

U.S. ELECTION ASSISTANCE COMMISSION
AGENCY OPERATIONS IN THE ABSENCE OF APPROPRIATIONS

1. **PURPOSE:** This document provides contingency planning in event of a funding hiatus caused by the absence of appropriations, either through failure to pass a regular appropriation bill or a continuing resolution.
2. **REFERENCES:** Office of Management and Budget (OMB) Circular A-11, Section 124 (2015), and Office of Personnel Management (OPM) *Furlough Guidance* (<https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/>).
3. **POLICY:** Because no U.S. Election Assistance Commission staff provide law enforcement, military or health care services, or actions necessary to protect life and property as required by the Antideficiency Act (31 U.S.C. §1341) and relevant OMB and Department of Justice guidance, in the event of a funding hiatus no agency staff will report to work, with the exception of Presidential Appointees confirmed by the Senate (PAS).

Certain staff may work no more than four hours each on the first day without appropriations to perform an orderly shutdown, regardless of length of the funding hiatus. This could include one Human Resources staff member sending letters to all staff with instructions, and processing timecards; the Communications director instructing the website vendor to post a notice that the agency is shut down during the absence of appropriations; and one to two information technology staff to disable staff accounts.

4. **EMPLOYEES:**

- Total Agency Employees: 24 staff, plus three Presidential Appointees confirmed by the Senate (PAS)
- Total Employees Furloughed: 24 staff. Three PAS are exempt from furlough pursuant to OPM Furlough Guidance. Their contact information is:
 - Chairwoman Christy A. McCormick, 301-563-3965, cmccormick@eac.gov;
 - Vice Chair Thomas Hicks, 301-563-3971, thicks@eac.gov and
 - Commissioner Matthew V. Masterson, 301-563-3966, mmasterson@eac.gov.

5. **SERVICES AND PROGRAMS THAT WILL REMAIN OPERATIONAL:**

The EAC website, EAC.gov, will be operational for one month after a shutdown since payments are made one month in advance. No “other funding source” or “necessary for the safety of life and the protection of property” apply.

6. **SERVICES AND PROGRAMS THAT WILL BE CLOSED:**

- Payments to States for election improvements.
- Voting system testing and certification.
- Accreditation of voting system test laboratories.
- Investigations of voting system anomalies.
- Research on improvement of Federal elections.

- Posting of new information on the clearinghouse of election information on the agency website.

7. KEY CITIZEN SERVICES THAT WILL BE IMPACTED:

Citizens will not be able to access updated information about Federal elections on the EAC.gov website.

8. ACTIONS:

The following actions will be taken to effect the shutdown:

- A. Employees will be advised by the Chief Operating Officer and Acting Executive Director or designee of a possible funding hiatus as soon as such an event is deemed likely by management.
- B. When a funding hiatus occurs, EAC Office of Human Resources staff will mail all employees instructions (or email prior to the anticipated hiatus start date).
- C. No employees report to work, with the exception of the Commissioners.
 - 1) No employees (except Commissioners) will be granted leave of any type during the funding hiatus. When funds are restored, staff will either be returned to duty or placed on leave, as appropriate.
 - 2) Staff in travel and/or training status must be contacted by their supervisors and told that they are in nonpay status and must return home immediately.
 - 3) Building facilities and services should not be used during the funding hiatus.
- D. A telephone recording on the main EAC telephone number (301-563-3919) and an EAC website message will alert the public to the status of the agency.
- E. All payments scheduled during the furlough period, which were authorized under prior appropriations, e.g., travel and per diem, contract payments, etc., will be delayed until the furlough period is ended. All contractors will be paid in accordance with their specific agreements for the hiatus period.
- F. EAC Division Directors are responsible for notifying all contract vendors for rented meeting facilities, or non-government training contractors scheduled to execute the terms of a contract during the anticipated hiatus period of the lapse of appropriations, with assurances that the contracted services will be rescheduled or resumed when funds are restored. Expenses incurred by reason of necessary cancellations will be paid when funds are restored.

9. EMPLOYEE BENEFITS:

- A. Health, Life and Retirement Insurance coverage continues under the absence of appropriations. Employees are responsible for paying the employee share of the premiums. Once returned to pay status, any amounts owed will be deducted from biweekly gross pay.
- B. For leave accrual purposes, leave will be prorated for the period covered by appropriation.

10. RESUMPTION OF OPERATIONS:

- A. It is the employee's responsibility to stay informed as to the status of agency funding during the hiatus. 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.
- B. If employees have problems returning to work on the day specified for resumption of operations, use of annual or sick leave, as appropriate, may be granted by the supervisor.
- C. Since Commissioners will be working during a furlough, Information Technology servers will be transferred to the Continuity of Operations Plan site, fully backed up, and will remain operational. Accounts for all other staff will be disabled until operations resume.
- D. Grant requests for payment will be certified and requests for payment submitted to the Bureau of the Fiscal Services (BFS) as a priority for the grants office. Contract officers' representatives will prioritize making payments, in coordination with Bureau of the Fiscal Services procurement staff. Generally, requests for contract payments are submitted electronically with email notification. Interagency payments are submitted by BFS staff to EAC for approval.