

# USDA-FOOD SAFETY AND INSPECTION SERVICE

August 2015

## Operations Plan for Absence of Appropriations—Major Provisions

In accordance with the provisions of U.S.C. 1341, the Agency will begin implementation of this plan on the morning of the first working day following the lapse of appropriations. This also includes activities in preparation for a shutdown. All Agency personnel will be advised to report to their assigned duty stations to prepare for the orderly cessation of operations no longer funded or not specifically excepted by the provisions of 31 U.S. C. 1342, as interpreted by OMB Bulletin 80-14 dated August 28, 1982.

### OMB Guidelines:

The Office of Management and Budget (OMB) provides agencies with annual instructions on how to prepare for and operate during a funding gap in *Circular No. A-11, dated July 2013*. The circular establishes two policies regarding the absence of appropriations:

- (1) A prohibition on incurring obligations unless the obligations are otherwise authorized by law and
- (2) Permission to incur obligations “as necessary for orderly termination of an agency’s functions,” but prohibition of any disbursement (i.e., payment).

OMB requires shutdown plans to include:

- An estimate of the time to complete the shutdown, to the nearest half-day;
- The number of employees expected to be on-board (i.e., filled positions) before implementation of the plan; and
- The total number of employees to be “excepted” under the plan (i.e., not subject to furlough), because:
  - 1) *Their compensation is financed by a resource other than annual appropriations;*
  - 2) *They are necessary to perform activities expressly authorized by law;*
  - 3) *They are necessary to perform activities necessarily implied by law;*
  - 4) *They are necessary to the discharge of the President’s constitutional duties and powers;*
  - 5) *They are necessary to protect life and property.*

OMB Circular No. A-11, section 124.3, specifies that *OMB will monitor the status of congressional actions on appropriations bills and will notify agencies [i.e., Department of Agriculture] if shutdown plans are to be implemented.*

## FSIS Excepted Activities under Continuing Operations:

### Appropriated Activities

Those direct functions excepted to ensure that the Nation's commercial supply of meat and poultry products is safe as required under the authority of the Federal Meat Inspection Act (FMIA), as amended; the Poultry Products Inspection Act (PPIA), as amended; and the Egg Products Inspection Act (EPIA) as amended. This includes the daily on-site inspection presence, regulatory enforcement and product testing in the laboratories. In addition, in cases where these functions are performed by State employees (under the Federal State Cooperative Act, Talmadge-Aiken), the activities are considered excepted. These activities are excepted as necessary to protect health.

### Reimbursable Work for Industry

The agency performs reimbursable work for industry (non-federal partners) as authorized by the Agricultural Marketing Act of 1946; the Federal Meat Inspection Act (FMIA), as amended; the Poultry Products Inspection Act (PPIA), as amended; and the Egg Products Inspection Act (EPIA) as amended. None of these reimbursable activities are funded under an appropriation prior to reimbursement, and, therefore, are not affected. The agency will continue to offer those services to industry and will maintain the appropriate supervisory, administrative and technical support as necessary.

## Designation of Excepted Functions for Continuing Operations<sup>1</sup>

Based on OMB Circular No. A-11, 2013, dated July 2013; two of the five categories of employees apply to FSIS and are excepted from being furloughed.

- Category 1: Their compensation is financed by a resource other than annual appropriations;
- Category 5: They are necessary to protect life and property.

FSIS positions fall into three groups:

**Excepted, on duty.** This includes employees retained to *protect life and property*. FSIS was advised that food safety activities fall under OMB Category 5.

**Not paid by appropriated funds.** This includes positions *whose compensation is financed by a resource other than annual appropriations* and therefore not affected by a furlough. This is synonymous with OMB Category 1.

**Non-excepted, on call.** This includes all other FSIS employees. The Antideficiency Act prohibits voluntary services and employment of personal services exceeding what has been authorized by law. Therefore, all personnel not designated as excepted will be furloughed.

**Note:** The agency has an agreement with the Department of Health and Human Services to compensate them for approximately 20 Commissioned Corps Officers; all are identified as excepted.

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<sup>1</sup> All staffing numbers are subject to change as more information becomes available.

Following is summary information on the excepted functions. More detail is available in Annex 4.

**Field inspection of meat, poultry and egg products:** The following direct field staff functions will be performed to ensure the safety of human life for the duration of a government shutdown:

1. Inspecting before and after slaughter those birds and animals intended for use as food for humans and supervising the further processing of meat and poultry products.
2. Ensuring that meat, poultry, and egg products are safe and preventing the movement or sale in commerce of any meat or poultry products which are adulterated.
3. Applying foreign governments' inspection requirements and procedures to verify that products exported from the United States are safe.
4. Conducting emergency operations in connection with the voluntary recall of meat or poultry products contaminated with drug or chemical residues, other adulterants, or microbial contamination.
5. Conducting epidemiological investigations based on reports of food-borne health hazards and disease outbreaks.
6. Monitoring allied industries to prevent uninspected or adulterated meat, poultry and egg products from illegally entering channels of commerce.
7. Providing pathological, microbiological, chemical, and other scientific examination of meat, poultry and egg products for disease, infection, contamination, or other types of adulteration.
8. Conducting a microbiological monitoring and surveillance program.

**Support of excepted activities.** The following functions are excepted because they are necessary to support excepted activities:

- Agency-wide. The agency must ensure adequate senior level management and coordination of the agency's public health responsibilities during a shutdown. Excepted activities include responding to intentional and unintentional food safety events. A small number of individuals will support these activities for the duration of the shutdown, while others will be available on-call if such an event occurs, including recall staff, scientists; recall communication specialists, and food defense specialists.
- Office of Public Health Sciences (OPHS)/Field Laboratories. In addition to those excepted activities identified above, a number of supporting activities must be excepted; for example, laboratory equipment maintenance and repair and sample handling. Personnel at the three field laboratories will largely be considered excepted for the duration of the shutdown.
- Office of Management (OM)/Office of Human Resources (OHR). Excepted functions are those necessary to maintain and support personnel performing excepted activities to protect human life.
- OM/Office of Administrative Services (OAS). Excepted functions include procurement actions necessary to support the excepted activities for the duration of the shutdown. These activities will be limited to those actions for which an obligation has already been made

(e.g., providing instructions to a vendor to ship inspection supplies to a specific plant) or those “emergencies involving the safety of human life or the protection of property.” The Antideficiency Act prohibits federal officials from obligating funds before an appropriations measure has been enacted, so generally no new contracts can be awarded during a shutdown. OAS also manages activities related to the protection of Federal property and records. Inventories of Federal property and records must be taken and arrangements made to transfer their custody to GSA and OPM. OMB Bulletin 80-14 prohibits such transfer custody until 30 days of lapsed funding has transpired. OAS will also oversee management of purchase cards and fleet vehicles (only by those excepted employees carrying out excepted functions.)

- OM/ Employee Safety, Health and Wellness Staff (ESH&W). Excepted functions include those actions necessary to support Office of Workers Compensation Program (OWCP) issues; medical screenings for excepted plant employees, etc. OESH&W manages activities related to processing of OWCP claims.
- Office of the Chief Financial Officer (OCFO)/Financial Services Center (FSC). Excepted functions include payroll processing for reimbursable work for non-federal partners, as well as billing and collections for reimbursable services for the duration of the shutdown. This billing is for work done by employees in positions paid by appropriated funds as well as in positions that are directly charged to the reimbursable program.
- Office of the Chief Information Officer (OCIO). Excepted functions include continued operation of information systems necessary to support excepted activities, including inspection and enforcement systems, maintaining connectivity to the field, maintaining help desk support, among others. While most of the work is performed by contractors, a small number of personnel will be required for the duration to provide direction and oversight of these key functions.
- Office of Public Affairs and Consumer Education (OPACE). Excepted functions, handled on an “on-call” basis, include notifying consumers about time sensitive recall data to prevent harm to the public.
- Office of Policy and Program Development (OPPD). Excepted functions include provision of expertise on regulatory issues. A small number of personnel will be required to be on-call to respond as needed.
- The agency has identified its Talmadge Aiken program as an excepted function. All employees in the Talmadge Aiken program are State employees who perform field inspection of meat, poultry and processed egg products in Federal plants. The agency has identified these activities as excepted commensurate with the identical activities performed by Federal employees. This creates an on-going obligation for the agency, which will need to be funded when an appropriation is received. The agency anticipates current availability of approximately 30 days of operation for its Talmadge Aiken activities.

