

Procedures for Shutting Down Operations in the Event of a Lapse in Appropriations

U.S. Office of Government Ethics

I. BACKGROUND

During a federal funding hiatus or lapse in appropriations, the U.S. Office of Government Ethics (OGE) must be able to cease its government operations in an orderly fashion. The standard operating procedures for shutting down OGE operations in the event of a lapse in appropriations follow.

II. AUTHORITY

The Constitution provides that “no monies shall be drawn from the treasury, but in consequence of appropriations made by law.” The treasury is further protected through the Anti-Deficiency Act (ADA) which, among other things, prohibits all officers and employees of the federal government from entering into obligations in advance of appropriations and prohibits the federal government from employing federal personnel except in emergencies or accepting voluntary services unless otherwise authorized by law. Only functions that are exempted from the work restrictions specified in the ADA may continue during a lapse in appropriations.

Office of Management and Budget (OMB) Bulletin 80-14, dated August 28, 1980 (and amended by the OMB Director’s memorandum of November 17, 1981), requires all agencies to maintain contingency plans to deal with a possible appropriations lapse. The bulletin requires agency plans to be consistent with the January 16, 1981 opinion of the Attorney General on this subject. The Office of Legal Counsel of the Department of Justice has subsequently issued an opinion dated August 16, 1995, that updates the 1981 opinion.

OGE’s most recent lapse plan is available [here](#). These standard operating procedures are intended to supplement OGE’s lapse plan and to help ensure the prompt and efficient shutting down of OGE operations in the event of an appropriations lapse.

III. DEFINITIONS

EXCEPTED: Employees or activities that, by law, may continue to work/continue to be performed during a lapse in appropriations. Excepted employees include those who are performing emergency work involving safety of human life or the protection of property or other categories of excepted work identified in OGE’s lapse plan. Excepted employees may continue to work during a lapse in appropriations as directed by their supervisors.¹

¹ Individuals appointed by the President, with or without Senate confirmation, who otherwise are not subject to 5 USC § 6301 and attendant regulations governing leave in the federal service, are not subject to furlough.

OGE's current list of excepted employees is located at Appendix A, *List of Excepted Employees*.

NON-EXCEPTED: Employees or activities which are funded by lapsed or exhausted appropriations, and that do not fit within any authorized exception and are not identified as exempt in OGE's lapse plan. Non-excepted employees will be furloughed in the event of a lapse in appropriations.

FURLOUGH: The placing of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. For most employees, there are two basic categories of furloughs, each involving different procedures. A furlough of 30 calendar days or less is covered under 5 CFR Part 752. A furlough of more than 30 calendar days is covered under 5 CFR Part 351. Furloughs for Senior Executive Service members are covered under 5 CFR Part 359, Subpart H.

IV. PROCEDURES

A. Prior to Appropriations Lapse

OGE's Chief of Staff and the Deputy Director for Compliance are responsible for monitoring whether an appropriations lapse is likely to occur. OMB dictates when and what agencies can communicate with employees and other stakeholders in the period leading up to a potential lapse.

1. One Week Prior to Potential Lapse

One week prior to the expiration of OGE's appropriation, regardless of whether the enactment of appropriations appears imminent, OMB is required to communicate with agency senior officials to remind them of the responsibility to review and update orderly shutdown plans. OMB also typically shares a draft communication template for agencies to use to notify employees of the status of appropriations when OMB determines that it is appropriate to do so.

To ensure that OGE can communicate with its employees should the need arise, it is vital that OGE's online Emergency Notification System (ENS) reflects up-to-date employee personal contact information. To this end, approximately one week prior to a potential lapse, OGE's Deputy Director for Compliance will email all OGE employees directing them to verify that their ENS profile is up-to-date and if it is not, to update their information, as appropriate.

2. Two Days Prior to Potential Lapse

Approximately two days before a potential lapse in appropriations, OMB generally will direct agencies to notify their employees of the status of funding using an OMB-provided communication template. When OGE receives this direction, the Director or his or her

designee will send out the preliminary communication via email to all OGE employees. This preliminary communication will typically provide the most current information available on the status of funding, as well as the tentative date that an appropriations lapse may begin. Appendix B, *Notice of Potential Lapse in Funding*, provides the communication language OGE used leading up to the previous lapse and is based on the template that was then provided by OMB.

3. Designation of Excepted Employees

Immediately following the issuance of the preliminary OMB-approved communication, the Director or his or her designee, in consultation with OGE's Chief of Staff, will determine which activities and specific OGE personnel will be designated as excepted in the event that a lapse in appropriations occurs. The determination of which employees are excepted begins with an examination OGE's current list of excepted positions and functions. OGE's Chief of Staff and Division Directors will notify Branch Chiefs and any other Supervisors regarding which, if any, of their employees have been designated as excepted. Branch Chiefs and Supervisors will then communicate this information to any affected employees.

