

FINANCIAL MANAGEMENT SERVICE

FY 2012 SHUTDOWN PLAN

1. GENERAL. FMS is required by the Department of the Treasury to have a shutdown plan in the event of a lapse in appropriations. In accordance with the OMB and OPM guidance, the shutdown plan allows for operation of functions to perform and maintain the national financial critical infrastructure and designated mission essential functions, which include resources for emergency protection of life or property, and the simultaneous orderly shutdown of specific activities and release of non-excepted employees associated with non-exempt activities. We estimate that four hours will be needed for the immediate shutdown of operations. See Attachment A for OMB Circular A-11 compliance.

The foundation of the FMS shutdown plan is communication. FMS employees at all levels should know: (a) a shutdown of operations is imminent and why; (b) what activities will be shutdown; (c) their excepted, non-excepted, or exempt status; (d) what their rights are as a furloughed employee; and (e) how they will be notified to return to work. Communication of shutdown procedures and diligent dissemination of shutdown information to all FMS employees are the cornerstones to an orderly shutdown of operations.

During a lapse in appropriation, regardless of the length of time, FMS will continue to provide resources necessary to support disbursements to Social Security recipients, maintain government-wide accounting activities, as well as activities related to borrowing and tax collection. In addition, FMS will continue the Debt Collection Program activities. Disbursements to Social Security recipients are necessarily implied by statute. Maintaining government-wide accounting activities and activities related to borrowing and tax collection are considered under OMB guidance to be essential activities as they protect life and property by preserving essential elements of the money and banking system of the United States. FMS Debt Collection Program activities are funded through fee revenues and other reimbursable funding sources, and thus funded by other than annual appropriations.

2. ASSUMPTIONS.

A. Congress and the President will not agree to an appropriations bill which ensures federal funding.

B. Official notification for shutdown of operations will occur the 1st workday after the effective date of the shutdown prompting a rapid transition from shutdown preparation phase to shutdown implementation.

C. Official furlough notification will be given to non-excepted employees and is effective on the 1st workday after the effective date of the shutdown. It is anticipated that the shutdown period will not exceed 30 days.

3. REFERENCES.

- A. Anti-Deficiency Act, 31 U.S.C. 1341 and 1342.
- B. Balanced Budget and Emergency Deficit Control Act of 1985, Section 252.
- C. Budget Enforcement Act of 1990.
- D. Department of Justice opinion dated August 16, 1995.
- E. OMB Bulletin 80-14 (dated August 28, 1980), Supplement 1 and Circular A-11.

SECTION I – SHUTDOWN PREPARATION.

A. Bureau Contact. Patricia M. Greiner, Assistant Commissioner for Management / Chief Financial Officer, phone (202) 874-7100, fax (202) 874-7008, e-mail Marty.greiner@fms.treas.gov; and Randy Thornton, Chief Human Capital Officer, phone (202) 874-2852, fax (202) 874-1850, e-mail Randy.thornton@fms.treas.gov.

B. Current List of Functions. A list of Excepted, Non-Excepted, and Exempt functions is provided at Attachment B.

C. Employee Notification Procedures - Human Resources Division

(1) Develops steps to be used to advise employees of the potential shutdown of operations and their excepted, non-excepted or exempt status in advance of official shutdown notification.

(2) Responsible for employee notification procedures to include issuance of furlough letters and information on health/life insurance coverage. Proponent for answering employee questions concerning pay, leave, benefits and time in service.

(3) Coordinates with the Union (NTEU) to ensure labor-management partnership during shutdown planning and implementation.

(4) Develops employee notification procedures for employees in travel/training status when shutdown notification is given.

(5) Prepares return to work procedures to recall all furloughed employees to duty.

D. Acquisition Management Division and Budget Division

(1) Identifies contracts for award using no-year, multi-year, advanced appropriations, etc., for continuation of award of contracts.

(2) Identifies contracts essential to the FMS mission, especially those related to benefit payments and maintenance of the government-wide accounting systems, to develop an

action plan for continuation of services.

(3) AMD will notify all contractors regarding the actions to be taken in the event of a funding lapse and/or contingency. Once authorized, notifications will be issued to the contractors via e-mail.

(4) Processes actions for no-year projects based on management prioritization.