**Guidelines for filling excepted functions.** Consistent with Reduction in Force (RIF) and Furlough guidelines, seniority and the ability to perform the excepted function will be the primary consideration by managers in filling positions for excepted functions.

In the process of making determinations for excepted and non-excepted designation of employees, in addition to adhering to collective bargaining agreement requirements, all supervisors should also utilize equitable Equal Opportunity guidelines to ensure that one or more groups of employees are not unintentionally impacted by the selection process. Management must consider the importance of workplace diversity when making these personnel decisions in order to avoid the appearance of discriminatory practices.

On an annual basis, approximately 7,966 staff years (including those whose time is reimbursable) are required for this effort. The agency will support these activities through its permanent full-time workforce and use of temporary and intermittent personnel as necessary to provide coverage. More detail is included in Annex 4.

## **FSIS Activities Prior to a Shutdown**

FSIS activities prior to a shutdown may be summarized as preparing as much as possible to implement a shutdown, once OMB has notified USDA and USDA has notified FSIS. The following are critical preparatory activities consistent with USDA guidance issued in April 2011, and implemented in October 2013.

- The Administrator will ensure that a review of available funding and excepted functions and positions is conducted, based on the current state of the agency. See Annex 4.
- The Administrator will ensure that a shutdown action plan, in chronological order, is developed to support this plan. For more detail, see Annex 1.
- The Assistant Administrator (AA) for the OPACE will prepare a Communication Plan for internal and external stakeholders. Employee communication will include questions about rights under grievance procedures, access to benefits, eligibility for workman's compensation and unemployment benefits and other concerns. Additionally, maintenance of the Emergency Contact Listing for FSIS Senior Executive staff, including phone numbers and email addresses for all staff members. External communication will include disposition and/or postings to hotlines, social media, web resources, and other tools. More detail is provided in Annex 2.
- The OHR will prepare a comprehensive Human Resources Plan, including guidance on bargaining unit requirements, activities that must be performed to implement a furlough, and systems and processes that must be maintained to support excepted activities. More detail is provided in Annex 3.
- The Chief Financial Officer (CFO) will coordinate with the Department's CFO on access to financial and feeder systems including WebTA, payroll, Financial Management Modernization Initiative SmartPay, and Internal Audit Staff to ensure timely support for excepted activities as appropriate.
- The OHR and CFO will, consistent with Departmental guidance, develop agency-specific guidance for time and attendance reporting and payroll processing.
- The Director, Office of Management /Office of Administrative Services (OAS) will develop a plan for procurement, including notifying contractors of their excepted and non-excepted status; and maintaining excepted procurement functions, including those necessary to support the excepted activities for the duration of the shutdown. These will be limited to those that actions for which an obligation has already been made (e.g., providing instructions to a vendor to ship inspection supplies to a specific plant) or those "emergencies involving the safety of human life or the protection of property." The Antideficiency Act prohibits federal officials from obligating funds before an appropriations measure has been enacted, so generally no new contracts can be awarded during a shutdown. OAS also manages activities related to the protection of Federal property and records. Inventories of Federal property and records must be taken and arrangements made to transfer their custody to the General Services Administration (GSA) and the Office of Personnel Management (OPM). OMB Bulletin 80-14 prohibits such transfer custody until 30 days of lapsed

funding has transpired. OAS will also develop a plan for overseeing management of purchase cards and fleet vehicles (only by those excepted employees carrying out excepted functions.)

Each AA is responsible for ensuring that all employees are designated by name as excepted or non-excepted employees so that they can be notified of their status.

- Consistent with Departmental and agency guidance, the OHR will be responsible for processing all furlough documents, including updates to furlough notices when non-excepted on-call employees are returned to excepted status. The USDA Office of Human Resources Management, Executive Resources Services will be responsible for processing furlough notices for all FSIS SES/SL/ST employees. In addition, the OHR will undertake a review of all outstanding offers to prospective employees with an effective date likely to be impacted by a shutdown and ensure that appropriate actions are taken. The OHR is also responsible for ensuring continuing availability of information to employees, bargaining unit and non-bargaining unit, on their administrative rights during a furlough.
- The CFO is responsible for ensuring payroll processing occurs for compensable time prior to the shutdown, including having the requisite financial staff in place to monitor funds availability.

### **FSIS Activities under an Orderly Shutdown**

The following are the Agency's plans for implementing an orderly shutdown, contingent on OMB and USDA approval to implement a shutdown.

- The Administrator will be responsible for ensuring that communication to the Management Council addresses the full scope of their responsibilities under a shutdown scenario as soon as appropriate after notification by the Department.
- Each day during the shutdown, the Administrator will conduct a meeting of senior excepted staff to relay and discuss any guidance from the Department and discuss any emergent issues.
- Each day during the shutdown, the AA of each office, or an excepted employee who has been designated by the AA, is to prepare a short (less than one page) status report on developments in that office that day. The report is to be prepared and delivered to the Administrator by 4 p.m. and is to recount any major events that occurred; whether any employees who had been on-call had been called back, the names of those employees; why it was necessary to call them back; and whether any employees who had been at work were released and placed on on-call status and their names. The Administrator will gather all the reports into a single document and forward it to the Under Secretary before close of business that day.
- The Administrator is responsible for evaluating emergent needs as the shutdown continues and directing the recall of employees as necessary to meet operational requirements.

- The Administrator is responsible for ensuring that the agency’s plan is implemented as established or updated to reflect new requirements.
- The Administrator or his/her designee will verify through contacts with each of the AAs that they, their managers, and the employees in their program area have received notification of the shutdown, of whether they are excepted or non-excepted, and of what they are to do on the first day of a shutdown.
- If a manager decides that he/she needs to return a non-excepted employee to duty, the manager will need to obtain the concurrence of the AA or his/her excepted designee. Once concurrence is received, the manager is to follow procedures provided by OHR in returning non-excepted employees to duty and tracking time worked.
- Consistent with Departmental and agency guidance, the AAs will ensure that, for their program areas:
  - All non-excepted travelers have returned to their duty station, unless the return disrupts an excepted activity;
  - All time and attendance records are complete;
  - All workstations, records and property are secured;
- Other actions as identified.
- Consistent with Departmental and agency guidance, the CFO will be responsible for ensuring availability of all financial systems necessary to support excepted activities.
- Consistent with Departmental and agency guidance, the Chief Information Officer (CIO) will be responsible for ensuring availability of all information technology systems necessary to support excepted activities and/or the orderly shutdown of systems that do not support excepted activity.

For succeeding days after a government shutdown, and on a daily basis, supervisors of employees performing excepted activities will assess the continued need for such employees and release them from duty if necessary, effective with the close of business.

This plan includes several Annexes.

**Annex 1** outlines Agency shutdown activities in chronological order.

**Annex 2** outlines the Agency’s shutdown communication plan.

**Annex 3** outlines the Agency’s human resources plan for a shutdown.

**Annex 4** includes a further breakdown of all FSIS personnel, grouped into Excepted on duty, Excepted on duty not paid by appropriations, and Non-exempt (furlough).