4. Preparation of Written Notifications

The Administrative Officer of the Administrative Operations Branch, Compliance Division, in coordination with the Deputy Director for Compliance, is responsible for preparing emergency furlough decision notices for distribution to non-excepted employees, should a lapse in appropriations appear imminent. These notices will provide all relevant information regarding each employee's furlough status as well as information regarding how the lapse would affect the employee's:

- Health Benefits
- Life Insurance Benefits
- Thrift Savings Plan Contributions/Loans Retirement contributions
- Leave Pay Travel Training
- Unemployment Benefits

Employees who have been designated as excepted and who are expected to work during a potential lapse will receive separate notices advising them of their status and work requirements. Employees who are otherwise excepted, but who are not immediately needed to work during a lapse, will be furloughed. However, such employees are subject to recall in the event that they are needed to resume performing excepted activities.

5. Preparation of Information for OGE's Website

During the one-week period leading up to a potential lapse in appropriations, OGE's Deputy Director for Compliance, in coordination with OGE's Chief Information Officer (CIO), will prepare and "pre-stage" information to be displayed on the landing page of

OGE's website should a lapse occur. This information shall include information on OGE's operating status for OGE employees, as well as information for all executive branch employees and members of the general public, such as links to previously issued guidance on the application of the ethics rules during a lapse in appropriations. During a lapse, the website may also be updated to provide furloughed employees with status information.

6. Budgetary, Financial, and Operational Preparations

Prior to an anticipated lapse in funding, OGE's Budget Officer will coordinate with Bureau of Fiscal Service (BFS) Contracting to determine which service contracts will continue to provide services during the shutdown. Only certain essential services will continue to operate (IT infrastructure; utilities; Internet and phones, including mobile phones; security; commuter benefits, etc.). Service contract vendors will be notified in advance by BFS Contracting of the status of their contract and whether to continue or stop providing the service during a funding lapse.

The Budget Officer will provide the list of Open Contracts and their operational "lapse planning code" to the Deputy Director for Compliance and the Chief of Staff as it is updated.

In the event that a lapse occurs, all invoices for services provided will be on hold until appropriations are approved and funds received. No invoice payments will be made during a funding lapse.

Budgetary and financial point of contact information can be found at Appendix L, *POCs for Budgetary, Financial, and Operational Preparations*.

B. Notice Appropriations Lapse Has Occurred

If a lapse in appropriations does occur, OMB is responsible for notifying federal agencies and for directing agencies to shut down operations. This notification usually occurs at midnight on the last day of funding under expiring appropriations.

1. Recording Outgoing Message on OGE's Employee Information Line

Upon notification by OMB that a lapse has occurred, OGE's Deputy Director for Compliance will record an outgoing message on OGE's employee telephone information line indicating that OGE is shutting down due to the lapse in appropriations. The message will provide OGE employees with necessary information, such as how to conduct shutdown activities, how to obtain their furlough notices, and how the furlough affects leave status.

Scripts for the outgoing recordings can be found in Appendix K, *Outgoing Voicemail and Email Message Scripts*.

C. First Day of Appropriations Lapse

In the event that a lapse occurs, OGE will proceed with the orderly shutdown of operations beginning on the first workday of the lapse. Non-excepted employees must limit work activities to only such actions as are necessary to safeguard government property and wind down government operations. It is estimated that such actions will require not more than one-half of a workday. Unless designated as excepted personnel, OGE employees *may not* perform work on behalf of OGE, other than shutdown activities, during this period and until funds are appropriated for the agency's normal operations. Excepted employees are required to work as directed by their supervisors for the duration of the lapse.

As part of their shutdown activities, employees are to set their work voicemail and email with an automatic out-of-office reply message. Language to be used for these messages is found in Appendix K, *Outgoing Voicemail and Email Message Scripts*.

Employees should also make sure that their work phone is not forwarded to their alternate worksite phone. Employees may contact DC-Net directly to stop forwarding their phones. The ITD HOW-TO Portal has a "Phone System" section that provides information on how to reach DC-Net Technical Support: http://howto:8081/archive/ITD_KB/152/.

As part of the shutdown of operations, OGE's Administrative Officer will provide each non-excepted employee with the previously prepared furlough notice, generally via email to employees' previously provided personal email accounts. The template for this furlough notice can be found at Appendix C, *Notice of Furlough*. The Administrative Officer will provide excepted employees with either a *Notice to Excepted Employee*, found at Appendix D, or a *Notice of Furlough during Intermittent Absences to Excepted Employee*, found at Appendix E.

OGE's Chief Information Officer will ensure that the OGE website landing page is updated to include the information that was previously prepared and pre-staged on the staging site regarding OGE's operating status, as discussed in Part IV. A. 5. of these procedures. The Deputy Director for Compliance will record an updated voice message on OGE's employee telephone information line indicating that the office is closed due to the lapse. Scripts for the outgoing recordings can be found in Appendix K, *Outgoing Voicemail and Email Message Scripts*.

