back to normal and any major issues/challenges related to the shutdown have been resolved.

The Deputy COO - Business Services will chair the Start-up Committee. The Deputy COO - Enterprise Services will serve as Vice Chair. The complete membership of the Start-Up Committee will be as follows:

- Deputy COO - Business Services, Chair
- Deputy COO - Enterprise Services, Vice Chair
- COO Chief of Staff
- Chief Human Resources Officer
- Chief Financial Officer (CFO)
- CIO
- Director, External Affairs Division
- Director, Management Services Division
- Director, Acquisitions Division
- Director, Homeland Security Division.

Other positions may be called upon for assistance as the issues, challenges, and opportunities warrant.

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

Information Technology

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:

- CIO will restore all production IT systems, business tools, and websites to their last known state in order to conduct official business.
- 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, iPhone, iPads, etc.) from their secured location in order to conduct official 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.
- CIO will work with USDA-OCIO-ITS to ensure technical issues submitted to the IT helpdesk are addressed completely and in a timely manner.

- CIO will provide ongoing monitoring to ensure availability and proper functionality of IT systems throughout the start-up and recovery process.
- CIO will provide Business Application help desk support for 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:

OCIO-ITS Tier I - Help Desk

- 202-690-1000
 - 1-877-873-0783
- ServiceDesk-KC@KCC.usda.gov

Human Resources

The Chief Human Resources Officer is responsible for ensuring that all Human Resources (HR) services and guidance is provided to 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 M), Frequently Asked Questions (FAQs) (Appendix I), and Case File Note (Appendix N). 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 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 N 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 N for future auditing purpose.
- Performance Management
 - As appropriate, FPAC-BC will request the Department to provide an extension on rating performance for the prior fiscal year as well as issuing new performance plans for the

current fiscal year. Once the extension dates are received from the Department, all employees and supervisors will be notified.

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 FPAC has confirmed the operational status of all associated IT systems.
- The CFO is working with the Department's Office of the Chief Financial Officer to determine policy regarding timely payment of travel card balances since employees did not have access to the travel system during the Government shutdown. Once the Department makes its determination, the 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 Acquisition Officer, Property Officer, and Director of Grants and Agreements are 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 FPAC authority, and requiring 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 FPAC 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 FPAC will be made safe and available for use by authorized Federal and non-Federal personnel and reopened to the public as appropriate.

Financial Management

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 the prior fiscal year 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.

Financial Audit

- CFO is working with Auditors and the Office of Inspector General, which oversees the Departmental Financial Statement Audits, to assess how to bring the financial audit to closure for the prior fiscal year.
- 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, CFO will communicate those plans via an FM Communication as well as making it a topic for an FM Conference call.

Discretionary funding

- New discretionary funding for the current fiscal year 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 the current year. Carryover funding will be used for agency priorities as determined by the CFO, including:
 - Unobligated balances to be used for obligation in the prior fiscal year (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 CFO will review the terms and conditions of the OMB-approved apportionment 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.

Allocations

- Initial allocations, based on a percentage of the prior fiscal year 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 Agency programs are 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 CIO, CFO, and Deputy COO - Business Services 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 Business Services 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.
 - 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 Farm Bill program activities for the current fiscal year, such as Conservation Stewardship Program and Conservation Security Program obligations and payments, sign-ups, etc. will follow normal program guidance provided by the Deputy COO - Business Services.

Appendix F: Start-Up Committee

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

Deputy COO - Business Services

- Serve as chair of Committee;
- Guide implementation of start-up and post shutdown plan;
- Ensure coordination across functional areas;
- Ensure COO 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.

Deputy COO - Enterprise Services

- Serve as chair in absence of Deputy COO - Business Services;
- Ensure coordination across functional areas.

COO 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.

CFO

- 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 during the start-up process; and
- Coordinate with CIO and Deputy Chiefs on IT systems start-up and interoperability.

Director, Acquisitions Division

- Facilitate communication with Assistant Secretary for Administration (ASA), Office of Procurement and Property Management (OPPM), and other Departmental Offices as necessary.
- Assign resources to address questions of employees, partners, and vendors, regarding work on agreements, contracts, personal and real property (leased space).
- Communicate guidance.

CIO

- 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 IT Systems, tools and website to ensure they are functioning appropriately; and
- Coordinate with other agency leaders on IT systems start-up and interoperability.

Other members include

- Director, External Affairs Division
- Director, Management Services Division
- Director, Homeland Security Division
- Director, Grants and Agreements Division