

Railroad Retirement Board

Office of Inspector General

Contingency Plan During a Lapse in Appropriations

12/15/2011

The following plan has been developed in accordance with guidelines contained in Section 124 of OMB Circular No. A-11. This plan provides for actions to be taken by the Railroad Retirement Board – Office of Inspector General (RRB-OIG) when Congress does not enact regular appropriations, a continuing resolution, or needed supplementals, resulting in an interruption of fund availability.

In the absence of appropriations, the Antideficiency Act (31 U.S.C. 1341) prohibits RRB-OIG officials from incurring obligations that cannot lawfully be funded, unless such obligations are otherwise authorized by law. Therefore, with some exceptions, RRB-OIG employees will have to be furloughed during a temporary lapse in appropriations.

In accordance with Section 124.2 of Circular A-11, the RRB-OIG currently has 53 employees in pay status. In the event of a funding hiatus, we would have 8 employees in excepted/exempt status. We expect that we will be able to implement a shutdown in a half-day.

The Presidentially Appointed Inspector General is exempt from furlough by statute. The Assistant Inspector General for Investigations will oversee criminal investigative activities of the office, while the RRB-OIG General Counsel will provide assistance in legal matters and criminal investigations. The Budget Officer will oversee the financial activities of the office and ensure that obligations are within the limits set by the existing appropriation. The Assistant Inspector General for Audit will assist in fulfilling the statutory responsibilities of the Inspector General. One additional employee will also be required to support RRB-OIG statutory responsibilities.

Also, two RRB-OIG criminal investigators (1811 series) perform law enforcement activities that are considered excepted activities that would be exempt from furlough.

When a lapse in appropriations occurs, the following actions will be taken:

1. The Office of Inspector General will advise employees of the situation surrounding the lapse in appropriations and any other information that is available.
2. Notices will be prepared and distributed to employees not exempt from furlough. Affected employees will be asked to make sure their RRB Emergency Notification System (ENS) contact information is current so they can be reached for quick recall from furlough. We expect that implementing the shutdown will take a half day.
3. SF-52's (Request for Personnel Action) will be prepared for furloughed employees. Necessary documents such as SF-50's (Notification of Personnel Actions), Merit Systems Protection Board appeals information and Unemployment Insurance information will be mailed or emailed to furloughed employees as soon as practicable.

Leave

Employees exempt from furlough cannot be in leave status. Therefore, the RRB-OIG must take one of the following actions:

- (1) cancel any approved paid leave during the furlough and/or deny any new requests for paid leave; or
- (2) furlough the employee for the period of the employee's absence from duty. An agency may subsequently terminate the furlough whenever the employee's services are required for excepted activities.

If an excepted employee refuses to report for work after being ordered to do so, he or she will be considered absent without leave (AWOL).

Employees not exempt from furlough who have requested and been granted leave for a day subsequently designated as a furlough day will have that leave automatically cancelled because the necessity to furlough supersedes leave rights. Furlough days are non-workdays. Annual, sick, and court leave cannot be granted on a non-workday.

Travel/Training

In making assignments involving travel/training for their employees who would be furloughed during a lapse of appropriations, supervisors and managers should be aware of and take into consideration the likelihood of a lapse in funding. When a lapse seems likely, travel/training should be avoided or postponed when possible.

An employee in travel/training status who is to be furloughed should be contacted and notified to return to his/her duty station. An employee who has, on or before the first day of the lapsed appropriation, begun travel and transport to a new duty station or to a training session should continue to his/her destination and, upon arrival, immediately contact his/her supervisor for instructions. The supervisor will inform notify the employee of their furlough status.

Government Provided Equipment

All furloughed employees assigned government equipment will receive instructions regarding the use of this equipment during a furlough period. RRB-OIG will not be able to communicate with furloughed employees about official duties and furloughed employees may not perform official duties by email or telephone. RRB-OIG may require furloughed employees to turn in their cell phones and laptop computers and set an "out of office" message on their phone and email accounts.

Volunteer work

The Anti-Deficiency Act prohibits volunteer work by furloughed employees. Supervisors and managers who are not furloughed should monitor their organizational units to make sure that no furloughed employees are working.

Contractors

RRB-OIG will determine if funding for any of the contractors working on continuing projects is affected by the lapse of appropriations and notify the affected contractors of the funding lapse. The contractor can then make an informed decision as to whether to allow its employees to continue working. At present, all existing contracts in the RRB-OIG are required to maintain and protect property or support criminal investigative activities.

Actions Taken When Funding Is Restored

Once an appropriation or continuing resolution is passed, all employees will be recalled to work. Recall of furloughed employees will be handled largely by the RRB Emergency Notification System (ENS) or other electronic contact.