Finally, supervisors will instruct employees to monitor the status of government funding and OGE's operating status by listening to or watching public broadcasts, viewing OPM's and OGE's websites, and checking OGE's telephone information line.

D. During Appropriations Lapse

During the course of a lapse in appropriations, OGE's Chief of Staff will participate in conference calls with OMB and OPM to remain up-to-date on the status of the lapse and to obtain any guidance which has been cleared for sharing with furloughed employees.

The Chief of Staff will share any such information with employees, likely via employees' personal email accounts or OGE's website.

At any time during the lapse, an excepted employee who was previously furloughed could be recalled to work. With this in mind, excepted employees should remain available to work at any time during a lapse. If a determination is made to recall an employee, the Chief of Staff will provide a recall notice to that employee, typically via the employee's personal email address. Sample recall notices covering the range of situations under which an excepted employee could be recalled can be found at Appendices H through J.

1. Government Purchase Cards (GPC)

GPC purchases can be made only under limited circumstances during a furlough. The cardholder may only use the card if they are designated as an excepted employee and only for purchases required for the performance of an excepted function. GPC monthly statements will not be reviewed, re-allocated, or approved during a lapse period.

2. Furlough in Excess of 30 Days

Per OPM guidance, when a furlough goes beyond 30 days, agencies must treat it as a second shutdown furlough and issue another furlough notice. Each affected employee will be issued this second furlough notice as soon as possible after the beginning of the second shutdown furlough, generally via email to employees' previously provided personal email accounts. The template for this notice can be found at Appendix F, *Second Furlough Notice*.

E. End of Appropriations Lapse and Government Reopening

When appropriations are restored, OMB will issue a notification to agencies advising that the government is reopened. Once a lapse has ended, employees are required to return to work as soon as practicable, but generally on the first regular full duty day after the funding lapse is terminated. Immediately upon the termination of the lapse, the Chief of Staff will notify employees, via email to their personal accounts, of the date the government will reopen for business. Template language for this email can be found at Appendix G, *Notice of End of Appropriations Lapse*.

The Deputy Director for Compliance will record an updated outgoing voicemail message on OGE's employee telephone information line indicating that OGE's offices are open and employees are expected to report to work at their normal scheduled time and work location. The script for this message is found at Appendix K, *Outgoing Voicemail and Email Message Scripts*.

Employees who are unable to return to work as soon as government operations resume must advise their supervisors of their status and take appropriate leave.

V. INFORMATION FOR EMPLOYEES

This section contains information that may be useful to employees leading up to and during a lapse in appropriations. Additional information in the form of a set of FAQs prepared by OMB can be found [here](#).

A. Prior to an Appropriations Lapse

As noted above in Part IV of these procedures, most of the activities that precede a lapse in appropriations involve things that the agency must do to prepare for an orderly shutdown. There are certain steps that that employees can undertake or should be aware of to be prepared as well.

1. One Week Prior to Potential Lapse

Communication with employees is essential should a lapse occur. OGE will need to be able to contact employees to provide official documents and notify employees of their work status. Therefore, approximately one week prior to a potential lapse, employees will be asked to make sure that their emergency contact information is correct. This is also a good time to make sure that employees discuss with their supervisors any planned leave or official travel that is scheduled that could potentially overlap with a period of lapse, as it is likely that both will have to be cancelled in the event a lapse occurs. This is also a good time to ensure that employee telework agreements are up to date.

2. Two Days Prior to Potential Lapse

Generally, two days before a potential lapse, OGE will be authorized to send out notices to employees that a lapse may occur. At this time, agency leadership will also be determining which employees will be required to work during a potential lapse as excepted employees. Excepted employees will be notified of work expectations. Employees who have questions about whether they will be expected to work during a lapse should consult their supervisors during this time period so that they understand what will be expected.

3. Last Day of Appropriations and Reopening of Government

During the last day prior to a potential lapse that the government is open and funded, employees should monitor media and OGE communications to keep abreast of the government's operating status. Generally, if there is a lapse, OMB will declare a government shutdown as of midnight on the day that appropriations expire. From that point until appropriations are restored and the government reopens, there will be status updates posted on the OGE employee telephone information line and on the OGE website to advise employees of the status of government and OGE operations. When the government reopens, all employees will be expected to return to work as directed in

communications made via the OGE employee telephone information line, employee email, and the OGE website. Employees who are not able to return to work as directed in these communications should advise their supervisors and request leave.

B. Employee Designation and Work Status

1. Excepted vs. Non-Excepted

As discussed above in Part IV of these procedures, excepted employees have been designated to perform functions or activities that are excepted from work restrictions specified in the Anti-Deficiency Act (ADA), and may continue during a lapse in appropriations. Therefore, excepted employees are required to work during a lapse and will receive specific instructions about when to report prior to the lapse occurring.