**Annex 5** describes the Agency’s programs in support of State Meat and Poultry Inspection programs.

**Annex 6** outlines the Agency’s startup of non-exempt operations plan.

## Annex 1

### FSIS Operational Plan for Lapse of Appropriations

This annex summarizes in chronological order the basic actions necessary to cease operation of non-excepted activities and maintain operation of excepted activities during a lapse in appropriated funding. It supports the FSIS Draft Operational Plan for Lapse of Appropriations.

We estimate that it will take the agency 5 days to complete orderly close down procedures. This plan is subject to OMB and USDA guidance and may change based upon that guidance.

#### **At least 7 Calendar Days Prior to Day 1, the following actions will be completed:**

- The Administrator ensures that communication to the Management Council addresses the full scope of responsibilities under a shutdown scenario as soon as appropriate after notification by the Department.
- The Administrator ensures identification of appropriate Department contacts for communications purposes and orderly close down of the agency; e.g., who at USDA will notify who at FSIS to initiate shutdown procedures in motion or to confirm that a shutdown will not be necessary.
- The Administrator ensures that a review of available funding and excepted functions is conducted, based on the current state of the agency. A summary of applicable authorities for functions is prepared. See Annex 4.
- The Administrator ensures identification of excepted positions necessary to carry out excepted functions. Consistent with RIF and furlough guidelines, seniority and the ability to perform the excepted function are the primary considerations used by managers to identify excepted positions. This is to be done in a consistent and fair manner in compliance with applicable personnel regulations and Equal Employment Opportunity Commission (EEOC) guidance to ensure that one or more groups of employees are not unintentionally impacted by the selection process. Management also is to consider the importance of workplace diversity when making these personnel decisions in order to avoid the appearance of discriminatory practices. Positions are identified by job title, classification and any other information, such as pay band and duty station, needed to distinguish excepted positions from similar non-excepted positions. See Annex 4.
- The Administrator ensures that a thorough assessment of the practical implications of a shutdown on non-excepted and excepted activities is conducted; e.g., impacts on labor management relationship, contracting, hiring. This assessment is used to inform planning and communication. See Annex 4.
- The Administrator ensures that procedures are defined for communicating with State Meat, Poultry, and Egg Inspection Agencies so that they can administer programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the FMIA, PPIA, and EPIA, Talmadge-Aiken Act, and Cross Utilization agreements during an emergency shutdown; so that the cost for providing this service to the Agency under an emergency shutdown can be determined; and so that the Agency can appropriately reimburse the State Agency for work done under an emergency shutdown. See Annex 5.

- The AA for OPACE prepares a Communication Plan for employees and other internal and external stakeholders on Agency operations and critical issues. External communication includes postings to hotlines, social media, web resources, and other tools. More detail is provided in Annex 2.
- The Director, OHR, consistent with OPM and Department guidance, implements a comprehensive Human Resources (HR) Plan, including guidance on administering the collective bargaining agreement for bargaining unit employees, and guidance on activities that must be performed to implement a furlough, and systems and processes that must be maintained to support excepted activities. Employee and supervisor HR communication materials will address questions about rights under grievance procedures, rights for bargaining unit employees, access to benefits, eligibility for workers compensation and unemployment benefits and other concerns. The Agency will notify all employees of their excepted or non-excepted status. See Annex 3.
- The CFO coordinates with the Department's CFO on access to financial and feeder systems including WebTA, payroll, FMFI, SmartPay, and IAS to ensure timely support for excepted activities as appropriate.
- The CIO identifies what system support is needed to maintain essential services and information technology infrastructure.
- The Director, OAS identifies measures to secure records, personal property, real property, and facilities that will be maintained and protected until appropriate disposition is accomplished.
- Each AA identifies all potential meetings, hearings, and other previously arranged Agency business that may need to be cancelled.
- Each AA identifies all employees that are to be in travel status on Day 1 of anticipated closedown, so that they can be quickly alerted if they need to return to duty station.
- Each AA updates emergency telephone lists for the units in their program.

### **3 Days Before Day 1:**

- OHR begins preparing furlough notification letters for all employees to be furloughed.
- Alert all employees of possible furlough and their status. Because of the geographic dispersal of the workforce, FSIS will send a brief, one-page alert to all employees signed by the Administrator or Under Secretary and including only the most basic information: why we may need to take this action; categories of excepted employees; categories of non-excepted employees; how employees will be notified if they are actually furloughed; instructions for Day 1 – report to duty station or, if teleworking, report in to supervisor.

## **2 Days Before Day 1:**

- Provide all managers with an Agency alert (OPACE) on the possible upcoming shutdown and HR information packages (OHR) to disseminate to their subordinate supervisors. Packages include samples of all materials that will be provided to employees: for example; sample furlough letter, sample letter confirming employee will not be furloughed; procedures for call-back if furloughed employee is required to work.
- Hold teleconference with managers and supervisors to alert them of a possible furlough; go over package, address questions and confirm understanding.
- Supervisors alert employees in travel status that they may need to return to duty station in 2 days; confirm how they will be reached or who they should call or final instructions on Day 1 if travel cannot be concluded before Day 1.
- Managers and supervisors coordinate activities to prepare for potential shutdown, such as: Document the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when the Agency's ultimate funding situation is determined; identify and stage files for potential boxing and storage or transfer.

## **1 Day Before Day 1:**

- Resolve and document answers to new questions and concerns; dialogue among managers, supervisors, to minimize confusion. (All)
- Supervisors notify employees as to their furlough or non-furlough status: face-to-face, telephone, e-mail notification. This notification will be complemented by written notification. Supervisors should make sure that they have contact information for all employees (including personal e-mail addresses where possible).
- Finalize processing of materials for internet, intranet posting, door signs, e-mail dissemination, phone message from Administrator or Under Secretary. (OPACE)

## **Day 1**

- The Administrator is responsible for ensuring that the agency's plan is implemented as established or updated to reflect new requirements.
- Each day during the shutdown, the Assistant Administrator of each office, or an excepted employee who has been designated by the AA, is to prepare a short (less than one page) status report on developments in that office that day. The report is to be prepared and delivered to the Administrator by 4 p.m. and is to recount any major events that occurred; whether any employees who had been on-call had been called back, the names of those employees; why it was necessary to call them back; and whether any employees who had been at work were released and placed on on-call status and their names. The Administrator will gather all the reports into a single document and forward it to the Under Secretary before close of business that day.

- Each day during the shutdown, the Administrator will conduct a meeting of senior excepted staff to relay and discuss any guidance from the Department and discuss any emergent issues.
- Verify that all public notification materials and employee guidance materials are posted on internet, intranet as appropriate. (OHR/OPACE) (To enable at least 4 hours of viewing by employees.)
- Director, OAS, coordinates with all contracting officers and contracting officer technical representatives to notify all contractors and vendors that work is suspended. This work may continue into Day 2.
- All employees report to their supervisors to receive assignments of duties or pertinent information for an orderly shutdown. For those employees teleworking, “report” may be done by telephone. Where possible, telework should be encouraged. Shutdown activities will normally not take more than 4 hours, though more time or less may be necessary as determined by the supervisor.
- Supervisors begin shutdown tasks, including ensuring that:
  - All records, personal property and real property, including workstations, are secured;
  - All employees, excepted or not excepted, complete appropriate T&As for pay period involving furlough using Agency-specific instructions consistent with Departmental guidance; and
  - All non-excepted employees leave the worksite as they complete shutdown activities.
- Supervisors contact any employees on leave and communicate that employee leave is cancelled.
- Supervisors contact any employee in travel status and direct employee to return to duty station.
- Managers, supervisors and employees cancel all meetings, hearings and previously arranged Agency business for Week 1 of closedown.
- Validate existing communication strategy and employee contact information for future communication need. Employee notification begins: Telephone and e-mail notification.
- Excepted CFO employees record all current and prior year budget authority available for expenditure and all future budget authority and other reconciliations; review and adjust as necessary all apportionment and allocations, particularly for the reimbursable programs; confirm internal processes for interim payroll processing are complete; and oversee/sign-off on all financial reporting data and allocations.
- OHR begins preparing and distributing formal written notices to Assistant Administrators for further distribution to staff.
- OHR begins preparing and processing Personnel Actions for furloughed employees and for furloughed employees returned to work.

