

AFRH Operations in the Absence of Appropriations

1. **Background:** Office of Management and Budget (OMB) Circular A-11, section 124, requires the Agency to maintain a plan for operations in the absence of appropriations. This plan has been developed to meet the requirements of that section. Consistent with section 124, the plan may be modified whenever there is any significant modification, expansion, or reduction in agency program activities; upon receipt of additional guidance from OMB, the Office of Personnel Management, or the Department of Justice; or as circumstances otherwise warrant. At a minimum, the plan will be reviewed and updated every two years.
2. **Authority:** The Anti-Deficiency Act (ADA) restricts the conduct of business by agencies during a lapse of appropriations. The Act generally prohibits agency heads and their employees from:
 - Making or authorizing expenditures or obligations in excess of appropriations;
 - Making or authorizing expenditures or obligations of funds required to be sequestered under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985; and
 - Accepting voluntary services for the United States or employing others to perform personal services in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property.

Certain functions may be continued even in the absence of an annual appropriations bill or continuing resolution. The principal guidance on the types of functions that may be continued during a lapse in appropriations is found in the Attorney General's opinion dated January 16, 1981, as updated by the Office of Legal Counsel in an August 16, 1995 Memorandum. Those opinions authorize continuation of agency functions which satisfy any of the following criteria (referred to "excepted" functions):

- Those that have a continuing source of funding;
- Those that are expressly authorized by Congress to continue even without funding;
- Those that are necessary to prevent an imminent and significant threat to the safety of human life or the protection of property;
- Those that are necessary for the discharge of the President's constitutional duties; and
- Activities necessary for a short period in order to ensure an orderly shutdown of operations.

Otherwise non-excepted personnel should report to work for a few hours on the first business day following a lapse in appropriations to perform short-term, administrative functions to prepare for an orderly transition (such as setting an out-of-office message, etc.).

3. **OMB Circular No. A11, Section 124.2 Requirements Met:** This plan meets the requirements set out in OMB Circular Number A-11, Section 124.2. OMB Circular A-11 requires the following:

Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	2 days

Total number of agency employees expected to be on board before implementation of the plan:	<i>295 employees</i>
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	<i>28 employees</i>
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	<i>0 employees</i>
Necessary to perform activities expressly authorized by law:	<i>27 employees</i>
Necessary to perform activities necessarily implied by law:	<i>0 employees</i>
Necessary to the discharge of the President's constitutional duties and powers:	<i>0 employees</i>
Necessary to protect life and property:	<i>240 employees</i>

4. Services That Will Continue During a Lapse in Funding: The purpose of the Armed Forces Retirement Home (AFRH) is to provide, through the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, residences and related services for certain retired and former members of the Armed Forces.

Consistent with the Home's purpose most employees provide direct or indirect support to healthcare, life and safety, or protect property in support of residents whose average age is 82 years old. Each Home (Gulfport and Washington) has three primary directorates: (1) Resident Services; (2) Healthcare Services; and (3) Campus Operations.

- Resident Services provides direct support to residents through dining services, religious activities, custodial services, recreational therapy and activities, room checks and Needs Assessment Team.
- Healthcare Services provides direct support to residents through nursing, social services, healthcare clinic, dental clinic, optometry clinic, podiatry clinic, nutrition, Assisted Living support, Memory Support, Long-term care support, Independent Living Plus support, and nutrition support.
- Campus Operations provides direct and indirect support to residents through facility and grounds maintenance; utilities; transportation; and logistics.

In compliance with restrictions of the ADA, during a lapse the Armed Forces Retirement Home (AFRH), the Agency will remain open to ensure the health and safety of our residents, protect property, or to provide other emergency services. To do otherwise would displace residents in various levels of care to potentially a homeless environment. However, AFRH will stop bringing new residents onboard who have not received a report date. In order to ensure the health and safety of our residents, 267 personnel (91 percent) of the workforce will be retained under the plan. Of those retained, 240 personnel (81 percent) will be for healthcare and law enforcement activities. The remaining 27 personnel (9 percent) will be for life and safety activities.

5. Services That Will Cease During a Lapse in Funding: Administrative staff support and some recreational activities.

6. Employee Notification Procedures in Advance of a Shutdown

a. Preparation: The Chief Human Capital Officer (CHRO) will:

- Compile the lists of employees assigned as Excepted or Non-Excepted and will confirm that Excepted status is appropriate for employees so designated.
- Draft furlough letter language using OMB template.
- Distribute furlough letters to AFRH management along with processing instructions.

b. Notice Issuance.

- On the first business day following the lapse in appropriations, all employees will report to work.
- CHRO will establish a process to ensure Non-Excepted employees are properly notified (e.g., sign and date their notice of furlough letter to confirm receipt of notice or by other accepted method) and keep a record.
- Management will meet with employees within the employee's first hour of reporting to work to review furlough process and issues notices. The supervisor will keep a record of employees notified.
- All managers will submit complete list of notified employees to SHRO for confirmation of completion.
- Employees will shut down their offices and must leave the workplace within four hours of their arrival on the effective date.

7. Reactivation of Functions

- Upon notification that employees may return to duty, the AFRH main website will be updated and office phone lists will be activated.
- Employees will report back to work at their regularly scheduled time on the next scheduled work day.
- A return to duty notice will be issued shortly thereafter.