

USDA Forest Service

Contingency Plan for Agency Close Down Procedures

December 2018

Agency activities are identified in the below categories.

- Category I – Law Enforcement and Health and Safety (*excepted*)
- Category II – Activities not included in Category I and III; financed from available funds, where applicable (*exempt*)
- Category III – Protect Life and Property (*excepted*)
- Non-*excepted* category

- **An *excepted* employee** normally will work some or all their normal tour of duty during a furlough. This usually includes emergency employees such as law enforcement as well as other employees designated as mission essential. *Excepted* employees who work during the furlough will eventually be paid when congress passes an appropriations bill.
 - For example, a law enforcement officer is an *excepted* employee and is expected to work during their entire normal tour of duty to protect the land and people during a shutdown.
 - During a furlough, the time worked is coded as TC-74, with descriptor code 01. Time that is not worked is recorded with TC-74 only.

- **An on-call *excepted* employee** is placed in on-call status and is expected to work only when called by their supervisor to respond to specific emergency situations if they arise.
 - For example, an HRM employee is an “on-call *excepted* employee” and would not be expected to come in to work 8 hours each day during a furlough. However, if the employee is called back to work by their supervisor to process a workers’ compensation claim by an injured law enforcement officer, then the HRM employee would be paid for the actual hours worked to process the OWCP claim.
 - During a furlough, the time worked is coded as TC-74, with descriptor code 01. Time that is not worked is recorded with TC-74 only.
 - After a furlough and depending if Congress approves funding for Federal employees during the shutdown, HRM will provide guidance how to code your timesheet for hours worked and for hours that you were on-call during the furlough.

- **Employees who are neither *excepted* nor *exempt*** are funded through annual appropriations but are not designated as *excepted* are barred from working during a shutdown, except to perform minimal activities as necessary to execute an orderly suspension of agency operations related to non-*excepted* activities. These employees will be furloughed.

- **An *exempt* employee** is not affected by a lapse in appropriations. This includes employees who are not funded by annually appropriated funds. Employees performing those functions will generally continue to be governed by the normal pay, leave, and other civil service rules. (Also see further information below, under Category II)

Category I and III are considered *excepted* activities pursuant to the Office of Management and Budget direction. These activities are considered essential to protect life and property and therefore are excluded from closedown procedures:

- Fire Suppression including fire fighters and all necessary equipment costs to protect life and property. (Also see the below section on Fire and Aviation Management).
- Law Enforcement personnel and all necessary equipment costs to protect life and property.
- Emergency and Natural Disasters Response or Preparation (e.g., floods and avalanche safety)
- Protection of Federal lands, buildings, waterways, equipment and other property including pack and saddle stock and investments owned by the United States when the suspension of such activities would cause an imminent threat to human life and property. This includes nurseries, insectaries, tree seed labs and seed extractors, and the minimum level of staffing to administer permits and contracts needed for protection of National Forest System lands.
- All contracts in support of cyber security and infrastructure operations to support key positions and essential personnel.
- Protection of Research studies where lack of continuation measurements or maintenance would destroy or endanger validity of research findings. Includes, for example, green houses, and growth chambers.
- Collection and Payment activities for previous legal obligations. This includes one person at the financial center to process bill and payment transactions resulting from previous legal actions such as judgments and settlements.
- Emergency and Defense Preparedness.
- Response to the 2017 hurricane season (including Hurricanes Harvey, Irma, and Maria).

Forest Service line officers will provide direct support to *exempt* or *excepted* activities. A limited number of administrative, information technology, finance, and contracting employees may assist.

Human resources staff will address employee concerns such as pay and unemployment compensation. Additionally, staff may be brought out of furlough status as needed for emergency preparation or response, and excepted activities may vary depending on the season in which a closedown is necessary.