## **Day 2 -20**

- The Administrator is responsible for ensuring that the agency's plan is implemented as established or updated to reflect new requirements.
- For succeeding days after a government shutdown, and on a daily basis, supervisors of excepted/on duty employees assess the continued need for such employees and release them from duty if necessary, effective with the close of business as shut-down tasks are completed.
- Each day during the shutdown, the Administrator will conduct a meeting of senior excepted staff to relay and discuss any guidance from the Department and discuss any emergent issues.
- If a manager decides that he/she needs to return a non-excepted employee to duty, the manager will need to obtain the concurrence of the Assistant Administrator or his/her excepted designee. Once concurrence is received, the manager is to follow procedures provided by their respective AA in returning non-excepted employees to duty and tracking time worked. At a minimum, the manager is to notify the returning employee in advance of the start date & time, duty location, and to whom the returning employee is to report to, along with an estimate of how long the employee will be needed to perform excepted duties.
- Only excepted employees report for work to perform excepted duties.
- Consistent with Departmental and agency guidance, the CIO is responsible for ensuring availability of all information technology systems necessary to support excepted activities and/or the orderly shutdown of systems that do not support excepted activity.
- Consistent with Departmental and agency guidance, the AA for OPACE is responsible for maintaining appropriate internal and external communication.
- Consistent with Departmental and agency guidance, the CFO is responsible for ensuring availability of all financial systems necessary to support excepted activities.

## Annex 2

### Absence of Appropriations Communications Plan for Shutdown Day One

#### Mission Area/Agency

Office of Food Safety/Food Safety and Inspection Service

#### High line message #1

Food safety continues in absence of appropriations

#### Related USDA Strategic Plan Goal and Objective

Strategic Goal 4: Ensure that all of America's Children Have Access to Safe, Nutritious, and Balanced Meals

Objective 4.3: Protect public health by ensuring food is safe

#### Message

The first priority of the Food Safety and Inspection Service is to prevent foodborne illness. If a government shutdown occurs, USDA food inspection will not stop. We are committed to continuing fulfilling our mission to protecting public health through food safety.

#### Communications Goals and Target Audiences

<u>Goal</u>	<u>Overall Target Audiences</u>
<ul style="list-style-type: none"><li>Reassure that inspection of FSIS regulated products will continue even if gov't shut down occurs.</li></ul>	<b>All</b>
<ul style="list-style-type: none"><li>Provide clear and accurate information to excepted employees about their duties so employees can fulfill mission.</li></ul>	<b>Employees</b>
<ul style="list-style-type: none"><li>Provide clear and accurate information to non-excepted employees about their actions during a shutdown.</li></ul>	<b>Employees</b>
<ul style="list-style-type: none"><li>Ensure Union is fully informed; the agency is responsive and all applicable bargaining obligations are satisfied.</li></ul>	<b>Union</b>
<ul style="list-style-type: none"><li>Provide clear and accurate information regarding continuation of inspection so industry understands impacts on their businesses.</li></ul>	<b>Industry/foreign gov'ts</b>
<ul style="list-style-type: none"><li>Provide clear and accurate information regarding continuation of inspection and /or contracts so state programs understands impact</li></ul>	<b>States/Industry</b>
<ul style="list-style-type: none"><li>Reassure consumers that meat, poultry and egg products will still be inspected for safety and wholesomeness; possible</li></ul>	<b>Consumers/Consumer Groups</b>

furloughs have no impact on safety of food supply	
<ul style="list-style-type: none"> <li>• Provide concise, clear information regarding the constancy of USDA inspection and food safety</li> </ul>	<b>Media</b>
<ul style="list-style-type: none"> <li>• Emphasize the seriousness of our actions to comply with statute and direction of Congress with both exempt and furloughed employees.</li> </ul>	<b>Congress</b>

### **Action Items**

<b><u>Deliverable</u></b>	<b><u>Audience</u></b>	<b><u>Date</u></b>	<b><u>Notes</u></b>
<ul style="list-style-type: none"> <li>• Congressional Outreach</li> </ul>	Congressional Staff	TBD	No information is sent until we are given express direction by Dept to do so.
<ul style="list-style-type: none"> <li>• Blogger Outreach</li> </ul>	Industry Blogs (i.e. meatingplace.com etc.)	TBD	No information is sent until we are given express direction by Dept to do so.
<ul style="list-style-type: none"> <li>• Press release, statement, web posting</li> </ul>	Industry, consumer advocacy groups	TBD	No information is sent until we are given express direction by Dept to do so.
<ul style="list-style-type: none"> <li>• Constituent Alert</li> </ul>	Industry/consumer groups	TBD	No information is sent until we are given express direction by Dept to do so.
<ul style="list-style-type: none"> <li>• Twitter</li> </ul>	Consumers, food wonks	As soon as the press release issues	No information is sent until we are given express direction by Dept to do so.
<ul style="list-style-type: none"> <li>• Stakeholder Calls</li> </ul>	Industry	As early as possible	No information is sent until we are given express direction by Dept to do so.
<ul style="list-style-type: none"> <li>• Intranet posting</li> </ul>	Employees	As early as possible	No information is sent until we are given express direction by Dept to do so.
<ul style="list-style-type: none"> <li>• Employee town hall</li> </ul>	Employees	TBD	Previously scheduled but should expect questions about a shutdown to be asked.
<ul style="list-style-type: none"> <li>• Talkers for supervisors</li> </ul>	Employees	As early as possible	No information is sent until we are given express direction by Dept to do so.

## Annex 3

### Employee Notification and HR Guidance for Excepted and Non-Excepted Employees

The Agency's Office of Human Resources (OHR) is well prepared for an emergency furlough situation. We are using or customizing information provided to all USDA Mission Area HR Directors from USDA Office of Human Resources Management and developing plans and materials for aspects not covered by the USDA materials.

**USDA materials developed or being customized are listed below (additional items may be added).**

- Timeline for furlough action
- T&A processing procedures (pending possible revision)
- Template: Memorandum to (non-excepted) employees. FSIS will also notify excepted employees
- Q&A for shutdown (for all employees)
  - What is a furlough and who can be furloughed
  - Procedural rights of employees covered and not covered under Title 5; grievance or appeal rights
  - Presence in the office or telework for orderly shutdown
  - Payment for excepted employees
  - Retroactive payment for non-excepted employees
  - Other employment while on furlough (Ethics issue)
  - Illegality of volunteering
  - Unemployment compensation (affected by length of furlough, state laws vary)
  - Order of deductions if employee's pay is not sufficient to cover all
  - Effect of furlough/nonpay status on:
    - health benefits, dental and vision insurance plans, flexible spending accounts, federal life insurance; TSP
    - leave (AL, SL, LWOP), Family & Medical Leave Act
    - within-grade increases, career tenure, probationary period, qualification standards (duration), time-in-grade
    - RIF, severance pay
    - military duty, workers' compensation, continuity of pay
    - pay on holiday (or day before or after)
    - payment of performance awards, SES performance awards payments
    - travel and per diem for furloughed employees to return to duty station for shutdown
    - retirement
- Supervisory guidance for hiatus (Advance activities, Day One shutdown activities, prohibited activities, procedures when funding is approved)
- Listing of Merit Systems Protection Board Regional Offices
- SF-8 (Employment Compensation)
- TSP Effect of Nonpay Status on your TSP Account
- Employee Assistance Program guidance

OM also has developed plans for maintaining services to excepted employees and/or preparing for an orderly shutdown. These are listed below.

