

## **Operational Plan- ABMC Operations in the Absence of Appropriations September 24, 2013**

**Reference: ABMC Policy Letter PL 13-07**

### Introduction

It has become likely that there will be no continuing resolution or appropriations act by 12:01 a.m. Tuesday morning, October 1, 2013. If this indeed happens, by law the ABMC is limited to expending funds for only two reasons:

1. Work related to an orderly shutdown of ABMC operations.
2. Work required to protect ABMC property.

As long as the ABMC does not have an appropriation, only employees engaged in one or both of these two activities may work and be paid. There is a clear understanding that following this requirement will result in costs and inefficiencies that all of us recognize would be better avoided. However, we have no choice under the law.

All non-essential employees are specifically reminded that they are prohibited from working during the shut-down. This means no working at home, no checking email, no accessing blackberries, and no contact with our contractors. It is ABMC policy that employees will not be allowed to volunteer their services while in a non-pay status.

### Public Access to ABMC Sites

In the absence of an appropriation and on the orders or notification of the President, OMB or other competent authority, all of our sites worldwide must be closed to the public. As a practical matter this means that the gates to our cemeteries will be closed. Our operating position will be as when we are closed for Christmas and New Year's. We understand that many visitors will be disappointed. However, superintendents are cautioned that despite their personal desire to help, they are not authorized to allow visitors on-site. The closure will continue until the ABMC receives an appropriation.

Clearly visible signs should be placed at all public entry points in English and the host country language that read:

"Due to the U.S. Government shut-down this site is closed to the public."

## Shut-down Procedures

It is most likely that the government shut-down will hit at 12:01 a.m. Tuesday morning, October 1. Superintendents should immediately begin thinking through property protection issues to assure that our sites are secured if the shutdown occurs. The Normandy American Cemetery presents a special case, as visitors have access to the cemetery via the unfenced approaches from the beach. Visitors will be asked to leave, but confrontation will be avoided. In addition, specific attention is needed to safely put the large visitor center, including significant IT resources, into a safe standby mode.

### ***In the Cemeteries***

All cemeteries will be closed to the public for the duration. The following actions may be taken to protect the site:

1. One or two employees as determined by the Deputy Secretary for Overseas Operations may be designated essential and will remain in pay status to provide a presence onsite during normal business hours. The Deputy Secretary for Overseas Operations may authorize higher staffing at any specific site that in his judgment requires a more robust presence to assure property protection. The obvious example would be Normandy American Cemetery. Authorization above two must be documented in writing.
2. Since our sites are horticulture intensive, long term lack of care to our horticulture features could result in significant degradation of the site. Therefore, with the approval of the Deputy Secretary for Overseas Operations, minimal care and maintenance may be authorized to protect the assets of the site. This provision may not be interpreted as authorizing normal operations. Operations must be carefully limited to recall to pay status only those required to protect against significant degradations. Authorization for the work must be documented in writing.

Employees not covered by paragraphs 1 or 2 above will be treated as follows. We have determined to follow the guidance of the Chief of Mission (COM) on whether we may or may not furlough our local national staff. During the last shut-down State determined that under local law, local national staff could not be furloughed. Please note that this policy may result in treating our local national employees differently in different countries. If the COM determines that local staff may not be furloughed then local national employees will be placed on paid administrative leave, but will not be allowed to work. If the COM determines that local national employees may be furloughed, ABMC will follow the instructions of the COM as closely as practical. Generally, this will mean that employees will be placed in some form of leave without pay for the duration of the shutdown.

### ***In Garches***

The Deputy Secretary for Overseas Operations and the designated Officer in Charge are

deemed essential and will remain in a pay status for the duration of the shut-down.

The Directors of Finance and Human Resources as well as up to a total of four additional support positions as determined by the Deputy Secretary for Overseas Operations will remain in a pay status to assure that all personnel, payroll, or other shut-down actions are completed. Processing the shut-down actions will be completed as soon as possible but no later than three weeks after the shut-down process begins.

It is recognized that the services of other employees on an as needed basis may be required to assure the orderly shut-down of operations. For example, we believe that IT support may be required to assure connectivity to service providers for processing payroll and personnel actions, and contracting support may be required to issue stop work orders. Other requirements may present themselves. Therefore, specialist employees may remain in pay status at the discretion of the Deputy Secretary of Overseas Operations to complete the orderly shut-down of the ABMC.

All other Garches employees are deemed non-essential and will be furloughed. As in the cemeteries, if the COM determines that local staff may not be furloughed then local national employees will be placed on paid administrative leave, but will not be allowed to work. If the COM determines that local national employees may be furloughed, ABMC will follow the instructions of the COM as closely as practical. Generally, this will mean that employees will be placed in some form of leave without pay for the duration of the shutdown.

### ***In the Headquarters***

The Secretary (including the Secretary's personal disability assistant if the Secretary is at the Headquarters) and the Chief of Staff are deemed essential and will remain in a pay status for the duration of the shut-down.

The Chief Financial Officer and the Director of Human Resources and Administration as well as up to a total of four additional support positions as determined by the Chief of Staff will remain in a pay status to assure that all personnel, payroll, or other shut-down actions are completed. Processing the shut-down actions will be completed as soon as possible but no later than three weeks after the shut-down process begins.

It is recognized that the services of other employees on an as needed basis may be required to assure the orderly shut-down of operations. For example, we believe that IT support may be required to assure connectivity to service providers for processing payroll and personnel actions, and contracting support may be required to issue stop work orders. Other requirements may present themselves. Therefore, specialist employees may remain in pay status at the discretion of the Chief of Staff to complete the orderly shut-down of the ABMC.

All other Headquarters employees are deemed non-essential and will be furloughed.

### *Contracts and Contractors*

No contracts will be awarded after appropriations have expired except as needed to assure the orderly shut-down or to protect ABMC property or safety at our sites.

No money will be obligated after appropriations have expired except as needed to assure the orderly shut-down or to protect ABMC property or safety at our sites.

Purchase cards may not be used during the shut-down unless the purchase is related to an orderly shut-down or to protect property or safety at our sites.

Contracts for professional services will be suspended with no new obligations incurred unless they are needed as part of an orderly shut-down process (e.g., consultation with our contract agency counsel and executive architect).

Contract work that is funded with funds that have been properly obligated may continue if the work may be properly supervised or the Contracting Officer's Representatives believe the work may continue unsupervised for a short period of time. However, no employees may be deemed essential solely or primarily to supervise contract work. As a practical matter this means that while contracts may continue for some short period of time, if the shut-down extends beyond a few days these contracts will need to be suspended simply because there will be no staff to supervise, pay, or give guidance to the contractors.

All travel must stop other than returning employees on travel status at the time of the expiration of our appropriation to their duty stations. Travel may not continue after the expiration of our appropriation. Return to duty station must be as soon as possible.

### *Payments During Shutdown Period*

1. Essential employees remaining in pay status or recalled to pay status during the shutdown period will earn pay for their performance of excepted work but will not receive earned pay until an appropriation is enacted.
2. Obligations incurred by ABMC for authorized contract work during the shutdown period will not be paid to the contractor until an appropriation is enacted. ABMC recognizes that this may result in Prompt Pay interest charges.