

PEACE CORPS OPERATIONS PLAN IN THE ABSENCE OF CURRENT YEAR APPROPRIATIONS

Updated 24-SEP-2019

Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	0.5 days
Total number of agency employees expected to be on board before implementation of the plan:	941 U.S. direct hires 63 foreign service nationals
Total number of employees to be retained under the plan for each of the following categories:	
Compensation is financed by a resource other than annual appropriations:	19 FTE
Necessary to perform activities expressly authorized by law:	0 FTE
Necessary to perform activities necessarily implied by law:	0 FTE
Necessary to the discharge of the President’s constitutional duties and powers:	0 FTE
Necessary to protect life and property:	350 FTE
Brief summary of significant agency activities that will continue during a lapse:	
All activities directly related to currently serving Volunteers and overseas operations, as well as activities necessary for health, safety, and security of Volunteers, will continue and be funded from carryover balances.	
Brief summary of significant agency activities that will cease during a lapse:	
Volunteer recruitment, selection, and placement and other domestic operations that are not necessary for the protection of human life, property, or are not required to ensure the health, safety, and security of currently serving Volunteers will cease.	

AMENDMENTS

The following amendment applies until Dec. 31, 2019:

Peace Corps is in the process of moving headquarters, including various leasehold improvements and the move of personnel and equipment. Personnel and equipment moves are scheduled to begin during the last week of October through November 2019. In the case of a lapse in appropriations, all personnel performing work critical to successful completion of the building move will continue working. During the personnel move window, as part of the agency’s orderly shutdown procedure, all headquarters personnel will be required to pack out their offices and work areas in the old building and then unpack and set up their offices in the new building.

1. PURPOSE

This is general guidance in the event of a lapse in current year appropriations (hereafter “lapse”), either through failure to pass a regular appropriations bill or a continuing resolution (CR). It will be supplemented by more specific guidance for any specific event. For example, the designation of excepted, funded, and other employees and use of available funding may vary depending on the circumstances of a specific lapse.

2. AUTHORITY

Office of Management and Budget (OMB) Circular A-11, Section 124, Agency Operations in the Absence of Appropriations.

3. BACKGROUND

Annually, the Peace Corps receives two-year appropriated funding. When a lapse occurs, it means the Peace Corps' two-year appropriations bill has not been passed by Congress and signed by the President. However, any unused portion of the second year of funding from the previous year's two-year appropriation remains available. This remaining fund balance is called "carryover." Carryover funds may be used for operations during a lapse and are subject to the limitations described in this plan.

OMB Circular A-11 requires agencies to develop and maintain "shutdown plans" for an orderly suspension of agency operations during a lapse. Agency shutdown plans must identify which activities will continue and which will cease to be performed during the lapse. In addition, shutdown plans must designate employees as either excepted, funded, or furloughed. Excepted employees and funded employees will continue to report to work and perform "excepted" or "funded" activities until instructed otherwise.

4. DEFINITIONS

Furlough – A furlough is the placing of an employee in a temporary, non-duty, non-pay status due to a lack of work, funds, or other non-disciplinary reasons.

Excepted activities – Excepted activities are military activities, law enforcement activities, the direct provision of health care, and other activities that are reasonably necessary for the safety of human life or the protection of property. Excepted activities do not include ongoing, regular activities that would not imminently threaten the safety of human life or the protection of property if suspended. Funds do not need to be available for continuity of excepted activities.

Excepted employees – Excepted employees are employees who perform primarily excepted activities. Excepted employees continue to report to work during a lapse. Funds do not need to be available for excepted employees to continue to report for work and carry out excepted activities.

These include:

- Presidential appointed Senate-confirmed positions – Director, deputy director. As a Presidential appointee, the Director may engage in both excepted and non-excepted activities.
- Employees engaged in direct provision of health care activities to Volunteers or others.
- Employees engaged in law enforcement – This category is limited to law enforcement (i.e., employees in the Office of the Inspector General) and does not apply to Volunteer safety and security.
- Employees engaged in protecting life or property – Employees retained to protect life or property should spend the predominant amount of their time engaged in those activities.
- Employees required to provide essential supervision or administrative support for an excepted activity – Supervision or administrative support for an excepted activity may also continue, but only to the extent that the excepted activity cannot be effectively carried out without such supervision or administrative support. Employees retained to provide supervision or administrative support for excepted activities should spend the predominant amount of their time providing supervision or support for excepted activities.