- **Labor-Management and Employee Relations Impact.** Bargaining has already taken place on shutdown related issues.
- **Human Resources processing activities.** Plan established for processing activities.
- **Workplace violence prevention.** We are requesting that 1 position be exempted to answer workplace violence calls and respond to those that reflect imminent danger to human life.
- **Worker's Compensation.** FSIS has a large Workers' Compensation Program. Approximately 1,600 current or former employees receive this compensation benefit, at or about \$17 million annually.
  - Employees who have a traumatic injury receive "Continuation of Pay" (COP) for up to 45 days depending upon the injury. COP is paid by FSIS using appropriated funds. Although OPM guidance indicates employees on COP are entitled to continue in this status during a furlough, it is possible that payment might be deferred.
  - FSIS current and former employees who are temporarily or totally disabled are on what is known as "the periodic rolls." These employees are paid by the Department of Labor, which subsequently charges back the costs to FSIS, typically a year or more later. Under a Government-wide shutdown, neither the Department of Labor nor FSIS would have appropriated funding to pay these employees this benefit.
  - Since most current employees on the periodic rolls are bargaining unit employees, the National Joint Council of Food Inspection locals (NJC) could request impact and implementation bargaining if we are ultimately notified that funding is not available.
  - Ensure that time and attendance for these employees is accurately recorded.

**Delivery of Furlough Notification Packages.** OHR through the Assistant Administrator, Office of Management will provide furlough notification packages to AAs for distribution to all employees. Assistant Administrators (and designees) are responsible for attempting to notify their employees and for providing a list of employees who were unreachable during 4 hour timeframe so that excepted Human Resources Operations Division and other excepted Agency personnel can follow-up during furlough. Written notification is required though verification of receipt may be accomplished through electronic means (return receipt, etc.).

### **Human Resources Operations Division (HROD), Minneapolis, MN**

#### **Operational and Closeout Activities**

#### **Notification of furlough (approximately 4 hours) action items:**

- Receive list of excepted positions from Headquarters.
- Identify applicants scheduled for Excepted On Duty and confirm that they are within excepted category. The Agency has taken the position that in an emergency furlough, Agency employees will be positively notified that they either are furloughed or are not furloughed. This is required for employees to be furloughed, and it will minimize confusion for those who are not being furloughed. First priority will be given to notifying those who are excepted from furlough.

- **Delivery of Information to Non-Bargaining Unit Employees.** If determined employee/applicant is in excepted category, attempt notification to advise to report or not to report, complementing Agency communication. Assistant Administrators (and designees) are responsible for attempting to notify their employees and for providing a list of employees who were unreachable during 4 hour timeframe so that excepted HROD and other excepted Agency personnel can follow-up during furlough. Written notification is required though verification of receipt may be accomplished through electronic means (return receipt, etc.). OHR will provide written notification packages to AAs for distribution to non-bargaining unit employees. Upon notification by AAs or their designees, HROD will mail notification packages to the home address on file for the employees who could not be notified by the AA.
- **Delivery of Information to Excepted Bargaining Unit Employees.** Bargaining unit employees will receive the notification that they are **not** being furloughed along with other pertinent information (the most comprehensive we are able to provide by the date sent). Notification packages will be provided by OHR to the Assistant Administrator, Office of Field Operations for distribution through District Offices. Supervisors will follow guidance from the Labor and Employee Relations Division (LERD) regarding communication with Bargaining Unit Employees. District Managers will notify OHR if they are unable to provide notification packages to their bargaining unit employees. Upon notification, HROD will mail packages to supervisors in plants identified by the District Managers for distribution. Additionally, upon notification by District Managers or their designees, HROD will mail notification packages to the home address on file for the employees who could not be notified by the AA.

Service and Systems Sections identify announcement closing dates and any certificates of eligibles due to expire during furlough. Determine status and appropriate action to take based on status.

- Each section takes inventory of personnel actions/other work (see list below) scheduled to be effective during the furlough timeframe, provide report to Director, OHR and ensure all necessary action is taken. This includes entering personnel actions scheduled to be effective during the furlough. If time does not permit, document and consolidate required tasks so excepted HR personnel may continue the work during the furlough.

Listing of Actions to include:

- Processing personnel actions by a Processing Assistant such as promotions, accessions.
- Processing death actions, retirements, and bargaining unit awards (if applicable) by Benefits staff and Processing Assistant.
- Identify pending legal cases/requests to determine if action can be postponed or if due date would require a response from excepted HR Personnel on staff during furlough.

- Any processing associated with Legal Actions (such of compliance with settlement agreements).
- Set up automatic message for HROD voicemail system. Each employee would need to place an out of office message on their voicemail and email. A determination should be made regarding whether the phone needs to be forwarded to an excepted HR staff member.
- Ensure proper T&A input/processing through collaboration with FPC and NFC.
- Identify recruitment trips and cancel by contacting schools, events, and field recruiter.
- Cancel any training scheduled during furlough by sending notice to provider/employee.
- Provide notice to building management for security purposes.
- Supervisors cancel leave for staff for any time that is scheduled during furlough.
- Identify off-site personnel to notify them of furlough and return to work.

<b>OHR Exempt Staffing</b>
HR Director
Assistant Director, LER Division
1 HROD Master Timekeeper
1 HROD Service Team Specialist
1 HROD Senior Processing Associate
1 HROD Mailroom/Admin person (mail/phones/T&As)

6 Personnel

## Annex 4

Annex 4 includes a further breakdown of all FSIS personnel, grouped as follows<sup>2</sup>:

- **Excepted/ On Duty.** Personnel essential to the functioning of food safety operations in the nation’s food supply, who would continue to perform services essential to public health during a government shutdown.
- **Not paid with appropriated funds.** Personnel either specially contracted or paid for through non-appropriated funding who remain on duty and are not affected by furlough.
- **Non-Excepted/ On Call (Furloughed).** Personnel normally needed for day to day operations during regular FSIS operations, but not likely to be needed during a government shutdown. Subject to recall to Excepted/on duty status.

Based on the FSIS established criteria, the agency anticipates that its workforce will break down into the following categories in the event of a government shutdown:

	Excepted/On Duty	Not Paid With Appropriated Funds	Non- Excepted/On Call (furloughed)
<b>Office of the Administrator (OA) includes CRS, ICS, CODEX</b>	<b>2</b>	<b>0</b>	<b>44</b>
<b>Office of Investigation, Enforcement and Audit (OIEA)</b>	<b>155</b>	<b>0</b>	<b>83</b>
<b>Office of Public Affairs and Consumer Education (OPACE)</b>	<b>2</b>	<b>0</b>	<b>67</b>
<b>Office of Data Integration and Food Protection (ODIFP)</b>	<b>1</b>	<b>0</b>	<b>35</b>
<b>Office of Field Operations (OFO)</b>	<b>7,555</b>	<b>0</b>	<b>369</b>
<b>Office of Management (OM)</b>	<b>9</b>	<b>0</b>	<b>183</b>
<b>Office of Policy and Program Development (OPPD)</b>	<b>5</b>	<b>0</b>	<b>120</b>
<b>Office of Public Health Science (OPHS)</b>	<b>199</b>	<b>0</b>	<b>83</b>
<b>Office of Outreach, Employee Education and Training (OOEET)</b>	<b>0</b>	<b>0</b>	<b>55</b>
<b>Office of the Chief Financial Officer (OCFO)</b>	<b>26</b>	<b>8</b>	<b>73</b>
<b>Office of the Chief Information Officer (OCIO)</b>	<b>4</b>	<b>0</b>	<b>92</b>
<b>Total</b>	<b>7,958</b>	<b>8</b>	<b>1,204</b>

<sup>2</sup> These numbers will be refined, as further information becomes available.

