Interim Management Directive

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 4.5	CONTINGENCY PLAN FOR PERIODS OF LAPSED APPROPRIATIONS	DT-XX-XX
Volume 4:	Financial Management	
Approved By:	[Name and Title of Approving Official]	
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Issuing Office:	Office of the Chief Financial Officer Division of Planning and Budget	
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EXECUTIVE SUMMARY

Directive and Handbook 4.5 replace Manual Chapter and Appendix 1302 and are being revised to reflect the current NRC organizational structure and government-wide guidance. Significant revisions include the separation of the Chief Financial Officer function from the Executive Director for Operations; a new organizational responsibilities and delegations of authority subsection for the Inspector General; incorporation of revisions to the Antideficiency Act and guidance from the Department of Justice regarding the definition of "emergencies involving the safety of human life or the protection of property"; and an update to the list of NRC functions excepted during an initial shutdown.

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I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission to establish and implement a contingency plan for periods of lapsed appropriations and provide guidance and instructions for suspending nonexcepted agency activities should Congress fail to appropriate funds for normal agency operations.

II. OBJECTIVES

- To implement the Office of Management and Budget (OMB) Bulletin 80-14, as amended, in accordance with the Antideficiency Act and the opinion of the Attorney General of the United States.
- To provide guidance for the orderly suspension of nonexcepted activities when an exhaustion of funds is anticipated.
- To identify excepted functions that will continue although all available NRC funds have been exhausted.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chairman

1. Ensures execution of the contingency plan.
2. Determines the excepted functions of the agency.
3. Submits the list of excepted functions to OMB for transmittal to Congress, if necessary.
4. Approves the lists of employees to be furloughed and those to be retained when all available funds are exhausted for offices reporting directly to the Chairman and the Commission.
5. Authorizes dissemination of information about the status of the agency to the media, including those broadcast stations that carry emergency weather announcements.

B. General Counsel

1. Assists the Chairman or his or her designee in determining the agency's excepted functions.

2. Provides the Chairman or his or her designee with legal advice during the period of lapsed appropriations.
3. Drafts the Commission's orders on issues arising from an exhaustion of funds.
4. Defends the Commission in judicial proceedings arising from lapsed appropriations or an exhaustion of funds.

C. Chief Financial Officer (CFO)

1. Directs and ensures the implementation of this management directive (MD).
2. Obtains policy guidance from the OMB regarding lapses in appropriations.
3. Issues, in coordination with the Executive Director for Operations (EDO), a notice of general information on agency funding to all employees.
4. Issues notice, in coordination with the EDO, to all employees indicating that all available funds have been exhausted.
5. Determines the amount of funds available to operate at the earliest indication of funding difficulty.
6. Advises the Chairman and the EDO of the availability of funds.
7. Advises the Inspector General (IG) on the availability of funds in the IG appropriation.
8. Reallocates, to the extent permitted, all available funds to forestall the fund interruption date as long as possible before initiation of orderly shutdown activities.
9. Determines the time period within which the agency can operate before all available funds are exhausted and advises the Chairman and the EDO of this information.
10. Notifies the Chairman and the EDO when all available funds are exhausted.
11. Notifies the IG when all available funds are exhausted in the Office of the Inspector General (OIG) appropriation.
12. Processes personnel payrolls for periods before fund interruption.
13. Establishes records of deferred payment for personnel retained during shutdown.
14. Takes necessary actions to adjust allotments and allowances, as appropriate, during periods of lapsed appropriations.
15. Coordinates with the EDO, office directors, and regional administrators to ensure that no contractual or other financial obligations are entered into, other than those deemed excepted, after a lapse in appropriations.
16. Ensures that funds are not disbursed once funds have been exhausted.