Funded activities – Funded activities are activities that are not excepted activities and that, at the discretion of the Director, the Peace Corps continues to fund with available funds (e.g., carryover, President's Emergency Plan for AIDS Relief).

Funded employees – Funded employees are Peace Corps employees who are authorized to continue to report to work during a shutdown to perform funded activities. Funds must be available for funded employees to continue to report for work or be recalled from furlough to carry out funded activities.

5. POLICY

It is the policy of the Peace Corps that in the event of a lapse, post operations in support of Volunteer activities are deemed excepted. However, the continuation of our post operations often requires that funding be provided to posts to support those operations. As such, the agency will prioritize the use of carryover funding to support post operations. Domestic operations will be reduced to minimum level operations that are reasonably necessary for the protection of human life and property and, in particular, are required to ensure the health, safety, and security of currently serving Volunteers. Unless provided for in this plan or subsequently approved by the director, carryover funds will not be used for non-excepted headquarters operations.

6. IMPLEMENTATION

Post operations: All post activities funded in either the post or region budget operating plan shall continue as planned before the lapse. This includes payment of Volunteer allowances, personal services contractor (PSC) payments, vendor payments, training, travel, and other day-to-day operations in support of post activities. All personnel (U.S. direct hire, foreign service national, and PSC) stationed at posts shall continue reporting for duty as previously planned until instructed otherwise. If planned activities were obligated using available funding prior to the lapse, posts can continue to liquidate these obligations as planned. If funds were not obligated prior to the lapse, posts will need to obligate using carryover funding. Any unplanned post activities should be discussed with the applicable Regional Director and the Office of the Chief Financial Officer (OCFO).

Suspension of post operations during a lapse in appropriations presents a significant risk to the health, safety, and security of Volunteers. Furthermore, Volunteers have no means of support without subsistence payments made by the Peace Corps. Therefore, a suspension of post operations would require the agency to evacuate all Volunteers and temporarily return them to their homes of record. Additionally, there would be significant intangible losses to the U.S. government. Much of the goodwill that Volunteers have built in their assigned communities during their service would be lost if they are sent back to their homes of record. Given the significant tangible and intangible costs that would be incurred in evacuating all Volunteers to their homes of record and the existence of prior year carryforward appropriated balances, evacuating Volunteers and returning them to their homes of record could only be justified by a depletion of carryover balances. Therefore, the agency has determined that the Peace Corps is not required during a lapse in appropriated funding to take any action to evacuate Volunteers and return them to their homes of record.

Domestic Operations: Domestic operations will be reduced to a minimum level of operations. This minimum level entails only the performance or supervision of excepted domestic functions or approved funded functions. If an excepted activity (or the supervision of the excepted activity) can be performed in less than one day, the employees should be placed on furlough status after completing or supervising the excepted activity. However, if the employee is required to perform or supervise an excepted activity intermittently throughout the course of the day, the employee may remain at work and may perform non-excepted activities during those intervals. The number of employees performing or supervising excepted activities on an intermittent basis should be minimized by consolidating excepted activities to the extent possible for performance by a fewer number of employees.

7. ORDERLY SHUTDOWN OF NON-EXCEPTED AND NON-FUNDED ACTIVITIES

The Peace Corps will communicate with employees regarding its plans if it becomes necessary to conduct an orderly suspension of agency operations. The director or designee will designate which positions are excepted, funded, or non-excepted and notify employees of the designation for their positions. To the extent possible, the

agency will prepare and distribute “emergency” furlough decision notices indicating to employees their status within the limited time available.

On the first business day following the lapse, all employees should report to work as scheduled, and the agency will proceed with an orderly shutdown of operations. Supervisors may authorize remote shutdown by employees who have computer capability and a need to do so. Supervisors will instruct non-expected and non-funded staff members to limit their work activities to those functions necessary for the orderly cessation of operations.