(5) Posts Excepted/Essential contracts to the intranet and directs Contracting Officer's Representatives (CORs) to the listing.

(6) Contacts CORs via e-mail who will then notify affected program staff about potential and actual impacts to their contract performance.

(7) Managers inform employees that no new contracts (annual appropriations) are to be entered into and that no purchase orders are to be issued.

(8) In accordance with the Federal Acquisition Regulation, stop work orders or notices to proceed, as appropriate, will be issued to contractors by the assigned contracting officer.

E. Customer Notification

(1) All Assistant Commissioner areas will notify their respective customers in writing of their plans for operations during a shutdown.

(2) Customers will be provided with primary and alternate points of contact to ensure, at a minimum, an avenue of communication is provided.

SECTION II – SHUTDOWN IMPLEMENTATION

* All FMS employees will be provided written notification of the possibility of a shutdown.

* Based on determinations made by the Commissioner, Deputy Commissioner, and Assistant Commissioners, FMS will provide three letters: one letter to employees designated as Excepted, another letter to employees designated as Non-Excepted, and a third letter to employees designated as Exempt. Letters will be distributed through the Assistant Commissioner offices to ensure all employees receive the appropriate notices.

A. Chronological Order of Actions

(1) Notice to NTEU on the status of the shutdown and possible actions. The Labor Relations Office will serve as the focal point for communications with NTEU.

- (2) Employee Letter issued to workforce on the status of shutdown and possible actions.
- (3) All employees notified of position status – excepted, non-excepted, and exempt as well as plans and requirements. (Attachments C-1, C-2, and D)
- (4) Letters issued to workforce addressing furlough related questions and answers. (Attachment E)
- (5) The Commissioner and the Executive Board will meet to review plans including procedures for notification of furlough for non-excepted employees.

Each Assistant Commissioner will ensure previously identified employees are aware of their excepted status for FMS to comply with shutdown requirements.

- (6) Assistant Commissioners will provide Human Resources Division with a list of employees on travel, training, and extended leave status.

Assistant Commissioners will evaluate project priorities and make changes, if necessary, based on reduced staffs operating under the funding hiatus.

- (7) All employees must report for duty on the first work day of shutdown. For employees not designated as exempt, no paid leave will be granted, AWS days will be cancelled and employees on detail in and around Washington, DC will be required to report to FMS.

Non-excepted staff will be engaged in activities incidental to shutting down their respective operations, securing their workstations, and duties necessary to assuring the rapid restart of operations when funding is renewed.

If an appropriations bill has not been approved, non-excepted staff will be given furlough notices and dismissed until funding is approved by Congress. (Attachments F and G)

- (8) The day after the shutdown is implemented – Non-excepted employees continue to monitor local news media reports and call the FMS Emergency Notification phone numbers. FMS may also use the Automated Call Tree Notification System to notify employees. Non-excepted employees must report to duty upon receipt of notification from FMS.

In case of extended furlough, FMS management will continue to review the appropriate number of retained staff in order to ensure that it is adequately staffed to meet critical needs.

B. Guard Force/Building Security.

- (1) Guard force operations supporting the Regional Financial Centers will remain as normal.
- (2) Guard force operations supporting FMS Headquarters buildings in the Maryland and

Washington Districts will operate on a holiday and weekend schedule.

C. Property Management

(1) The Ardmore Warehouse will be in operation (limited staff) to receive property scheduled to arrive.

SECTION III – REACTIVATION OF FUNCTIONS

(1) The Department will notify FMS that an appropriations bill has been enacted and authorize the reestablishment of all operations/functions that were curtailed during the period of lapsed funding.

(2) Upon receipt of notification concerning the passage of an approved budget for FY 2012 or a new Continuing Resolution, employees will return to work at the start of the next business day.

(3) Employees will report to their immediate supervisor for accountability and for guidance concerning the restart of operations.