Non-excepted employees perform functions that may *not* continue during a lapse in appropriations. Therefore, non-excepted employees are not permitted to work, other than to perform orderly shutdown activities, and must be furloughed during a lapse. Non-excepted employees may engage in shutdown activities during the first four hours of the first working day of a lapse in appropriations. Such activities may include:

- Supervisor notifications to non-excepted employees that they are furloughed
- Consolidating and storing files
- Safeguarding sensitive materials
- Protecting government property
- Notifying the public and other agencies of the shutdown of operations
- Putting out of office messages on office email accounts and phones
- Documenting the status of projects to facilitate resumption when regular operations are resumed
- Processing appropriate personnel/payroll actions and filing documentation

Non-excepted employees may *not* perform any services during a furlough.

2. Reporting for Work

As noted above, non-excepted employees cannot work at all during a lapse and, once they complete their orderly shutdown activities, are in a furlough status until the government reopens. Excepted employees must report for work during a lapse as directed by their supervisors. An excepted employee who refuses to report for work after being ordered to do so will be considered to be in an absence without leave status and may be subject to administrative or disciplinary action.

If an excepted employee is unable to report for work during a lapse and the employee's supervisor or other management official approves the absence, the employee will be carried in a furlough status for period of absence, and will be issued a furlough notice for that period.

C. Use of Information Technology (IT) Equipment during a Lapse

Excepted employees performing excepted functions may continue to use their OGE-issued information technology resources during a lapse, including portable communication devices, computer software, and hardware equipment without restrictions, as long as they are in a work status.

Non-excepted employees are very restricted in their use of government issued equipment. For example, they may use OGE-issued electronic devices to receive furlough notices and acknowledge receipt of the notices during a lapse in appropriations. They may also monitor their OGE-issued electronic devices for status of government operations updates only and emergency notifications from their supervisors or other management officials. They may not respond to any non-lapse related communications on government issued equipment. Employees may only use their OGE electronic devices for one-way communication to monitor the status of the furlough. Failure to follow this restricted-use policy may result in a violation of law, specifically the ADA, which has a criminal component, and may result in severe penalties. For these reasons, it is generally advised that OGE employees receive lapse communications via their personal email.

D. Employee Pay during a Lapse

Neither excepted nor non-excepted employees will receive pay during a lapse in appropriations. All employees, both excepted and non-excepted, will receive retroactive pay as soon as possible after the lapse in appropriations ends, in accordance with the Government Employee Fair Treatment Act of 2019 (Public Law 116-1, January 16, 2019).

E. Employee Leave during a Lapse

Neither excepted nor non-excepted employees may be on a paid leave status during a lapse; instead, all leave is automatically cancelled once a lapse in appropriations occurs. Excepted employees who wish to not report for work, and who are approved to not report, may be carried in a furlough status during any period of absence. However, supervisors must allow an excepted employee to continue to be absent from work for active military duty, although the employee may not use military leave or any other paid leave (e.g., annual or sick leave) during the furlough. Instead, the employee's status would be Absent-Uniformed Service (formerly Leave Without Pay-Uniformed Service).

If a lapse occurs at or close to the end of a leave year, employees may have accumulated annual leave that exceeds their applicable maximum annual leave ceiling, i.e., "use or lose" annual leave. Since employees may not use annual leave during a lapse in appropriations, any unused annual leave in excess of the employee's applicable leave ceiling at the end of the leave year is subject to forfeiture. In the event

of “use or lose” leave loss due to a lapse, employees may request restoration of forfeited annual leave if the annual leave was scheduled and approved in advance within the “use or lose” leave approval period and is later cancelled by the supervisor due to “an exigency of the public business” and could not be rescheduled and used before the end of the leave year. For these purposes, a lapse in appropriations has been determined by OPM/OMB to be “an exigency of the public business” under which employees’ forfeited annual leave can be restored. Please note that any annual leave which was *not* scheduled and approved in advance within the “use or lose” leave approval period will not be restored.

If you have any questions regarding these procedures, please contact OGE’s Deputy Director for Compliance. More information about the rules governing agency operations in the absence of appropriations can be found in Section 124 of OMB Circular No. A-11, available [here](#)

APPENDICES

- A. List of Excepted Employees
- B. Notice of Potential Lapse in Funding
- C. Notice of Furlough
- D. Notice to Excepted Employee (Email)
- E. Notice of Furlough During Intermittent Absences to Excepted Employee
- F. Second Furlough Notice
- G. Notice of End of Appropriations Lapse (Email)
- H. Recall Notice for Excepted Employee
- I. Intermittent Recall Notice
- J. Modified Recall Notice
- K. Outgoing Voicemail and Email Message Scripts
- L. POCs for Budgetary, Financial, and Operational Preparations
- M. [SF-8 Link](#)

Appendix A. List of Excepted Employees

In accordance with guidance provided by the Office of Legal Counsel of the Department of Justice and the Office of Management and Budget, the following positions will be considered excepted from furlough:

- The Director/Acting Director;
- The Chief of Staff;
- Chief Information Officer;
- The Chief of the Presidential Nominations Branch and such member(s) of the Nominee Financial Disclosure Branch staff as the General Counsel may designate;
- The *Integrity* Program Manager; and
- Two IT Specialists.