D. Inspector General (IG)

1. Coordinates with the EDO and the CFO to implement the contingency plan for periods of lapsed appropriations within the OIG.
2. Determines the excepted functions for the OIG.
3. Prepares the lists of OIG employees to be retained and those to be furloughed to ensure that each employee's name appears on either the retention list or the furlough list.
4. Approves the lists of OIG employees to be furloughed and those to be retained when all available funds are exhausted.
5. Prepares and directs issuance of furlough notices to all OIG nonexcepted employees.
6. Authorizes the processing of personnel actions in connection with the issuance of furlough notices.
7. Authorizes issuance of furlough notices to OIG employees who have been retained to perform shutdown functions, in accordance with MD 10.99, "Discipline, Adverse Actions, and Separations," if applicable, when shutdown functions are completed.
8. Authorizes issuance of extended furlough notices to appropriate OIG personnel in accordance with MD 10.103, "Reduction in Force for Non-SES Employees," when the shutdown exceeds 30 days.
9. Authorizes issuance of stop-work orders to NRC OIG contractors, other than those deemed excepted, when all funds are expended.
10. Authorizes issuance of termination notice to NRC OIG contractors for contracts, other than those deemed excepted, when shutdown exceeds 30 days.
11. Directs all acquisition support agencies that have an interagency agreement with the NRC OIG to issue stop-work orders to NRC OIG commercial contractors, other than those deemed excepted, when all funds are exhausted.

E. Executive Director for Operations (EDO)

1. Informs, in coordination with the CFO, offices of targeted office resources to perform excepted functions.
2. Approves the lists of employees to be furloughed and those to be retained when all available funds are exhausted for offices reporting to the EDO.
3. Obtains approval of the Chairman before authorizing issuance of furlough notices to employees of offices reporting directly to the Commission.
4. In accordance with MD 10.99, "Discipline, Adverse Actions, and Separations"—

   (a) Authorizes issuance of furlough notices to nonexcepted employees; and

(b) When applicable, authorizes furlough notices to any employees retained for excepted functions (if or when these functions are completed).

5. Reviews and adjusts, if necessary, the lists of employees to be retained or furloughed when all available funds are exhausted and transmits the lists to the Director of the Office of Human Resources.

6. Authorizes issuance of notices of extended furloughs, in accordance with MD 10.103, if the shutdown exceeds 30 days.

F. Director, Office of Administration (ADM)

1. Issues stop-work orders to NRC commercial contractors, other than those deemed excepted, when all funds are exhausted.

2. Issues termination notice to NRC commercial contractors for contracts, other than those deemed excepted, when the shutdown exceeds 30 days.

3. Identifies to the EDO and the CFO those contracts that should be kept in place or entered into to provide excepted support services (i.e., telecommunications, guard services).

4. Ensures the inventory and transfer of all personal and real property, including information assets to the General Services Administration (GSA) or other designated agency, if agency operations have to be permanently suspended.

G. Director, Office of Human Resources (HR)

1. Obtains policy guidance from the Office of Personnel Management (OPM) regarding lapses in appropriations.

2. Interacts, as appropriate, with the employees' union regarding actions that will affect bargaining unit employees.

3. Reviews lists of employees to be retained and those to be furloughed to ensure that each employee's name appears on either the retention list or the furlough list.

4. Reviews and directs issuance of furlough notices to all nonexcepted employees.

5. Directs the processing of personnel actions in connection with the issuance of furlough notices.

6. Issues furlough notices to employees who have been retained to perform shutdown functions, in accordance with MD 10.99, if applicable, as shutdown functions are completed.

7. Issues extended furlough notices to appropriate personnel, in accordance with MD 10.103, when the shutdown exceeds 30 days.

8. Ensures the transfer of agency official personnel records, including related payroll records, to the National Archives and Records Administration (NARA), National Personnel Records Center, if agency operations have to be permanently suspended.

9. Advises employees on the effects of a furlough on their rights and benefits including appeal rights, effects on pay, leave, insurance, and possible eligibility for unemployment compensation. Advises managers on HR issues that may arise during the furlough period.

H. Director, Office of Information Services (OIS)

1. Ensures the transfer of agency official programmatic records to a designated records repository of successor agency, GSA, OPM, or NARA, if agency operations have to be permanently suspended.
2. Maintains the information technology infrastructure and support for continuing the agency's excepted functions.