ATTACHMENT A

1. An estimate of the time (to the nearest half-day) needed to complete shutdown activities.	½ day
2. Total number of agency employees expected to be on-board before implementation of the plan	1627
3. Total number of employees to be retained under the plan for each of the following categories:	
a. Their compensation is finance by a resource other than annual appropriations (funding is provided by fee revenues and other reimbursable funds);	477
b. They are necessary to perform activities expressly authorized by law;	0
c. They are necessary to perform activities necessarily implied by law (certain benefit payments);	310
d. They are necessary to the discharge of the President's constitutional duties and powers; or	0
e. They are necessary to protect life and property.	57

OMB Circular A-11 Compliance

ATTACHMENT B

Financial Management Service (FMS)

Functional Activity/Program/Office	Non- Excepted	Excepted/ Exempt	Reason Code
Office of the Commissioner	19		
Commissioner, Deputy Commissioner		4	2 - A 2 - C
Office of the Chief Counsel		8	5 - A 3 - C
Legislative & Public Affairs		3	2 - A 1 - C
Government-wide Accounting	190		
Office of the Assistant Commissioner		1	C
Cash Forecasting		11	C
Budget Reports		3	C
Payment Management	201		
Office of the Assistant Commissioner		4	1 - A 3 - B
Payment Operations Support		28	2 - A 26 - B
Check Resolution		34	B
Austin Regional Finance Center		77	77 - A
Kansas City Regional Finance Center		86	1 - A 85 - B
Philadelphia Regional Finance Center		96	5 - A 91 - B
San Francisco Regional Finance Center		91	28 - A 63 - B
Information Resources	128		
Office of the Assistant Commissioner		9	8 - A 1 - C
Security & Audit		18	11 - A 7 - C
Network & Telecom		7	B

Change Management	5	5 - A
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Financial Management Service (FMS)

Functional Activity/Program/Office	Non- Excepted	Excepted/ Exempt	Reason Code
Management	145		
Office of the Assistant Commissioner		2	1 - A 1 - C
Budget, Finance & Accounting		12	8 - A 4 - C
Acquisitions		7	6 - A 1 - C
Human Resources		10	10 - A 15 - A
Building Support & Safety		18	3 - C
Security		9	6 - A 3 - C
Federal Finance	79		
Office of the Assistant Commissioner		2	C
Collections		15	C
Debt Management Services		281	A
Business Architect			
Office of the Assistant Commissioner	21	3	A
Totals	783	844	

Reason Codes:

- A.) Their compensation is financed by other than annual appropriations;
- B.) Authority to obligate funds can be necessarily implied by statute;
- C.) Protection of life and property.

ATTACHMENT C-1

Date:

To: FMS EXCEPTED EMPLOYEES

From: Terry Ford
Director
Human Resources Division

Subject: FMS Shutdown Designation – Excepted Employees

A government-wide shut-down and furlough of employees has become necessary due to a lapse in appropriations. Many Federal agencies, including Treasury, have closed non-essential government operations funded through annual appropriations unless they are excepted under Office of Management and Budget (OMB) standards.

The FMS functions of payments, collections, and cash reporting are considered excepted under OMB standards, and will continue during the shutdown, but with streamlined staff and minimal supporting functions. Certain employees who perform or support such functions are categorized as “excepted” and will remain in a work status. In addition, all employees funded by DMS or from other than annual appropriations are considered “exempt” and will remain in a work status. All other employees are designated as “non-excepted.” In addition to identifying exempt employees, the Commissioner, Deputy Commissioner and Assistant Commissioners identified excepted and non-excepted employees in relation to the functions that FMS will continue to perform. These designations are based upon functions, and are not intended to minimize the importance of any FMS position.

You have been designated as excepted and must report to work during the lapse in appropriations, which became effective at midnight [insert date]. If you have scheduled leave, training or travel during this period, you must cancel it. Our primary focus during this period will be the orderly shutdown of FMS and continuation of essential operations.

At the earliest possible time, the Human Resources Division (HRD) will release updated information regarding the shutdown, continuation of essential functions and other related matters.

If you have any questions about your designation, please contact your immediate supervisor, or call Deborah Gore of the Workforce Planning and Policy Branch at 202-874-6904.

Thank you for your cooperation.

Acknowledgement of Receipt:

Employee Signature _____

Supervisor's Signature _____

ATTACHMENT C-2

Date:

To: FMS EXEMPT EMPLOYEES

From: Terry Ford
Director
Human Resources Division

Subject: FMS Shutdown Designation – Exempt Employees

A government-wide shut-down and furlough of employees has become necessary due to a lapse in appropriations. Many Federal agencies, including Treasury, have closed non-essential government operations funded through annual appropriations unless they are excepted under Office of Management and Budget (OMB) standards.