These positions are excepted to perform excepted work involving the protection of property or supporting the discharge of the President's constitutional duties to nominate and appoint officers of the Government.

The following positions are excepted to:

(1) support the discharge of the President's constitutional duties to nominate and appoint officers of the Government:

- The Director/Acting Director;
- The Chief of Staff;
- The Chief of the Presidential Nominations Branch and such member(s) of the Nominee Financial Disclosure Branch staff as the General Counsel may designate; and
- The *Integrity* Program Manager.

(2) protect Government property and to maintain OGE's IT infrastructure:

- The Chief Information Officer; and
- Two IT Specialists

Appendix B. Notice of Potential Lapse in Funding

As many of you are aware, annual funding for much of the Government expires on {date}. The Administration will continue working with the Congress to complete appropriations for Fiscal Year {year}

Prudent management requires the proper preparation for all contingencies, including the possibility that a lapse could occur. A lapse would mean that certain Government activities would cease due to a lack of appropriated funding, and that designated pre-notified employees of this agency would be temporarily furloughed. To prepare for this possibility, we are working to update our contingency plans for executing an orderly shutdown of activities that would be affected by a lapse in appropriations.

Thank you for your hard work, dedication, and patience through this process, and for all that you do for the Office of Government Ethics and the American people.

Appendix C. Notice of Furlough

{DATE}

MEMORANDUM

TO: {Name}
{Division}

FROM: {Name}
Deputy Director for Compliance

SUBJECT: Emergency Notice of Furlough Based Upon Lapse in Appropriations

In the absence of either a continuing resolution or a Fiscal Year (FY) {year} appropriation for the United States Office of Government Ethics (OGE), no further financial obligations may be incurred by OGE, except for those related to the orderly suspension of OGE's operations or performance of excepted activities as defined in the Office of Management and Budget (OMB) memorandum for Heads of Executive Departments and Agencies dated November 17, 1981.

Because your services are no longer needed for the orderly suspension of operations and you are not engaged in one of the excepted functions, you are being placed in a furlough status, effective {date}. This furlough, i.e., nonduty, nonpay status, is not expected to exceed 30 days. Therefore, this furlough notice expires on {date}.

You should monitor public broadcasts and the internet to keep abreast of the operating status of the Government, or you may call OGE's employee notification line at (202) 482-9317 to obtain information about OGE's operating status. When a continuing resolution or an FY{year} appropriation for OGE is approved, you will be expected to return to work on your next regular duty day.

All employees should take this time to update their out of office email message and voicemail greeting to reflect that the U.S. Office of Government Ethics is currently shutdown and that messages will be returned when the government is reopened.

This action is being taken because of a sudden emergency requiring curtailment of OGE's activities; therefore, no advance notification is possible. The customary 30-day advance notice period and opportunity to respond to this notice are suspended pursuant to 5 C.F.R. § 752.404(d)(2). Further, the 30-day advance notice otherwise required for career appointees in the Senior Executive Service (SES) may be shortened or waived pursuant to 5 C.F.R. § 359.806(a).

If any employees are remaining on duty in your competitive level or competitive area, they are required for orderly suspension of agency operations or are performing one of the excepted activities defined in the OMB memorandum.

During the furlough period, you will be in a nonduty, nonpay status, and you may not work at the workplace or at any other alternative worksite unless and until you are recalled. During this

period, you will not be permitted to work as an unpaid volunteer. Any paid leave (annual, sick, court, etc.) previously approved for use during the furlough period is cancelled.

Appeal Rights

Employees who have completed a probationary or trial period of one (1) year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the Merit Systems Protection Board (MSPB). Employees in the excepted service who have veterans preference may appeal to the MSPB if they have completed one (1) year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to the MSPB if they have completed two (2) years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two (2) years or less.

Career SES appointees (except reemployed annuitants) who believe that the requirements of 5 C.F.R. part 359, subpart H, or the agency's procedures have not been correctly applied may also appeal to the MSPB. Career SES appointees may inspect the records and regulations pertinent to this action, upon request, at OGE's offices.