Category II are considered *exempt* employees and are financed from other available funds. The lapse in appropriations that occurs under a government shutdown only affects current-year discretionary appropriations. Employees who would be covered under the funds described below have to be either doing this work already or have it in their regular description of duties. Other employees cannot be shifted to do work with these funds. Category II activities include:

1. Job Corps funding, as it is transferred from the Department of Labor and provided on a program year basis.
2. Permanent appropriations or trust fund accounts funded by collections and for which the agency already has received budget authority. Employees scheduled to work on activities that are funded out of permanent appropriations and/or trust fund accounts may be considered “exempt” from furlough and may continue to work on those activities. These accounts include, but are not limited to, Recreation Fees, Knutson-Vandenburg funds (KV/K2), Timber Salvage Sales, Reforestation activities and Nurseries. Consider the following points:
 - The work is already scheduled to be funded out of a “Perm or Trust” fund account
 - There is adequate budget authority at the unit level to fund the employee(s)’ salary
3. Cost recovery funds, non-appropriated dollars, for the processing and monitoring of several high priority critical infrastructure land use authorizations.

4. Prior year balances of \$40 million will be used for the National Forest Systems, to continue the management and maintenance of the forest system lands for their sustained safety and use.

Close Down Plan

We estimate that it will take the agency five days to complete orderly closedown procedures. Prior to Day 1, the following actions will be completed:

The Chief, Deputy Chiefs, Regional Foresters, Station and Area Directors and applicable Directors listed below will identify those functions that need to be performed that are solely associated with an orderly interruption of normal activities. Such functions may include but are not limited to:

- Identify measures to secure records, personal property, real property, and facilities that will be maintained and protected until appropriate disposition is accomplished.
- Draft communication strategy for communicating with Agency employees.
- Draft communication strategy for making contacts outside the Agency that is necessary to communicate our status.
- Identify all potential meetings, hearings and other previously arranged Agency business that may need to be cancelled.
- Identify all excepted employees who will be performing work under the excepted and exempt activities identified on page 1. Include employee name, title and function the employee will perform.
- Identify what Chief Information Officer systems support is needed to maintain essential services and information technology infrastructure.
- Identify all employees in International travel status.
- Identify what instructions and procedures Human Resources Management will provide to employees for the closedown period.
- Identify appropriate Department contacts for communications purposes and orderly closedown of the agency.
- Initiate bargaining over furlough related topics.
- Identify programs that “may” continue operating if funds are available (unobligated balances of all no-year or multi-year appropriations and new funds in mandatory appropriations), and plan for an orderly shutdown of such programs if such funds are exhausted during the period of the closedown. The existence of carryover or mandatory funding does not imply that employees “will” continue to work. This decision will be made on a case by case basis.
- Develop and issue field guidance for orderly shutdown of Forest Service activities.
- Coordinate shutdown activities with other Federal land management agencies through Department contacts.
- Identify all employees scheduled for training and provide instruction.
- Review and identify necessary actions outlined in Enclosure A – Guidance for: Fire and Aviation Management, Recreation, Timber Sale Contracts, Special-use and Grazing Permits, and Infrastructure Land Use Authorizations.

Tasks to perform first on Day 1 (first day funds are not available):

All employees will be directed to report to their supervisors to receive assignments of duties or other pertinent information for an orderly shutdown. For those employees teleworking or in travel status, "report" may be done by telephone.

Managers and supervisors will coordinate the following activities intended to terminate Agency's operations:

- Communicate shutdown instructions and procedures to all employees.
- Distribute furlough notices at headquarters and all field units to all employees who have not been determined to be necessary for the Agency's termination activities.
- Contact any employees on leave and communicate that their leave is cancelled.
- Contact any employee in travel status and direct them to return to their duty station, unless they are performing excepted activities while in travel status.
- Ensure all employees to be released complete timesheet entry and submit to approving official.
- Delay any employee transfer of station.
- Ensure all records; personal property and real property are secured.
- Cancel all meetings, hearings and previously arranged Forest Service business.
- Validate existing communication strategy and employee contact information for future communication need.

The Director of Human Resource Management will be responsible for:

Provide instructions and procedures to managers and supervisors for all employees during the shutdown period. This will include provisions for call back of employees in the event it is determined they are needed to complete shutdown procedures.

- Provide specific instructions for employees to complete final time and attendance report.
- Ensure individual furlough notices will be prepared, reviewed and approved.
- Ensure all employees timesheets are processed by the National Finance Center.
- Delay hiring of new employees.

