



# Selective Service System

National Headquarters / Arlington, Virginia 22209-2461

<http://www.sss.gov>

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## Shutdown Plan in the Absence of Appropriations

<b>Lapse Plan Summary Overview</b>	
Estimated time (to nearest half day) required to complete shutdown activities:	<b>4 hours</b>
Total number of agency employees expected to be on board before implementation of the plan:	<b>~ 110 full-time employees</b>
<b>Total number of employees to be retained under the plan for each of the following categories:</b>	
Compensation is financed by a resource other than annual appropriations:	<b>0 FTEs</b>
Necessary to perform activities expressly authorized by law:	<b>0 FTEs</b>
Necessary to perform activities implied by law:	<b>2 FTEs</b>
Necessary to the discharge of the President's constitutional duties and powers:	<b>0 FTEs</b>
Necessary to protect life and property:	<b>4 FTEs</b>
<b>Summary of significant agency activities that will continue during a lapse:</b> Maintaining the cybersecurity of Selective Service System (SSS) information systems and continuing online SSS registration.	
<b>Summary of significant agency activities that will cease during a lapse:</b> All SSS activities other than those listed above.	

### 1. PURPOSE

- A. The Attorney General issued two opinions in the early 1980s that made clear that the language and legislative history of the Antideficiency Act unambiguously prohibit agency officials from incurring obligations in the absence of appropriations ("Applicability of the Antideficiency Act Upon a Lapse in an Agency's Appropriations" (1980) and "Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations" (1981)). The Office of Legal Counsel of the Department of Justice issued an opinion dated August 16, 1995, that reaffirmed and updated the 1981 opinion.

- B. The Office of Management and Budget (OMB) will monitor the status of congressional actions on appropriations bills and notify agencies if shutdown plans are to be implemented.

## 2. EXECUTIVE SUMMARY

- A. This plan describes SSS actions to be taken during a short lapse in appropriations (1-5 days). There are no anticipated changes if the lapse is longer. Should unanticipated changes occur, the following official is designated for implementing and adjusting the plan: Director of Selective Service.
- B. During the appropriations lapse, SSS will maintain its ability to register men who are required to do so by Federal law. SSS will not shut down its website, allowing those individuals to continue to register with SSS online. The following notice will be placed on SSS website's main page: ***"At this time, there is a lapse in appropriations. Online registration is still available through the Selective Service System (SSS) website, while most other operations have been paused. Additionally, (a) information on the SSS website may not be up to date; (b) transactions submitted via the SSS website might not be processed until appropriations are enacted; and (c) SSS will not be able to respond to inquiries until appropriations are enacted."*** A similar message will be provided to people who contact SSS by telephone.
- C. SSS will have approximately 110 full-time employees on board before implementation of the shutdown plan. Post-implementation, six essential employees will be retained in two categories. Four would protect property and two would perform activities that are necessarily implied by law. Additional details are provided in paragraph 7.

## 3. OBJECTIVE

- A. In the absence of appropriations, Federal offices may not incur any obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law.
- B. Federal offices may incur obligations as necessary for orderly termination of an agency's functions, but funds may not be disbursed.
- C. The Office of Personnel Management's (OPM) regulations (5 Code of Federal Regulations (CFR) 2.404 (d)(2)) provide for emergency adverse action furloughs without the necessity for advance written notice proposing the action.

## 4. ISSUANCE

It is SSS policy that in the event of a lapse of appropriations, it will proceed with the orderly shutdown of operations, beginning on the first workday of the lapse, and limit all Agency work activity to actions necessary for the shutdown. It is

estimated that the necessary actions will require no more than one-half workday (i.e., four hours). Since it is assumed that such a lapse would be of short duration, no action will be taken that will impede the orderly commencement of operations once funds are available. The Director of Selective Service, or their designee, will notify all SSS personnel regarding which activities and personnel are designated as essential and therefore exempt from the furlough, as well as the duration of each exemption.

5. **DEFINITION**

A furlough is the placing of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. A furlough of 30 calendar days or less is covered under 5 CFR Part 752, adverse action procedures. A furlough of more than 30 calendar days is covered under 5 CFR Part 351, reduction in force procedures. All furloughs for Senior Executive Service members are covered in 5 CFR Part 359, Subpart H.

6. **EXCEPTED ACTIVITIES**

Primary examples of activities agencies may continue are those which may be found under applicable statutes to 1) provide for the national security, including the conduct of foreign relations essential to the national security or the safety of life and property; and 2) provide for benefit payments and the performance of contract obligations under no-year, multi-year, or other funds remaining available for those purposes.

