

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD (CSB)

PLAN FOR SHUTDOWN IN THE ABSENCE OF AN AVAILABLE APPROPRIATION OR CONTINUING RESOLUTION FOR CSB FACILITY IN WASHINGTON, D.C.

Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	<i>0.5 Days</i>
Total number of agency employees expected to be on board before implementation of the plan:	<i>31</i>
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	<i>27</i>
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:	<i>0</i>
Necessary to perform activities expressly authorized by law:	<i>0</i>
Necessary to perform activities necessarily implied by law:	<i>0</i>
Necessary to the discharge of the President's constitutional duties and powers:	<i>0</i>
Necessary to protect life and property:	<i>4</i>
Brief summary of significant agency activities that will continue during a lapse:	
<p>Activities that will continue during a lapse relate to the maintenance of critical infrastructure, such as the agency's information technology or communications systems, or maintenance of such services as are essential to the functioning of the agency after an appropriation or continuing resolution is enacted.</p>	
Brief summary of significant agency activities that will cease during a lapse:	
<p>Open investigations will be suspended. If there is a new incident, the CSB may recall a team of investigators for an initial deployment to secure or collect evidence that would be lost if the deployment were delayed.</p>	

Plan Details

As required by [OMB Circular, A-11, Sec. 124](#), the CSB hereby provides the following information:

1. Time to complete the shutdown estimated to the nearest half-day: CSB estimates 4 hours.
2. Number of employees on-board before the shutdown: As of September 28, 2022, there is a nominated Interim Executive Authority and a professional staff of 31. There are currently three vacant Board Member vacancies.
3. Number of employees retained to protect life and/or property: CSB will retain four (4) employees: the Acting Director of Administration, the Chief Information Officer, the Executive Director for Investigations and Recommendations, and Acting General Counsel.
4. The CSB will prepare and submit policy statements and legal opinions supporting future estimates provided to OMB if the CSB estimates:
 - a. That more than one-half day would be needed to complete a shutdown, or
 - b. That the number of employees to be retained to protect life and property would exceed five percent of the number of employees on-board at the beginning of a hiatus less those exempted above.
5. Agency employees will be given the earliest possible notice of a shutdown due to the absence of an appropriation or continuing resolution. In accordance with U.S. Office of Personnel Management (OPM) guidance, CSB need not issue advance written notice of decision to furlough employees when the shutdown is based on the unavailability of an appropriation or a continuing resolution to fund agency operations.¹ The CSB will provide, however, all employees with a written notice (either individually or via e-mail) that the agency is shutting down due to absence of an available appropriation or a continuing resolution against which to make further obligations.
6. CSB's priorities during a shutdown are to limit the creation of obligations to the minimum necessary to protect life and property (e.g., agency resources having more

¹ OPM Guidance for Shutdown Furloughs (www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf)

than nominal value). During a shutdown, no agency employee shall take any action to disburse Federal funds.

7. When responsible CSB officials are notified by OMB to commence a shutdown, the following will occur:
 - a. On the first regular workday following the absence of an available appropriation or continuing resolution, all agency employees scheduled to report to work will, unless informed otherwise by their supervisors, report to work at their normal start time(s). Agency employees not scheduled to report to the CSB's physical workplace may be asked to report at their supervisor's discretion.
 - b. Agency employees reporting to work will begin the orderly shutdown of agency operations. Normally, this will involve securing the workplace and making sure that critical agency infrastructure and/or working material (e.g., case files, important documents, office equipment, etc.) are secured during the shutdown. Normally, unless directed and approved by a supervisor, all shutdown activities should be completed as quickly as possible, in a period not to exceed four (4) hours (one half-day). Agency employees will record the time expended on shutdown activities to the nearest fifteen (15) minutes. When employees have finished their assigned shut down activities, they shall notify their supervisors. The employees' supervisors will then release their employees until they are notified to report back to work.
 - c. As a practical matter, CSB has no employees who provide direct health care or lifesaving activities. Therefore, employees excepted from the furlough will be responsible for either maintenance of critical infrastructure, such as the agency's information technology or communications systems, or maintenance of such services as are essential to the functioning of the agency after an appropriation or continuing resolution is enacted. The Interim Executive Authority, in consultation with CSB the board, may designate up to four individuals to perform these tasks if the shutdown is implemented, one of whom will be an IT professional, one of who will maintain liaison with OMB, one of whom will provide legal advice as necessary to the Interim Executive Authority or Board, and one of whom will provide advice on deployment decision.

- d. Unless a CSB employee is designated as excepted, the employee shall not conduct any further agency business, whether on a “voluntary basis” or otherwise, either at home or in the office.
 - e. Contractor personnel: All contractor personnel serving the agency under either a cost-reimbursement or time-and-material/labor hour contract shall be notified that they shall cease work until further notice.
 - f. CSB employees in travel status when an appropriation or continuing resolution is due to expire shall contact their supervisor. The supervisor will advise the traveler to return to the duty location immediately in accordance with the Federal Travel Regulation, unless the employee volunteers to be furloughed at the travel site, without pay or per diem and the CSB agrees that such arrangement is in the best interest of the Federal Government. The cost of his or her return trip will be paid.
8. Use of agency IT systems, communications systems, or other resources during period of a shutdown: No agency employee shall use CSB IT, communications systems or other resources during the period of a shutdown unless they are designated as an excepted employee. This includes employees checking the CSB's web-based e-mail server from their personal computers in order to ascertain the status of the agency's operations. Employees should provide the Human Resources Specialist with a personal phone number or e-mail that can be used to notify employees when agency operations will commence following enactment of an appropriation or continuing resolution. Non-essential IT usage is prohibited.
9. Presidential appointees confirmed by the Senate (i.e., Board Members) are not subject to furlough. However, unless instructed otherwise by the Interim Executive Authority, they should not engage in any activity that would cause the CSB to incur additional obligation liability (including acquisitions or travel expenses, unless it is to return to their assigned duty station after an appropriations lapse). The Interim Executive Authority (and other excepted employees) should avoid speeches, public appearances, or other activities that might convey the impression that the agency is operating normally.