

Operations Bulletin OPS-GEN-130

Contingency Plan for Lapse in Appropriations

Issue Date: September 30, 2025

1. Issuing Organization. Operations Bulletin AD-GEN-001 was developed by the former Office of Administration and was issued April 8, 2011, and reissued on September 30, 2015. It was reviewed, revised, and reissued by the Office of the Managing Director as OPS-GEN-130 on September 21, 2023, and revised on September 30, 2025. It is due for review by September 2030, or earlier if needed.
2. Purpose. Operations Bulletin OPS-GEN-130 provides guidance for the suspension of National Transportation Safety Board (NTSB) operations if, due to a lapse in appropriations, there is a government shutdown and an emergency furlough becomes necessary.

LAPSE PLAN SUMMARY OVERVIEW	
Estimated time (to the nearest half day) required to complete shutdown activities:	1/2 Day
Total number of agency employees expected to be onboard before implementation of plan:	416
Total number of agency employees expected to be furloughed under the plan:	107
Total number of employees to be retained under the plan for each of the following categories:	
Compensation financed by a resource other than annual appropriations:	0
Necessary to perform activities expressly authorized by law:	4 Presidentially appointed employees
Necessary to perform activities necessarily implied by law:	4 Presidentially appointed employees
Necessary to discharge the President’s constitutional duties and powers:	0
Necessary to protect life and property:	309

3. Policy. It is NTSB policy that, during a lapse in appropriations, all required planning and implementation will proceed as specified in this bulletin and any applicable Office of Management and Budget (OMB) and Department of Justice (DOJ) guidance. This plan

covers all NTSB employees (whether located in headquarters, regional offices, or approved alternative work locations), contractors, volunteers, and persons detailed to and from the NTSB. If a lapse in appropriations occurs, the NTSB can perform only emergency-essential activities, limited activities that are necessarily implied from the requirement to perform emergency-essential activities, or activities necessary for the orderly shutdown of routine, nonemergency operations. The NTSB will use no more than 4 hours to complete shutdown activities. Emergency-essential activities to be continued during a lapse of funding include those NTSB functions necessary to ensure the safety of human life or the protection of property. Applicable law requires that for an activity to continue as an emergency activity in the absence of appropriations, the activity must mitigate a demanding threat involving the safety of human life or protection of property. The NTSB Chairman and the Managing Director (MD) will confer and approve the list of employees excepted from the furlough. The NTSB may recall staff necessary to work during the furlough at any time. Staff must be available. In close consultation with the General Counsel (GC) and the Chief Financial Officer (CFO), the Chairman and the MD may authorize, as emergency-essential activities, the following:

- A. Launches to accidents and events (e.g., incidents or mishaps). These are emergency functions necessary to protect and preserve evidence critical to determining the circumstances of the accident, the probable cause, and recommendations necessary to protect life and property from recurrence of similar catastrophe.
- B. Functions required to preserve or test, in the field or laboratory, property related to ongoing accident or event investigations.
- C. All investigation and report production functions, which are intended to timely determine the circumstances of accidents, the probable cause, and recommendations necessary to protect life and property from recurrence of similar catastrophe.
- D. Transportation Disaster Assistance that supports the needs of survivors and the families of those involved in transportation accidents as defined under 49 USC 1136, 1139, and 1140.
- E. Minimal non-emergency functions without which the functions in A-D above cannot be accomplished.

The MD will maintain the total number of employees expected to be on-board before implementation of the plan and to be retained in an essential emergency function status under the plan as described in attachment 1.

- 4. Cancellation. Operations Bulletin OPS-GEN-130 supersedes AD-GEN-001 dated September 30, 2015.
- 5. References and Links.
 - A. NTSB Reauthorization Act of 2006, Title 49 *United States Code (U.S.C.)* §1113. Administrative, (c) Submission of certain copies to Congress
 - B. Office of Personnel Management (OPM) Guidance and Information on Furloughs

