

**Court Services and Offender Supervision Agency**  
**Pretrial Services Agency for the District of Columbia**  
**Orderly Shutdown Plan in the Absence of Appropriations**

**8-16-2021**

**I. Summary**

<b>Lapse Plan Summary Overview</b>	
Estimated time (to nearest half day) required to complete shutdown activities:	One half of a day
Total number of Agency employees expected to be on board before implementation of the plan:	1,100
Total number of Agency employees expected to be furloughed under the plan (unduplicated count):	152
<b>Total number of employees to be retained under the plan for each of the following categories:</b>	
Compensation is financed by a resource other than annual appropriations:	0
Necessary to perform activities expressly authorized by law:	0
Necessary to perform activities necessarily implied by law:	0
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	948
<b>Brief summary of significant Agency activities that will continue during a lapse:</b>	
CSOSA (CSP/PSA) offender and defendant assessment, supervision, support and sanction functions necessary to ensure public safety will continue throughout the lapse period.	
<b>Brief summary of significant Agency activities that will cease during a lapse:</b>	
CSOSA (CSP/PSA) administrative and program support to offender and defendant assessment, supervision, support and sanction functions will be reduced throughout the lapse period to only those necessarily implied to support the protection of life and property functions. All PSA activities that are not directly related to defendant engagement and/or court support will cease during a lapse, except as required PSA will continue to perform limited emergency administrative functions.	

## **II. Introduction**

The Anti-Deficiency Act, 31 U.S.C. 1341 and 1342, narrowly restricts the conduct of operations by agencies during a lapse of appropriations. In a lapse of appropriations, the agency must shutdown those activities and furlough those staff not otherwise legally authorized to continue within the legal guidance established by the Office of Management and Budget (OMB) and the Department of Justice (DOJ).

OMB Circular A-11 Section 124 (Agency Operations in the Absence of Appropriations) requires agency heads to develop and maintain plans for an orderly shutdown of agency operations in the event of absence of appropriations. Shutdown plans must be submitted to OMB either when first prepared or revised. Updated plans should be submitted to OMB at least every two years, effective August 1, 2015, or whenever there is a significant change in agency funding or activities.

Agency heads must decide what agency activities are excepted (or legally authorized to continue) and non-excepted (or not legally authorized to continue) during a lapse in appropriations. During a lapse in appropriations, agencies should only engage in activities consistent with the principles set forth in their shutdown plan. Shutdown plans should describe agency actions to be taken during a short lapse of funding (1-5 calendar days) and anticipated changes necessary should the lapse exceed five (5) calendar days.

## **III. Policies**

- A. The Anti-Deficiency Act prohibits agencies from incurring obligations that are in advance of, or that exceed, an appropriation. Thus, with certain limited exceptions, an agency may not incur obligations when the funding source for the obligation is an appropriation that has lapsed.
- B. In the absence of appropriations:
  - a. Federal officers may not incur any obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law; and
  - b. Federal officers may incur obligations as necessary for orderly termination of an agency's functions, but funds may not be disbursed.
- C. OMB and DOJ guidance authorize agency heads to except program activities from shutdown (requiring new obligations), only when:
  - a. Operations are financed by a resource other than annual appropriations;

- b. Operations are necessary to perform activities expressly authorized by law;
  - c. Operations are necessary to perform activities necessarily implied by law;
  - d. Operations are necessary to discharge the President's constitutional duties and powers; or
  - e. Operations are necessary to protect life and property (emergency circumstances).
- D. The 'protect life and property' or emergency exception authorization applies when both of the following exist:
- a. A reasonable and articulable connection between the obligation and the safety of life or the protection of property; and
  - b. Some reasonable likelihood that 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 that the threat to life or property can be said to be near at hand and demanding of immediate response.
- E. During a funding lapse, the performance of routine, on-going oversight, inspection, accounting, payment, contracting and other administrative functions should not continue. There are limited circumstances where these administrative functions may continue when such activities are 'necessarily implied' to carry out:
- a. An orderly shutdown of agency operations;
  - b. An agency excepted function; or
  - c. A congressionally authorized or appropriated function for which Congress has provided funding that remains available during the lapse, where the suspension of the related activity (during the funding lapse) would prevent or significantly damage the execution of the terms of the statutory authorization or appropriation.
- The 'necessarily implied' administrative activity must be absolutely critical to performance of one or more of the above functions. These situations are expected to be limited, and the employee may be excepted from furlough only for the bare minimum of time necessary to carry out the activity.
- F. During a lapse in appropriations, agencies should only engage in excepted activities pursuant to applicable legal requirements and consistent with the principles set forth in their OMB-approved Shutdown Plan.
- G. The Government Employee Fair Treatment Act of 2019 (P.L. 116-1), dated January 16, 2019, amends the Anti-Deficiency Act to authorize retroactive pay

for applicable employees furloughed during a lapse of appropriations. For the purpose of any pay, accrued leave (annual and sick leave) or benefit entitlement, furlough hours for which retroactive pay is received are considered paid hours of work.

#### **IV. Definitions**

- A. **Shutdown Furlough:** In the event that funds are not available through an appropriations law or continuing resolution, a 'shutdown' furlough occurs. A shutdown furlough is necessary when an agency no longer has the necessary funds to operate and must shut down those activities which are not excepted pursuant to the Anti-deficiency Act. Furloughed employees are placed in a temporary, non-duty, non-work status.
- B. **Excepted Employees:** In the context of shutdown furloughs, the term 'excepted' is used to refer to employees who are funded through annual appropriations who are nonetheless excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. Excepted employees include employees who are performing emergency work involving the safety of human life or the protection of property or performing certain other types of excepted work. Employees are considered to be excepted when they are performing excepted work activities or when excepted employees use approved, paid leave during a lapse of appropriations. Excepted employees have the option of using leave or entering furlough status for periods of authorized absence from work. An excepted employee must be retroactively paid for work or approved leave occurring in the lapse of appropriations.
- C. **Emergency Employees:** Employees who must report for work in emergency situations (e.g., severe weather conditions, air pollution, power failures, interruption of public transportation, and other situations) in which significant numbers of employees are prevented from reporting for work or which require agencies to close all or part of their activities. Emergency employees are not automatically deemed excepted employees for purposes of shutdown furloughs. Each agency must determine which employees are excepted employees pursuant to the Anti-Deficiency Act.
- D. **Non-Excepted Employees:** Employees who 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. An applicable employee who is furloughed as the result of a lapse of appropriations must be paid for furlough

periods that occurred during the lapse. Non-excepted (furloughed) employees may not be charged paid leave for furlough hours as part of the retroactive pay.

- E. Agency Shutdown Plan: OMB Circular A-11 Section 124.2 requires agency directors to develop and maintain plans for an orderly shutdown in the event of a lapse in appropriations. The Shutdown Plan shall describe agency actions to be taken prior to and during a lapse of appropriations, designate agency excepted activities and positions, and identify actions necessary to resume normal operations once the lapse has ended.