If you have an appeal right to the MSPB and wish to appeal this action, you must file the appeal within 30 calendar days after the effective date of your furlough. You may access information about the MSPB appeal process and obtain a copy of the appeal form from the MSPB website at www.mspb.gov/appeals/appeals.htm. The MSPB requires that any appeal be filed with the MSPB regional office serving the area where your duty station was located when the appealable action was taken. Based upon your duty station, the appropriate office is the Washington, D.C. Regional Office. The MSPB also offers the option of electronic filing, and information about that process may be accessed on the MSPB website at <https://e-appeal.mspb.gov/>. Employees have a right to representation in this matter, and may be represented by an attorney or other person of their choosing.

Attached is the SF-8, Notice to Federal Employee about Unemployment Insurance. Additional information about unemployment insurance is available at <http://www.servicelocator.org/OWSLinks.asp>.

We recognize the difficult financial implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available. If you have questions, you may contact OGE's Deputy Director for Compliance when normal operations resume at 202-XXX-XXXX or by email at XXX@oge.gov.

{Name}
Deciding Official

Attachment: SF-8

Appendix D. Notice to Excepted Employee (Email)

You are an employee who has been designated by OGE to be excepted from furlough and in a position for which you must continue to work or telework during the shutdown period. Therefore, during the shutdown period you are required to work on those days you would normally be scheduled to work. However, because of the operation of shutdown furlough rules, OGE may place you on furlough status for certain periods of time if a determination is made that your services are not required at particular times during the shutdown. In the event that a decision is made to place you on furlough during the shutdown, periodic reevaluations of your status will be conducted and OGE may recall you to resume the performance of essential services, if needed.

At the present moment, you are needed to perform essential functions and are required to report to work or telework during the shutdown period.

Appendix E. Notice of Furlough during Intermittent Absences to Excepted Employee

{Date}

MEMORANDUM

TO: {Name}
{Division}

FROM: {Name}
Deputy Director for Compliance

SUBJECT: Notice of Furlough during Intermittent Absences to Excepted Employee

In the absence of either a continuing resolution or a Fiscal Year (FY) {year} appropriation for the United States Office of Government Ethics (OGE), no further financial obligations may be incurred by OGE for functions funded through annual appropriations, except with respect to certain personnel who are otherwise authorized to work.

You are an employee who has been designated by OGE to be excepted from furlough and in a position for which you must continue to work during the shutdown. Therefore, you are required to work on those days you would normally be scheduled to work. However, because of the operation of the shutdown furlough rules, we must place you in a furlough status during periods of your intermittent absences. It has been determined that you are not needed to perform excepted work during the shutdown from {date} through {date}. Your status will be reevaluated on {date} and a determination will be made regarding the date on which you are expected to report to work. As an excepted employee, you are expected to return to work when recalled.

This action is being taken because of a sudden emergency requiring curtailment of the agency's activities; therefore, no advance notification is possible. The customary 30-day advance notice period and opportunity to answer are suspended under the provisions of 5 CFR 752.404(d)(2). The 30 day-advance notice otherwise required by 5 CFR 359.806(a) for Senior Executive Service (SES) career appointees (other than reemployed annuitants) may be shortened or waived.

If employees are being retained in your competitive level or competitive area, they are required for orderly suspension of agency operations or they are performing one of the excepted activities defined in the OMB memorandum.

During the furlough period, you will be in a nonduty, nonpay status and you may not work at your workplace or other alternative worksite unless and until recalled. You will not be permitted to work as an unpaid volunteer. Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is cancelled.

Appeal Rights

Employees who have completed a probationary or trial period of one (1) year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the Merit Systems Protection Board (MSPB). Employees in the excepted service who have veterans preference may appeal to the MSPB if they have completed one (1) year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to the MSPB if they have completed two (2) years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two (2) years or less.

Career SES appointees (except reemployed annuitants) who believe that the requirements of 5 C.F.R. part 359, subpart H, or the agency's procedures have not been correctly applied may also appeal to the MSPB. Career SES appointees may inspect the records and regulations pertinent to this action, upon request, at OGE's offices.

If you have an appeal right to the MSPB and wish to appeal this action, you must file the appeal within 30 calendar days after the effective date of your furlough. You may access information about the MSPB appeal process and obtain a copy of the appeal form from the MSPB website at www.mspb.gov/appeals/appeals.htm. The MSPB requires that any appeal be filed with the MSPB regional office serving the area where your duty station was located when the appealable action was taken. Based upon your duty station, the appropriate office is the Washington, D.C. Regional Office. The MSPB also offers the option of electronic filing, and information about that process may be accessed on the MSPB website at <https://e-appeal.mspb.gov/>. Employees have a right to representation in this matter, and may be represented by an attorney or other person of their choosing.

Attached is the SF-8, Notice to Federal Employee about Unemployment Insurance. Additional information about unemployment insurance is available at <http://www.servicelocator.org/OWSLinks.asp>.

We recognize the difficult financial implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available. If you have questions, you may contact OGE's Deputy Director for Compliance when normal operations resume at 202-XXX-XXXX or by email at XXX@oge.gov.