I. Office Directors and Regional Administrators

1. Prepare a list of employees to be furloughed by name, grade, job title, office, division, and branch.
2. Transmit the list of employees to be furloughed to the EDO.
3. Prepare a list of employees to be retained by name, grade, job title, function to be performed, office, division, and branch concomitant with the number of persons to be retained by each office for excepted functions.
4. Transmit to the EDO the list of employees to be retained for the excepted functions listed in Section II of Handbook 4.5.
5. Maintain excepted functions, consistent with EDO/CFO guidelines, as delineated in Section II of Handbook 4.5.
6. Identify contracts, Department of Energy (DOE) laboratory orders, and interagency agreements for nonexcepted goods and services for work that will be stopped as a result of an exhaustion of funds.
7. Authorize the issuance of stop-work orders or termination notices for NRC contracts that are not deemed excepted.
8. Issue stop-work orders to DOE laboratories for agreements, other than those deemed excepted, when all funds are exhausted.
9. Issue termination notices to DOE laboratories for agreements, other than those deemed excepted, when the shutdown exceeds 30 days and assure that records created under said contracts are transferred to the appropriate successor agency or to NARA if agency operations have to be permanently suspended.
10. Request that other Federal agencies performing reimbursable services for the NRC under interagency agreements stop work when all funds are exhausted.

IV. APPLICABILITY

The guidance in this directive and handbook applies to and must be followed by all NRC employees.

V. HANDBOOK

Handbook 4.5 provides guidance for implementing the contingency plan for periods of lapsed appropriations and for continuation of minimum excepted activities and support of these activities when all available funds have been exhausted.

VI. REFERENCES

Department of Justice (DOJ)

Opinion of the Attorney General of the United States, "Applicability of the Antideficiency Act Upon a Lapse in an Agency's Appropriation," 4A Op. O.L.C. 16, 43 Op. Att'y. Gen. 224, April 25, 1980.

Opinion of the Attorney General of the United States, "Authority for the Continuance of Government Functions during a Temporary Lapse in Appropriations," 5 Op. O.L.C. 1, 43 Op. Att'y. Gen. 293, January 16, 1981.

DOJ Office of Legal Counsel, "Government Operations in the Event of a Lapse in Appropriations," August 16, 1995.

Executive Order

Executive Order 11953, "Assigning Emergency Preparedness Functions to the Energy Research and Development Administration and Nuclear Regulatory Commission," January 7, 1977.

Nuclear Regulatory Commission Documents

Management Directives

MD 10.99, "Discipline, Adverse Actions, and Separations."

MD 10.100, "Appeals From Adverse Actions."

MD 10.103, "Reduction in Force for Non-SES Employees."

MD 10.138, "Reduction in Force in the Senior Executive Service."

NRC Continuity of Operations (COOP) Plan.

Reorganization Plan No. 1 of 1980 (NRC).

SECY 77-316, "NRC's Essential Uninterruptible Functions During a National Emergency," June 14, 1977.

Office of Management and Budget (OMB)

OMB Bulletin 80-14, as amended, "Shutdown of Agency Operations Upon Failure by the Congress to Enact Appropriations," August 20, 1982.

OMB Circular A-11, "Preparation, Submission and Execution of the Budget," August 2009, Section 124, "Agency Operations in the Absence of Appropriations."

OMB Memorandum, "Agency Operations in the Absence of Appropriations," September 30, 1980.

OMB Memorandum, "Agency Operations in the Absence of Appropriations," November 17, 1981.

OMB Memorandum M-91-02, "Agency Operations in the Absence of Appropriations," October 5, 1990.

OMB Memorandum M-95-18, "Agency Plans for Operations During Funding Hiatus," August 22, 1995.

Office of Personnel Management (OPM)

OPM Guidance and Information on Furloughs:
http://www.opm.gov/furlough/furlough.asp

United States Code

Antideficiency Act (31 U.S.C. 1341 et seq.).

Inspector General Act of 1978, as amended (5 U.S.C. App. 3 et seq.).