Non-expected, non-funded employees should perform only those tasks necessary to safeguard property, records, and information and to complete administrative functions such as processing payroll up to the beginning of the lapse. Non-expected and non-funded staff members should:

- take measures to secure files;
- make external contacts necessary to communicate the office’s status, (e.g., notifying parties of the cessation of normal business, cancelling meetings, conferences, and other previously arranged business);
- document the status of cases and projects so they can be resumed, transferred, or otherwise appropriately resumed when the Peace Corps’ operational status is resumed;
- perform those tasks necessary to protect confidential information; and
- perform necessary functions to process unpaid bills for obligations incurred prior to the lapse.

It is anticipated that these activities will take approximately four hours for most employees. Since it is assumed that any lapse will be temporary and of short duration, no action will be taken that will impede the orderly resumption of operations once funds are available.

The Peace Corps will take necessary personnel actions to release employees in accordance with applicable laws and regulations of the Office of Personnel Management (OPM). The Peace Corps must prepare employee notices of furlough and process personnel and pay records in connection with shutdown furlough actions. These functions are to be performed by employees who are retained for orderly termination of agency activities as long as those employees are available. After performing the functions necessary for an orderly suspension of non-expected operations, non-expected and non-funded employees will be furloughed.

An immediate hiring freeze begins on the first workday of the lapse. No new job offers will be made, and any firm or tentative job offers are suspended until the lapse is over.

Unless otherwise authorized by the director on the basis of legal advice provided by the general counsel, furloughed employees may not perform voluntary services for the agency, come to the office, perform work-related activities from their home, or use remote-access email (e.g., PCMail or Boxer) or tokens to access Peace Corps IT systems. Supervisors will be responsible for notifying absent employees of the furlough as soon as possible after a lapse in current year appropriations occurs. All pre-approved paid leave (annual, sick, court, or military) is canceled for the duration of the lapse. No requests for paid leave will be granted during the shutdown. Those on pre-approved leave without pay (LWOP) may remain on LWOP for the duration of the shutdown.

Employees should listen to public broadcasts and view the OPM website and the Peace Corps website to stay informed on the status of agency funding during the lapse. Furloughed 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.

8. EXCEPTED AND FUNDED EMPLOYEES RETAINED DURING A LAPSE

Following the orderly suspension or transfer of normal operations, the following employees will continue to report to work on a daily basis until instructed otherwise:

All U.S. direct hire employees stationed at posts – All U.S. direct hire employees stationed at posts are considered excepted employees for the purpose of this plan because they are required to protect the health, safety, and security of Volunteers, to provide subsistence to Volunteers, or to protect Peace Corps property. The agency will not process payroll for U.S. direct employees during a lapse.

All foreign service national (FSN) employees – Foreign service national employment is managed under the relevant Embassy's human resource management system and subject to the Embassy's local compensation plan. Conditions of employment may be subject to local employment laws. Payroll processing for FSN employees is at the discretion of U.S. State Department and local embassies.

All personal services contractors – The majority of PSCs will have funded contracts at the outset of a lapse. If funds for a PSC contract have not been obligated prior to the lapse or if funding is depleted during the lapse, the PSC contract should be funded using carryover funding. The agency will continue to process payroll for PSCs during the lapse.

Certain domestic U.S. direct hire employees – A minimum number of domestic-stationed U.S. direct hire employees (generally stationed at Peace Corps headquarters) are considered excepted employees for the purpose of this plan because they are required to protect the health, safety, and security of Volunteers, to provide subsistence to Volunteers, or to protect Peace Corps property. Additionally, a minimum number of domestic U.S. direct hire employees (generally stationed at Peace Corps headquarters) will be retained for the protection of lives and property in the United States, as well as to support these excepted activities. A summary of these employees retained during a lapse is set out in Attachment A. The heads of the offices identified in Attachment A may substitute a furloughed employee for a retained employee by providing notification to the chief human capital officer. Additional employees may be recalled from furlough for excepted activities at any time during the lapse with the approval of the director and the general counsel. However, the number of domestic U.S. direct hire excepted employees should remain as minimal as possible. Due to the lapse in current year appropriations, the agency will not process payroll for U.S. direct hire employees during a lapse.