7. **ESSENTIAL EMPLOYEES**

- 4 – For the protection of SSS property at the four SSS locations: Arlington, VA, North Chicago, IL, Marietta, GA, and Aurora, CO.
- 2 – For the performance of functions that are necessary to maintain and support personnel performing excepted activities or otherwise implied by law, which is to include the Acting Director of Selective Service in the absence of an appointed Director, at Arlington, VA

Percentage – 6 essential employees out of approximately 110 full-time employees: 5.5%.

8. **SSS IMPLEMENTATION PLAN**

- A. In accordance with OPM, SSS will communicate with employees regarding its plans if it becomes necessary to implement an orderly suspension of operations.
- B. SSS will prepare draft emergency furlough decision notices for distribution to employees to the extent possible within the limited time available.
- C. SSS will determine the positions that are excepted to furlough guidelines to maintain orderly shutdown operations.

- D. Employees will be advised by the Director, or their designee, of a possible appropriations lapse as soon as such an event is deemed likely.
- E. In the first workday of the lapse in appropriations, all Agency employees will report to work as scheduled. Supervisors will inform employees of the status of funding and instruct them to limit their work activities to those functions necessary for the orderly cessation of operations.
- F. Supervisors will be responsible for notifying absent employees of the furlough as soon as possible.
  - (1) **Annual Leave** – Employees on approved annual leave will be notified that as of the completion of shutdown activities, all leave is cancelled for the duration of the shutdown. Such employees will be furloughed for the full lapse period and, when funds are restored, either returned to duty or placed on annual leave, as appropriate. Supervisors must make every effort to reschedule the 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.
  - (2) **Sick Leave** – Employees who, at the time of the lapse of appropriations, are on approved sick leave in connection with a disabling physical condition will not be permitted to continue in sick leave status during the funding lapse.
  - (3) **Continuation of Pay (COP) Leave** – Employees on COP leave in connection with a job-related injury at the time of the lapse of appropriations will remain in a COP status until determined to be fit for duty by a competent medical authority, or until COP leave totals 45 days if that is earlier.
  - (4) **Advanced Sick or Annual Leave** – No advanced sick or annual leave is authorized for use during a funding lapse. Upon a lapse of appropriations such leave must be cancelled and the employee furloughed.
  - (5) **Leave Use** – No annual or sick leave may be granted during a funding lapse.
  - (6) **Travel** – Regular employees on travel status, including those on travel in connection with training or details funded by SSS, should be contacted by their supervisor and told that they will be furloughed until the completion of the funding lapse and may return to their duty location immediately.
  - (7) **Local Training** – Employees absent from the worksite in connection with training at local facilities must be advised that they will be placed on furlough for the duration of the funding lapse. Employees may

volunteer to continue to participate in the contracted training program. However, retroactive payment of salary for the furlough period is not authorized except as may be provided for in the language of a subsequent appropriations bill.

9. **OFFICIAL FILES**

Official files will be secured, as they would be if the Agency were to be closed for a long weekend. Employees should ensure that official papers for which they are responsible are secured.

10. **PROCESSING OF PAYROLL**

- A. Payroll processing will continue as necessary to ensure that employees are paid on time for all work prior to the shutdown. Timekeepers will record time and attendance on all timecards for the current pay period through the final hour of the shutdown and submit the authorized timecards to the SSS Human Resources (HR) Office.
- B. It is the employee's responsibility to stay informed as to the status of SSS funding during the lapse of appropriations. Employees are 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.

11. **EMPLOYEE BENEFITS**

- A. **Unemployment Benefits** – Furloughed employees may file a claim with their state unemployment office to determine eligibility.
- B. **Health Benefits Costs** – Employees are responsible for paying their share of the Federal Employee Health Benefits Program contribution whether in pay or non-pay status. Therefore, employees will incur indebtedness to the Government equal to the amount of the employee contribution in which no deductions are made. Upon return to duty, the delinquent amount will be automatically deducted from their bi-weekly gross pay.
- C. **Leave Accrual** – Regular leave will be accrued unless the furlough time exceeds 80 hours.
- D. **Retirement and Life Insurance** – These types of insurance remain unaffected by the furlough unless employees had previously accumulated leave without pay (LWOP) and the absence of the employee exceeds six months.

12. **PERSONNEL ACTIONS AND PERSONNEL RECORDS**

SSS will take necessary personnel actions to release employees in accordance with applicable law and OPM regulations. SSS must prepare employee notices

of furlough and process personnel and pay records in connection with shutdown procedures. HR will work with the SSS payroll provider on various aspects of a shutdown. These functions are to be performed by employees who are retained for orderly termination of SSS activities as long as those employees are available.

13. **TERMINATION OF SHUTDOWN**

Employees will need to listen to public broadcasts and visit the OPM website, [www.opm.gov](http://www.opm.gov), to learn when the Agency appropriation has been approved. They are required to return to work on their next regularly scheduled duty day.