

April 8, 2011

## AGRICULTURAL MARKETING SERVICE SHUTDOWN PLAN

In the event that there is neither a Continuing Resolution nor appropriations legislation enacted to allow AMS programs to continue their Fiscal Year 2011 operations at present operating levels, only those employees engaged in performing work in the following three areas would be permitted to continue working:

- Activities which provide for national security or the safety of life and property;
- Activities financed from available funds; or
- Activities to protect life and property, where the suspension of which would imminently threaten the safety of human life or the protection of property. Primary examples include:
  - Medical Care
  - Ensure continued public health and safety
  - Air traffic control & transportation safety functions
  - Border and coastal protection
  - Protection of Federal lands, buildings, waterways, etc.
  - Care of prisoners & those in custody
  - Law enforcement & criminal investigations
  - Emergency and disaster assistance
  - Finance and banking system (including tax collection)
  - Production of power
  - Protection of research property

As a result of the way in which certain AMS programs are funded, this will have varying impacts on our ability to carry out the work of the Agency. A table follows which provides a list of the AMS excepted programs identified for continuation (no furloughs), furlough of all employees, and partial furloughs based on excepted activities.

Many of AMS's administrative activities are conducted by APHIS. During a funding hiatus, they will have minimum staff available to provide basic services to AMS for procurement, contracting, facility engineering, labor and employee relations, human resources, personnel actions, payroll, accounting, and workers compensation activities.

Prior to the expiration of funding authority, AMS senior officials will identify which, if any, of their employees will be furloughed, as follows:

All decisions on employees to furlough will be based on the primary reason for the furlough which is a lack of funds to continue operations for those AMS programs funded from discretionary appropriations.

- a) If an employee's salary comes solely from a program that will continue in operation (excepted), the employee will not be furloughed.
- b) If an employee's salary comes solely from a program that will cease operation, the employee will be furloughed.

- c) In those areas where employees' salaries are paid from multiple sources – some from programs which will continue and some from programs which will cease operations – the Deputy Administrator should take steps to furlough employees commensurate with the percentage of funds supplied by programs which will cease operation. Where possible, telework should be used in these situations to minimize commuting impacts to staff. The Deputy Administrator must be prepared, on appeal, to show that the method selected was not arbitrary and was the fairest method available under the circumstances. We recommend evenly rotating furloughs among all impacted employees in a specific category, in order to minimize the impact to employees as much as possible.

Programs should have a plan for capturing all duty status information and preparing and submitting T&A's for all furloughed employees. A system should also be in place for employee notification when they are able to return to work.

As soon as Programs have identified employees who are needed to carry out excepted activities and those that should be furloughed, this information should be transmitted immediately to Human Resources, with notations as to when each impacted individual actually commenced his/her furlough. Personnel actions to furlough staff will be processed by Human Resources.

If an emergency shutdown is necessary after employees report for work, supervisors will take the following steps to notify employees identified for furlough:

Each employee to be furloughed will be notified orally or in writing of the decision to furlough. Affected employees will be provided copies of the SF-8 Form (*Unemployment Compensation for federal Employees*) and questions and answers for furloughed employees, which provide information on a variety of topics, including continuation of benefits coverage. The supervisor will document each employee's receipt of written or verbal notification. The written notice may or may not be provided in advance of the actual furlough date; however, all furloughed employees will receive written notification at some point. Call down trees may be used in the interest of efficient notification if the Administrator determines that it is impractical to provide advance written notice.

Employees should be instructed **not** to report back for duty **unless** they are notified by their supervisor to do so **or** they learn, through a call down tree notification or media source, that appropriations legislation or a Continuing Resolution has been enacted. Supervisors should insure that they have an updated emergency contact list or other means of contacting employees.

Unless otherwise instructed by their supervisor, all employees will report to work as usual on the first work day following the expiration of a continuing resolution with no subsequent authorization. Employees will be instructed to either begin their excepted activity work OR complete any necessary close-down activities and leave their worksite as instructed by their supervisor.

Supervisors will also make any necessary assignment of duties to ensure an orderly shutdown and contracting officers will notify contractors of their operating status. Shutdown activities will include preparing all records for transfer to the appropriate records holding area, issuing notices of cancellation of ongoing program activities, and inventorying and preparing all personal and real property and facilities for appropriate disposition.