Within 24 hours of the notice of a Federal Government shutdown, and by the close of business on the applicable day, employees listed above as on duty and contractors will be identified and instructed to continue to report for duty until otherwise advised. Other employees will be notified that they will be on furlough effective with the close of business date as specified by the Agency and will not return to work until officially notified to report for duty by their supervisor.

For succeeding days after a government shutdown, and on a daily basis, supervisors of excepted/on duty employees will assess the continued need for such employees and release them from duty if necessary, effective with the close of business as essential shut-down tasks are completed. Depending upon the extent of the period of time the agency is operating without funding; non-excepted employees will be on an “on call” basis and returned to work when required.

### **Impact by FSIS Program and Mission Area under Continuing Operations**

Meat, Poultry and Egg Products Inspection are the sole programs of the Agency funded by annual appropriation. However, certain headquarters functions can be suspended for a very short time without a direct and immediate impact on the safety of human life. A lengthy hiatus would affect the safety of human life and have serious adverse effects on the industry, the consumer and the Agency.

The following headquarters staffs performing the central program guidance, coordination, direction and planning functions described will be furloughed except as minimally required in direct support of Agency field operations:

**Inspection Operations (Office of Field Operations):** Responsible for planning, coordinating and directing the Meat, Poultry, and Egg Products Inspection programs. Due to the large numbers of in plant inspection personnel who support excepted activities, most individuals in this area would be excepted and on duty.

**Public Health Science (Office of Public Health Science):** The Public Health Science Program is responsible for planning, coordinating and directing all scientific guidance and support in chemistry, epidemiology, pathology, toxicology, nutrition, and parasitological. The Public Health Science Program also performs Agency risk assessments, directs the residue testing program, and also performs activities that address zoonotic diseases. With the exception of the laboratory function within Public Health Science, designations for these functions would be non-excepted, with limited individuals being identified as excepted and on duty. The majority of all Laboratory functions will be excepted.

Note: The agency has an agreement with the Department of Health and Human Services to compensate them for approximately 20 Commissioned Corps Officers; all are identified as excepted.

**International Programs (Office of Field Operations, Office of Policy and Program Development, and Office of Investigation, Enforcement and Audit):** The International Programs are responsible for ensuring that meat, poultry, and egg products from foreign countries are safe and wholesome. Program personnel also confer with foreign governments on issues involving imports and exports of meat, poultry and egg products and international food safety standards. A substantial number of these programs other than inspection of imports and certifying products for export would not be accepted.

**Regulatory Programs (Office of Policy and Program Development):** Responsible for planning all Agency policies relating to domestic and international inspection, enforcement, equivalence, and auditing policies. This work also involves pre-market review of all food labels; developing Agency regulations and policies relative to product standards and truthful labeling of meat and poultry product; suitability reviews of food ingredients in conjunction with the Food and Drug Administrations' review of new technologies; development of Agency Federal Register documents, directives and notices; and performing analyses of economic and other matters. Most of the individuals in this category would be non-excepted.

**Data Analyses (Office of Data Integration and Food Protection):** Responsible for reviewing and analyzing Agency and other data to assess the efforts of Agency policies and programs and how to improve them. Most employees in this area would be designated non-excepted.

**Training and Outreach (Office of Outreach, Employee Education and Training):** Responsible for providing training of all agency personnel and providing information to small and very small plants on how to comply with agency requirements. All employees in this area would be designated as non-excepted, to include those in support of PHIS implementation.

**Civil Rights Staff (In Office of the Administrator):** Responsible for advising the Administrator on the status of the Program within the Agency, advising managers of their responsibilities, and informing all employees of their rights under current laws and regulations. The Civil Rights Staff would be designated as non-excepted, but members of the staff will be on call.

**Information and Legislative Affairs (OPACE):** Responsible for communicating with the public, Congress, and other governmental agencies about FSIS programs and activities. This includes coordinating public information and education programs on the safe handling and cooking of meat and poultry products utilizing a toll free "hot line" as well as news releases, radio and TV announcements and food safety publications. This mission area is also responsible for responding to requirements under the Freedom of Information Act. Most of this staff would be identified as non-excepted, except for those on call for a recall with the exception of 1 staff member.

**Administrative Management, Financial, and Information Technology Activities (OM and OCFO):** Responsible for providing a variety of administrative management services including budget formulation, presentation, and execution; financial analysis, personnel administration and resource management; procurement, and personal property and office services; labor-management relations; developing training material and providing training to inspection personnel; providing data information to FSIS management and other users. A limited number of individuals would be designated as excepted and on duty. Most would be considered non-excepted and under the provisions of a furlough, based on the shut down of government operations with the following exceptions:

- OCFO (primarily Reimbursable):
  - FSC Payroll--Employees for the duration of the furlough, to process Time and Attendance for over 5,000 employees without access to WebTA and a similar number of employees eligible for payment under reimbursable authority. Additional employees will be on-call for managing financial system issues, as appropriate.

- FSC Accounts Receivable-- billing and collections for services already provided (and to be provided under the Trust Fund). Employees for processing of 5110's and debt management, including those who charge their time directly to the reimbursable fund.
- OM/OAS/Procurement Management Branch
  - One procurement official will be on call for contracting needs should an emergency requiring a contract action arise that will support operations for the safety and defense of public health.
  - FSIS will pay interest on invoices that go over 30 days, but the total impact is unknown. Generally, the contractor would be required to continue working and to bill the government according to the terms of the contract. Contracts awarded using new FY funds may be affected where a contractor providing recurring (monthly) services may be unable to perform at a government location if there is a shutdown.
  - The Antideficiency Act prohibits federal officials from obligating funds before an appropriations measure has been enacted, so generally no new contracts can be awarded during a shutdown. The Act also prohibits voluntary services and employment of personal services exceeding what has been as authorized by law. This means contracting personnel may not work, unless the effort meets the definition of an exception that applies for "emergencies involving the safety of human life or the protection of property.
  - The Codex Alimentarius office manages U.S involvement in the Codex Alimentarius Commission, which operates within the U.N. Food and Agriculture Office to establish international food standards that protect the health of consumers and ensure fair practices in trade. During an FSIS furlough, no Codex employees would be excepted on duty.

**SUMMARY OF FSIS EMPLOYMENT TO BE CONTINUED IN THE EVENT OF A  
GOVERNMENT SHUTDOWN**

			<i>Estimated Employment</i>							
	<b>Description of Activities to be Continued</b>	<b>Current On-Board Staff</b>	<b>2<sup>nd</sup> Half Day One</b>	<b>Day 2</b>	<b>Day 5</b>	<b>Day 10</b>	<b>Day 15</b>	<b>Day 20</b>	<b>Total after Day 20</b>	<b>Total as % of Staff</b>
<b>Category I:</b>	<b>Military, Law Enforcement, and Direct Provision of Health</b>	0	0	0	0	0	0	0	0	0
<b>Category II:</b>	<b>Financed from Available Funds</b>	8	8	8	*	*	*	*	*	.0008%
<b>Category III:</b>	<b>Protect Life and Property;</b> <b>Authorized by Law; Implied by Law; or Constitutional Duties and Powers</b>	9,170	7,958	7,958	*	*	*	*	*	87%
	See narrative above. Includes: Federal State PHDCIS Codex Voluntary User Fees									

\*It is difficult to predict numbers because of emergent circumstances that may require additional personnel to be excepted.

