

September 20, 2013

AGRICULTURAL MARKETING SERVICE SHUTDOWN PLAN

In the event that there is neither a Continuing Resolution nor appropriations legislation enacted to allow AMS programs to continue their Fiscal Year 2014 operations at present operating levels, only those employees engaged in performing work in the following three areas would be permitted to continue working:

- Activities which provide for national security or the safety of life and property;
- Activities financed from available funds; or
- Activities to protect life and property, where the suspension of which would imminently threaten the safety of human life or the protection of property. Primary examples include:
 - o Medical Care
 - o Ensure continued public health and safety
 - o Air traffic control & transportation safety functions
 - o Border and coastal protection
 - o Protection of Federal lands, buildings, waterways, etc.
 - o Care of prisoners & those in custody
 - o Law enforcement & criminal investigations
 - o Emergency and disaster assistance
 - o Finance and banking system (including tax collection)
 - o Production of power
 - o Protection of research property

As a result of the way in which certain AMS programs are funded, a lapse in appropriations will have varying impacts on our ability to carry out the work of the Agency. A table follows which provides a list of the AMS excepted programs identified for continuation (no furloughs), furlough of all employees, and partial furloughs based on excepted activities.

Many of AMS's administrative activities are conducted by APHIS. During a lapse in appropriation, they will have minimum staff available to provide basic services to AMS for procurement, contracting, facility engineering, labor and employee relations, human resources, personnel actions, payroll, accounting, and workers compensation activities.

AMS will need about ½ day to complete shutdown activities. The plan will be implemented and changed by the AMS Administrator or Associate Administrator based on the length of the lapse in appropriations or changes in external circumstances.

The AMS Shutdown plan is based on continuing operations for those activities financed by resources other than annual appropriations and that are necessary to perform activities expressly authorized by law, necessary to perform activities necessarily implied by law, or

they are necessary to the discharge of the President's constitutional duties and powers.

Prior to the expiration of funding authority, AMS senior officials will identify which of their employees will be furloughed, as follows:

All decisions on employees to furlough will be based on the primary reason for the furlough which is a lack of funds to continue operations for those AMS programs funded from discretionary appropriations.

- a) If an employee's salary comes solely from a program that will continue in operation (excepted), the employee will not be furloughed.
- b) If an employee's salary comes solely from a program that will cease operation, the employee will be furloughed.
- c) In those areas where employees' salaries are paid from multiple sources – some from programs which will continue and some from programs which will cease operations – the Deputy Administrator should take steps to furlough employees commensurate with the percentage of funds supplied by programs which will cease operation. Where possible, telework should be used in these situations to minimize commuting impacts to staff. The Deputy Administrator must be prepared, on appeal, to show that the method selected was not arbitrary and was the fairest method available under the circumstances. We recommend evenly rotating furloughs among all impacted employees in a specific category, in order to minimize the impact to employees as much as possible.

Programs should have a plan for capturing all duty status information and preparing and submitting T&A's for all furloughed employees. A call down tree should also be in place to notify employees when they are able to return to work.

As soon as Programs have identified employees who are needed to carry out excepted activities and those that should be furloughed, this information should be transmitted immediately to Human Resources, with notations as to when each impacted individual actually commenced his/her furlough. Personnel actions to furlough staff will be processed by Human Resources.

If an emergency shutdown is necessary after employees report for work, supervisors will take the following steps to notify employees identified for furlough:

Each employee to be furloughed will be notified orally or in writing of the decision to furlough. Affected employees will be provided copies of the SF-8 Form (*Unemployment Compensation for federal Employees*) and questions and answers for furloughed employees, which provide information on a variety of topics, including continuation of benefits coverage. The supervisor will document each employee's receipt of written or verbal notification. The written notice may or may not be provided in advance of the actual furlough date; however, all furloughed employees will receive written notification at some point. Call down trees may be used in the interest of

efficient notification if the Administrator determines that it is impractical to provide advance written notice.

Employees should be instructed not to report back for duty unless they are notified by their supervisor to do so or they learn, through a call down tree notification or media source, that appropriations legislation or a Continuing Resolution has been enacted. Supervisors should insure that they have an updated emergency contact list or other means of contacting employees.

Unless otherwise instructed by their supervisor, all employees will report to work as usual on the first work day following the expiration of a continuing resolution with no subsequent authorization. Employees will be instructed to either begin their excepted activity work OR complete any necessary close-down activities and leave their worksite as instructed by their supervisor.

Supervisors will also make any necessary assignment of duties to ensure an orderly closedown and contracting officers will notify contractors of their operating status. Shutdown activities will include preparing all records for transfer to the appropriate records holding area, issuing notices of cancellation of ongoing program activities, and inventorying and preparing all personal and real property and facilities for appropriate disposition.

In order to ensure the continuity of operations for excepted activities, each Program will provide a daily shutdown impact report, by 1 p.m. eastern, to the Administrator which will include each Program's budget activities, staff years, location (*HQ or Field*), operating status, impact to activity as a result of furloughed staff in other programs or agencies, and any issues with administrative support as a result of reduced support from APHIS.

Deputy Administrators are responsible for assuring that their employees are provided with up- to-date and accurate information, as warranted. This may be done through employee briefings, periodic bulletins, AGNIS updates, etc.