In order to ensure the continuity of operations for excepted activities, each Program will provide a daily shutdown impact report, by 1 p.m. eastern, to the Administrator which will include each Program's budget activities, staff years, location (*HQ or Field*), operating status, impact to activity as a result of furloughed staff in other programs or agencies, and any issues with administrative support as a result of reduced support from APHIS.

Deputy Administrator's are responsible for assuring that their employees are provided with up-to-date and accurate information, as warranted. This may be done through employee briefings, periodic bulletins, AGNIS updates, etc.

Specific activities too shutdown program operations include, but are not limited to the following:

Employees will:

- Protect sensitive and personally identifiable information by securing it in locked files or offices (*includes all PII information*)
- Ensure that all property and records assigned to an employee are accounted for and are appropriately secured
- Cancel meetings and other previously arranged business; inform parties who are involved in Agency matters, such as State governments, other Federal agencies, contractors and private entities, of the cessation of normal business
- Cancel any travel in the GovTrip system that was scheduled after the start date of the funding hiatus
- Document the status of assignments and projects so they can be resumed, transferred, or otherwise handled when the furlough ends
- Activate 'out of office' message in email to indicate the employee is out of the office until further notice
- Update voice mail to indicate employee is out of the office until further notice
- Record all time worked during the pay period properly in WebTA and submit to approving authority prior to leaving
- Ensure there is no open food in the work area; place trash outside of any locked space
- Ensure all lights, fans, heaters, etc. are turned off

Supervisors will:

- Cancel annual and sick leave scheduled for furloughed employees during the funding hiatus (*including leave already started*). Employees with paid leave (*annual, sick, credit, compensatory, etc.*) scheduled and approved for days designated as furlough days, will not be allowed to take the leave, since furloughs are considered to be non-workdays.

- Employees not identified for furlough because their salaries do not come from impacted programs may be allowed to take leave as they would at any other time, since funds are available to pay their salaries.
- Advise employees being furloughed that the agency may not accept their voluntary services during a hiatus as it is prohibited in the Antideficiency Act
- Advise employees who are furloughed they are not authorized to use Government equipment (*Blackberries, laptops, cell phones, etc.*) during the funding hiatus as they are not in work status and cannot work voluntarily
- Ensure shutdown activity has been appropriately completed; secure the facility, as applicable
- Advise employees in travel status who are impacted by a funding hiatus to return home prior to the expiration of funding authority
  - Travel agents will be instructed not to issue airline tickets for activities impacted by a shut down unless they receive certification from travel coordinators that funds are available. For those employees funded from multiple sources, only travel directly related to programs not impacted by a shut down should continue and be charged directly to that activity (no distributed accounting should be used).
- Advise travelers that travel will need to be resubmitted in GovTrip for approval and ticketing upon return
- Certify all properly entered T&As in the system before departure.

A)	Programs Identified for Continuation (No Furloughs) – 2,114 Staff Year Estimate	
	C&T	Cotton Classing (Trust)
	C&T	Cotton Standards User Fee (excludes appropriated Standardization activities)
	C&T	Tobacco Inspection User Fee
	DY	Dairy Grading (Trust)
	DY	Milk Market Administrators (MMA) Fund (Non-Federal Monies)
	F&V	Fresh and Processed Inspection (Trust)
	F&V	Perishable Agricultural Commodities Act (PACA) Program (Special Fee Account)
	L&S	Audit, Review, and Compliance Branch (Trust)
	L&S	Cattle Futures (Trust)
	L&S	Meat Grading (Trust)
	L&S	Seed Inspection Trust (excludes appropriated Federal Seed Act activities)
	PY	Poultry Grading (Trust)
	S&T	Laboratory Services (Trust)
	S&T	Plant Variety Protection (PVP) Program (Trust)
	Misc	Commodity Purchase Services (Permanent Appropriation)
	Misc	Market News Trust (excludes appropriated Market News activities)
	Misc	Organic Reporting (Mandatory Appropriation)
	Misc	Research & Promotion Programs (Reimbursed Activity)

