



## **Plan for Operations in the Absence of Appropriations**

### **Purpose**

This policy provides contingency planning in the event of a funding hiatus caused by the absence of appropriations, either through failure to pass a regular appropriation bill or a continuing resolution.

### **Policy**

In the event of a lapse in appropriations, to the extent possible, the Institute will continue payroll and essential operations to be funded by carryforward balances from the prior year direct appropriation and interagency agreements as appropriate. This approach will begin on the first workday of the lapse in appropriations, limiting non-essential activities until such funds are depleted. It is estimated that this approach can be sustained for approximately two to four weeks depending on timing and spending requirements. Since it is assumed that such a hiatus would be temporary and of short duration, no action will be taken that will impede the orderly commencement of operations once new funds are available. Should carryforward balances be depleted before another continuing resolution or full year appropriation is enacted, the USIP president or their designee will notify all vice presidents (VPs) regarding which activities and personnel are designated as excepted and therefore exempt from the furlough, as well as the duration of each exemption.

### **Point of Contact**

The Chief Talent and Culture Officer maintains reporting and monitoring procedures and should be contacted for interpretations, resolution of problems, and special situations.

### **Discussion**

#### Action

In the event that a shutdown is necessitated, the following actions will be taken to implement the shutdown:

- A. Staff will be advised by the President or their designee of a possible funding hiatus as soon as such an event is deemed likely by management.
- B. On the first workday of the hiatus, all staff should report to work as scheduled. Vice President's will inform staff of the status of funding and instruct them to limit their work activities to those functions necessary for the orderly cessation of operations.
- C. Vice President's or their designees will be responsible for notifying absent staff of the furlough as soon as possible.
- D. Staff will be notified by the Office of Human Resources of their furlough. All payments scheduled to be paid during the furlough period, which were authorized under prior appropriations, e.g., travel and per diem, contract payments, IPA supplemental salary or per diem, etc., will be delayed until the furlough period is ended.
- E. Employees on Leave
  1. *On Annual Leave.* Employees on approved annual leave will be notified that as of the completion of shutdown activities, all leave is cancelled for the duration of the shutdown. Such employees



- will be furloughed for the full hiatus period and, when funds are restored, either returned to duty or placed on annual leave, as appropriate. Vice President's must make every effort to reschedule the annual leave cancelled due to a shutdown for use before the end of the current leave year, especially if such leave may be subject to forfeiture at the beginning of the subsequent leave year.
2. *On Family Medical Leave.* Employees who are on approved Leave Without Pay (LWOP) under the Family and Medical Leave Act (FMLA) on days that coincide with the period of furlough will continue to be charged LWOP. Consistent with law and regulations, the LWOP taken under the FMLA is part of the 16-week entitlement. However, an employee who was scheduled during the furlough to take paid leave under the FMLA (i.e., an employee chooses to substitute annual leave or sick leave, as appropriate, for unpaid leave under the FMLA) must be placed on furlough instead. Since the paid leave was canceled, the period of absence may not be used to reduce the 16-week entitlement to FMLA leave.
  3. *On Continuation of Paid Leave.* Employees who are receiving Continuation of Pay (COP) due to job-related injuries will be maintained on COP status during periods of furlough.
  4. *On Advanced Sick or Annual Leave.* No advanced sick or annual leave is authorized for use during a funding hiatus. Upon a lapse of appropriations, such leave must be cancelled and the employee furloughed.
- F. Employees on Travel. Regular employees on travel status, including those on travel in connection with training or details funded by the Institute, should be contacted by their VP and told that they will be furloughed as of the completion of the shutdown and should return to Washington, D.C., immediately. These employees will be paid the appropriate per diem for travel to return to their permanent duty stations.
- G. Staff on Details. Staff on non-reimbursable details to other agencies must be notified of the exact date and time at which they are to be furloughed, i.e., at the commencement of the shutdown, and instructed to notify the appropriate officials of the agency to which detailed of their furlough status.
- H. Contractor Services. A shutdown affects persons serving the Institute under contract agreements. Institute contractors will be notified if they are conducting excepted tasks, and if so, may be called to work during the shutdown. Contractors should reach out to the Director of Grants and Contracts Administration to obtain guidance and clarification on expectations of performance in the event of a shutdown. Any such communication should be documented.
- I. Official files will be secured as they would be if the agency were to be closed for a long weekend. Staff should ensure that official papers for which they are responsible are secured.
- J. Administrative processing of the payroll for the pay period will continue as necessary to insure that employees are paid on time for all work prior to the closedown. Employees are required to record hours worked and time off on all timesheets for the current pay period through the duration of the shutdown. Timesheets should be submitted as per the regular schedule (by close of business the second Thursday of the pay period) to their supervisor for review and approval. Employees should use the "other" code for hours not worked during the furlough. Supervisors should approve all timesheets as per the regular schedule (by 10am on the second Friday of the pay period).
- K. Responses to telephone inquiries to the Institute will be limited to explaining the funding hiatus.
- L. The Chief Security Officer will be responsible for notifying all appropriate Federal and non-Federal partners of the Institute shutdown to ensure coordination and continuity of security services.