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

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I. INTRODUCTION

A. Background

1. On April 25, 1980, the Attorney General issued an opinion that the language and legislative history of the Antideficiency Act (31 U.S.C. 1341 et seq.) unambiguously prohibits agency officials from incurring obligations in the absence of appropriations. The opinion also states that under the authority of the Antideficiency Act, Federal officers may incur minimal obligations necessary for the orderly termination of their agency's functions. See Management Directive (MD) 4.2, "Administrative Control of Funds," for further guidance regarding the Antideficiency Act.

2. On September 30, 1980, the Director of the Office of Management and Budget (OMB) circulated a memorandum to the heads of all departments and agencies delineating activities that by law could continue during a period of exhaustion of funds. Essentially, the memorandum and subsequent guidance stipulated that agencies may continue to—

   (a) Provide for national security, including the conduct of foreign relations essential to the national security and safety of life and property;

   (b) Provide for the performance of existing contract obligations under no-year appropriations or multi-year appropriations that have not expired;

   (c) Conduct essential activities to the extent that they protect life and property, including—

      (i) Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials;

      (ii) Protection of Federal lands, buildings, equipment, and other property owned by the United States;

      (iii) Law enforcement and criminal investigations;

      (iv) Emergency and disaster assistance;

      (v) Activities that ensure production of power and maintenance of power distribution; and

   (d) Provide support services necessary to continue the above essential functions.

3. On January 16, 1981, the Attorney General issued another opinion regarding agency shutdown that clarified and broadened the scope of the April opinion. This opinion states that the Attorney General had approved the activities listed in OMB's memorandum of September 30, 1980, that could continue during a period of exhaustion of funds.

(a) The Attorney General's opinion expanded the functions permissible as part of an orderly shutdown to include—

(i) Providing for the emergency protection of an agency's property by its own employees until such protection can be arranged by another agency with appropriations;

(ii) Complying with statutes providing for the rights of employees and the protection of Government information;

(iii) Transferring any matters within the agency's jurisdiction that are also under the jurisdiction of another agency that Congress has funded; and

(iv) Incurring obligations for the above functions only to the minimum extent necessary to fulfill an agency's legal duties.

(b) The opinion also states that the level of obligations incurred for shutdown functions should be justified based upon the length of time that the shutdown is expected to last.

4. OMB Bulletin 80-14, as amended, "Shutdown of Agency Operations Upon Failure by the Congress to Enact Appropriations," August 20, 1982, requires that agencies—

(a) Reallocate to the extent legally permissible all available funds to forestall the fund interruption date as long as possible;

(b) Begin shutdown activities when all available funds are exhausted;

(c) Limit obligations incurred once funds have been exhausted to those needed to maintain the minimum level of activities necessary to—

(i) Protect life and property;

(ii) Process the necessary personnel actions;

(iii) Process the payroll for the periods before fund interruption;

(iv) Provide for orderly transfer of custody of property and records to designated successor agency, or General Services Administration (GSA), the National Archives and Records Administration (NARA) or Office of Personnel Management (OPM) for disposition; and

(d) Develop plans for an orderly shutdown.

B. NRC Funding

Since its inception, NRC has had annual appropriations of "no-year" funds. "No-year" funds are funds that can be used by the agency until they are completely expended. As such, these prior-year funds can be used to fund the agency's necessary activities in times of lapsed appropriations.

C. NRC Employees' Rights, Obligations, and Benefits

NRC employees' rights, obligations, and benefits will be affected when NRC exhausts all of its available funds. In the event of a furlough, the Office of Human Resources will notify employees of the effect on their rights and benefits including effects on pay, leave, insurance, appeal rights, and possible eligibility for unemployment compensation. NRC personnel will be divided into two categories: (1) employees in a nonpay, nonwork, or furlough status; and (2) those in a delayed-pay work status performing excepted functions. Employees in the nonpay, nonwork category will be furloughed at the time that the agency is required by law to maintain only minimum excepted functions.

