

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

CONTINGENCY PLAN FOR AGENCY OPERATIONS IN ABSENCE OF APPROPRIATIONS

Purpose and Coverage

OMB Circular A-11, Section 124 (Agency Operations In the Absence of Appropriations) requires all Federal agencies to develop and maintain a Contingency Plan for adequate planning and orderly shutdown in the event of a failure by Congress to enact either regular appropriations or a continuing resolution to cover a hiatus between regular appropriations.

The ONHIR Contingency Plan pertains to offices and functions within the Office of Navajo and Hopi Indian Relocation. The Contingency Plan is tailored to the agency's needs in recognition of the unique nature of its funding sources, mission and authority and has been developed to prepare for agency operations in absence of appropriations, a continuing resolution, or carryover funding. The plan will address those essential activities authorized by law to protect life and property and those activities necessary to begin phase-down of operations. The ONHIR Contingency Plan will be implemented to bring agency operations into compliance with the provisions of the Anti-deficiency Act.

Effective Dates

The instructions provided in the ONHIR Contingency Plan are effective immediately and remain in effect until rescinded.

Appropriations and Funds

In the absence of appropriations, a continuing resolution, or carryover funding, the Office of Navajo and Hopi Indian Relocation will not incur further financial obligations, except for those related to the orderly suspension of operations or performance of excepted activities. If there are prior year carryover funds available, the office has been required to carry on operations using those funds until depleted.

Obligation of Funds

In the absence of new appropriations or carryover funds, Federal Officers may not incur obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law. Under authority of the Anti-deficiency Act, Federal Officers may incur obligations as necessary for orderly termination of agency functions, but no funds may be disbursed.

Personnel Actions

Necessary personnel actions will be completed to release employees in accordance with applicable law and Office of Personnel Management's regulations. Preparation of employee Notices of Furlough and processing of personnel and pay records in connection with furlough actions are essential shutdown activities. The ONHIR has planned for these functions to be performed by employees who are retained for orderly termination of agency activities.

Orderly Shutdown Activities and Timeline

Upon completion of shutdown activities, the ONHIR Executive Director must determine the specific actions that will be taken. All actions must contribute to orderly shutdown of the agency and give primary consideration to protecting life and safeguarding government property and records. Such actions should be accomplished in a way that will facilitate reactivation when funds are made available. Estimated time to complete shutdown activities on the first day of an enacted furlough, to the nearest one-half day, is 12:00 PM in accordance with this plan.

Basic Elements

- Identification of excepted and non- excepted employees during lapse in appropriations or;
- Identification of employees and operations that will continue with carryover funding;
- Ensured continued leadership

Excepted and Non-Excepted Activities

Within established OMB guidance, the ONHIR Executive Director will make the final determination of necessary actions to operate the Office of Navajo and Hopi Indian Relocation during an absence of appropriations.

Excepted Activities

The term excepted employee refers to employees who are excepted from a furlough by law because they are:

- Performing emergency work involving the protection of human life or property
- Performing other functions exempted from the furlough

Excepted employees are required to report for work on time during a furlough period. Excepted employees may not take previously approved leave or be granted new requests for paid leave during a furlough period. Excepted employees are retained for protection of life or property and are funded from available carryover balances.

Exempted Function

The ONHIR Executive Director has determined that the number of excepted employees to be retained at ONHIR to protect life and property during the furlough is one employee, Livestock Marketing Specialist and Manager of Padres Mesa Ranch.

The excepted employee has been designated in an excepted status during a furlough as that employee who will be responsible for maintaining the livestock herd at the Padres Mesa Ranch, a component program of the ONHIR. The employee will need to continue to provide critical services that address health and safety of the cattle which are maintained at the Padres Mesa Ranch.

Excepted Support Activities

The following summarizes activities which are necessary in the performance of excepted functions:

- Communicate with agency employees providing information on the status of operations.
- Operate and maintain facilities for health and safety of agency employees and the protection of property.
- Account for status of workforce and recall employees to duty as required.
- Provide directorate communication about status of appropriations.

Non-Excepted Activities

Non-excepted activities are those activities only needed for the orderly suspension and shutdown of agency operations that are to be implemented by non-excepted employees.

Employees of the Office of Navajo and Hopi Indian Relocation who perform non-excepted activities may not perform any services other than those involved in the orderly suspension of agency operations.

A non-excepted employee may not take previously approved leave or be granted new requests for paid leave during a furlough period.

The ONHIR Executive Director will make a determination as to whether non-excepted personnel have completed all shutdown activities and tasks necessary for the orderly suspension of agency operations.

Volunteer Activities

Unless otherwise authorized by law, ONHIR may not accept or permit voluntary performance of non-excepted services in accordance with regulation (31 U.S.C. 1342).

Employees on Board or Retained During Furlough Period

The total number of ONHIR employees expected to be on board before implementation of the ONHIR Contingency Plan is 27 employees.

The total number of ONHIR employees to be retained under this plan because they are engaged in military, law enforcement, or direct health activities or their compensation is financed by other than annual appropriations is one.

ONHIR Staff Communication During Furlough Period

All ONHIR Branch Managers are instructed by the ONHIR Executive Director to obtain their staff's contact phone number prior to enactment of a furlough to establish and maintain contact on whether to report or not report to work during a furlough period, as well as keep their staff updated on the furlough status. Additionally, all ONHIR Branch Managers' agency assigned cell phone numbers are provided to staff to enable staff to contact their Branch Manager directly.


Furlough Decision Notice

The ONHIR *Furlough Decision Notice Due to Lapse of Appropriations (5 CFR 752)* will be issued to each ONHIR employee who will be placed on furlough. Issuance of the notice meets OPM requirements and will provide reference information on requirements for employee retention, employee release, pay

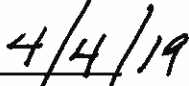
compensation for work, non-pay, non-duty status, benefits and leave, furlough expiration and appeal rights. As stated in the Furlough Decision Notice, ONHIR employees are directed to report to work the first day of the furlough to accomplish orderly shutdown of operations in accordance with OPM regulations. Each Furlough Decision Notice issued will require both ONHIR employee and Executive Director signature.

Further Guidance

All unresolved questions relative to the directives established that cannot be determined by the agency will be addressed with the Office of Management and Budget. During FY 2019 the ONHIR is using carryover funds to continue working through any federal government furlough periods.



Christopher J. Bavasi, Executive Director
Office of Navajo and Hopi Indian Relocation



Date