## **V. Shutdown Summary**

- A. The Court Services and Offender Supervision Agency (CSOSA) is a law enforcement agency comprised of two programs:

- a. Community Supervision Program:

The Community Supervision Program (CSP) is a law enforcement agency playing a vital role in public safety within the District of Columbia. CSP is responsible for supervision of adult offenders released by the Superior Court of the District of Columbia or the U.S. Parole Commission on probation, parole or supervised release, as well as monitored Civil Protection Orders and Deferred Sentencing Agreements. The CSP strategy emphasizes public safety, successful re-entry into the community, and effective supervision through an integrated system of comprehensive risk assessment, close supervision, routine drug testing, treatment and support services, and graduated sanctions and incentives. CSP also develops and provides the Courts and the U.S. Parole Commission with critical and timely information for probation and parole decisions.

All CSP core offender supervision/law enforcement activities will continue throughout the lapse period; CSP offender support and sanctions activities necessary to ensure public safety will also continue throughout the lapse period. Limited administrative support functions will also continue through all or part of the lapse period to perform activities 'necessarily implied' to support excepted functions.

- b. Pretrial Services Agency:

The Pretrial Services Agency (PSA) is a law enforcement agency fulfilling a vital role in public safety within the District of Columbia. PSA assists

judicial officers in both the Superior Court of the District of Columbia and the United States District Court for the District of Columbia by conducting a risk assessment for every arrested person who will be presented in court and formulating release or detention recommendations based upon the arrestee’s demographic information, criminal history, and substance use and/or mental health information. For defendants who are placed on conditional release pending trial, PSA provides supervision and treatment services that reasonably assure that they return to court and do not engage in criminal activity pending their trial and/or sentencing.

PSA core defendant assessment and supervision functions necessary to ensure public safety will continue throughout the lapse period. Limited administrative support functions will also continue through all or part of the lapse period to perform activities ‘necessarily implied’ to support excepted functions.

- B. CSOSA activities (staff and contracts) are typically supported by annual, appropriated funding. CSOSA plans to continue to perform identified offender and defendant supervision, sanctions and support services throughout the lapse period under authority provided to continue operations of those functions necessary to protect life and property (emergency circumstances). The close supervision of offenders and defendants is necessary to protect life and property.
- C. CSOSA Law Enforcement Partners: CSOSA’s shutdown plan assumes the Federal Bureau of Prisons, U.S. Parole Commission, U.S. Marshals Service, D.C. Metropolitan Police Department, Superior Court of the District of Columbia, U.S. District Court for D.C. and D.C. Department of Corrections will continue core public safety operations throughout a lapse in Federal appropriations.
- D. CSOSA (CSP/PSA) Summary Employee Information

	Estimated On-Board Employees Prior to Implementation of Shutdown Plan	Employees to be Furloughed [Days 1-5]	Employees to be Retained to Protect Life and Property (Excepted Employees) [Days 1-5] <sup>1 2 3</sup>	Employees to be Retained to Protect Life and Property (Excepted Employees) [Days 6-14] <sup>1 2 3</sup>	Employees to be Retained to Protect Life and Property (Excepted Employees) [Days 15-] <sup>1 2 3</sup>
CSP	780	116	664	697	755
PSA	320	36	284	284	284
<b>CSOSA TOTAL</b>	<b>1,100</b>	<b>152</b>	<b>948</b>	<b>981</b>	<b>1,039</b>

<sup>1</sup> Days measured in calendar days.

<sup>2</sup> Does not include estimated vacant positions.

<sup>3</sup> Includes employees who will be placed in an intermittent or rotating excepted status to perform 'necessarily implied' administrative functions to support excepted functions. These employees will be placed in a furlough status when they are not performing excepted activities.

E. CSOSA Shutdown Time Period: CSP and PSA require approximately one-half of the business day (approximately four (4) hours) following the date of the appropriation lapse to complete the initial shutdown of non-excepted operations.

F. CSOSA Shutdown Plan Points of Contact (POC):

a. CSP:

Paul Girardo, Associate Director, Office of Financial Management

(202) 220-5718

[Paul.Girardo@CSOSA.GOV](mailto:Paul.Girardo@CSOSA.GOV)

b. PSA:

Jerri Calhoun, Deputy Assistant Director, Office of Finance and Administration

(202) 220-5680

[Jerri.Calhoun@PSA.GOV](mailto:Jerri.Calhoun@PSA.GOV)

## VI. Excepted and Non-Excepted Activity Detail

A. Only those activities that are excepted by the agency head pursuant to applicable legal requirements may continue to be performed during a lapse in appropriations. CSOSA (CSP and PSA) deems the following activities to be excepted from shutdown as a necessity to protect life and property.

i. CSP Excepted Activities

1. Offender Supervision: CSP staff and contractors performing direct offender supervision functions will be excepted and continue to perform excepted duties at pre-appropriation lapse levels throughout the entire shutdown period.

a. Offender Intake Processing

b. Offender Investigations

c. Offender Assessments

d. Offender Supervision

e. Offender Drug Testing

2. Offender Sanctions: CSP requires continuation of staff and contractors performing offender sanctions to enforce offender

supervision violations. Offender sanctions and interventions are ordered by the Courts, the U.S. Parole Commission or CSP (with the approval of the releasing authority) as a condition of supervision. CSP staff and contractors performing the following sanctions activities will be excepted and continue to operate throughout the entire shutdown period.

- a. Global Positioning System (GPS) monitoring
  - b. Day Reporting Centers (DRCs)
  - c. Restorative Justice (Community Service)
3. Offender Support: CSP requires continuation of staff and contractors performing critical offender support activities:
    - a. CSOSA Re-entry and Sanctions Center (RSC)
    - b. Community Engagement and Achievement Centers (CEACs)
    - c. Offender Vocational Training
    - d. Offender Substance Abuse Treatment
    - e. Offender Transitional Housing
    - f. Mental Health Assessments
    - g. Sex Offender Assessments and Treatment
    - h. Victim Services
    - i. Offender Faith-Based Mentoring
  4. Agency administrative employee and contract support functions meeting strict 'necessarily implied' requirements.
- ii. CSP Non-Excepted Activities (subject to cease upon lapse of appropriations):
    1. Agency Administrative Support:
      - a. The administrative functions below are deemed non-excepted, except for those positions performing 'necessarily implied' functions:
        - i. Human Resources
        - ii. Training and Career Development
        - iii. Office of Legislative, Intergovernmental and Public Affairs
        - iv. Information Technology
        - v. Research and Evaluation
        - vi. Procurement
        - vii. Office of Financial Management
        - viii. Security
        - ix. Facilities
        - x. General Counsel
        - xi. Freedom of Information Act



- xii. Quality Improvement Unit
- xiii. Equal Employment Opportunity
- xiv. Alternative Dispute Resolution
- xv. Policy Analysis Unit
- xvi. Community Relations
- xvii. Records Management
- xviii. Office of Internal Controls and Audits

**CSP Estimated On-Board Excepted/Retained Employees by Shutdown Duration (Calendar Days)**

	Employees to be Retained to Protect Life and Property (Excepted Employees) [Days 1-5]	Employees to be Retained to Protect Life and Property (Excepted Employees) [Days 6-14] <sup>1 2</sup>	Employees to be Retained to Protect Life and Property (Excepted Employees) [Days 15-] <sup>1 2</sup>
Offender Supervision	382	382	382
Offender Sanctions	23	23	23
Offender Support Services	130	130	130
Agency Administrative Support (Necessarily Implied)	128	161	219
<b>Total Excepted/Retained</b>	<b>664</b>	<b>697</b>	<b>755</b>

<sup>1</sup> The number of employees retained under excepted status on Days 6+ may exceed the figure(s) above based on the need for specific excepted functions (e.g., the CSP Office of the Director deems additional employees are necessary to perform emergency, excepted functions).