1. The latter group will be retained to carry on those minimum activities that are necessary to protect the health and safety of the public. NRC employees engaged in shutdown activities are required to report for work to perform shutdown activities as necessary.

2. The following paragraphs summarize actions that could occur and employees' rights relating to these actions if all available NRC funds are exhausted.

   (a) Pay

      (i) All employees will be paid for the period worked before the beginning of shutdown activities.

      (ii) Employees who are furloughed will receive no pay because no work was performed unless pay is subsequently authorized by law.

      (iii) Employees who are retained after all NRC funds are exhausted will be paid for those hours worked when funds are appropriated. However, no funds can be disbursed during the period when all NRC funds are exhausted and additional funds have not been appropriated. Therefore, NRC employees will be working for delayed pay.

   (b) Furloughs

      (i) Less Than Thirty Days

         - Employees who are furloughed for 30 days or less will be furloughed in accordance with MD 10.99, “Discipline, Adverse Actions, and Separations,” and the collective bargaining agreement. When circumstances are foreseeable, employees will receive advance written notice.

         - Employees who are furloughed may appeal the action to the Merit Systems Protection Board (MSPB) or grieve through the provisions of the negotiated collective bargaining agreement, but not both.

      (ii) Greater Than Thirty Days

         - If furloughs exceed 30 days, employees in furlough status will have those furloughs continue in accordance with the OPM reduction-in-force provisions and MD 10.103, “Reduction in Force for Non-SES Employees,” and MD 10.138, “Reduction in Force in Senior Executive Service.”

- Furloughed employees may appeal application of OPM regulations and MD 10.103 requirements to the MSPB.

(iii) Service Computation

A furlough does not constitute a break in service.

(c) Leave

All paid leave is cancelled during the furlough period. Employees not at work performing excepted or shutdown activities will be in a furlough status.

II. EXCEPTED FUNCTIONS

A. Introduction

1. The Attorney General's decision of January 16, 1981, and the OMB's memorandum of September 30, 1980, provide for the continuation of certain excepted activities and support of these activities when all available funds have been exhausted.

2. The Antideficiency Act prohibits, among other things, the acceptance of voluntary services, except for emergencies involving the safety of human life or the protection of property. The 1990 amendment to the Antideficiency Act clarifies that the "the term 'emergencies involving the safety of human life or the protection of property' does not include the ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property." As explained in the conference report on the bill, this action was taken to "guard against what the conferees believe might be an overly broad interpretation of an opinion of the Attorney General issued on January 16, 1981, regarding the authority for the continuance of Government functions during the temporary lapse of appropriations, and affirm that the constitutional power of the purse resides with Congress."

3. On August 16, 1995, the Department of Justice, Office of Legal Counsel, issued an opinion that updates the opinion of the Attorney General dated January 16, 1981. The 1995 opinion modifies the rules suggested for identifying those functions for which Government officers may employ personal services for compensation in excess of legal authority to read as follows:

   (a) First, there must be some reasonable and articulable connection between the function to be performed and the safety of human life or the protection of property.

   (b) Second, there must be some reasonable likelihood that the safety of human life or the protection of property would be compromised, in some significant degree, by delay in performance of the function in question.

4. In addition, the opinion of August 16, 1995, concludes that the section of the Antideficiency Act that permits the acceptance of voluntary services for emergencies "applies only to cases of threat to human life or property where the threat can be reasonably said to be near at hand and demanding of immediate response."

5. Therefore, to ensure that NRC carries out its responsibility to protect the health and safety of the public, the list of functions in Section II.B. may be maintained subsequent to an exhaustion of funds. These functions will continue indefinitely unless or until the NRC is specifically directed by Congress to terminate all agency activities. Offices will retain only those employees necessary to perform these functions. This list of functions should be implemented consistent with the guidance regarding agency mission essential functions described in the NRC Continuity of Operations (COOP) Plan. This list is meant to be as comprehensive as possible, but other legally authorized functions may be performed as circumstances dictate to protect life and property.