UNITED STATES DEPARTMENT OF AGRICULTURE  
FY 2016  
SUMMARY OF PROGRAM/ACTIVITIES TO BE CONTINUED IN THE EVENT OF A GOVERNMENT SHUTDOWN  
(Dollars in Thousands)

<u>Program/Activity</u>	<u>Continuing</u> (Y or N)	<u>Exempt</u> (Y or N)	<u>Funding</u> <u>Source</u>	<u>Amount</u> <u>Available</u>	<u>Days</u> <u>Operat</u> <u>ing</u>	<u>Employees</u> <u>Supported</u>	<u>Excepted</u> (Y or N)	<u>Employees</u> <u>Supported</u>	<u>Program Impacts</u>			
									<u>Week</u>			
									<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>
Federal	Y	N	Appropriated	0	N/A	-	Y	7,783	Administrative support is weakened. Policy and rulemaking and the review and approval of labeling are halted.	Same as Week 1	Mission backlog will be extended well into the opening of Government which may cause adverse mission impacts.	Severity increases
International	Y	N	Appropriated	0	N/A	-	Y	144	Some international audits were rescheduled.	Same as Week 1	Mission backlog will be extended well into the opening of Government which may strain relations with trading partners.	Severity increases
State	Y	N	Appropriated	0	N/A	-	Y	31	No operational impacts. Delay in sending reimbursements to States for expenses.	Same as Week 1	Mission backlog will be extended well into the opening of Government which may cause adverse mission impacts.	Severity increases
PHDCIS	Y	N	Appropriated	0	N/A	-	Y	-	Problems with services may take longer to resolve	Same as Week 1	Same as Week 1	Same as Week 1
Codex	N	N	Appropriated	0	N/A	-	N	-	Mission not accomplished.	Same as Week 1	Mission backlog will be extended well into the opening of Government which may cause adverse mission impacts.	Severity increases
Voluntary User Fees	Y	Y	User Fees	Continuous replenishment	365	8	N	8	No operational impacts.	Same as Week 1	Same as Week 1	Same as Week 1
								7,966				

## **Annex 5**

### **State MPI Programs**

The Agency will share its criteria for establishing excepted duties, positions, and functions from its approved Agency Shutdown Plan with State Meat, Poultry, and Egg Inspection Agencies so that they can administer programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the FMIA, PPIA, EPIA, Talmadge-Aiken Act, Cross Utilization agreements during an emergency shutdown; determine cost for providing this service to the Agency under an emergency shutdown; and for Agency reimbursement to the State Agency under an emergency shutdown.

FSIS reimburses programs according to language in Cooperative Agreements that are signed at the start of each fiscal year. Cooperators are defined as State Agencies. The Service is defined as FSIS.

The following conditions exist for Cooperators administering programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the Federal Meat Inspection, Poultry Products Inspection and Egg Products Inspection Acts, and Talmadge-Aiken Act.

A. The Cooperator shall:

1. Administer and enforce the State and meat and/or poultry inspections program, including recruiting, selecting and assigning, training and supervising State personnel.
2. Maintain complete accounting, property and program records and/or reports as required by 7 CFR Part 3015, FSIs Directives 3300.1 and 5720.2 depicting the status of the inspection program(s) within the State.
4. Compensate all State employees working under the terms of this agreement wholly from public funds of the State.

The following conditions exist for FSIS to support Cooperators administering programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the FMIA, PPIA, EPIA, and Talmadge-Aiken Act.

B. The Service shall:

3. Furnish the Cooperator with financial and other aid for the administration of such a program.

The following conditions exist for FSIS and Cooperators administering programs in a manner to effectuate programs as defined in the Federal and State Cooperation provisions of the FMIA, PPIA, EPIA, and Talmadge-Aiken Act.

C. It is Mutually Understood and Agreed that:

2. The amount to be contributed to the Cooperator under paragraph B(1), (2) and (3) of this Agreement shall not exceed 50 percentum of the estimated total cost of the cooperative program established by this agreement or under any additional cooperative agreement, such as one entered into under the authority of the Tallmadge-Aiken Act (7 U.S.C. 450), except for overtime expenses.

The following agreement exists for FSIS and Cooperators administering programs under cross utilization agreements provided for in Intergovernmental Cooperation Act of 1968. Under the statute, FSIS reimburses the State Agency for administering and enforcing Federal Meat Inspection, Poultry Products Inspection and Egg Products Inspection Acts.

The agency acknowledges that it will be incurring emergency obligations under a shutdown for the Talmadge Aiken program.

## Annex 6

### Start-Up of Operations Plan

#### Purpose

This document establishes a plan of action to execute an orderly start-up of FSIS non-exempt operations following the approval of funding. This plan will be enacted through a notification to all employees from the Food Safety and Inspection Service (FSIS) Assistant Administrator, Office of Management (OM). Assistant Administrators (and designees) are responsible for verification that all of their employees have been notified.

#### Scope

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

#### High-Level Summary

- The FSIS Shutdown Plan instructed employees to monitor the status of the government shutdown and agency operations primarily via the Office of Personnel Management (OPM) website ([www.opm.gov](http://www.opm.gov)).
- Unless it is a regularly scheduled non-duty day or an employee is on approved leave or leave without pay under the Family and Medical Leave Act (FMLA), employees are expected to return to work the next work day following the President signing a bill funding the agency. Any delay in reporting for duty requires a request for leave that must be approved by the supervisor. Supervisors should use their discretion should notification arrive late in the evening.
- An orderly start-up of agency operations is expected to take place as expeditiously as possible, so that service to customers can resume quickly.

#### Initial Communications Timeline

FSIS has prepared for an agency start-up following an approval of funding. In order to keep the agency informed during this start-up process the following communications will occur (note: Day 1 is the first full day of operations upon restoration of funding):

- Following approval of funding: Furloughed Federal employees receive notification via the OPM website that they should report for work on the next work day.
- Following approval of funding: The Director, Human Resources and Assistant Director, Labor and Employee Relations Division (LERD), Office of Human Resources Management

(OHR), Office of Management will conduct a Labor-Management Teleconference to provide advance notice to union leadership, regarding the operational status of the agency.

- Day 1: 9:00 am EST – Joint meeting of the FSIS Management Council and Start-Up Team (members identified below) to initiate the Start-Up of FSIS Operations Plan
- Day 1: 1:00 pm EST – The FSIS Administrator will review the start-up plan with senior agency leaders and provide any new guidance from the Department.
- Day 1: 2:30 pm EST – Assistant Administrator, Office of Field Operations, Assistant Administrator, Office of Management, Director, Office of Human Resources (OHR), Director Office of Administrative Services (OAS), Chief Financial Officer, and Chief Information Officer will review the start-up plan, focusing on specific guidance for human resources, time and attendance, contracting, budget and finance, and information technology (IT), and provide any guidance from the Department.
- Day 2: 9:00 am EST – Joint meeting of the FSIS Management Council and Start-Up Team to continue implementation of the Start-Up of FSIS Operations Plan
- Day 3: 9:00 am EST - Joint meeting of the FSIS Management Council and Start-Up Team to continue implementation of the Start-Up of FSIS Operations Plan
- Day 3: 1:00 pm EST — The Administrator will check status of operations start-up, gather information on major issues and needs related to start-up and post-shutdown activities, and provide any additional guidance.
- Other Communications: The Office of Public Affairs and Consumer Education (OPACE) will coordinate and oversee any external communication necessary post-shutdown.

## **General Start-Up Procedures**

All employees are responsible for taking necessary actions to restore the agency to a fully operational status. Key items to address include, but are not limited to:

- Turn off the out-of-office message for your Outlook email.
- Reset your voice mail message.
- Remove all signage indicating the office was closed because of the funding lapse.
- Restart computers and other IT devices according to guidance outlined in the Information Technology section of this plan.
- Resume use of transit benefits, if available where you work.