- M. Directors are responsible for notifying all contract vendors scheduled to execute the terms of a contract during the anticipated hiatus period of the lapse of appropriations, with assurances that the contracted services will be rescheduled or resumed when funds are restored. Expenses incurred by reason of necessary cancellations will also be paid when funds are restored. Unpaid payment for work performed prior to the hiatus may be delayed.
- N. It is expected that the agency shutdown will be completed by mid-day of the first workday of the hiatus. Vice President's will take such actions to ensure orderly accomplishment of this goal. Offices that will require additional time to implement the shutdown will notify the Human Resources director immediately as it becomes apparent.
- O. The Institute will provide operating status information as it becomes available, but it is the staff member's responsibility to stay informed about the status of agency funding during the hiatus. Staff are expected to report to work as scheduled on the first workday after the enactment of an appropriation or continuing resolution that makes funds available to the Institute.

#### Employee Benefits

The following actions will be taken to implement the shutdown:

- A. Unemployment Compensation Benefits. Furloughed employees are not eligible for unemployment compensation benefits for any week in which salary exceeds the maximum unemployment compensation payable. Employees who wish to apply for unemployment compensation should file a claim with the District of Columbia Unemployment Compensation Board during the first week in which salary does not exceed the maximum unemployment compensation benefit. The first week in which a claim is filed is considered a waiting period and no unemployment compensation will be paid for that week. Unemployment compensation payments will commence at the beginning of the week after the one in which an eligible claim is filed. The information and employment certification necessary to file unemployment compensation claims will be furnished to all furloughed employees by the Human Resources Team as an attachment to the notice of furlough.
- B. Health Benefits Costs. All employees enrolled for coverage under the Institute's Health Benefits Program will pay the employee's share of the premium cost for the elected coverage for each pay period during which enrolled, whether in a pay or non-pay status. Therefore, enrolled employees will incur indebtedness to the Institute equal to the amount of the employee contribution for health benefits for each pay period in which no deductions are made. Once returned to a pay status, the delinquent amount will be automatically deducted from the bi-weekly gross pay, in addition to other authorized deductions, until the indebtedness is liquidated. Employees may cancel their health benefits enrollment anytime, thereby avoiding a debt accumulation beyond the pay period after the one in which the cancellation request is received in Human Resources. Reenrollment following the furlough period will not be permitted, however, until the employee is again eligible due to the occurrence of a qualifying event, including open enrollment season.
- C. Leave Accrual. For leave accrual purposes, the effect of the furlough period for covered employees will be as described below:
  - 1. *Full-Time Employees*. Under current leave regulations, employees who are in non-pay status for 1-5 days of the pay period will accrue half of their regular sick or annual leave accruals. Employees who are on pay status for 6-10 days of the pay period will not accrue leave during that pay period.



2. *Part-Time Employees.* Part-time employees will accrue consistent to the above, but pro-rated based on their regularly scheduled hours.
- D. Life Insurance. For most employees, this benefit will remain unaffected by the furlough period.
  - E. Workers' Compensation. Employees who are injured while on Leave Without Pay (LWOP) are not eligible to receive workers compensation. Workers' compensation is paid to employees only if they are injured while performing their duties. Employees on furlough or LWOP are not in a duty status for this purpose. An employee who is receiving workers compensation payments will continue to receive workers compensation payments during a furlough and will continue to be charged LWOP.
  - E. The Office of Human Resources will notify the appropriate U.S. government payroll centers of the furlough actions on employees receiving military, retirement, or retainer pay.