



**US Commission on Civil Rights
Contingency Plan
September 2015**

U.S. COMMISSION ON CIVIL RIGHTS FY 2016 SHUTDOWN CONTINGENCY PLAN

I. Offices, programs, and services that will remain operational.

A list of major services that will continue at the agency and the reason why each is able to continue – either “other funding source” or “necessary for the safety of life and the protection of property.”

- **Office of the Staff Director** - The Staff Director, a Presidential employee, manages the programs and administrative affairs of the agency and serves as agency liaison with the Executive Office of the President, the Congress, and other Federal agencies. Reason: “other funding source” - Presidential appointees who are not covered by the leave system in 5 U.S.C. chapter 63, are not subject to furlough because their salary is an obligation incurred by the year, without consideration of hours of duty required, so they cannot be placed in a nonduty, non-pay status.
- **USCCR.gov website** – The website as posted on September 31, 2015, will remain available online. However, no revisions or updates will be made due to lack of funding.

II. Offices, programs, and services that will be closed.

- **Office of Federal Civil Rights Evaluation** - This Office is responsible for monitoring, evaluating and reporting on the civil rights enforcement effort of the Federal Government; developing concepts for programs, projects, and policies directed toward the achievement of Commission goals; preparing documents that articulate the Commission's views and concerns regarding Federal civil rights to Federal agencies having appropriate jurisdiction; and receiving complaints alleging denial of civil rights because of color, race, religion, sex, age, disability, or national origin and referring these complaints to the appropriate government agency for investigation and resolution.
- **Office of the General Counsel** - This office serves as legal counsel to the agency; receives and responds to requests for material under the Freedom of Information Act or Privacy Act; serves as the agency's ethics office; and reviews all agency publications and congressional testimony for legal sufficiency.
- **Office of Management** - This Office is responsible for all administrative, management, and facilitative services necessary for the operation of the agency, including financial management, personnel, publications, and the National Clearinghouse Library.
- **Regional Programs Coordination Unit** - The Regional Programs Coordination Unit is responsible for directing and coordinating the programs and work of the regional offices and 51 State Advisory Committees to the Commission and maintaining liaison between the regional offices and the various headquarters' offices of the Commission.

- **Regional Offices** - The Commission has six regional offices, each headed by a Director, that coordinate studies and fact-finding activities on a variety of civil rights issues addressed by the State Advisory Committees (SAC) in their regions.

III. Key public services that will be impacted.

- **Office of Federal Civil Rights Evaluation** - This Office will not be able to receive and refer complaints from the public alleging denial of civil rights because of color, race, religion, sex, age, disability, or national origin to the appropriate government agency for investigation and resolution.

- **Office of the General Counsel** - This office will not be able to receive and respond to requests from the public for material under the Freedom of Information Act or Privacy Act.

IV. Employees.

- Total number of Political Employees: 17
- Total number of Political Employees Furloughed: 16
- Total number of Career Employees: 26
- Total number of Career Employees Furloughed: 26

**ADMINISTRATIVE INSTRUCTION 2-40
AGENCY OPERATIONS IN THE ABSENCE OF APPROPRIATIONS**

SECTION 1. PURPOSE

This directive supersedes AI 2-40 issued on 03/03/2011. This directive provides for contingency planning in the event there is neither a fiscal year appropriation, nor a continuing resolution, so the USCCR cannot incur further financial obligations, except for those related to the orderly suspension of agency operations or performance of excepted activities.

SECTION 2. AUTHORITIES

OMB Circular A-11 (2015), OMB Memorandum M-95-18 (1995), and OMB Bulletin 80-14 (1980), as amended by the OMB Director's memorandum of November 17, 1981.

SECTION 3. POLICY

It is the policy of the USCCR that in the event there is neither a fiscal year appropriation nor a continuing resolution, the agency will proceed with the orderly shutdown of operations, beginning on the first workday of the lapse, and will limit all work activity to actions necessary for such a shutdown. It is anticipated that the shutdown will be temporary and of short duration, so no action should be taken that may impede the orderly commencement of operations once funds are available.

SECTION 4. ACTIONS

The following actions will be taken to effect the shutdown:

- A. The Staff Director or his designee will advise employees of a possible shutdown, as soon as government officials or management deems such an event is likely.
- B. The Staff Director or his designee will notify all Division/Office Directors regarding which activities and personnel are essential and exempt from the furlough. If the shutdown is of extended duration, then the Staff Director or his designee may re-evaluate which activities and personnel are essential and exempt from the furlough.