The FMS functions of payments, collections, and cash reporting are considered excepted under OMB standards, and will continue during the shutdown, but with streamlined staff and minimal supporting functions. Certain employees who perform or support such functions are categorized as “excepted” and will remain in a work status. In addition, all employees funded by DMS or from other than annual appropriations are considered “exempt” and will remain in a work status. All other employees are designated as “non-excepted.” In addition to identifying exempt employees, the Commissioner, Deputy Commissioner and Assistant Commissioners identified excepted and non-excepted employees in relation to the functions that FMS will continue to perform. These designations are based upon functions, and are not intended to minimize the importance of any FMS position.

You have been designated as exempt and must report to work during the lapse in appropriations, which became effective at midnight [insert date]. Your work schedule is unaffected by the lapse in appropriations and regular policies on training, travel and leave remain in effect. Our primary focus during this period will be the orderly shutdown of FMS and continuation of essential operations.

At the earliest possible time, the Human Resources Division (HRD) will release updated information regarding the shutdown, continuation of essential functions and other related matters.

If you have any questions about your designation, please contact your immediate supervisor, or call Deborah Gore of the Workforce Planning and Policy Branch at 202-874-6904.

Thank you for your cooperation.

Acknowledgement of Receipt:

Employee Signature _____

Supervisor's Signature _____

ATTACHMENT D

Date: [insert date]

To: FMS NON-EXCEPTED EMPLOYEES

From: Terry Ford
Director
Human Resources Division

Subject: FMS Shutdown – Furlough of Non-Excepted Employees

A government-wide shutdown and furlough of employees has become necessary due to a lapse in appropriations. Many Federal agencies, including Treasury, have closed non-essential government operations funded through annual appropriations unless they are excepted under Office of Management and Budget (OMB) standards.

The FMS functions of payments, collections, and cash reporting are considered excepted under OMB standards, and will continue during the shutdown, but with streamlined staff and minimal supporting functions. Certain employees who perform or support such functions are categorized as “excepted” and will remain in a work status. In addition, all employees funded by DMS or from other than annual appropriations are considered “exempt” and will remain in a work status. All other employees are designated as “non-excepted.” In addition to identifying exempt employees, the Commissioner, Deputy Commissioner and Assistant Commissioners identified excepted and non-excepted employees in relation to the functions that FMS will continue to perform. These designations are based upon functions, and are not intended to minimize the importance of any FMS position.

You have been designated as non-excepted. Due to the lapse in appropriations, you have been placed in a furlough status, effective midnight of [insert date]. If leave, training or travel has been scheduled during this period, you must cancel it.

As a non-excepted employee, you will remain in a furlough status until funding has been made available for FMS’s full operations. At the earliest possible time, the Human Resources Division (HRD) will release updated information regarding the shutdown, furlough and other related matters, including your right to appeal this action.

If you have any questions about your designation, please contact your immediate supervisor, or call Deborah Gore of the Workforce Planning and Policy Branch on 202-874-6904.

Thank you for your cooperation.

Acknowledgement of Receipt:

Employee Signature _____

Supervisor's Signature _____

ATTACHMENT E

Please see the official *Questions and Answers* posted on the Office of Personnel Management and Office of Management and Budget websites.

ATTACHMENT F

MEMORANDUM FOR ALL EMPLOYEES WHO ARE NOT IN THE SENIOR
EXECUTIVE SERVICE OR SCHEDULE C

From: Name
Title

Subject: Notice of Furlough

This memorandum is to advise you that you will be furloughed for a period not to exceed 30 calendar days. This furlough will be effective_____.

This furlough is being initiated under the authority of 5 C.F.R. Part 752, Subpart D, due to a lapse of appropriations available to the bureau. Advance notice and an opportunity to reply are not being provided, under the authority of 5 C.F.R. 752.404 (d) (2), which waives such provisions in case of sudden emergencies requiring immediate curtailment of activities. The failure of Congress to fund the agency's work in a timely manner is such an emergency.

While you are on furlough, you will be in a nonpay, nonduty status. Annual, sick, court, or military leave which has been approved for this furlough period is canceled. Also, during the furlough, you will not be permitted to serve as an unpaid volunteer for the government, and must remain away from your workplace.