B)	Programs Identified for Furlough of all Employees – 509 Staff Year Estimate	
	L&S	Country of Origin Labeling Program – Annual Appropriations
	L&S	Federal Seed – Annual Appropriations
	Misc	Market News – Annual Appropriations
	Misc	Marketing Agreements & Orders – Annually Authorized from Permanent Approps.
	S&T	Microbiological Data Program – Annual Appropriations
	NOP	National Organic Standards Program – Annual Appropriations
	S&T	Pesticide Data Program – Annual Appropriations
	S&T	Pesticide Recordkeeping – Annual Appropriations
	PY	Shell Egg Surveillance – Annual Appropriations
	Misc	Standardization – Annual Appropriations
	T&M	Transportation & Market Development – Annual Appropriations
	T&M	Farmers Market Promotion Program Administration
	F&V	Specialty Crop Block Grant Administration
	T&M	Payment to States (FSMIP) Administration
	C&A	Compliance Direct – Washington & Fresno
	IT	Market News Support Unit
	C&A	NOP Appeals
	C&A	Planning & Accountability Direct
	OA	Regulatory Review Staff

C)	Programs Identified for a Partial Furlough Based on Mixture of Appropriated and Excepted Funding Activities – 219 Staff Year Estimate	
	OA	Administrator and Associate Administrator
	OA	Civil Rights Staff
	OA	Legislative Affairs Staff
	OA	Public Affairs Staff
	C&A	Office of the Deputy Administrator
	C&A	Budget Division
	C&A	Compliance, Safety and Security Division
	C&A	Planning and Accountability Division
	C&A	Training Institute
	IT	Information Technology Staff
	S&T	Statistical Analysis Staff
	C&T	Program Overhead Staff ( <i>Deputy Administrator, Resource Management Staff, etc.</i> )
	DY	Program Overhead Staff ( <i>Deputy Administrator, Resource Management Staff, etc.</i> )
	F&V	Program Overhead Staff ( <i>Deputy Administrator, Resource Management Staff, etc.</i> )
	L&S	Program Overhead Staff ( <i>Deputy Administrator, Resource Management Staff, etc.</i> )
	PY	Program Overhead Staff ( <i>Deputy Administrator, Resource Management Staff, etc.</i> )
	S&T	Program Overhead Staff ( <i>Deputy Administrator, Resource Management Staff, etc.</i> )

## Summary of Activities in the Event of a Government Shutdown

Agency	Current On-Board Staff	Estimated Employment by Category				Total as % of Staff
		I	II	III	Total	
Agricultural Marketing Service	2,842	0	2,256	0	2,256	79%

**KEY:**

Category I      Law Enforcement, Health, and Safety

Category II     Financed from Available Funds

Category III    Protect Life and Property

### AMS Mission

The mission of the Agricultural Marketing Service (AMS) is to facilitate the competitive and efficient marketing of agricultural products. AMS programs support a strategic marketing perspective that adapts product and marketing decisions to consumer demands, changing domestic and international marketing practices, and new technologies.

### Summary of AMS Activities Financed from Available Funds

Approximately 65% of AMS's annual operating activities are conducted through fee-for-service or reimbursable activities which would continue during a funding hiatus. These activities include voluntary grading and inspection services, oversight of Research and Promotion Boards, laboratory testing, plant variety certification, and perishable agriculture licenses. For these activities, the Agency either bills in advance of services or maintains an adequate reserve on hand to bill in arrears for reimbursable grading and inspection activities.

These activities are conducted throughout the United States in both headquarters and 133 field office locations with 78% of AMS staff operating outside of the headquarters. As many of the Agency's activities are seasonal in nature, peak employment occurs during the winter months due to the cotton, tobacco, and various fruit and vegetable grading and inspection activities.

In addition to AMS' activities above, there are several appropriated activities that would be impacted by a funding hiatus where funding has been provided to States for auditing and testing activities who would continue to provide services for a limited period of time beyond the expiration of federal funding. Examples of these activities include Microbiological and Pesticide Data sampling and testing, Pesticide Recordkeeping and Country of Origin Labeling audits, and agriculture marketing grants.