

Federal Maritime Commission

Shutdown Plan Due to Lapse in Appropriations (Pursuant to section 124.2 of OMB Circular A-11)

This describes the Federal Maritime Commission's (Commission's or FMC's) plan to shut down should there be a lapse in current fiscal year appropriations.

Time (to nearest half day) needed to complete the shutdown: One half (1/2) day

Number of employees on board before implementation of plan: 127

Total number of employees to be retained under the plan because they are engaged in military, law enforcement, or direct provision of health care activities, or their compensation is financed by a source other than annual appropriations: 0*

Total number of employees, not otherwise exempt, to be retained to protect life and property: 0*

[***Note:** This number does not include presidentially nominated and Senate-confirmed appointees (i.e., Chairman and 3 Commissioners).]

The plan contemplates that all employees will report to work on the first workday of a funding lapse and will be issued furlough notices via email. Because the purpose of reporting to work (in the absence of funding or a continuing resolution) will be to engage in shutdown activities, requests to telework on that day will not be approved.

All Commission activities will be completely shut down by 12:00 Noon EDT. As with all plans that try to anticipate a set of circumstances that may or may not occur, it may be necessary to modify the plan depending upon the circumstances.

This plan assumes that certain preparatory work will be done in advance, to include the following:

- preparing a press release to be circulated and posted on the FMC website notifying the public that the Commission will be closed;
- preparing a notice for the Commission's electronic filing systems notifying the public that the FMC will not accept such filings during a shutdown;
- drafting orders suspending all proceedings;
- processing as much pending priority work as possible;
- arranging for receipt of mail and checks;
- determining what employees will be on leave or on travel and rearranging travel plans, as necessary;
- preparing email furlough notices with attachments;

- taking steps to prepare for the suspension of contractual services (through stop-work notices), except those that are deemed essential or those that may continue funded with previous fiscal-year appropriations; and
- advising employees of the possibility of a furlough.

When notified by OMB that a lapse in funding has occurred, the agency head (FMC Chairman or designee) shall immediately notify OMB when shutdown activities have been initiated.

All employees will be expected to report to work on the first workday of the funding lapse but will only engage in actions necessary to shut down the Commission. These may include, among other things:

- cancelling meetings, hearings and other scheduled Commission business;
- answering telephones and email inquiries and advising callers of the pending shutdown;
- issuing a press release advising the general public of the shutdown and posting to website;
- serving stay orders to parties to Commission proceedings;
- petitioning courts for suspension or stay of any ongoing litigation;
- securing files, confidential materials, office work papers, and documents;
- issuing stop-work orders to affected contractors;
- documenting the status of projects so that work can be resumed with the least disruption possible; and
- recalling employees from travel and advising those on leave that they will be furloughed, etc.

The Managing Director will issue furlough notices via email. Employees will be deemed to have received notice upon issuance of the Managing Director's email. If for some reason prior written notice is not feasible, any reasonable notice is permissible.

Once employees have completed their assigned shutdown tasks and received a furlough notice, they will be asked to leave the worksite. Employees will also be advised to listen to the news media as well as communication from their immediate supervisor through a telephone/personal email tree for word of a recall.

As office shutdown functions are completed and employees furloughed, the immediate supervisor will notify the bureau or office director that all shut-down activities have been completed and all employees have been furloughed. As bureau and office shut-down activities are completed, each bureau or office director will report to the Managing Director that all shut-down activities have been completed for their program areas. Each bureau or office director whose function has been shut down will be furloughed by the Managing Director. The Managing Director will advise the Chairman once shutdown activities have been completed and the Commission is closed.

Upon OMB notification that the hiatus of appropriation has ended, the Managing Director will initiate recall directions via a telephone/personal email tree.

All employees will be furloughed not later than 12:00 Noon EDT, except those who cannot be furloughed (i.e., Commissioners). Employees listed below may be retained beyond 12:00 Noon EDT, but only as needed to effect complete shutdown:

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| <u>Office of the Chairman:</u> | Chief of Staff |
| <u>Office of the Secretary:</u> | Secretary |
| <u>Office of the Managing Director:</u> | Managing Director |
| | Deputy Managing Director |
| <u>Office of the General Counsel:</u> | General Counsel |
| <u>Office of Consumer Affairs and Dispute Resolution Services:</u> | Director |
| <u>Office of the Administrative Law Judges:</u> | Chief ALJ |
| <u>Office of Equal Employment Opportunity:</u> | Director |
| <u>Bureau of Trade Analysis:</u> | Director |
| <u>Bureau of Certification and Licensing:</u> | Director |
| <u>Bureau of Enforcement:</u> | Director |
| <u>Office of Budget and Finance:</u> | Director |
| <u>Office of Human Resources:</u> | Director |
| <u>Office of Management Services:</u> | Director |
| <u>Office of Information Technology:</u> | Director/CIO |
| <u>Office of the Inspector General:</u> | IG |

Approved: April 7, 2011

By: Richard A. Lidinsky, Jr., Chairman
Federal Maritime Commission