{Name}
Deputy Director for Compliance
Deciding Official

Date

Appendix F. Second Furlough Notice

{Date}

MEMORANDUM

TO: {Name}
{Division}

FROM: {Name}
Chief of Staff

SUBJECT: Emergency Notice of Furlough Based Upon Lapse in Appropriations

In the absence of either a continuing resolution or a Fiscal Year (FY) {year} appropriation for the U.S. Office of Government Ethics (OGE), no further financial obligations may be incurred by OGE, except for those related to the orderly suspension of OGE's operations or performance of excepted activities as defined in the Office of Management and Budget (OMB) memorandum for Heads of Executive Departments and Agencies dated November 17, 1981.

Because your services are no longer needed for the orderly suspension of operations and you are not engaged in one of the excepted functions, you are being placed in a furlough status, effective {date}. This furlough, i.e., nonduty, nonpay status, is not expected to exceed 30 days. Therefore, this furlough notice expires on {date}.

You should monitor public broadcasts and the internet to keep abreast of the operating status of the Government, or you may call OGE's employee notification line at (202) 482-9317 to obtain information about OGE's operating status. When a continuing resolution or an FY {year} appropriation for OGE is approved, you will be expected to return to work on your next regular duty day.

This action is being taken because of a sudden emergency requiring curtailment of OGE's activities; therefore, no advance notification is possible. The customary 30-day advance notice period and opportunity to respond to this notice are suspended pursuant to 5 C.F.R. § 752.404(d)(2). Further, the 30-day advance notice otherwise required for career appointees in the Senior Executive Service (SES) may be shortened or waived pursuant to 5 C.F.R. § 359.806(a).

If any employees are remaining on duty in your competitive level or competitive area, they are required for orderly suspension of agency operations or are performing one of the excepted activities defined in the OMB memorandum.

During the furlough period, you will be in a nonduty, nonpay status, and you may not work at the workplace or at any other alternative worksite unless and until you are recalled. During this period, you will not be permitted to work as an unpaid volunteer. Any paid leave (annual, sick, court, etc.) previously approved for use during the furlough period is cancelled.

Appeal Rights

Employees who have completed a probationary or trial period of one (1) year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the Merit Systems Protection Board (MSPB). Employees in the excepted service who have veterans preference may appeal to the MSPB if they have completed one (1) year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to the MSPB if they have completed two (2) years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two (2) years or less.

Career SES appointees (except reemployed annuitants) who believe that the requirements of 5 C.F.R. part 359, subpart H, or the agency's procedures have not been correctly applied may also appeal to the MSPB. Career SES appointees may inspect the records and regulations pertinent to this action, upon request, at OGE's offices.

If you have an appeal right to the MSPB and wish to appeal this action, you must file the appeal within 30 calendar days after the effective date of your furlough. You may access information about the MSPB appeal process and obtain a copy of the appeal form from the MSPB website at www.mspb.gov/appeals/appeals.htm. The MSPB requires that any appeal be filed with the MSPB regional office serving the area where your duty station was located when the appealable action was taken. Based upon your duty station, the appropriate office is the Washington, D.C. Regional Office. The MSPB also offers the option of electronic filing, and information about that process may be accessed on the MSPB website at <https://e-appeal.mspb.gov/>. Employees have a right to representation in this matter, and may be represented by an attorney or other person of their choosing.

Attached is the SF-8, Notice to Federal Employee about Unemployment Insurance. Additional information about unemployment insurance is available at <http://www.servicelocator.org/OWSLinks.asp>.

We recognize the difficult financial implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available. If you have questions, you may contact OGE's Chief of Staff and Program Counsel at 202-XXX-XXXX or by email at XXX@gov.

{Name}
Chief of Staff
Deciding Official

Date

Attachment: SF-8

Appendix G. Notice of End of Appropriations Lapse (Email)

All-

I am pleased to report that Congress has passed, and the President has signed, a { } to reopen agencies through {DATE}. Therefore, OGE will be open for business on {DAY/DATE}. We know you may need to make arrangements in order to begin work on {DAY}, so please reach out to your supervisor to discuss leave or other flexibilities you may need. We are deeply grateful to each of you for your service to OGE and the American public, and to your continued dedication to public service, even in the most difficult of circumstances.

I look forward to having you back on {DAY}!

Appendix H. Recall Notice to Excepted Employee

{Date}

MEMORANDUM

TO: {Name}
{Division}

FROM: {Name}
Chief of Staff

SUBJECT: Recall Notice to Excepted Employee

In the absence of either a continuing resolution or a Fiscal Year (FY) {year} appropriation for the United States Office of Government Ethics (OGE), no further financial obligations may be incurred by OGE for functions funded through annual appropriations, except with respect to certain personnel who are otherwise authorized to work.

You were previously designated as an employee who is excepted from furlough and in a position for which you must continue to work during the shutdown. However, you were placed on a furlough status on the following dates: _____ following the determination that you were not needed for this period of time to perform excepted service work.