B. Continuation of Excepted Functions

The functions described below represent excepted activities during an initial shutdown. Depending upon the circumstances of any events that may occur during restricted NRC operations, exceptions to perform additional activities may be made.

1. Event Notification

   Maintain readiness to accept notification calls regarding emergencies related to nuclear reactors or materials licensees.

2. Emergency Response

   Perform early actions to activate Emergency Operations Centers and provide prompt analysis and advice to licensees and State decision makers. Includes incident response teams when called in for an event.

3. Site Operations

   Maintain capability to send a team of experts to an emergency operations facility in the vicinity of an accident during the first hours following a major reactor incident.

4. Resident Inspectors

   Maintain resident inspection function.

5. Enforcement

   Maintain the capability to issue Enforcement Orders to modify, suspend, or revoke licenses, or require specific actions by licensees or other persons.

6. Allegations/Investigations

   Maintain the capability to receive and respond to stakeholders and public concerns and the ability to investigate possible wrongdoing matters as necessary.

7. Facility and Nuclear Reactor Security and Safeguards

   Maintain capability to process pressurized-water reactor and boiling-water reactor emergency licensing actions.

8. Facility and Nuclear Materials Security and Safeguards

Assure the continued maintenance by licensees of security and safeguards programs at licensed facilities and for nuclear materials, including safeguards threat assessments and emergency licensing actions.

9. Commissioners

   NRC's Commissioners are not subject to furlough because they are appointed by the President. Therefore, NRC Commissioners are excepted on a basis other than the Antideficiency Act's exception for imminent threats to the safety of human life or the protection of property.

10. Policy Direction

    Maintain Commission policy direction, including limited staff support for the Commission and the Executive Director for Operations, to facilitate the orderly shutdown of agency operations and to perform excepted functions.

11. Legal Advice

    Continue to provide legal assistance necessary for the Commission to perform excepted functions.

12. State Liaison

    Maintain liaison with States concerning the Agreement States materials licensing program and the radiological incident emergency planning program to perform excepted functions.

13. International Liaison

    Maintain liaison with the U.S. Government and foreign nations with respect to export/import licensing, international safeguards and intelligence activities, and health, safety, and environmental issues to perform excepted functions.

14. Public Affairs

    Maintain capability to inform the public quickly in the case of emergencies related to nuclear reactors or materials licensees.

15. Congressional Liaison

    Maintain capability to monitor progress of appropriations legislation and to provide support to Congress as required.

16. Inspector General

    Maintain Office of the Inspector General (OIG) policy direction, the OIG Hotline, limited administrative functions, and legal assistance to support excepted functions. As necessary, provide support for ongoing trials, undercover operations, or other activities relating to the imminent preservation of life or property. The Inspector General is a Presidential appointee and is excepted from furlough.

17. Financial Management

    Maintain Office of the Chief Financial Officer financial policy direction and limited financial support services to support excepted functions. Examples of this support include travel services, payroll services, and funds certification.

18. Administrative and Information Technology Support

    Maintain limited administrative and information technology support services to facilitate the orderly shutdown of agency operations and to support excepted functions. Examples of this support include limited activities in the areas of building operations, security, mail, contracts, computer network control, records storage and retrieval, automated data processing hardware and software maintenance, and human resources services.

III. CHECKLIST AND TIMETABLE FOR IMPLEMENTING A SHUTDOWN

Actions are required before, during, and immediately following an exhaustion of all available NRC funds. These actions and the general timeframes in which they are to be performed are described in Exhibit 1. The timeframes are predicated on the assumption that unobligated carryover funding is available to forestall furloughs for at least 10 working days after a lapse in funds.

IV. GLOSSARY

Antideficiency Act

A statute prohibiting government agencies from obligating the Government, by contract or otherwise, in excess of or in advance of appropriations, unless authorized by a specific statute. The Act provides limited exceptions to incur obligations after funds are exhausted for emergencies involving the safety of human life or the protection of government property.

Excepted Activities

Agency activities that are authorized to continue after funds have been exhausted.