- C. OMB Memorandum M-13-22, Planning for Agency Operations During a Lapse in Government Funding (September 17, 2013)
- D. Appendix A-1 OMB Bulletin M-95-18 transmitting 8/16/95 Department of Justice opinion (August 22, 1995)
- E. Appendix A-2 OMB Memorandum, Agency Operations in the Absence of Appropriations (October 5, 1990)
- F. Appendix A-3 OMB Bulletin No. 80-14, Supplement No. 1, Agency Operations in the Absence of Appropriations (August 20, 1982)
- G. Appendix A-4 OMB Memorandum, Agency Operations in the Absence of Appropriations (November 17, 1981)
- H. Appendix A-5 OMB Bulletin 80-14, Shutdown of Agency Operations Upon Failure by the Congress to Enact Appropriations (August 28, 1980)
- I. OMB Circular A-11 (2012), Section 124, Agency Operations in the Absence of Appropriations
- J. [Operations Bulletin CFO-GEN-013 Emergency Fund](#)
- K. [Operations Bulletin CFO-GEN-008 Administrative Control of Funds](#)
- L. Antideficiency Act (ADA):

(1) Prohibitions on Expenditures.

The ADA prohibits all officers and employees of the federal government from entering into obligations in advance of appropriations and prohibits employing federal personnel except in emergencies, unless otherwise authorized by law. (See 31 U.S.C. § 1341 et. seq.)

(2) Prohibitions on accepting volunteer services. The ADA states, in part, the following:

An officer or employee of the United States Government or of the District of Columbia Government may not accept voluntary services for either Government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property. As used in this section, the term “emergencies involving the safety of human life or the protection of property” does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property. (See 31 U.S.C. § 1342.)

(3) Prohibitions on obligations in excess of apportionment/reapportionment.

The ADA prohibits making obligations or expenditures in excess of apportionment or reapportionment, or in excess of the amount permitted by agency regulations. (See 31 *U.S.C.* § 1517(a).)

a. Administrative:

An officer or employee who violates 31 *U.S.C.* §1341(a), 31 *U.S.C.* § 1342; 31 *U.S.C.* § 1517(a) “shall be subject to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office.” (See 31 *U.S.C.* §§ 1349(a), 1518.)

b. Penal:

An officer or employee who “knowingly and willfully” violates any of the three provisions cited above “shall be fined not more than \$5,000, imprisoned for not more than 2 years, or both.” (See 31 *U.S.C.* §§ 1350, 1519.)

6. Responsibilities.

A. The Office of the Chairman is responsible for—

- (1) Ensuring that the agency develops and implements a plan that allows it to operate in a manner that conforms to OMB and DOJ guidance during a lapse in appropriations.
- (2) Ensuring that the agency notifies OMB of the NTSB’s operational status and informs OMB of the number of employees excepted from furlough.
- (3) Approve the agency contingency plan for a shutdown.

B. The Office of the Managing Director is responsible for approving the agency contingency plan for a shutdown, including—

- (1) Directing the institution of the emergency furlough of agency personnel, identifying personnel designated as being excepted from the furlough, identifying “shutdown” activities and actions necessary to suspend agency operations in accordance with applicable statutes and OMB and DOJ guidance, specifying permissible activities for excepted employees during the shutdown, and planning for the restart of agency operations in an orderly manner when funds become available.
- (2) Communicating to Board members, office directors, and all employees the specifics of the shutdown plan and related activities to ensure consistency in implementing the shutdown process among offices, as appropriate.
- (3) Approving, in consultation with the Chairman, employees who will be excepted and recalled from the furlough.
- (4) Submitting to the Director, Office of Human Capital Management and Training (HCT), the approved list of employees to be excepted from the furlough and, as

needed, providing any updated lists of employees to be recalled to work during the furlough to support emergency and essential operations of the agency.

- (5) Providing continuous operation of the Response Operations Center.
- (6) Notifying the General Services Administration (GSA) as necessary concerning shutdown of GSA-leased space.
- (7) Directing HCT to issue furlough decision notices as appropriate.
- (8) Providing the list of excepted employees and any updates to the security guards and ensuring that NTSB property is protected.
- (9) Communicating to all employees when they may return to duty once appropriations have been approved.
- (10) Ensuring compliance with the procedures specified in this bulletin.
- (11) Updating this bulletin according to the schedule, or earlier if needed.