<sup>2</sup> Includes employees who will be placed in an intermittent or rotating excepted status to perform 'necessarily implied' administrative functions to support excepted functions. These employees will be placed in a furlough status when they are not performing excepted activities.

iii. PSA Excepted Activities:

1. Defendant Assessment, Supervision and Support: PSA will continue defendant assessment, supervision and directly related functions at pre-appropriation lapse levels throughout the entire shutdown period. These functions include:
  - Risk assessment of defendants in preparation of bail reports for the courts

- Criminal history investigations to assist the Metropolitan Police Department (MPD) with citation determinations.
  - Specimen collection, drug testing and laboratory analysis and expert witness testimony
  - Supervision, including electronic monitoring of defendants on pretrial release
  - Case management of defendants on pretrial release including on-going risk assessment
  - Referrals of defendants to city services
  - Reporting violations of release conditions to the court and requesting revocation of release where appropriate
  - Substance use and/or mental health disorder assessments and treatment
2. Agency administrative employee and contract support functions meeting strict ‘necessarily implied’ requirements
- iv. PSA Non-Excepted Activities (subject to cease upon lapse of appropriations):
1. Agency Administrative Support:
- a. The administrative functions below are deemed non-excepted, except for limited positions performing ‘necessarily implied’ functions:
- i. Human Resources
  - ii. Training and Career Development
  - iii. Information Technology
  - iv. Accounting
  - v. Payment Services (limited services may be excepted)
  - vi. Budget Formulation and Execution
  - vii. Forensic Research
  - viii. Strategic Development
  - ix. Procurement
  - x. Facilities
  - xi. Attorney Advisor
  - xii. Freedom of Information Act
  - xiii. Policy
  - xiv. Quality Assurance
  - xv. Justice and Community Relations
  - xvi. Records Management

**PSA Estimated On-Board Excepted/Retained Employees by Shutdown Duration (Calendar Days)**

	Employees to be Retained to Protect Life and Property (Excepted Employees) [Days 1-5]	Employees to be Retained to Protect Life and Property (Excepted Employees) [Days 6-14]	Employees to be Retained to Protect Life and Property (Excepted Employees) [Days 15-]
Defendant Assessment, Supervision and Support	239 <sup>1</sup>	239 <sup>1</sup>	239 <sup>1</sup>
Agency Administrative Support (Necessarily Implied)	45 <sup>2</sup>	45 <sup>2</sup>	45 <sup>2</sup>
<b>Total Excepted/Retained</b>	<b>284</b>	<b>284</b>	<b>284</b>

<sup>1</sup> Includes 7 employees who will be placed in an intermittent or rotating excepted status to perform ‘necessarily implied’ administrative functions to support excepted functions. These employees will be placed in a furlough status when they are not performing excepted activities.

<sup>2</sup> Includes 33 employees who will be placed in an intermittent or rotating excepted status to perform ‘necessarily implied’ administrative functions to support excepted functions. These employees will be placed in a furlough status when they are not performing excepted activities.

- B. Determination of whether a current CSP or PSA contract should be discontinued or may be excepted (retained) throughout some or all of the shutdown period is dependent upon several factors.
  - i. If the contract is awarded and funded prior to the shutdown (and funding applies to goods and/or services to be provided in the shutdown period), the contract may continue in the shutdown period if it is directly related to CSP and PSA excepted activities outlined in the Shutdown Plan or is required to meet an emergency circumstance.
    - 1. Contracts deemed directly related to excepted activities must support the activity to the point where their discontinuation would prevent or significantly hinder performance of the activity.
    - 2. Contracts deemed necessary to address an emergency need or situation must be directly related to the protection of life or property.

3. An absolute minimum number of Agency staff may be retained in the shutdown time period to perform contract oversight of excepted/emergency contracts as a 'necessarily implied' function.
- ii. If the contract is awarded and funded prior to the shutdown (and funding applies to goods and/or services to be provided in the shutdown period), yet is not directly related to an excepted activity or deemed an emergency, it should generally be discontinued, and a Stop Work order issued, for the shutdown period.
  1. In certain circumstances, funded contracts performing non-excepted or non-emergency activities may continue in the shutdown if it is advantageous to the Agency and there is adequate contractor oversight.
    - a. Agency staff must not be retained in the shutdown period to perform oversight of contractors performing non-excepted or non-emergency activities.
- iii. Contracts awarded, yet not funded, prior to the shutdown may continue in the shutdown period only if they are directly related to excepted activities outlined in the Shutdown Plan or are required to meet an emergency circumstance.
  1. The Agency may incur new obligations in the shutdown period only to support such contracts meeting excepted and emergency criteria.
- iv. Contracts awarded, yet not funded, prior to the shutdown, and are not directly related to an excepted activity or are not deemed an emergency, must not continue in the shutdown period.
  1. The Agency must not incur new obligations in the shutdown period that are not directly related to excepted (or emergency) activities.

## **VII. Implementation of Shutdown Plans (Pre-Shutdown)**

- A. Pre-Shutdown (*7-10 calendar days prior to possible lapse of appropriations*)
  - i. CSP Office of Human Resources (OHR) and PSA Office of Human Capital Management (OHCM) make necessary notifications to the American Federation of Government Employees (AFGE) local representatives [advance OMB approval required].

- ii. CSP Office of the Director (OD) and PSA OD issue general notice to all employees concerning possible shutdown [advance OMB approval required].
- iii. Procurement offices (CSP and PSA) issue general notice to all contractors concerning possible shutdown [advance OMB approval required].
- iv. Procurement offices (CSP and PSA) generate list of all active contracts, funded periods of performance and assigned Contracting Officer Representatives (CORs).
- v. Finance offices (CSP and PSA) generate a list of all employees planned to be in TDY travel status on or around the date of possible shutdown.
- vi. Training offices (CSP and PSA) generate a list of all employees planned to attend internal and external training on or around the date of possible shutdown.
- vii. Human Resource offices (CSP and PSA) coordinate with Executive Staff to generate lists of employees detailed from/to the Agency with other entities (reimbursable and non-reimbursable details).
- viii. CSP Office of Financial Management (OFM) and PSA OHCM generate a draft list of all excepted/non-excepted positions and current employees occupying these positions.
- ix. CSP and PSA designated Shutdown Plan POCs obtain and review current Shutdown Plans from the Federal Bureau of Prisons, U.S. Parole Commission, U.S. Marshals Service, D.C. Metropolitan Police Department, Superior Court of the District of Columbia, U.S. District Court for D.C. and D.C. Department of Corrections to ensure coordination of planned activities.