Exhaustion of Funds

The point at which all available NRC funds have been obligated.

Funds

Amounts available to enter into obligations for specified purposes in a given fiscal year.

Lapse in Appropriation

The date on which NRC has no new funding authority as a result of a lack of action by Congress.

Shutdown Activities

Those activities necessary to be accomplished to limit operations to excepted functions.

Senior Leadership Team

NRC office directors and regional administrators.

EXHIBIT

Exhibit 1 Checklist and Timeline for Implementing a Shutdown

Date of a Lapse in NRC Appropriations

At the beginning of a new fiscal year, NRC's appropriations are considered to be lapsed if neither of the following have been enacted:

1) New fiscal year appropriation; or

2) Continuing resolution.

The following actions are required on the date of a lapse in appropriations:

- The Chief Financial Officer (CFO) estimates the amount of unobligated carryover funds remaining and the number of days the agency can possibly operate before funds are exhausted and shutdown will be required.
- The CFO notifies the Chairman and the Executive Director for Operations (EDO) of availability of funds on a daily basis.
- The CFO notifies the Inspector General (IG) regarding the availability of funds in the IG appropriation on a daily basis.
- The CFO advises and updates the Senior Leadership Team of the ongoing status of funds and any likelihood of an exhaustion of funding.
- The CFO communicates to all employees the status of agency funding.
- The Director of Human Resources (HR) provides notice to National Treasury Employees Union (NTEU) that there has been a lapse in appropriations and presents the possibility of a furlough of bargaining unit employees (BUEs) should there be an exhaustion of funding.

Timetable for Implementing a Shutdown

The following timetable summarizes required actions after a lapse in appropriations.

Approximate Number of Work Days Before/ After Funds are Exhausted	Actions
10 days before funds are exhausted	The CFO, in conjunction with the EDO and the HR Director, issues notice to all employees of a possible lapse in funding. The IG issues notices to all Office of the Inspector General (OIG) employees of a possible lapse in funding.
7 days before funds are exhausted	Each member of the Senior Leadership Team prepares a list of employees by name, grade, job title, bargaining unit status, division, and branch, and transmits the lists to the EDO, indicating each employee's furlough/retention status. For those employees being retained, their function during the furlough period will be identified. These lists are to be developed using the criteria established in Section II of this handbook and guidance from the EDO, CFO, and Director of HR. Each OIG supervisor prepares a list of employees by name and transmits the list to the IG indicating each employee's furlough/retention status. For those employees being retained, their function during the furlough period will be identified.
4 days before funds are exhausted	The Senior Leadership Team identifies those contracts for which stop-work orders should be issued and those that should be kept active. The IG directs staff to identify those contracts for which stop-work orders should be issued and those that should be kept active.
2 days before funds are exhausted	The EDO approves each submitted list of employees to be furloughed and submits it to the Director of HR for review and preparation for processing. HR prepares a list of furloughed BUEs and a list of retained BUEs. The IG approves each submitted list of employees to be furloughed and directs the Director, Resource Management and Operations Support to review and prepare for processing.

Approximate Number of Work Days Before/ After Funds are Exhausted	Actions
1 day before funds are exhausted	The CFO, in coordination with the HR Director, communicates to all employees the exhaustion of all available funds and the probability that employees will have to be furloughed. The IG communicates to all OIG staff the exhaustion of all available funds and the probability that employees will have to be furloughed. HR notifies NTEU Local 208 of the probability that BUEs will have to be furloughed, and that a list of furloughed BUEs will be provided if the furlough must be implemented.
Date funds are exhausted	The Senior Leadership Team instructs their retained employees to continue identified excepted activities. OIG supervisors instruct their retained employees to continue identified excepted activities. Upon reporting to work, nonexcepted employees are instructed to perform only those functions associated with the orderly suspension of agency activities, to include: ▪ Notifying outside parties of the agency's status. ▪ Cancelling meetings. ▪ Securing all files. ▪ Documenting the status of individual cases and projects. ▪ Date stamping and securing all mail received but without processing further. ▪ Answering telephones, but only to inform callers of agency status, without responding to new business matters unless of an emergency nature. These functions should require no more than one half-day to carry out. The EDO authorizes HR to issue furlough notices to employees not being retained.