- C. The Staff Director, his designee, and/or the Human Resources Division shall notify all employees of their status as essential and exempt from the furlough, or non-essential and subject to the furlough. Advance written notice (including through email) is preferable, but when prior written notice is not feasible, then any reasonable notice (e.g., telephonic, oral, personal email, or by mail promptly after the furlough) is permissible. However, an employee must ultimately receive a written notice of the furlough decision (electronic or paper).
- D. Supervisors will be responsible for notifying absent employees of the furlough as soon as possible (e.g., temporary duty assignment, training, details, annual, sick, court, military leave, or leave for bone marrow/organ donor leave, or compensatory time off, including religious compensatory time off).
- E. Supervisors will cancel all previously approved paid time off for employees subject to the furlough during a shutdown and place the employees in furlough status (e.g., annual, sick, court, military leave, or leave for bone marrow/organ donor leave, or compensatory time off, including religious compensatory time off). Supervisors must make every effort to reschedule all 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. The Anti-deficiency Act (31 U.S.C. 1341 et seq.) does not allow authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid time off creates a debt to the Government that is not authorized by the Act. Therefore, during a shutdown furlough, all paid time off must be canceled.
- F. Supervisors will notify employees who are subject to the furlough and are scheduled for training during a shutdown, that the employees will be in a furlough status and cannot attend the scheduled training.
- G. Supervisors will notify employees who are subject to the furlough and are on a temporary duty assignment away from the employee's normal duty station, that the employees must return to their normal duty station and the employees will be in a furlough status. When an employee returns promptly, the travel expenses that the employee incurs in the return are properly incurred obligations of the agency (as part of the agency's orderly-shutdown activities), and the agency will reimburse these travel costs after appropriations are enacted and are available for that purpose. If an employee elects not to return promptly and as a result incurs additional travel expenses, those additional travel expenses are not obligations of the agency, and the employee is personally liable for the additional travel expenses. The agency will continue to incur the obligation for those travel costs that would have been incurred if

the employee had returned promptly and will reimburse such "prompt return" travel costs after appropriations are enacted and are available for that purpose

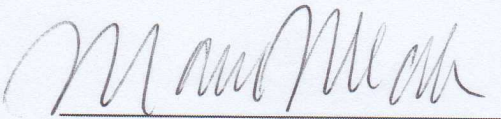
- H. Supervisors will notify employees who are on detail to another agency, that the detailed employees remain officially assigned to their permanent positions at the USCCR, the employees will be in a furlough status, and cannot continue the detail during the shutdown.
- I. Employees should report to work as scheduled, on the first workday of the shutdown. Supervisors will inform employees of the status of funding and instruct those subject to the furlough, to limit their work activities to those functions necessary for the orderly cessation of operations. It is estimated that such actions will require no more than one-half workday. Office and Divisions heads will take such actions to ensure orderly accomplishment of this goal. Offices that will require additional time to shutdown will notify the Staff Director as it becomes apparent.
- J. Employees subject to furlough should secure all files, documents, and records (paper or electronic), computer equipment, and offices as part of the actions necessary for a shutdown.
- K. Employees will complete the timesheet for the current pay period through the final hour of the shutdown and submit their authorized timesheets to the Human Resources Division. The Human Resources Division will process the payroll for the pay period as necessary to ensure that employees are paid on time for all work prior to the closedown.
- L. Employees are responsible for staying informed as to the status of agency funding during the shutdown, which may include monitoring broadcasts, media outlets, internet, and the Office of Personnel Management (OPM) website (www.opm.gov) for notification that the President signed a continuing resolution or appropriation. Employees 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 agency or on the employee's next regular duty day.
- M. The Administrative Services Division will have email shut off for furloughed employees. Also, the Administrative Services Division will set up a recording to respond to telephone inquiries explaining the agency has shutdown. The agency website as posted the day prior to the shutdown, will remain available online. However, no revisions or updates will be made due to lack of funding.
- N. The Administrative Services Division will notify all appropriate Federal and non-

Federal entities of the agency shutdown to ensure continuity of security, and any other essential services.

- O. Office and Division heads will notify all contract vendors that the contracted services will be terminated during the shutdown and re-scheduled or resumed when funds are restored. In addition, expenses incurred because of necessary cancellations will be paid when funds are restored.
- P. All payments scheduled to be paid during the furlough period, which were authorized under prior appropriations will be delayed until the furlough period is ended (e.g., travel and per diem, contract payments, etc.).

SECTION 5. EMPLOYEE BENEFITS

The USCCR complies with OPM shutdown personnel authorities. During a shutdown, the USCCR's Human Resources Division staff will be on furlough. According, if employees have benefits questions, then they should use OPM's website (www.opm.gov) for assistance regarding leave, health benefits, life insurance, unemployment compensation, etc.



Mauro Morales, Staff Director