The Director of Acquisition Management will be responsible for:

- Identify all contracts necessary to support the excepted activities.
- Identify contracts that do not need to be administratively suspended due to applicable conditions (for example, full funding obligated, fixed price, no government facility requirements, and supply/software maintenance contracts.)
- Coordinate with all contracting officers and contracting officer technical representatives to notify all contractors and vendors that work is suspended unless contracts are in support of the excepted activities.

The Chief Information Officer (CIO) will be responsible for:

- Identify IT and land mobile radio (LMR) support is needed to maintain essential IT and radio communication services and infrastructure.
- Ensure that all contracts in support of cyber security and infrastructure operations are funded and will continue to operate and support essential functions across the Agency.
- Coordinate with the Forest Service Resource Information Managers (RIM) regarding essential IT systems and applications and maintain a consolidated list for the Agency.
- Coordinate with USDA Office of the Chief Information Officer to ensure essential systems and infrastructure, provided as a service by the Department, are available.
- Continue to serve as the USDA Executive Agent for radio frequency and spectrum management; ensure appropriate staff are available to execute this role for the Department.
- Provide employees with information pertaining to the availability of applications and servers, and how to request assistance through the Customer Help Desk.
- Answer questions and providing clarifying guidance on how to secure government furnished equipment and the appropriate use of government technology (i.e., laptops, cell phones, and tablets) during a shutdown.
- Coordinating with the Office of Communications and ensure the appropriate text banner and information are displayed on externally facing Forest Service web sites.

Tasks for later Day 1

- Managers and supervisors will coordinate the following activities intended to terminate Agency's operations:
 - Document the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when the Forest Service's ultimate funding situation is determined.
 - Prepare files for permanent storage, transfer to related agencies, or other disposition.
 - Complete identification of employees whose presence at work will be required to perform functions associated with the orderly cessation of program activities. This includes:
 - Name of each employee required to continue closedown operations,
 - Title of each employee identified, and
 - The termination function that each identified employee is to perform.
 - A finalized listing will be submitted through the Regional Forester, Station Director, Area Director or Washington Office Deputy Chiefs to Deputy Chief for Business Operations no later than the end of Day 2.
 - Contracting Officers and contracting officer technical representatives will continue to contact all contractors and vendors to let them know work is suspended.

Tasks for Day 2

- Employees who were previously identified as required to perform functions necessary for orderly shutdown of program activities will report for work.
- Employees leading, directing and performing work identified as *excepted* from closedown procedures on page 1, will continue to work.
- Employees will be directed to perform only those activities as enumerated earlier.

- As each shutdown function is completed, the Line Officer must notify the Line Officer at the next highest level or, at headquarters, the respective Deputy Chief, through channels, of completion and identify those employees who were responsible for the task.
- Each employee whose shutdown function is completed will be furloughed immediately and formally notified by their supervisor or appropriate Line Officer if the supervisor is not available.
- There will be daily communications by the Chief's Office on the status of the closedown procedures with the Department contact and the field leadership. Agency leadership will communicate regularly with Office of the Secretary and Natural Resources and Environment regarding Forest Service plans and status.

Task for Day 3 and until completion of closedown procedures:

- Employees who were previously identified as required to perform functions necessary for orderly shutdown of program activities will report to work.
- Employees leading, directing, and performing work as identified as "excepted" or "exempt" from closedown procedures on page 1 will continue to work.
- Employees will be directed to perform only those activities as enumerated earlier.
- Employees completing closedown functions, continue tasks as outlined under Day 2 for each succeeding day until the Chief determines the shutdown is complete.
- There will be daily communications by the Chief's Office on the status of the closedown procedures with the Department contact and the field leadership. Agency leadership will communicate regularly with OSEC and NRE regarding Forest Service plans and status.

Enclosure A

Guidance for: Fire and Aviation Management, Recreation, Timber Sale Contracts, Special-use and Grazing Permits, and Infrastructure Land Use Authorizations

The common principle that applies is that no regular work may occur by Federal employees during a lapse in funding or “shutdown”. Public health and safety, protection of federal assets, and work involved with an orderly shutdown of agency operations will be *excepted*. Further, limited activities will continue as *exempt*, using available non-appropriated funds and based on several considerations.