Approximate Number of Work Days Before/ After Funds are Exhausted	Actions
Date funds are exhausted (continued)	HR issues notices of furlough to all affected employees, including notice that if the furlough continues beyond 30 days, initiation of a Reduction in Force will be required. HR provides a list of furloughed and retained bargaining unit employees to NTEU, along with notice of the possibility of a Reduction in Force, in accordance with MD 10.103, "Reduction in Force for Non-SES Employees," and MD 10.138, "Reduction in Force in Senior Executive Service," should the furlough continue beyond 30 days. The IG issues furlough notices to OIG employees not being retained to perform excepted functions in OIG. Senior Leadership Team requires any employees in a travel status to return to duty station as soon as practical unless travel is for the protection of public health and safety or for purposes of shutdown activities. OIG supervisors require employees in a travel status to return to duty station as soon as practical unless travel is for the protection of public health and safety or for purposes of shutdown activities. The Office of the General Counsel terminates adjudicatory proceedings and litigation as is legally permissible. Senior Leadership Team instructs employees to monitor the furlough status of the agency on NRC's external web site. Senior Leadership Team dismisses personnel that have received furlough notices. OIG supervisors dismiss personnel who have received furlough notices. CFO informs all offices that no obligations can be incurred without the prior approval of the CFO. The Office of Administration (ADM) issues stop-work orders to NRC commercial contractors other than those deemed excepted.

Approximate Number of Work Days Before/ After Funds are Exhausted	Actions
Date funds are exhausted (continued)	Office directors and regional administrators— ▪ Issue stop-work orders to Department of Energy (DOE) laboratories for contracts other than those deemed excepted. ▪ Request that work be stopped on all interagency agreements other than those deemed excepted. The Inspector General— ▪ Requests that work be stopped on all interagency agreements other than those deemed excepted. ▪ Directs all acquisition support agencies that have an interagency agreement with the NRC OIG to issue stop-work orders for all commercial contracts other than those deemed excepted.
1 day after funds are exhausted	The EDO authorizes HR to furlough any additional employees who have completed shutdown activities. The IG furloughs any additional OIG employees who have completed shutdown activities. The EDO and the CFO consult with the Office of Management and Budget and the Office of Personnel Management (OPM) regarding shutdown activities. Senior Leadership Team takes any remaining administrative actions that are necessary to ensure protection and security of NRC property and personnel.
2 through 28 days after funds are exhausted	Continue excepted activities. As necessary, the Senior Leadership Team, in coordination with HR, reviews staffing of excepted activities to determine whether additional employees should report to perform excepted activities, or be furloughed if no longer required to perform excepted activities. ADM issues automated notifications to NRC employees through email and alerts the Office of Information Services (OIS) for posting on NRC's external web site to announce the status of the agency, if necessary.

Approximate Number of Work Days Before/ After Funds are Exhausted	Actions
29 days after funds are exhausted	The EDO, in consultation with HR, authorizes HR to issue furlough notices in accordance with MD 10.103, "Reduction in Force for Non-SES Employees." The IG issues furlough notices for OIG employees in accordance with MD 10.103. ADM issues termination notices to NRC contractors to whom stop-work orders were previously issued. Senior Leadership Team issues termination notices for contracts with DOE laboratories for which stop-work orders were previously issued. The IG directs all acquisition support agencies that have an interagency agreement with the NRC OIG to issue termination notices to NRC contractors to whom stop-work orders were previously issued. HR ensures the proper transfer of the related official personnel records, including related payroll records, as appropriate. OIS ensures the transfer of agency official programmatic records to designated agency(ies) such as the General Services Administration (GSA), OPM, or National Archives and Records Administration (NARA). ADM ensures the inventory and transfer of all personal and real property to the GSA. Continue excepted activities.
30 days after funds are exhausted and forward	Continue excepted activities.