- Resume use of government-issued mobile devices, including cell and smart phones, tablets, and/or laptops for approved purposes.
- Resume use of government purchase, fleet and travel cards for appropriate government use.
- Inform supervisor of any issues that must be immediately addressed as a result of shutdown in order to resume operations.

## **Customer Service for Resumption of All FSIS Operations**

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

A temporary cross-cutting Start-Up Team (“Team”) will be established and be available to address this need on Day 1 (and subsequent days) of the return of the FSIS workforce to duty status. The Team will be responsible for overseeing the implementation of the start-up plan; providing related policy and procedural direction; ensuring coordination and consistency across functional areas (human resources, financial management, information technology, property and procurement, programmatic, etc.); troubleshooting system and unique challenges; and monitoring progress related to restoring full operational status and in addressing employee, partner, and customer concerns.

The Team will work in a cohesive and coordinated manner to ensure timely, accurate, and consistent responses to shutdown/start-up questions from employees, customers, and partners. In addition, the Team will inform the Administrator and the Management Council of the status of its work, and will elevate issues and opportunities that require higher level interaction or resolution. The Team will be disbanded when the Administrator has determined operations are back to normal and any major issues/challenges related to the shutdown have been resolved.

The makeup of the Start-Up Team will be as follows:

- Assistant Administrator, Office of Management, Chair
- Assistant Administrator, Office of Field Operations
- Director, Office of Human Resources
- Director, Office of Administrative Services
- Chief of Staff
- Chief Financial Officer
- Assistant Administrator, Office of Public Affairs and Consumer Education
- Chief Information Officer

A centralized email box will be established so that all employees can submit shutdown and start-up questions on a 24 hour/7 days per week basis. The Team will monitor the box and ensure that

responses are developed and appropriately vetted, and that employees receive responses as rapidly as possible. Questions and answers with broad applicability also will be posted to InsideFSIS, as well as being posted in prominent places in hard copy for employees without computer access.

## **Information Technology**

The FSIS Chief Information Officer (CIO) is responsible for ensuring that Information Technology (IT) Systems are available and operating with a high level of confidence to perform agency business operations across the enterprises. Upon restoration of funding for the agency:

- FSIS CIO will restore all FSIS IT systems, business tools, and websites to their last known state in order to conduct official FSIS business.
- FSIS CIO will coordinate with USDA-OCIO-ITS and NITC to ensure all interdependent and enterprise IT systems are online and available.
- Employee notifications will be provided as appropriate.
- Employees should retrieve all IT equipment (laptops, Blackberry, iPhone, iPads, etc.) from their secured location in order to conduct official FSIS business.
- Employees will restart their computers and other IT devices to ensure all memory, temporary files, and caches are cleaned, giving the computer a fresh start.
- Reset any expired passwords, and ensure that any associated equipment (e.g., smart phone, notebooks, iPad) is also updated.
- Employees should connect computers and laptops to the IT network to ensure all systems are updated with the appropriate security patches and system updates. As a result of IT systems being offline for several days this process may take up to 4 hours to complete. Employees will be instructed not to turn off computers while the updates are in progress.
- FSIS CIO will work with USDA-OCIO-ITS to ensure technical issues submitted to the IT helpdesk are addressed completely and in a timely manner.
- FSIS CIO will provide ongoing monitoring to ensure availability and proper functionality of IT systems throughout the start-up and recovery process.

## **Human Resources**

The Director, Office of Human Resources Management is responsible for ensuring that all Human Resources (HR) services and guidance is provided to FSIS employees, including HR Specialists in order to return to operations after a government shutdown due to a lapse in appropriations. In addition, the Start-Up Team referred to previously is available to provide additional assistance.

- Return to Duty After Shutdown

- Generally, employees are expected to return to work the next business day or scheduled work day following the approval of a budget or a continuing resolution as instructed in the furlough notifications
- If an employee received unemployment compensation and is paid retroactively for time during furlough the employee will be required to repay the unemployment compensation. This guidance is also provided in the furlough notifications. For further guidance employees should visit <https://www.nfc.usda.gov/>
- Time and Attendance
  - Timekeepers must follow up with supervisors and employees to determine if corrected timesheets need to be prepared for pay periods affected by the furlough (WebTA guidance – prepared in coordination with the CFO -- will be provided by COB on day 1).
- Guidance for Human Resources Operations Division staff:
  - Provide the Director, HR the status of the following by COB on Day 1:
    - Employees scheduled to begin work during the shutdown or within one pay period of start up
    - Certificates that closed during the shutdown or within 2 business days prior to the shutdown
    - Vacancy announcements that closed during the shutdown or within 2 business days prior to the shutdown
    - Number of SF-52s submitted for processing during the shutdown or immediately prior to the shutdown that need to be processed immediately
    - Any other relevant information regarding issues that need to be immediately addressed as a result of the shutdown
  - Precede to process outstanding personnel actions.
  - Meet with the Director, HR and Assistant Director, HROD to determine extension dates, re-advertisement policies, etc.
  - Review expiration dates of certificates of eligible applicants and document the case file.

## **Travel**

The CFO is responsible for providing coordinated guidance to authorized agency travelers on issues that may have arisen because of the shutdown and furlough.

- Travelers should complete any outstanding travel vouchers immediately after FSIS has confirmed the operational status of all associated IT systems.

- The FSIS CFO will work with the Department’s Office of the Chief Financial Officer to determine policy regarding timely payment of travel card balances since FSIS employees do not have access to the travel system during government shutdowns. Once the Department makes its determination, the FSIS CFO will communicate the Department’s policy and guidance.

## **Contracts, Grants, Agreements, and Asset Management**

The Director, Office of Administrative Services is responsible for managing the resumption of functions related to acquisitions and procurements; contracts, grants, and agreements; and asset management (i.e., real and personal property). The expectation is that these activities will resume within two (2) working days following agency start-up.

- **Contracts, Grants and Agreements Guidance:**
  - Contracts, Grants and Agreements under FSIS authority, and requiring FSIS support, oversight, assistance, will resume as determined by the appropriate Contracting Officer and Grants/Agreements signatory officials.
  - Contracting Officers will issue resume work orders (modifications) for those contracts that were suspended/stopped during the furlough.
  - Interagency and other agreements will resume under the existing terms of the agreement.
- **Asset Management Guidance:**
  - Personal property (vehicles, survey equipment, copiers, etc.) owned or leased by FSIS will be made safe, ready, and available for use by authorized Federal and non-Federal personnel. The use of vehicles by non-Federal partners or other agency personnel may resume according to the terms of existing agreements.
  - Real property (buildings/office space) owned or leased by FSIS will be made safe and available for use by authorized Federal and non-Federal personnel, and reopened to the public as appropriate.

## **Financial Management**

The Chief Financial Officer (CFO) is responsible for ensuring that funding for agency operations is made available in a timely manner, and for ensuring that agency financial operations are properly resumed, including close-out (if appropriate).

- **Financial Management Modernization Initiative (FMMI) Accessibility:**
  - The FMMI system is managed by the Department’s Office of the Chief Financial Officer. It is anticipated that FMMI will be made available to all USDA agencies within

the first business day after operations resume. The interface between FMMI and agency IT systems will be evaluated to ensure that it is functioning properly.

- Questions about FMMI access should be directed to the Financial Policy, Training and Systems Division at [nrcs.fmmi@wdc.usda.gov](mailto:nrcs.fmmi@wdc.usda.gov) for resolution.
- Discretionary funding:
  - New FY 2016 discretionary funding made available will be loaded into FMMI, reflecting the terms and conditions of the appropriations language and automatic apportionment by the Office of Management and Budget (OMB).
- FY 2016 Allocations:
  - Initial allocations, based on a percentage of the FY 2015 final allocations, will be provided within five (5) days of resumption of full operation.
  - Initial allocations will support agency operations during pendency of complete allocation process.