Fire and Aviation Management

In addition to on-duty fire fighters work by FAM under a shutdown will also include:

- Aviation inspections scheduled with airtankers, light fixed wing aircraft and helicopter vendors during and after December 7.
- Where relevant, fire hire for the upcoming fire season, adding excepted status for support HRM staff to ensure qualifications are assessed and offers are being made.
- Prescribed burns already underway would continue but there would be no new prescribed fires.
- Any critical fire training academies currently in session to prepare fire responders for the nation’s 2019 fire suppression and emergency response needs.

Recreation

Recreation Management: Principles to guide decisions regarding recreation operations and permit administration & key messages:

- An operation requiring the presence of a Forest Service employee that is required to protect land or property, and that cannot be done through the closure of an area to protect that asset, will continue. Other operations requiring the day-to-day presence of a Forest Service employee, and not required to protect land or property, will be suspended; this includes suspensions of recreation management operations requiring the day-to-day presence of a Forest Service employee.
- Law enforcement will be *excepted* and will perform most of the asset protection and public safety work. Minimal recreation staffing may be excepted if needed for those objectives.
- Field units will ensure cross-agency consistency for special use permits that cross jurisdictions, with the lead agency direction followed.
- Minimal personnel can be *excepted* during the 48-hour shutdown transition for Agency Operated campgrounds and other currently occupied sites to ensure orderly shutdown and protection of facilities (see below).
- The source of funds for personnel is a consideration. For example, employees funded through fee retention may be considered as *exempt*. Federal Lands Recreation Enhancement Act (FLREA) funds can be used to execute the functions identified under the spending constraints of FLREA. FLREA allows spending in seven categories, all of which are directly related to the sites or services where visitors pay fees. Not all categories should be considered as “essential” to keep recreation sites and facilities open for safe public use.

Recreation Special Use Authorizations:

Generally, these authorizations will not be suspended during the shutdown. There may be exceptions when Forest Service presence is required for monitoring specific activities on a day-to-day basis. Permits may be suspended where public health & safety protection provided by Forest Service personnel is integral to the day-to-day management of the area operated by the concessioner. Such determinations should be carefully made on a case-by-case basis and if it is determined that activities must cease, closure can be implemented through a temporary suspension of the permit. The same principles apply to Ski Areas, Outfitter & Guiding permits and Special Recreation Event permits. These authorizations will not be suspended except when Forest Service employee presence is required for safe operation on a day-to-day basis, in the short term, if permittees can meet permit stipulations without Forest Service employee presence. For special recreation events, if protection of public health and safety such as crowd control or other actions is needed, and the permittee can provide that through private means, then the event can be sustained.

No processing associated with applications for new permits, re-issuance of permits, or modifications of permits beyond actions required to accomplish the above direction will occur.

Interpretive Associations:

As these generally operate within Forest Service offices and visitor's centers, they would be shut down. Association activity not dependent on Forest Service facilities or presence may continue.

National Recreation Reservation System (NRRS):

NRRS will remain open.

Volunteers:

All volunteer activities should be discontinued during the shutdown. Volunteers who are housed in Forest Service housing will be allowed to remain there but will not do any project work or be otherwise compensated. See note on campground hosts below.

21st Century Conservation Service Corps, Public Lands Corps, Resource Assistants and Other Partnerships:

Projects such as Public Lands Corps, Resource Assistants, 21CSC, and other partnerships which are authorized and already codified through existing participating, challenge cost share and/or cooperative agreements and for which Federal funds have already been obligated may continue to perform projects within the scope of work if the work is performed in a location other than on Forest lands or in a Forest Service facility and does not require the day-to-day presence or engagement of a Forest Service employee. All projects on public lands and in federal government facilities are discontinued for the duration of the furlough.