C. The Chief Financial Officer is responsible for—

- (1) Establishing contact with OMB for guidance and other shutdown activities.
- (2) Completing and submitting information to OMB.
- (3) Notifying OMB of the agency's official shutdown.
- (4) Advising the Chairman; MD; GC; HCT; and the Chief Information Officer (CIO) on the operating status of the NTSB.
- (5) Notifying NTSB contractors about the lapse in appropriations and communicating when they may return to duty, once appropriations have been approved.

D. The Office of General Counsel is responsible for—

- (1) Reviewing agency plans for compliance with applicable statutes, DOJ decisions, and OPM guidance.
- (2) Establishing contact with DOJ and OMB to obtain any necessary guidance and decisions.
- (3) Advising management officials of any legal implications with respect to suspending agency operations and activities during a period of lapsed appropriations.
- (4) Advising management officials regarding permissible agency operations during a lapse in appropriations.
- (5) Providing legal opinions as required.

E. The Office of Human Capital Management and Training is responsible for—

- (1) Compiling the list of furloughed and excepted employees.
- (2) Establishing contact with other government agencies (such as OPM) to obtain guidance as necessary.
- (3) Issuing furlough decision notices as directed by the MD.
- (4) Confirming that all employees received email notification of the furlough decision notice and have acknowledged receipt of this decision.
- (5) Maintaining the agency's list of excepted employees approved by the MD.
- (6) Providing standard language for supervisor notifications to employees.

F. The Office of the Chief Information Officer is responsible for—

- (1) Providing continuous operation and maintaining stability of the information technology infrastructure to support communications for NTSB staff operating under the provisions of this bulletin. Specifically, this responsibility entails ensuring the continued availability and operation of the NTSB network, including specific applications such as email and wireless communication.
- (2) Carrying out the measures necessary to ensure the security of agency records and property.

G. The Office of Safety Recommendations and Communications is responsible for—

- (1) Creating and maintaining a public webpage with updated information on the operating status of the NTSB during the furlough period for employees and stakeholders to view where relevant to emergency essential functions, and if needed
- (2) Communicating with external stakeholders and the public via social media (for example, Facebook, X, and similar sites) regarding the agency's status and other NTSB activities occurring during the lapse in appropriations.

H. Office directors are responsible for—

- (1) Updating phone trees on a regular basis to ensure accurate contact information for employees (including work and personal cell phone numbers and email addresses).
- (2) Initiating steps to verify contact information for all employees and ensuring that the Office of Human Capital Management and Training (HCT) has the updated contact information.

- (3) Proposing to the MD for approval the names of employees within their organizations who are (a) considered necessary for the orderly shutdown of activities and/or (b) to be excepted from the furlough.
- (4) Reviewing all schedules and timelines of Board events (for example, hearings, reports, forums, and other activities) prior to the shutdown and communicating to external stakeholders about any change in the NTSB's operating status.
- (5) Making recommendations to the MD on the recall of needed staff to work during the furlough.
- (6) Maintaining communications with the MD and with the employees in their own office.

I. Supervisors are responsible for—

- (1) Informing employees (in writing or by telecommunication) that they may perform only those activities identified as emergency essential or necessary to operational shutdown activities.
- (2) Informing employees who will be furloughed that they may be recalled to duty to perform emergency-essential activities.
- (3) Informing employees involved in the orderly shutdown activities that they will be furloughed when these duties are completed.

J. Employees are responsible for—

- (1) Abiding by the provisions of this bulletin.
- (2) Ensuring that their supervisor has their updated contact information, including personal cell phone number and email address.
- (3) Acknowledging receipt of, and returning to HR, their furlough decision notice.
- (4) Following the instructions provided by the agency regarding shutdown activities.
- (5) Returning to duty status to complete emergency-essential work as directed by the applicable office director or deputy director, if determined to be required by the MD.
- (6) Maintaining awareness of the agency's operating status.

7. Procedures.

- A. Planning for the suspension of nonemergency-essential government operations when appropriations have lapsed.

- (1) The CFO will provide information pertaining to continuing resolutions, as necessary, to ensure the orderly execution of program funds.
- (2) The MD will request from office directors a proposed list of excepted employees for their office in the event of a lapse in appropriations. Directors will provide the list using the criteria and procedures provided in this bulletin.
- (3) The MD will forward an approved list to office directors and HCT if a lapse in appropriations appears likely and consistent with direction provided by OMB.