**B. Pre-Shutdown (3-6 calendar days prior to possible lapse of appropriations)**

- i. CSP OD reviews and approves specific excepted/non-excepted CSP employees and informs respective Executive Staff and the CSP Shutdown Plan POC of designations. PSA OD reviews and approves specific excepted/non-excepted PSA employees and informs respective management staff and the PSA Shutdown Plan POC of designations.
  - 1. If necessary, CSP Executive Staff submit appeals of OD excepted/non-excepted staff designations to the OD and the CSP Shutdown Plan POC within one business day of receipt of OD designations.

2. In most cases, the adjudication of appeals should not result in net excepted staff that exceed CSP retained employee estimates outlined in this document.
  - ii. CSP Executive Staff (or their designees) and PSA management shall ensure that they are aware of upcoming leave, travel, training and other work schedule anomalies for all (excepted/non-excepted) of their assigned staff to ensure effective and timely communications in the event of a shutdown.
  - iii. CSP Executive Staff (or their designees) and PSA management shall ensure that they have current personal contact information for all (excepted/non-excepted) of their assigned staff.
  - iv. CSP OD reviews and approves specific contractors in accordance with the excepted activities outlined in the Shutdown Plan, funded periods of performance and contract oversight and informs CSP Procurement, OFM and respective Executive Staff of whether the contractor is deemed excepted (retained) or will be discontinued (e.g., Stop Work order issued). PSA Director, Office of Finance and Administration (OFA) reviews and approves specific excepted/non-excepted contractors and informs PSA Procurement and respective management staff of designations.
  - v. CSP OHR and PSA OCHM contact respective employees on detail to other entities or on detail to CSOSA with instructions in case of a lapse of appropriations.
- C. Pre-Shutdown (*1-2 calendar days prior to possible lapse of appropriations*)
- i. Pro-active, timely and effective communication between Executive Staff, supervisors and staff in the Pre-Shutdown time period is imperative toward ensuring that Shutdown Day operations are successful (if necessary).
  - ii. CSP Executive Staff informs each employee of their excepted/non-excepted designations at least one calendar day prior to Shutdown Day [upon advance approval by OMB and the CSP OD]. PSA management staff informs employees of their excepted/non-excepted designations at least one calendar day prior to Shutdown Day [upon advance approval by OMB and PSA OD].
    1. Inform excepted and non-excepted staff individually of their designations. This should be accomplished in-person or via phone. Agency email or text notifications should only take place when in-person or direct phone contact methods are not possible.

Employees may be informed through personal contact means (e.g., personal email accounts) when in-person or Agency communications are not possible.

2. Inform non-excepted staff that their designation is based solely on a legal interpretation of shutdown requirements and not a reflection of their performance or importance to the Agency.
  3. Inform non-excepted staff of the possibility that they may be recalled to excepted status at any time in the shutdown period and of their responsibility to respond to Agency requests (within 24 hours) and return to work status in a timely manner (within 24 hours of response).
  4. Confirm personal contact information with each non-excepted employee. Inform staff of their responsibility to respond to Agency requests submitted to personal contact information throughout the shutdown period.
  5. Inform all staff (excepted/non-excepted) of their Shutdown Day work status responsibilities. Inform staff to notify their supervisor, in advance, of their requested work location and any changes in reporting schedule for Shutdown Day.
- iii. CSP OHR and PSA OHCM generate Furlough Notices for non-excepted staff.
1. Furlough Notices should provide specific, written instructions directing employees:
    - a. Review Agency and OPM websites regularly for instructions and updates regarding employee support, outside employment, unemployment compensation, return to duty and other employee assistance issues throughout the shutdown period.
    - b. Responsibility to follow Executive Branch-wide standards of ethical conduct and rules while on furlough.
    - c. Responsibility for responding to Agency requests in a timely (within 24 hours) and effective manner in the event the Agency re-calls the employee to excepted (work) status in the shutdown period.
    - d. Responsibility for returning to work status in a responsive and timely manner (within 24 hours of response) if recalled to excepted (work) status or at the end of the shutdown. Employees directed to perform excepted work

- during a lapse of appropriations but fail to report to duty may be placed in absence without leave (AWOL) status.
- e. Failure to adhere to procedures or timelines in the Furlough Notice may lead to corrective action taken against the employee.
2. CSP OHR distributes Furlough Notices to respective CSP Executive Staff at least one calendar day prior to Shutdown Day. PSA OHCM distributes Furlough Notices to respective PSA management staff at least one calendar day prior to the Shutdown Day.
    - a. Note that Furlough Notices will not be provided to non-excepted employees until Shutdown Day.
- iv. CSP OD issues guidance to CSOSA staff concerning Shutdown Day responsibilities [upon advance approval by OMB]. PSA OD issues guidance to PSA staff concerning Shutdown Day responsibilities [upon advance approval by OMB].
  - v. Procurement offices (CSP and PSA) inform contractors of their excepted/non-excepted designations [upon advance approval by OMB and decisions of respective ODs].
  - vi. CSP Procurement and OFM issue joint guidance to contractors and CORs regarding payment prohibitions in the shutdown time period. PSA Procurement issues guidance to contractors and CORs regarding payment prohibitions in the shutdown time period.
  - vii. Procurement offices (CSP and PSA) generate Stop Work orders for non-excepted contractors.
    1. Note that Stop Work orders will not be issued to vendors until Shutdown Day.
  - viii. Finance offices (CSP and PSA) coordinate travel arrangements and cancellations with employees currently on or with planned TDY travel.
  - ix. Training offices (CSP and PSA) coordinate cancellations or postponements for employees currently on or with planned external training. To the extent possible, planned internal training shall also be cancelled or postponed.
  - x. Draft CSP and PSA employee information to be posted on Agency internal and external websites on Shutdown Day is vetted, to include:
    1. Creditor Letter;
    2. Outside Employment Form and instructions;
    3. Other employee instructions, contact information and employee assistance resources; and



4. Agency internal business functions that will or will not continue in the shutdown time period.
- xi. CSP and PSA designated Shutdown Plan POCs post Agency Shutdown Plan on Agency websites [upon approval by OMB].
- xii. CSOSA (CSP and PSA) begins execution of Agency Shutdown Plan [upon approval by OMB].