If some employees in your competitive level (generally, positions at the same grade level and classification series, the duties of which are generally interchangeable) are not being furloughed, it is because they are in positions the duties and responsibilities of which have been determined to be of crucial importance to the bureau's mission and cannot be curtailed, are compensated by other than annual appropriations, or are otherwise engaged in activities related to an orderly shutdown of agency operations. (Alternate or additional explanations may include employees that (1) are currently in a non-pay status, (2) are under an Intergovernmental Personnel Act mobility assignment, or (3) are on an assignment not otherwise causing an expenditure of appropriated funds to the bureau.)

It is our hope that the full 30 calendar day furlough will not be needed. You should listen for news on local radio and television stations for information related to the early termination of this furlough period. In addition, you may call the FMS emergency bulletin board system on 1-866-654-9540 for updates on reporting status. If the furlough is effective for the entire 30 calendar day period, you should report back to work at the normal start of your regular tour of duty on_____.

You may appeal this action to the Merit Systems Protection Board if your employment status meets any of the following criteria:

1. You have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment, limited to one year or less.
2. You are a preference eligible employee in an excepted service appointment and have completed one year of current continuous service in the same position or positions similar to the one you now hold.
3. You are in an excepted service appointment and have completed two years of current continuous service in the same or similar position under other than a temporary appointment limited to two years or less.

If you have the right of appeal and wish to appeal this action to the MSPB, you must file your appeal during the period beginning the day after the effective date of the furlough and ending on the 30th day after the effective date. You have the right to be represented in this matter by an attorney or other person you may choose. A copy of the appeal form is enclosed. You may review the MSPB's regulations in Room _____. The regulations are also published in 5 C.F.R. Part 1200.

Following is the address of the MSPB Regional Office having jurisdiction:

Attachment

I acknowledge receipt of this notice:

Employee's Name

Date

Printed Name

ATTACHMENT G

MEMORANDUM FOR ALL CAREER EMPLOYEES IN THE SENIOR EXECUTIVE
SERVICE

From: Name
 Title

Subject: Notice of Furlough

This memorandum is to advise you that you will be furloughed for a period not to exceed 30 calendar days. This furlough will be effective_____.

This furlough is being initiated under the authority of 5 C.F.R. Part 359, Subpart H, due to a lapse of appropriations available to the bureau. Thirty days advance notice is not being provided, under the authority of 5 C.F.R. 359.806 (a), which waives such provisions in case of sudden emergencies requiring immediate curtailment of activities. The failure of Congress to fund the agency's work in a timely manner is such an emergency.

While you are on furlough, you will be in a nonpay, nonduty status. Annual, sick, court, or military leave which has been approved for this furlough period is canceled. Also, during the furlough, you will not be permitted to serve as an unpaid volunteer, and must remain away from your workplace.

If some employees in your organizational unit are not being furloughed, it is because they are in positions the duties and responsibilities of which have been determined to be of crucial importance to the bureau's mission and cannot be curtailed, are compensated by other than annual appropriations, or are otherwise engaged in activities related to an orderly shutdown of agency operations. (Alternate or additional explanations may include employees that (1) are currently in a non-pay status, (2) are under an Intergovernmental Personnel Act mobility assignment, or (3) are on an assignment not otherwise causing an expenditure of appropriated funds to the bureau.)

It is our hope that the full 30 calendar day furlough will not be needed. You should listen for news on local radio and television stations for information related to the early termination of this furlough period. In addition, you may call the FMS emergency bulletin board system on 1-866-654-9540 for updates on reporting status. If the furlough is effective for the entire 30 calendar day period, you should report back to work at the normal start of your regular tour of duty on_____.

You may appeal this action to the Merit Systems Protection Board. If you appeal this action to the MSPB, you must file your appeal during the period beginning the day after the effective date of the furlough and ending on the 30th day after the effective date.

You have the right to be represented in this matter by an attorney or other person you may choose. A copy of the appeal form is enclosed. You may review the MSPB's regulations in Room_____. The regulations are also published in 5 C.F.R. Part 1200.

Following is the address of the MSPB Regional Office having jurisdiction:

Attachment

I acknowledge receipt of this notice:

Employee's Name

Date

Printed Name