The following activities or functions are considered reasonably necessary for the protection of life and property and, in particular, are required to ensure the health, safety, and security of currently serving Volunteers, and may continue during a lapse:

- **Office of the Chief Financial Officer** – maintenance of post financial systems, processing of Volunteer and post payments, post contracts support, post budget administration, and financial support and guidance
- **Office of the Chief Information Officer** – maintenance of necessary post and domestic information technology systems, hardware, and devices
- **Office of the Director** – agency leadership functions, legal counsel, and victim advocacy support
- **Inspector General** – investigative support
- **Office of Management** – post transportation support, post logistics support, and post facilities support
- **Office of Human Resources** – human resources support and guidance
- **Office of Global Operations** – post support and guidance
- **Office of Health Services** – international health support, counseling and outreach, mental health, epidemiology, and medical services support and guidance
- **Office of External Affairs** – communications, press and congressional relations support and guidance
- **Peace Corps Response** – post Response Volunteer support

- **Safety and Security** – emergency preparedness, physical security, emergency management, post security operations, and investigations

9. FUNDED ACTIVITIES TO CONTINUE DURING A LAPSE AND EMPLOYEES TO BE RETAINED OR RECALLED

Volunteer Staging – At the director’s discretion, previously obligated funds may continue to be used for scheduled staging activities and related costs. Any domestic U.S. direct hire employee retained or recalled from furlough to support staging must be funded with carryover funding. Any domestic employees participating in staging activities and their related costs must be approved by the CFO.

At the director’s discretion, any staging activities and related costs for which funds have not been obligated prior to the lapse must be funded with carryover funds. Any domestic U.S. direct hire employee retained or recalled from furlough to support staging must be funded with carryover funding. The CFO must approve any costs related to domestic employees participating in staging activities.

Due to the lapse, the agency will not process payroll for any U.S. direct hire employees during the lapse.

Previously scheduled trainings/conferences – The director has determined that, at the director’s discretion, already obligated funds may be used for training/conference activities scheduled during the six weeks after the lapse begins. However, any training/conference activities approved by the director which occur during the six week period after the lapse begins for which funds have not been obligated prior to the lapse must be funded with carryover funds. Any employees participating in or required to support such training or conference activities must be funded with carryover funds. The CFO must approve any employees participating in such training/conference activities.

Weekend activities when lapse occurs on a weekend – The director has determined, per the director’s discretion, that, when a funding lapse occurs on a weekend, activities shall continue until the first workday when an orderly shutdown can occur. Already obligated funds may be used for scheduled activities. However, any activities for which funds have not been obligated prior to the lapse must be funded with carryover funds from the previous fiscal year. In particular, any domestic U.S. direct hire employees who are required to support activities must be funded with carryover funds. Any domestic U.S. direct-hire employees participating in activities after the lapse must be identified to the OCFO.

10. TRAVEL

All travel, at post and domestic, undertaken for the protection of life and property, maintaining post operations, direct support of major activities constituting excepted activities (including law enforcement), emergency visitations, and medical or other ordered evacuations may continue.

During a lapse, any travel performed by domestic staff needs approval from the director, or the director’s designee, regardless of whether the planned travel was obligated prior to the lapse. For obligations funded prior to the lapse, travel can continue using funding specified on the travel obligation. For travel that has not been obligated prior to the lapse, carryover funding must be used.

Post in-country travel is considered an inherent part of post operations and can continue as usual. For travel where an obligation has been funded prior to the lapse, the travel can continue using the funding specified on the travel obligation. For travel that was not obligated prior to the lapse, carryover funding must be used.

Post international travel for post-based staff may continue if the travel obligation was funded prior to the lapse. For travel that has not been obligated prior to the lapse, carryover funding must be used.

Domestic in-country travel (U.S. direct hire) should be limited to the lowest level necessary to carry on excepted activities. Provided the agency chooses to continue the planned travel, travel obligations funded prior to the lapse can continue using the funding specified on the travel obligation. For travel that has not been obligated prior to the lapse, carryover funding must be used.

Domestic-based U.S. direct hire international travel should be limited to the lowest level and consistent with carrying on excepted activities. Provided the agency chooses to send domestic-based U.S. direct hire employees on travel, travel obligations already funded prior to the lapse can continue using the funding specified on the travel obligation. For travel that has not been obligated prior to the lapse, carryover funding must be used.

Already planned reassignment of personnel, such as movements related to changes in post assignment, will continue only if funds have been previously obligated or the director approves use of carryover funding.

Other personnel in temporary duty status who are not performing “excepted” activities must stop work and await further instructions unless the director approves a continuation of work using carryover funds. Because any lapse is expected to be temporary, personnel in non-essential travel status should not initially be instructed to return to their home duty stations.