## **VIII. Shutdown (Calendar Days 1-14)**

### **A. Shutdown Day**

- i. Shutdown Day is the first regular business day following the lapse of appropriations.
  1. If the lapse of appropriations takes place on a Friday, Shutdown Day is the following (non-holiday) Monday.
  2. To the extent possible, all staff (excepted and non-excepted) shall be in work status on Shutdown Day to coordinate Shutdown Day activities.
  3. Once the lapse of appropriations is effective, non-excepted staff shall only perform work, use Agency electronic devices or access the Agency's internal network to perform orderly shutdown activities for up to four (4) hours on the Shutdown Day.
- ii. CSP Executive Staff (or their designees) and PSA management staff provide Furlough Notices to non-excepted employees on Shutdown Day. PSA management staff may also provide Furlough Notices to excepted employees expected to be placed in non-excepted (furlough status) at some point early in the shutdown time period.
  1. CSP Executive Staff and PSA Director (or designee) must sign the Furlough Notice as the "Deciding Official."
  2. Staff should sign the Furlough Notice and return the Notice to their Executive Staff or designee within the four (4) hour Shutdown Day period.
    - a. Furlough Notices should be issued/received in-person or via Agency email.
    - b. Furlough Notices may be signed electronically.
    - c. Furlough Notices may be issued to, and received from, personal contact information (e.g., personal email accounts) only when in-person or Agency email

distribution is not possible. Sending Furlough Notices to a non-expected employee's registered home address should only be used as a last resort. The processing of a mailed Furlough Notice by a non-expected employee is an allowable shutdown activity.

3. CSP Executive Staff and PSA management staff shall advise non-expected (or furloughed) staff to maintain a copy of the Furlough Notice and regularly watch their personal contact information, the media and OPM/CSOSA/PSA websites for employee assistance information and Agency/OPM notifications to return to work.
  4. CSP Executive Staff forwards signed (signed by Executive and employee) Furlough Notices to CSP OHR to be maintained in e-OPF. PSA management staff forwards signed Furlough Notices to OHCM to be maintained in e-OPF.
  5. CSP Executive Staff informs OHR of any issues or impediments for completing the Furlough Notice process for all non-expected staff. PSA management staff informs OHCM of any issues or impediments for completing the Furlough Notice process for all non-expected staff.
- iii. Non-expected employees shall report to work on the Shutdown Day to perform orderly shutdown procedures for up to four (4) hours.
1. Planned AWS or leave will be cancelled and the non-expected employee will place themselves in work status on Shutdown Day on or around their regularly-scheduled start time.
  2. Non-expected employees who have a valid Agency telework agreement and scanning capability may conduct Shutdown Day activities, to include receiving, signing and returning the Furlough Notice, from an approved alternate worksite.
    - a. CSP non-expected employees who are not scheduled to telework on Shutdown Day yet wish to perform Shutdown Day activities remotely shall submit a request to their supervisor, in writing, at least one calendar day prior to the lapse of appropriations.
    - b. PSA OD or designee will issue guidance to non-expected employees on performing shutdown activities remotely.
  3. Non-expected employees on pre-approved leave, and who are traveling outside the local commuting area, may be exempted from reporting to work status on Shutdown Day. Similarly, non-

excepted employees on pre-approved extended sick leave or otherwise unable to be in work status on Shutdown Day may be exempted from reporting to work status on Shutdown Day with advance approval.

- a. Non-excepted employees on pre-approved leave or who are sick on Shutdown Day, and who do not have a telework agreement or access to telework equipment, may receive, sign and return their Furlough Notice from personal contact information. Mailing of a Furlough Notice to the non-excepted employee's registered home address with written instructions to immediately sign and return the notice via mail to CSP or PSA should be used as a last resort. The processing of a mailed Furlough Notice by a non-excepted employee is an allowable shutdown activity.
4. Non-excepted employees will have up to four (4) hours on Shutdown Day to:
- a. Activate out of office voicemail and email messages:
    - i. 'Due to a lapse in Federal appropriations, the Federal government is partially shut down and I am not in a duty status. Please contact \_\_\_\_\_ on \_\_\_\_\_ with any matters that need immediate attention.'
  - b. Secure all documents as appropriate.
  - c. CSP employees shall receive, acknowledge (sign) and return Furlough Notice to Executive Staff member (or their designee). PSA employees will return signed Furlough Notice to their office director or program manager (or their designees).
  - d. Shut down all Agency electronic devices (phone, laptop, etc.)
    - i. Non-excepted employees do not have to surrender Agency electronic devices. However, such devices must not be used during the shutdown beyond the four (4) hour Shutdown Day time period.
  - e. Advise supervisor or excepted staff of any pending assignments, the status of current projects and any other issues that may require attention during their absence.

- f. Complete time and attendance in webTA, if required.
    - g. Non-expected staff shall obtain written or verbal approval from their supervisor prior to ending their work status on Shutdown Day.
- iv. Excepted staff shall report to work on the Shutdown Day to assist with Shutdown Day procedures and the orderly transfer of information with non-expected staff.
  - 1. Excepted employees who are scheduled to be on AWS or have planned, pre-approved leave scheduled for Shutdown Day shall be in work status on Shutdown Day to the extent possible.
    - a. AWS may be postponed to another day in the Pay Period, if possible.
    - b. Excepted employees on pre-approved leave and traveling outside the local commuting area may be exempted from being in work status on Shutdown Day.
    - c. Excepted employees on extended sick leave or otherwise sick on Shutdown Day may be exempted from being in work status on Shutdown Day.
    - d. Excepted employees who are not in work status on a regularly-scheduled work day after a lapse of appropriations are placed in an approved leave (e.g., annual or sick leave) or furlough (non-work) status.
    - e. Excepted status employees with a valid Agency telework agreement may telework on the Shutdown Day, with advance supervisory approval.
- v. Employees designated as excepted may be required to adjust their AWS or telework schedules, depending upon when they are needed to cover mission-critical functions. Supervisors will provide additional guidance on this issue when reporting instructions are provided.
- vi. Procurement offices (CSP and PSA) issue Stop Work orders to contractors performing non-expected functions.
- vii. Procurement offices (CSP and PSA) issue instructions to contractors performing expected functions.
- viii. CSOSA and PSA external websites shall remain in operation on Shutdown Day and throughout the shutdown time period to enable communication with offenders and defendants, public safety/community partners and non-expected employees (e.g., unemployment forms, creditor letters,

outside employment forms/instructions, employee support resources, health benefit information, Shutdown Plan, shutdown FAQs).

