

USDA OFFICE OF ETHICS REVISED SHUTDOWN PLAN

In the event of a lapse in USDA appropriations, the Office of Ethics (OE) will initiate the following actions:

- Provide direction to all OE employees;
- Issue notices of cancellation of ongoing activities;
- Secure, shutdown, and lock all offices, personal and real property for appropriate disposition;
- Review OE calendar to cancel or postpone Ethics Training, as necessary; and
- Adopt and implement a communications plan by which all OE managers and staff will be kept informed of developments during the course of any necessary furlough of employees.

Upon completion of the above, all personnel who have not been determined to be excepted from furlough requirements, i.e. all personnel who are not required for the performance of functions necessary for emergencies involving the safety of human life or the protection of property, who are not funded by user fees or no-year funds, or who are not required to accomplish an orderly shutdown of the normal functions of the Office of Ethics, will be placed on immediate furlough.

OE anticipates that all OE employees would be on furlough due to a lapse in appropriations. The OE Director may be subject to recall should timely ethics advice and guidance be required during the shutdown to avoid violations of criminal conflicts of interest laws for the Office of the Secretary, the Deputy Secretary, Under Secretaries, Assistant Secretaries, or to provide essential ethics advice to USDA's General Counsel. The Director of the Office of Ethics was appointed by the Secretary as the Department's Designated Agency Ethics Official (DAEO). Ethics advice and rulings by the DAEO provide the necessary safeguard to ensure that officials can make critical decisions regarding the safety of human life and the protection of property in circumstances where a conflict of interest arises. In such circumstances, it is expected that the provision of ethics advice would be on an "as needed" or "as requested" basis during the shutdown to support USDA functions related directly to activities respecting the safety of human life or the protection of property or the provision of ethics services required for the continued performance of particular excepted functions of the Department or where continued service is required to accomplish the orderly shutdown of the Office of Ethics. Unless specifically requested by the Office of the Secretary or the General Counsel, and only for those times requested, the OE Director will be in a furlough status along with the rest of the OE staff.

Specific Actions to be Taken When Office of Ethics Appropriations Have Lapsed

First half of Day 1 (first day funds are not available)

All 21 employees of the Office of Ethics (OE) will be directed either to report to their duty stations or to report to their supervisors by telephone to receive assignments of duties or other pertinent information to assure an orderly shutdown of activities. Managers and supervisors will coordinate the following activities intended to affect an orderly shutdown of OE's operations:

- Communicate shutdown instructions and procedures to all employees.
- Distribute furlough notices at OE Headquarters and all OE Branch offices to all employees who have not been determined to be necessary for OEs shutdown activities.
- Contact any employees on leave and inform them that their leave is cancelled.
- Contact any employee in travel status and direct them to return to their duty stations.
- Ensure all records, personal property, and real property are secured.
- Cancel all meetings, training, and other previously scheduled OE business.
- Validate existing OE communications strategy and employee contact information for future communications requirements.
- (Managers and Supervisors only) Document the status of ethics matters and projects so they can be resumed, transferred, or otherwise handled as required when OE's ultimate funding situation is determined.
- (Managers and Supervisors only) Complete identification of employees whose presence at work will be required to perform functions associated with the orderly cessation of OE's functions including:
 - Name of the employee required to continue shutdown operations.
 - Title of the employee so identified.
 - The shutdown functions that the identified employee will perform.
- The Director of the Office of Ethics will report to appropriate Department contacts as needed regarding the status of OE's shutdown procedures.

Second half of Day 1 and continuing until completion of shutdown

- Unless specifically requested by the Office of the Secretary or the General Counsel, and only for those times requested, the OE Director will be in a furlough status along with the rest of the OE staff.
- If requested by the OE Director, the Executive Assistant will be recalled for a half day per pay period in order to perform necessary tasks to ensure continuity of operations.
- It is not anticipated that there will be any changes if the lapse in appropriations continues beyond 5 days.

List of Excepted OE Employees: None

Employees Subject to Recall:

Director of the Office of Ethics

(May be recalled as needed/requested by the Office of the Secretary or the General Counsel to provide ethics services necessary to protect human safety or protect property or where required for the continued performance of particular excepted functions of the Department.)

Executive Assistant, Office of Ethics

(May be recalled as needed/requested by the Director, Office of Ethics one half day per pay period to perform necessary communications and other tasks to ensure continuity of operations.)