11. DOMESTIC CONTRACTING

Contracts required to carry out excepted activities, including all post activities, may, to the extent that the contract has been funded, continue to be performed during a lapse and should not be suspended. If the funding for such a contract is exhausted, additional funding may be obligated using carryover funding.

Contracts that are not required for excepted activities may continue to be performed during a lapse and should not be suspended if they are funded prior to the lapse and either:

- they require no oversight or input from Peace Corps employees; or
- they require oversight or input by Peace Corps employees, but suspending the contract would prevent or significantly damage the execution of a congressionally authorized or appropriated function for which Congress has provided funding that remains available during the lapse.

Previously awarded contracts that would, in the absence of funding, require renewal or modification during a lapse, may be authorized to continue only for excepted or funded activities. New contractual commitments may be made during the funding lapse only if required to carry out excepted activities or if they are for funded activities approved by the director.

12. OBLIGATIONS AND PAYMENTS

During a lapse, obligations against lapsed appropriations may continue to be incurred for excepted activities. Obligations for funded activities may be incurred using available carryover funding. Financial management and certifying officers have the responsibility to ensure that only authorized obligations are recorded. Specific guidance is as follows:

- Obligations associated with funded activities are to be recorded as usual.
- Obligations associated with excepted activities for which funding is not available may continue to be incurred; however, these obligations may not be formally recorded (posted) in the Peace Corps financial systems. All obligating documents for these excepted activities must display the following statement:
“This obligation is necessary to carry out excepted activities in the absence of an appropriation or to perform activities for which funds are otherwise available.”

Peace Corps headquarters and post staff must maintain detailed records of all obligations incurred that cannot be recorded at the time of the obligation and record them in the Peace Corps financial systems at the conclusion of the lapse.

During any lapse, the Peace Corps may make payments only as follows:

- **Post payments:** All post payments will continue to be processed as normal including all Volunteer and PSC payrolls.
- **Domestic payments:** Payments against obligations incurred prior to the lapse may be made only if the agency's failure to make the payment during the lapse would result in an imminent threat to life or property, would critically impair the President's constitutional functions, or would prevent or significantly damage the execution of a congressionally authorized and funded function.

In all other cases of obligations incurred prior to the lapse, payment shall be deferred.

Except for obligations incurred against carryover funds, the Peace Corps may not certify or authorize payments for obligations incurred after the lapse for domestic excepted activities. Financial management and certifying officers have the responsibility to ensure that only payments that are permitted to be made against authorized obligations are certified and forwarded for payment.

13. U.S. DIRECT HIRE EMPLOYEE BENEFITS

- a) **Employee benefits** – See link <https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf> for detailed benefits information regarding retirement, health benefits, life insurance, unemployment compensation, holiday and other leave entitlements, continuation of pay, performance awards and within-grade increases, etc.
- b) **Unemployment benefits** – Employees may be eligible for unemployment compensation, especially if they are on consecutive furlough days. Each state's unemployment compensation requirements differ. Employees should submit their questions to the appropriate state office. Excepted and funded employees retained during the lapse are not eligible for unemployment compensation.
- c) **Health and life insurance coverage and premiums** – Federal Employee Health Benefit (FEHB) premiums are deducted from the employee's pay. If the employee's pay is insufficient to cover the FEHB premium, the agency must forward the full premium to the Employee Health Benefits Fund. The employee can pay the premium directly to the agency or have it withheld from pay when he or she returns to regular duty. The enrollment continues for up to 365 days of non-pay status.
- d) **Federal Employee Group Life Insurance** – Coverage continues and contributions made by the employee and the employee's agency continue if the employee's salary in each pay period is sufficient to cover withholding deductions. If the employee's salary is insufficient to cover his or her withholding deductions, the employee's coverage will continue for up to 12 months without cost to the employee or the employee's agency.
- e) **Leave accrual** – For each full pay period of non-pay status (80 hours), employees will not accrue annual or sick leave. Employees will accrue leave during the first and last pay periods as long as the employee works a period of time in paid status.
- f) **Service credit** – Periods of non-pay status of less than six months will have no impact on most benefits. Only leave accrual, length of trial period, waiting periods for within-grade increases and Thrift Savings Plan agency matching contributions may be impacted under a short-term furlough.