B. Actions to be taken if a lapse in appropriations occurs.

- (1) Operating Under a No-Funds Situation. If funds have expired, and the funding lapse is anticipated to be temporary, the NTSB can perform only emergency-essential activities, activities necessarily implied as essential to perform emergency-essential activities, or activities necessary for the orderly shutdown of routine, nonemergency operations.
- (2) Once funds have expired, non-excepted employees will be expected to perform orderly shutdown activities on their next scheduled workday.
- (3) Shutdown activities also include any activities to facilitate efficient reactivation of operations when funds become available. Examples of shutdown activities include—
 - a. Canceling meetings, hearings, and other previously arranged business and notifying parties such as other federal agencies, state governments, and private entities involved in NTSB matters of the cessation of normal business.
 - b. As applicable, documenting the status of cases and projects so they can be resumed, transferred, or otherwise appropriately handled once the funding situation has been determined.
 - c. Planning, controlling, and maintaining orderliness only through the actual phasedown of operations.
 - d. Performing only necessary fiscal and accounting tasks required to maintain accountability and reporting obligations and expenditures of all funds.
 - e. Performing only those tasks necessary to protect classified information, including listing all papers to be accorded classified status and securing all appropriate files and automatic data processing information.
 - f. Performing only those requisite administrative functions required to process the payroll for the pay period through the expiration of the previous continuing resolution.

- g. Conducting other necessary functions that contribute directly to the orderly cessation of nonemergency/essential NTSB activities, protect life, and/or safeguard evidence.

(4) Employees excepted from an emergency furlough

- a. Only personnel designated as being excepted from any emergency furlough should report to work during agency shutdowns. Personnel excepted from a furlough include—
 - i. Individuals appointed by the president, with or without Senate confirmation.
 - ii. Employees designated to perform emergency-essential duties as determined by the Chairman and the MD in accordance with applicable statutes and DOJ and OMB guidance listed in Section 5 of this bulletin. In addition, employees who are approved to be recalled to duty will be considered excepted employees.
 - iii. Employees designated to perform assignments for a short time (no more than 4 hours) related to the orderly shutdown of agency operations (for example, to issue furlough notices to employees or to secure equipment or evidence).

C. Instructions for shutdown during a lapse in funding.

- (1) The MD notifies agency personnel when appropriations have lapsed and the NTSB contingency plan is activated.
- (2) All NTSB activities not approved as emergency essential or as shutdown activities must cease when funds available for obligation are exhausted (no funds). However, no actions under this contingency plan are to be initiated without notification from the Chairman or MD that the plan is to be put into effect. The NTSB may incur obligations for emergency-essential and shutdown activities once available funds have been exhausted; however, only obligations are incurred, and no funds are disbursed for these obligations without the enactment of an appropriations act or continuing resolution.
- (3) Employees excepted from the furlough will perform duties that are required because the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property or are necessary for an orderly shutdown of agency function.
- (4) Office directors must submit to the MD for approval a list of employees proposed to be excepted from the furlough by name and job title, as needed during the furlough, who must be recalled to work. The MD will send approved lists to the office directors and the director of HCT.
- (5) The MD will authorize HR to transmit a “Furlough Decision Notice Due to

Lapse of Appropriations” (Title 5 *Code of Federal Regulations* [CFR] Part 752). (See Attachment 2.)

(6) Notices.

- a. HCT must prepare furlough notices to all employees. A notice must be distributed to each employee not designated as excepted personnel.
- b. Employees must acknowledge receipt of the notice in writing.
- c. Supervisors will activate their office phone tree system to confirm receipt of the furlough decision notice by employees.
- d. This notice should be issued prior to furlough, but when this is not feasible, any reasonable notice (telecommunication, written, or oral) is permissible. If prior written notice is not provided, the NTSB must provide the employee with a written decision notice at the earliest possible time following the furlough. NTSB employees on detail may be furloughed depending on the terms of the detail agreement and which organization is paying the cost of the detail.

(7) Employees from other organizations who are detailed to the NTSB must return to their duty station in the event of an NTSB shutdown.