- ix. CSP and PSA internal websites shall be updated to provide information to excepted employees on Agency business activities that may be cancelled or have limited operations in the shutdown period.
- x. CSP and PSA will prominently post the following at all agency locations and on Agency external websites:
  - 1. "CSOSA's supervision and drug testing offices will remain OPEN for business during a Federal Government shutdown and offenders should continue to report for scheduled supervision and drug testing appointments. However, many CSOSA administrative and support organizations will be operating with significantly reduced staff."
  - 2. "PSA supervision and drug testing offices will remain OPEN for business during a Federal Government shutdown and defendants should continue to report for scheduled supervision and drug testing appointments and group sessions. However, many PSA administrative and support offices will be operating with significantly reduced staff."
- xi. The Office of Management and Budget will issue an automatic funding apportionment to CSOSA providing authority as provided by the Anti-deficiency Act necessary to incur excepted obligations in accordance with the CSOSA Shutdown Plan throughout the duration of the lapse in appropriations.

**B. Shutdown: Changes in Staffing Designations in the Shutdown Period**

- i. CSP Executive Staff who wish to return non-excepted (furloughed) staff to excepted (work) status in the shutdown period, shall submit requests and justifications to the CSP OD and the CSP Shutdown Plan POC. The CSP OD shall approve or disapprove return to duty requests.
  - 1. In most cases, OD-approved requests should not result in net excepted staff that exceed CSP retained employee estimates outlined in this document.
  - 2. Executive Staff or their designees shall contact non-excepted staff and issue a Return to Duty Notice document to enable the employee to return to excepted (work) status.

- a. CSP Executive Staff forwards Return to Duty Notices, signed by Executive and employee, to CSP OHR to be maintained in e-OPF.
- ii. CSP Executive Staff who wish to rotate an excepted employee for a non-excepted status employee to perform an excepted function in the shutdown period shall submit requests and justifications to the CSP OD and the CSP Shutdown Plan POC. The CSP OD shall approve or disapprove employee rotation requests.
  - 1. Rotate Out: Executive Staff or their designees shall provide the current excepted staff with a Furlough Notice.
    - a. CSP Executive Staff forwards Furlough Notice, signed by Executive and employee, to CSP OHR to be maintained in e-OPF.
- iii. PSA management staff who wish to return non-excepted (furloughed) staff to excepted (work) status in the shutdown period, shall submit requests and justifications to the PSA OD and the PSA Shutdown Plan POC. The PSA OD shall approve or disapprove return to duty requests.
  - 1. In most cases, OD-approved requests should not result in net excepted staff that exceed PSA retained employee estimates outlined in this document.
  - 2. PSA management staff or their designees shall contact non-excepted staff and issue a Return to Duty Notice to enable the employee to return to excepted (work) status.
    - a. PSA management staff forwards signed Return to Duty Notices to PSA OCHM to be maintained in e-OPF.
- iv. PSA management staff who wish to rotate an excepted employee for a non-excepted status employee to perform an excepted function in the shutdown period shall submit requests and justifications to the PSA OD and the PSA Shutdown Plan POC. The PSA OD shall approve or disapprove employee rotation requests.
  - 1. Rotate Out: Management staff or their designees shall provide the current excepted staff with a Furlough Notice.
    - a. PSA management staff forwards signed Furlough Notice to PSA OHCM to be maintained in e-OPF.

- C. Intermediate Shutdown Time Periods (*Shutdowns lasting 6-14 Calendar Days*)
  - i. Additional CSP Administrative Staff shall be re-called to work status to perform 'necessarily implied' administrative activities that directly support offender supervision, sanctions and support functions.
    - 1. Executive Staff or their designees shall contact non-excepted staff and issue a Return to Duty Notice to enable the employee to return to excepted (work) status.
      - a. CSP Executive Staff forwards Return to Duty Notices, signed by Executive and employee, to CSP OHR to be maintained in e-OPF.
  - ii. Additional PSA Administrative Staff shall be re-called to work status to perform 'necessarily implied' administrative activities that directly support defendant assessment, supervision and support functions.
    - 1. Management staff or their designees shall contact non-excepted staff and issue a Return to Duty Notice to enable the employee to return to excepted (work) status.
      - a. PSA management staff forwards Return to Duty Notices signed by management and employee to PSA OHCM to be maintained in e-OPF.

## **IX. Extended Shutdown (Calendar Days 15-)**

- A. Extended Shutdown Time Periods (*Shutdowns lasting 15 or more Calendar Days*)
  - i. Additional CSP Administrative Staff shall be re-called to work status to perform 'necessarily implied' administrative activities that directly support on-going offender supervision, sanctions and support functions.
    - 1. Executive Staff or their designees shall contact non-excepted staff and issue a Return to Duty Notice to enable the employee to return to excepted (work) status.
      - a. CSP Executive Staff forwards Return to Duty Notices, signed by Executive and employee, to CSP OHR to be maintained in e-OPF.
  - ii. CSP Executive Staff should rotate excepted employees for remaining non-excepted status employees, to the extent possible.
  - iii. Shutdowns lasting 15 or more calendar days may place CSP excepted and non-excepted staff under financial duress.

1. CSP Executive Staff should make effort to ensure that excepted staff are provided temporary work scheduling, telework and dress code accommodations that ease financial burdens while maintaining the Agency's public safety mission.
- iv. Additional PSA Administrative Staff shall be re-called to work status to perform 'necessarily implied' administrative activities that directly support defendant assessment, supervision and support functions.
  1. PSA management staff or their designees shall contact non-excepted staff and issue a Return to Duty Notice to enable the employee to return to excepted (work) status.
    - a. PSA management staff forwards signed Return to Duty Notices to PSA OHCM to be maintained in e-OPF.
- v. PSA management staff should rotate excepted employees for remaining non-excepted status employees, to the extent possible.
- vi. Shutdowns lasting 15 or more calendar days may place PSA excepted and non-excepted staff under financial duress.
  1. PSA management staff should make effort to ensure that excepted staff are provided temporary work scheduling, telework and dress code accommodations that ease financial burdens while maintaining the Agency's public safety mission.

## **X. Shutdown Detail**

### **A. Employee Salaries, Leave and Benefits:**

- i. Presidential Appointees: Individuals appointed by the President, with or without Senate confirmation, who are not covered by the leave system in 5 U.S.C. Chapter 63, or an equivalent formal leave system, are not subject to furlough.
- ii. Employee Paid Leave (Annual Leave / Sick Leave):
  1. All planned and approved leave for non-excepted (furloughed) staff is cancelled during the shutdown period.
  2. When an excepted employee is not working or not performing excepted activities in compliance with the Anti-Deficiency Act, he or she should be in approved leave (e.g., annual or sick leave) or furlough status. It is the choice of the excepted employee to



either use leave or enter furlough status to cover periods of authorized absence from work in the shutdown period.