Forest Service Operated Campgrounds and Other Developed Recreation Sites that Require Forest Service Maintenance:

They will remain open, as determined necessary by the local line officer, utilizing FLREA funding. This includes keeping recreation sites in safe operating condition, restroom facilities serviced, and identifying

or repairing unsafe facility conditions (i.e., campgrounds, boat launches, and picnic areas).

Forest Management - Three to four days

National Forest System

Employees will continue to work on managing and maintaining the current forest system lands and sustaining the health and safety of the lands for their continued use.

Timber Sales and Stewardship Contracts

Each Forest Service Supervisor's Office will assess the timber sale contracts, Stewardship Contracts (IRTC and IRSC), and Stewardship Agreements that are active and their relative complexity and environmental sensitivity. Determinations about whether to suspend operations will be made on a case-by-case basis

Projects conducted by States under Good Neighbor Authority agreements may continue.

All timber sale contracts, stewardship contracts (IRTC and IRSC), Stewardship Agreements, and service contracts that are directly connected to timber harvesting may continue. Employees working on this work would be considered *exempt*. Based on changing conditions during the shutdown and the assessment, these activities may be suspended 21 days from a lapse of appropriated funding on a case by case basis. Depending on the assessment, certain sales may be allowed to continue without suspension. An orderly shutdown will occur in a manner that protects public health and safety and federal resource assets and meets environmental concerns. This will require close coordination with AQM Contracting Officers for service contracts (including IRSC) and with Grants & Agreement specialists for grants and agreements, and Timber Sale Contracting Officers.

New timber sales would not be awarded and the associated bid opening processes prior to a contract award would not be authorized during the shutdown.

Reforestation Activities - Tree Planting Contracts

All tree planting contracts as well as site preparation service contracts, funded through Knutson-Vandenberg or Reforestation Trust Fund that have been awarded and have any needed performance bonds in place will be allowed to continue to operate. Employees would be considered *exempt*.

Nurseries

Working Capital Fund (WCF) Nursery & Seed Extractory Facilities and staff (positions/work being paid by the WCF) are considered *exempt*. Further, certain positions at other non-WCF facilities, such as the National Seed Lab and the National Forest Genetics Lab, may be considered *excepted* to protect property/perishable products.

Permits

The two most common forest products permits are for firewood and special forest products.

Sale of these permits would be suspended with a furlough. Permits already sold to the public will still be in effect. Third party vendors may continue to sell permits under established agreements. Enforcement

of the terms of these permits will only be by agency personnel considered essential (Law Enforcement), unless field units have agreements with local law enforcement agencies.

Lands and Realty Management - Subject to available funding

Employees working on high priority critical infrastructure land use authorizations will be considered *exempt*. Such projects include, for example, electric transmission lines, roads, communication sites, and hydropower facilities. Specifically, the field staff permit administrators for the projects listed below should be excepted or exempt to continue processing the permits, paid using non-appropriate cost recovery project funds in the event of a lapse in appropriated funding.

National Forest System land use authorizations: Special use permits that do not require day-to-day Forest Service employee administration and will continue without interruption. New applications for special uses authorization (outside of those mentioned above) will not be accepted during the shutdown and pending applications will need to be deferred until the furlough ends.

Grazing Permits - Subject to available funding

On-going grazing: In general, there is no need for daily oversight of those operations. Court mandated periodic oversight/monitoring would need to be *excepted* to be able to comply with court direction. This is a highly unlikely situation and if there are any, it probably would be less than five of these nationwide.

Permitted grazing, but not yet authorized through billing:

Employees who administer grazing permits would not be excepted (other than court-mandated activity as described above) and would be on furlough. New turnouts for grazing would not be authorized to begin during the shutdown.

Wild Horses and Burros (WH&B) - Subject to available funding

WH&B in FS facilities

If there are wild horses or burros in FS possession and care, their health and safety must be maintained and needs to be an *excepted* situation. This may be rare, but there may be a potential on two forests.

WH&B legal considerations

Statutorily, the FS is required to protect wild horses and burros. There may be occasions that protection or law enforcement activities occur. Also, per statute, private landowners may call to have wild horses and burros removed from their lands and a response would be necessary. These are rare situations, but may occur, and someone may have to be available to address.