(8) Temporary employees will be furloughed in the same manner as permanent employees.

(9) Travel.

- a. Employees on travel status who are excepted employees may be retained on pay status if the travel they are performing meets the requirements of emergency-essential activities. However, they will not receive pay until an appropriation has been passed.
- b. Supervisors must contact any non-excepted employee on travel status and advise them to return to the duty station immediately, unless the NTSB determines that it is in the best interest of the federal government for the employee to remain in travel status and the employee volunteers to be furloughed at the travel site, without pay or per diem. The agency will reimburse travel costs after appropriations are enacted and are available for that purpose. Therefore, it is necessary that supervisors know the location of, and contact information for, their employees prior to shutdown. Only in extenuating circumstances will retention of a non-excepted employee in travel status be considered to be in the best interest of the government.
- c. In consultation with the GC, CFO, and the appropriate office director, the MD will consider the likely duration of the funding lapse and the cost of returning the employee to the duty station and then resuming the travel later, if necessary, as

opposed to retaining the employee in a volunteer travel status without pay or per diem until further funding is appropriated.

d. Employees must use their government travel card if they are performing emergency-essential activities for the NTSB. They will be personally responsible for paying any expenses they incur since funds will not be available to reimburse them during the shutdown period. Once funding becomes available, they may submit a request for reimbursement of their travel expenses. (For guidance on travel cards, see Operation Bulletin TVL-GEN-003, Travel Cards Individually Billed Account (IBA).)

- (10) Supervisors will inform employees (in writing or by telecommunication) that they may perform only those activities identified as emergency essential or necessary to operational shutdown activities and that they will be furloughed when these duties are completed. Supervisors must also inform employees being furloughed that they may be recalled to duty to perform emergency-essential activities.

D. Prohibited Activities. Unless they are deemed necessary for the direct support of authorized emergency-essential activities, activities listed below are not permitted after available funds are exhausted. Prohibited activities include, but are not limited to—

- (1) Awarding of contracts, cooperative agreements, and small purchases.
- (2) Hiring of personnel or extending the appointment of personnel whose appointments have expired, if doing so would result in unauthorized obligation of funds during a lapse of appropriations.
- (3) Traveling, unless specifically exempted by the Chairman and/or MD (refer to paragraph 7 (C)(9)).
- (4) Attending meetings, conferences, or seminars.
- (5) Employing new or continuing employment of experts and consultants if such actions would incur a financial obligation from funds for which there is no appropriation.
- (6) Participating in training classes and other training activities.
- (7) Using equipment or utilities not related to authorized activities if their use creates liabilities for the government beyond those existing on the date of the funding lapse.
- (8) Transporting or shipping articles (packages) unrelated to authorized activities as determined by the Chairman and MD.
- (9) Authorizing overtime or compensatory time.

E. Resuming Orderly Operations.

- (1) Once government-wide or NTSB-specific funding is approved, the MD will communicate instructions for employees to return to work on their next regular duty day via the automated notification system and NTSB public website.
 - (2) The agency will make reasonable efforts to reach employees regarding directions to return to work. Employees, however, have an obligation to stay apprised of the news and make diligent efforts to remain informed of the government's operating status.
 - (3) Employees who are unable to return to work at the end of the furlough may request approval from their supervisors for unscheduled leave.
 - (4) After a recall direction has been issued, employees who do not return to work or request approval for leave will be considered absent without leave (AWOL).
 - (5) The Acquisition Division will communicate with the NTSB contractors who were directed to suspend performance that funding has been approved and will order those contractors to resume work.
 - (6) The CIO will ensure that all systems and communications vehicles are fully operational.
8. External Reporting Requirements. Use Attachment 1, Contingency Plan for Lapse in Appropriation Total Number of Agency Employees, to report to OMB the numbers of NTSB personnel, as required.
9. Definitions.
- A. **Continuing resolution** - a type of appropriations legislation used by the United States Congress to fund government agencies if a formal appropriations bill has not been signed into law by the end of the congressional fiscal year. The legislation provides funding for existing federal programs at current or reduced levels.
 - B. **Excepted employee/personnel** - an employee(s) excepted from a furlough by law because they are (1) performing emergency work involving the safety of human life or the protection of property, (2) involved in the orderly suspension of agency operations, or (3) performing other functions exempted from the furlough. (See paragraph 7(B)(4)).
- Note:** An excepted employee is not to be confused with an employee in the excepted service.
- C. **Emergency-Essential Activities** - activities that protect life or property such that there is reasonable likelihood that either or both would be compromised to significant degree by the delay in the performance of an agency function. The Antideficiency Act further provides that "emergencies involving the safety of human life or the protection of property" does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property. In close consultation with the MD, GC, and CFO, the Chairman may authorize, as emergency-essential activity, specific investigative work, such as—