- a. The furlough must be documented by a Furlough Notice. All CSP and PSA Furlough Notices should be submitted to CSP OHR or PSA OHCM, respectively, and recorded in eOPF.
  - b. Excepted employees shall continue to request advance supervisory approval for planned leave and/or furlough status and inform their supervisor (or designee) of unplanned leave and/or furlough status (e.g., sick leave) in a timely manner during the shutdown time period.
3. Leave and/or furlough requests by excepted staff shall not be submitted or approved in the Agency's payroll/T&A system in the shutdown period. Leave and/or furlough requests should be submitted and approved via Agency email or phone and tracked by supervisors.
  4. Absences from work that are not properly requested and/or justified may be considered AWOL.
  5. Applicable non-excepted (furloughed) and excepted employees who were in pay status prior to the lapse will earn leave accrued in the shutdown period, retroactively.
- iii. Alternate Work Schedule (AWS): Excepted employees may continue an existing AWS schedule in the shutdown period. Employees do not need to be furloughed for their AWS day since this day is part of their regular work schedule.
  - iv. Federal Holidays (e.g., Columbus Day): Most excepted employees are not expected to work and will be placed in furlough status on Federal holidays that take place in the shutdown period.
    1. Excepted staff who would regularly work on a Federal holiday (e.g., CSP RSC employees, PSA diagnostic and drug testing staff) will continue to work on the holiday and do not require a Furlough Notice.
    2. Excepted staff participating in AWS and whose scheduled AWS day is a Federal holiday will follow regular rules for an 'in lieu of' holiday, by taking the holiday the work day immediately preceding the holiday. The excepted employee will be placed in furlough status for their AWS day and the holiday.

- v. CSOSA (CSP/PSA) Employee Details: Depending on the excepted/non-excepted designation of the CSOSA position:
  - 1. CSOSA (CSP/PSA) employees on reimbursable detail to another agency may be subject to furlough if the provider agency's funding lapses. If the funding source of the provider agency does not lapse, the detail may continue in the shutdown period yet the employee's payroll is subject to limitations outlined in section X.A.x. below.
  - 2. CSOSA (CSP/PSA) employees on non-reimbursable detail to another agency may be subject to furlough.
- vi. Employees on Leave Without Pay (LWOP) or Suspended Status: Employees on scheduled LWOP, Suspended or other non-pay status at the time of appropriation lapse, and who are not expected to return to work status throughout the shutdown, are generally not placed on furlough; such employees typically remain on LWOP or Suspended status in the shutdown period. This determination may be modified in accordance with OPM furlough guidance.
- vii. Promotion/Within Grade Increase (WIGI): WIGIs and promotions for General Schedule (GS) and Federal Wage System employees are awarded on the basis of length of service and individual performance. Such increases should not be denied or delayed solely because of lack of funds. Promotion/WIGI personnel actions effective during the furlough will be processed retroactively by CSP/PSA after the shutdown has ended.
- viii. Employee Time and Attendance (T&A): The recording of T&A activity in the Agency's payroll system shall not take place in the shutdown period. However, excepted staff and their supervisors should keep accurate, written records of days/times in work, approved leave and furlough status in the shutdown period to aid the processing of accurate T&A and payroll transactions, post shutdown.
  - 1. Leave Requests: Planned and unplanned leave requests should be submitted and approved via Agency email or phone and tracked by supervisors. Absences from work that are not properly requested and/or justified may be considered AWOL.
- ix. Employee Salaries:
  - 1. CSOSA may issue payments during the shutdown period to employees for time in official pay status performed prior to the shutdown.

- a. Processing of such payroll payments is dependent upon the shutdown operations of CSOSA's payroll shared services provider.
  2. CSOSA is prohibited from issuing payments during the shutdown period to staff for work performed after the appropriation lapse, to include work performed by excepted and non-excepted staff on Shutdown Day.
  3. The Government Employee Fair Treatment Act of 2019 ensures that in the event of a shutdown due to a lapse of appropriations, excepted and non-excepted employees shall receive retroactive pay for the period of the lapse at the earliest pay period possible after the lapse has ended.
    - a. Employees in scheduled non-pay status (e.g., LWOP, AWOL, suspension) at the time of appropriation lapse and/or in the shutdown period are not entitled to retroactive pay.
    - b. In providing for retroactive pay for furloughed hours, employees may not be charged paid leave (e.g., annual or sick leave) used in the shutdown period.
- x. Employee Benefits: Information concerning employee pay, benefits and leave throughout the shutdown period will be issued by CSP OHR and PSA OHCM based on OPM guidance.
  1. Most federal health insurance and life insurance remains in effect for a set period of time following a non-excepted employee's placement into furlough (non-work) status.
  2. Employee payroll deductions (to include Thrift Savings Plan deductions and Agency contributions) cease during the shutdown period.
- xi. Employee Overtime: Excepted staff may request and earn overtime in the shutdown period. All CSP Overtime shall be requested and approved, by Executive Staff, in advance. All PSA overtime shall be requested and approved, by the PSA OD or designee, in advance. Shutdown overtime should only be approved to perform critical, time-sensitive, public safety activities that cannot be accomplished within the employee's regular work schedule. Payment for properly requested and approved overtime will not take place until the shutdown is ended.

- xii. Employee Compensatory Time (Comp Time) and Credit Hours: Excepted staff may request and earn Comp Time and/or Credit Hours in the shutdown period. Comp Time should only be approved to perform critical, time-sensitive excepted activities that cannot be accomplished within the employee's regular work schedule. Properly requested and approved comp time may not be recognized or used until the shutdown is ended.
- xiii. Use or Lose Leave: Employees who had properly requested and approved Use or Lose leave in WebTA, within required timelines, and where that leave had to be cancelled due to the shutdown, may possibly have that leave restored post-shutdown (depending on OPM guidance).
- xiv. Employee Monetary Awards: Employee monetary awards will be postponed until after the shutdown has ended.
- xv. Transit Subsidy: The employee transit subsidy is not an excepted activity. CSOSA may not incur a new obligation while under the shutdown to fund the employee transit subsidy.
  - 1. Transit subsidy funds obligated prior to the shutdown, and that are available in the shutdown period, may continue to be used to support the commute to/from work of eligible, excepted staff only.
  - 2. In cases where transit subsidy funds are not available in the shutdown period, excepted employees shall fund their own commute to/from work. Eligible excepted employees may request Agency reimbursement for actual, allowable transit costs incurred, post shutdown.
- xvi. Agency New Hires: The advertising of job vacancies should be postponed in the shutdown period unless the vacant position performs critical, excepted functions that are immediately required to ensure public safety. By law, individuals do not become Federal employees until they report for work and are sworn in. CSOSA should consider delaying the enter-on-duty date for new employees who are scheduled to start work during a shutdown furlough. Only new employees performing excepted functions critical to public safety should be considered for hire and on-boarding in the shutdown period.
- xvii. Creditor Letter: CSOSA (CSP/PSA) and/or OPM may develop and distribute documentation outlining the furlough and payment delay issues caused by the shutdown for use by employees with creditors. A copy of such documentation, will be accessible via CSOSA and PSA web

sites in the shutdown time period. Employees should maintain copies of Furlough Notices as proof of furlough.