Specific activities to shutdown program operations include, but are not limited to the following:

Employees will:

- Protect sensitive and personally identifiable information by securing it in locked files or offices (*includes all PII information*)
- Ensure that all property and records assigned to an employee are accounted for and are appropriately secured
- Cancel meetings and other previously arranged business; inform parties who are involved in Agency matters, such as State governments, other Federal agencies, contractors and private entities, of the cessation of normal business
- Cancel any travel in the GovTrip system that was scheduled after the start date of the funding hiatus
- Document the status of assignments and projects so they can be resumed, transferred, or otherwise handled when the furlough ends
- Activate 'out of office' message in email to indicate the employee is out of the

office until further notice

- Update voice mail to indicate employee is out of the office until further notice
- Record all time worked during the pay period properly in WebTA and submit to approving authority prior to leaving
- Ensure there is no open food in the work area; place trash outside of any locked space
- Ensure all lights, fans, heaters, etc. are turned off

Supervisors will:

- Cancel annual and sick leave scheduled for furloughed employees during the lapse of appropriation (*including leave already started*). Employees with paid leave (*annual, sick, credit, compensatory, etc.*) scheduled and approved for days designated as furlough days, will not be allowed to take the leave, since furloughs are considered to be non-workdays.
 - o Employees not identified for furlough because their salaries do not come from impacted programs may be allowed to take leave as they would at any other time, since funds are available to pay their salaries.
- Advise employees being furloughed that the agency may not accept their voluntary services during a funding hiatus as it is prohibited in the Antideficiency Act
- Advise employees who are furloughed they are not authorized to use Government equipment (*Blackberries, laptops, cell phones, etc.*) during the funding hiatus as they are not in work status and cannot work voluntarily
- Ensure shutdown activities has been appropriately completed; secure the facility, as applicable
- Advise employees in travel status who are impacted by a funding hiatus to return home prior to the expiration of funding authority
 - o Travel agents will be instructed not to issue airline tickets for activities impacted by a shutdown unless they receive certification from travel coordinators that funds are available. For those employees funded from multiple sources, only travel directly related to programs not impacted by a shutdown should continue and be charged directly to that activity (no distributed accounting should be used)
- Advise travelers that travel will need to be resubmitted in GovTrip for approval and ticketing upon return
- Certify all properly entered T&As in the system before departure

A) Programs Identified for Continuation (No Furloughs) – 2,028 Staff Year Estimate	
C&T	Cotton Classing (User Fee)
C&T	Cotton Standards User Fee (excludes appropriated Standardization activities)
C&T	Tobacco Inspection User Fee
DY	Dairy Grading (Trust)
DY	Milk Market Administrators (MMA) Fund (Non-Federal Monies)
F&V	Specialty Crops Inspection (Trust)
F&V	Perishable Agricultural Commodities Act (PACA) Program (Special Trust Account)
LPS	Quality Assessment Division (Trust)
LPS	Cattle Futures (Trust)
LPS	Meat Grading (Trust)
LPS	Seed Inspection Trust (excludes appropriated Federal Seed Act activities)
LPS	Poultry Grading (Trust)
S&T	Laboratory Services (Trust)
S&T	Plant Variety Protection (PVP) Program (Trust)
Misc	Commodity Purchase Services (Permanent Appropriation)
Misc	Research & Promotion Programs (Reimbursed Activity)

B) Programs Identified for Furlough of all Employees – 424 Staff Year Estimate	
LPS	Country of Origin Labeling Program – Annual Appropriations
LPS	Federal Seed – Annual Appropriations
Misc	Market News – Annual Appropriations
Misc	Marketing Agreements & Orders – Annually Authorized from Permanent Approps.
NOP	National Organic Standards Program – Annual Appropriations
S&T	Pesticide Data Program – Annual Appropriations
S&T	Pesticide Recordkeeping – Annual Appropriations
LPS	Shell Egg Surveillance – Annual Appropriations
Misc	Standardization – Annual Appropriations
T&M	Transportation & Market Development – Annual Appropriations
F&V	Specialty Crop Block Grant Administration
T&M	Payment to States (FSMIP) Administration
C&A	Compliance Direct – Washington & Fresno
IT	Market News Support Unit
OA	Regulatory Review Staff

C)	Programs Identified for a Partial Furlough Based on Mixture of Appropriated and Excepted Funding Activities – 244 Staff Year Estimate	
	OA	Administrator and Associate Administrator
	OA	Civil Rights Staff
	OA	Legislative Affairs Staff
	OA	Public Affairs Staff
	C&A	Office of the Deputy Administrator
	C&A	Budget Division
	C&A	Compliance, Safety and Security Division
	C&A	Performance and Administrative Division
	C&A	Outreach Staff
	IT	Information Technology Staff
	LPS	Agricultural Analytics Branch (<i>Partial</i>)
	C&T	Program Overhead Staff (<i>Deputy Administrator, Resource Management Staff, etc.</i>)
	DY	Program Overhead Staff (<i>Deputy Administrator, Resource Management Staff, etc.</i>)
	F&V	Program Overhead Staff (<i>Deputy Administrator, Resource Management Staff, etc.</i>)
	LPS	Program Overhead Staff (<i>Deputy Administrator, Resource Management Staff, etc.</i>)
	S&T	Program Overhead Staff (<i>Deputy Administrator, Resource Management Staff, etc.</i>)

Summary of Activities in the Event of a Government Shutdown

Agency	Current On-Board Staff	Estimated Employment by Category				Total as % of Staff
		I	II	III	Total	
Agricultural Marketing Service	2,696	0	2,272	0	2,272	84%

KEY:

- Category I Law Enforcement, Health, and Safety
- Category II Financed from Available Funds
- Category III Protect Life and Property