- (1) Launches to accidents and events (e.g., incidents or mishaps). These are emergency functions necessary to protect and preserve evidence critical to determining the circumstances of the accident, the probable cause, and recommendations necessary to protect life and property from recurrence of similar catastrophe.
 - (2) Functions required to preserve or test, in the field or laboratory, property related to ongoing accident or event investigations.
 - (3) All investigation and report production functions, which are intended to timely determine the circumstances of accidents, the probable cause, and recommendations necessary to protect life and property from recurrence of similar catastrophe.
 - (4) Transportation Disaster Assistance that supports identification of victims and assistance to families of passengers involved in transportation accidents.
 - (5) Minimal non-emergency functions without which the functions in A-D above cannot be accomplished.
- D. **Furlough** - the placing of an employee in a temporary nonduty, non-pay status because of the lack of work or funds or for other non-disciplinary reasons. A furloughed employee may not be placed in leave status.
 - E. **Shutdown** - a type of furlough in which the agency no longer has the necessary funds to operate and, therefore, must shut down those activities that are not excepted by OMB.

10. Attachments.

- A. Attachment 1, Contingency Plan for Lapse in Appropriations Total Number of Agency Employees
- B. Attachment 2, Sample Furlough Decision Notice Due to Lapse of Appropriations (5 CFR 752)
- C. Attachment 3, Sample Planning and Implementation Checklist for an Orderly Shutdown

Attachment 1

**National Transportation Safety Board
Contingency Plan for Lapse in Appropriations
Total Number of Agency Employees**

Date: _____

Total number of NTSB employees expected to be on board before implementation of this plan:

Total number of NTSB employees who are deemed necessary to perform essential activities/duties: _____ (Employees fall under one of the categories listed below.)

- Their compensation is financed by a resource other than annual appropriations.
- They are necessary to perform activities expressly authorized by law.
- They are necessary to perform activities necessarily implied by law.
- They are necessary to the discharge of the President's constitutional duties and powers.
- They are necessary to protect life and property.

The agency's legal basis for each of its determinations to retain categories of employees is provided under the policy statement of Operations Bulletin OPS-GEN-130, Contingency Plan for Lapse in Appropriations, on page 1.

Attachment 2**SAMPLE FURLOUGH DECISION NOTICE DUE TO LAPSE IN APPROPRIATIONS**

(5 CFR PART 752)

The following notice would be used for a government shutdown furlough, in which the agency no longer has the necessary funds to operate and must curtail those activities not excepted by OMB standards. In such instances, there is no advance written notice proposing the action. (See 5 CFR 752.404(d) and 359.806(a).)

This message is being sent on behalf of Managing Director.

Notice of Furlough Decision– Non-Excepted Employees including ALJs

Annual funding for the government expired on XXXXXXX, at 11:59 p.m. In the absence of either a Fiscal Year (FY) XXXX appropriation or a continuing resolution, the National Transportation Safety Board (NTSB) may incur no further financial obligations except those related to the orderly shutdown of operations and excepted activities, in accordance with the Anti-Deficiency Act.

During the lapse, NTSB will conduct the following activities:

- a. Launches to accidents and events (e.g., incidents or mishaps). These are emergency functions necessary to protect and preserve evidence critical to determining the circumstances of the accident, the probable cause, and recommendations necessary to protect life and property from recurrence of similar catastrophe.
- b. Functions required to preserve or test, in the field or laboratory, property related to ongoing accident or event investigations.
- c. All investigation and report production functions, which are intended to timely determine the circumstances of accidents, the probable cause, and recommendations necessary to protect life and property from recurrence of similar catastrophe.
- d. Transportation Disaster Assistance that supports identification of victims and assistance to families of passengers involved in transportation accidents.
- e. Minimal non-emergency functions without which the functions in A-D above cannot be accomplished.