- xviii. TDY Travel: TDY travel is allowable in the shutdown to perform critical, time-sensitive excepted activities. TDY travel for employee training or Agency presentations does not usually meet these criteria.
- xix. Unemployment: It is possible that non-excepted (furloughed) employees may become eligible for unemployment compensation. Unemployment compensation requirements differ by location. Unemployment information should be accessible via CSOSA and PSA websites in the shutdown time period. Employees should be aware of Unemployment reimbursement requirements for retroactive pay for the shutdown period.
- xx. Outside Employment: While on shutdown 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. Before engaging in outside employment, employees must obtain necessary Agency approvals. CSP employees must contact the Office of General Counsel for the necessary approval(s) before engaging in any outside employment activities during the shutdown time period. PSA employees must contact the PSA Attorney Advisors for the necessary approval(s) before engaging in any outside employment activities during the shutdown time period.
  - 1. CSOSA outside employment policy, instructions and forms should be accessible on CSOSA and PSA websites in the shutdown time period.
  - 2. Agency review and approval of outside employment requests in the shutdown period are considered necessarily implied to ensure an orderly shutdown of activities.
- xxi. Processing of IRS Form W-2 and Form 1099 MISC by CSOSA are considered excepted activities when the processing of these activities is considered critical to timely and accurate tax reporting.
- xxii. Retirements: Staff may retire during the shutdown period and their official retirement date should be their actual retirement date, not the date CSOSA re-opens post shutdown. Agency internal retirement processing activities are considered excepted activities.

## B. Obligations and Vendor Payments

- i. Obligations: During an absence of appropriations, CSOSA must limit new obligations to only the following:
  1. Necessary obligations for the orderly shutdown of agency operations on Shutdown Day; and
  2. Obligations incurred throughout the shutdown period in the performance of excepted activities.
    - a. Obligations incurred in the shutdown period should continue to be recorded and processed in the Agency's financial management system.
- ii. Payments: During an absence of appropriations, CSOSA must limit vendor payments and employee reimbursements:
  1. CSOSA is strictly prohibited from making payments for obligations incurred and funded in the shutdown period.
  2. CSOSA is only permitted to make payments in the shutdown period for obligations incurred and funded prior to the shutdown. This includes payments for excepted contract functions, funded prior to shutdown, continuing to take place in the shutdown time period. Processing of allowable payments in the shutdown period is dependent upon CSOSA's financial systems services provider and Treasury payment operations in the shutdown period.
  3. All CSOSA vendors with outstanding amounts due for excepted obligations incurred and funded in the lapse of appropriations should be assured that payments will be issued, post shutdown, for valid and allowable goods/services provided and accepted.
  4. Vendors should continue to send invoices to CSOSA throughout the shutdown period.
    - a. Automated responses to electronic invoice submissions should be adjusted to describe the Agency's shutdown period payment policy.
    - b. Proper invoices submitted by vendors in the shutdown time period will be considered 'received' on the actual business day they are received by the Agency either electronically or via mail.
    - c. Prompt Payment Act (PPA) interest penalties will be applied for properly prepared and valid invoices and

vouchers for which payment was delayed solely due to the appropriation lapse.

iii. Government Purchase Credit Card:

1. CSP and PSA excepted employee cardholders may make purchases of goods and services in direct support of excepted activities, only. Such purchases must support immediate and critical needs, only.
  - a. CSP excepted employee cardholders must receive advance approval from an OFM Budget Analyst prior to making a purchase with their assigned purchase card.
  - b. PSA excepted employee cardholders must receive advance approval from the OFA Director prior to making any purchases of goods and services with their assigned purchase card.
  - c. Excepted employee cardholders with 'convenience check' authority may issue convenience checks for excepted purchases meeting convenience check criteria. Advance approval is required by respective finance office.
2. CSOSA (CSP and PSA) will not pay the Purchase Credit Card contractor in the shutdown period for credit card purchases made prior to or after the appropriation lapse.

iv. Government Travel Card (GTC): Excepted employees may make purchases with their assigned GTC in the shutdown period for approved TDY travel.

1. Employees are responsible for paying the Travel Card contractor in a timely manner for valid charges placed on their GTC. While in shutdown status, CSOSA is prohibited from reimbursing employees for authorized and allowable travel expenses obligated in the shutdown period. CSOSA may reimburse employees for authorized and allowable travel obligations incurred prior to the shutdown. Lack of Agency reimbursement is not justification for employees not meeting Travel Card contractor payment deadlines.

## C. Other

- i. Formal External or Internal Communications: Agency formal communications concerning the shutdown should be presented to OMB for approval.
- ii. Changes in the Agency Shutdown Plan: Any changes to the Agency's Shutdown Plan should be presented to OMB for review in advance of implementing the change.
  1. The CSOSA and PSA Directors have authority to recall a non-excepted employee to work status to perform imminent and excepted activities, as deemed necessary in the shutdown time period. Such recall actions do not require OMB approval unless it would cause the number of retained employees to exceed that estimated in the Shutdown Plan.
- iii. Freedom of Information Act (FOIA) Requests: CSOSA may only fulfill FOIA requests in the shutdown time period which are directly related to ongoing law enforcement functions (e.g., FOIA requests directly related to offender violation hearings).
- iv. Agency Legal Cases: CSOSA may perform activities related to Agency legal cases in the shutdown time period such as hearings, testimony or other case deadlines that cannot otherwise be delayed or postponed.

## **XI. Restoration of Operations (Agency Re-Start)**

- A. Employees shall monitor media outlets and the OPM/CSOSA/PSA websites on at least a daily basis for notification that a continuing resolution or appropriation has been signed by the President and that the shutdown is over.
- B. OPM will issue guidance concerning the effective date that the government will re-open. Non-excepted (furloughed) employees are expected to return to work status on the re-start date identified by OPM, which is typically the employee's next scheduled workday after the furlough has ended. However, supervisors should provide workforce flexibilities, such as telework and unscheduled leave, as needed, to ensure a smooth transition back to work for employees.
  - i. Employees requesting workforce flexibilities on the Agency re-start date must contact and receive approval from their supervisor, in advance.
- C. Vendor Payments: Payments for proper and valid obligations incurred in the shutdown time period will resume upon restoration of operations. PPA interest



penalties will be applied for properly prepared and valid invoices and vouchers for which payment was delayed solely due to the appropriation lapse.

- D. Employee Payroll: Employee payroll will resume upon restoration of operations.
  - i. Excepted and non-excepted employees will be paid for Shutdown Day activities.
  - ii. Excepted employees will be paid for work performed in the shutdown period.
  - iii. Excepted and non-excepted employees (except those in non-pay status) will be paid for furlough periods in the shutdown period.
  - iv. Excepted employees who chose to use leave (e.g., annual leave, sick leave) in the shutdown period may be paid for the leave or choose to be paid for such time as time in furlough status.
  - v. There may be delays in resuming post-shutdown payroll as CSOSA's payroll services provider addresses OPM guidance.
- E. Suspended Contracts: Procurement offices (CSP and PSA) shall engage with contractors who were issued Stop Work orders during the shutdown to begin restoring normal contracted operations.