After reevaluating OGE's needs for the performance of additional services, you are being recalled from your furlough status to resume performance of essential services. You are expected to report to work or telework starting on {date} and continuing until such time as you are placed on furlough status again.

We recognize the difficult implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available. If you have questions, you may contact OGE's Deputy Director for Compliance when normal operations resume at 202-XXX-XXX or by email at XXX@oge.gov.

{Name}
Chief of Staff
Deciding Official

Date

Appendix I. Modified Recall Notice (Intermittent)

{Date}

MEMORANDUM

TO: {Name}

FROM: {Name}
Chief of Staff

SUBJECT: Recall Notice to Excepted Employee

In the absence of either a continuing resolution or a Fiscal Year (FY) {year} appropriation for the United States Office of Government Ethics (OGE), no further financial obligations may be incurred by OGE for functions funded through annual appropriations, except with respect to certain personnel who are otherwise authorized to work.

You were previously designated as an employee who is excepted from furlough and in a position for which you must continue to work during the shutdown. However, you were placed on a furlough due to an intermittent absence on the morning of {date}.

After reevaluating OGE's needs for the performance of additional services, you are being recalled from your furlough status to resume performance of essential services. You are expected to report to work or telework (for between one and three hours daily) starting on {date} and continuing until you are either needed for full-time excepted activities or furloughed.

We recognize the difficult implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available.

To the extent you have questions, you may contact OGE's Deputy Director for Compliance when normal operations resume at 202-XXX-XXXX or by email at XXX.oge.gov

{Name}
Chief of Staff
Deciding Official

Date

Appendix J. Modified Recall Notice (Part-time)

{DATE}

MEMORANDUM

TO: {Name}
 {Division}

FROM: {Name}
 Chief of Staff

SUBJECT: Recall Notice to Excepted Employee

In the absence of either a continuing resolution or a Fiscal Year (FY) {year} appropriation for the United States Office of Government Ethics (OGE), no further financial obligations may be incurred by OGE for functions funded through annual appropriations, except with respect to certain personnel who are otherwise authorized to work.

You were previously designated as an employee who is excepted from furlough and in a position for which you must continue to work during the shutdown. However, you were placed on a furlough status on the following dates: {dates} following the determination that you were not needed for this period of time to perform excepted service work

After reevaluating OGE’s needs for the performance of additional services, you were recalled from your furlough status to resume performance of full-time essential services on {date}. After a further evaluation of OGE’s needs, starting on {date} you are expected to work between one and three hours daily to perform excepted work and continuing until you are either furloughed or recalled to full-time excepted service.

We recognize the difficult implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available.

To the extent you have questions, you may contact OGE’s Deputy Director for Compliance when normal operations resume at 202-XXX-XXXX or by email at XXX@oge.gov.

{Name}
Chief of Staff
Deciding Official

Date

Appendix K. Outgoing Voicemail and Email Message Scripts

Employee Out-of-Office Voicemail and Email Message

Due to a lapse in appropriations, OGE's offices are shut down and all employees, other than excepted employees, are in a furlough status. During this time, I am unable to respond to inquiries. Thank you.

Initial Furlough Message (Recorded Immediately Prior to Implementation of Shutdown Procedures)

Welcome to the OGE employee information line. Due to a lapse in appropriations, OGE's offices will be shutting down and all employees, other than excepted employees, will be in a furlough status. You should conduct shutdown activities and receive your furlough notice on your next scheduled workday. Excepted employees should report to work as directed by their supervisor.

If you are currently scheduled to be on leave, your leave is cancelled. However, you do not need to report to work to conduct shut down activities until the first day you would have reported to work after your period of leave.

Please check this message for updates about the status of OGE's operations.

Continuing Furlough Message (Recorded upon Completion of Shutdown Procedures)

Welcome to the OGE employee information line. At this time, OGE's offices are closed due to a lapse in appropriations. All employees, other than those who are excepted, are in a furlough status. If you are an excepted employee, you are expected to report to work as directed by your supervisor.

Please continue to check this message for updates about the status of OGE's operations.

End of Furlough Message (Recorded Immediately upon Appropriations Bill Being Signed by POTUS)

Welcome to the OGE employee information line. At this time, OGE's offices are open. All employees are expected to report to work at their normal scheduled time. Employees wishing to take leave should contact their supervisor.

Appendix L. POCs for Budgetary, Financial, and Operational Preparations

Budget Analyst:

Misty Goddard
Supervisory Budget Analyst
Budget Execution Branch
Phone: (304) 480-8709

Contracting Officer:

Paul C. White
Contracting Officer
OSS - Division of Procurement
Phone: (304) 480-7141

Payroll:

Christina A. Rozzetti - Accountant
Payroll, Vendors & Cards Branch
Transaction Maintenance Division
Phone: (304) 480-8407