The MD will maintain the total number of employees expected to be on-board before implementation of the plan and to be retained in an essential emergency function status.

While you have been identified as a **furloughed employee and not expected to work during the lapse**, you may be recalled to duty temporarily if the agency deems it necessary to support work in one or more of the categories listed above. Modal offices will maintain go-team rosters which may be used to recall investigators and other staff when warranted and will provide updated rosters to applicable staff for awareness. If recalled, your supervisor will contact you with further instructions.

If you are recalled, you may perform only the excepted activities identified and authorized by your supervisor(s), during the time periods you are assigned to work. The work may be performed at your official duty station or, if appropriate and approved, at an alternate duty station. You are required to document your time worked and submit it as directed.

While Furloughed

While you are furloughed, you will be in a nonpay, nonduty status. During this time, you will not be permitted to serve NTSB as an unpaid volunteer. You may not work at home or in another location unless you are recalled.

During a shutdown, furloughed personnel may continue to retain and passively monitor their NTSB-issued electronic devices for status updates and emergency notifications from their supervisors or other management officials, such as furlough and recall notices and for notification of when the furlough has ended and when to return to work. However, employees **are prohibited** from using this equipment for any other purpose, as doing so could violate the [Anti-Deficiency Act](#). Employees who use NTSB IT resources for minimal personal use under the agency's acceptable use policy should make other arrangements before the shutdown as that use is not permitted while on furlough status.

You may find shutdown information and resources during the lapse here - [Information Available for NTSB Employees During A Government Shutdown](#).

Leave

During the shutdown, leave that has been approved for a day designated as a furlough day will be canceled and you will be placed on furlough status for that day. This includes any type of paid time off (e.g., annual, sick, or military leave; credit hours; compensatory time off). If you must perform activities that would normally be covered by military leave during the shutdown, you will be placed in furlough status and thus will not receive your civilian pay for that period.

If you received prior approval for any periods of leave without pay (LWOP), you will be carried in LWOP status for those specific days, and on furlough status for all other days (except for any days you are called to perform excepted activities).

Unemployment Benefits

During the furlough period, you may be eligible for unemployment benefits, in accordance with the laws of the state where your official duty station is located. (The District of Columbia is considered a state for unemployment compensation purposes.) See the [Department of Labor website](#) for more information. When applying for unemployment benefits, you will need a copy of this furlough notice and the SF 8, Notice to Federal Employee About Unemployment Insurance, which can be found here - [Information Available for NTSB Employees During A Government Shutdown](#).

Pay

After the lapse in appropriations has ended, employees who were furloughed as the result of the lapse will receive retroactive pay for those furlough periods. Retroactive pay will be

provided on the earliest date possible after the lapse ends, regardless of scheduled pay dates. If retroactive pay cannot be provided by the normal pay date for the given pay period, it will be provided as soon as possible thereafter.

Appealing this Action

You may appeal this action to the Merit Systems Protection Board (MSPB) if you are:

- In the competitive service and have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment;
- In the excepted service (other than a preference eligible employee or a Schedule C appointee) and have completed a probationary or trial period under an initial appointment pending conversion to the competitive service, or have completed two years of current continuous service in the same or similar positions in NTSB as the one you now hold, under other than a temporary appointment limited to two years or less;
- Are a preference eligible employee in the excepted service who has completed one year of current continuous service in the same or similar positions in NTSB as the one you now hold; or
- A career appointee in the Senior Executive Service (other than a reemployed annuitant) and believes that the requirements of 5 CFR 359, Subpart H, or the Agency's procedures, have not been correctly applied. Career SES appointees may inspect the regulations and records pertinent to this action in the [Code of Federal Regulations](#).

If you wish to appeal to the MSPB, you must file the appeal within 30 calendar days after the effective date of your furlough, or 30 days after the date you receive this notice, whichever is later. You may file an appeal electronically via the MSPB website or obtain the [Merit System Protection Board Appeal Form](#) (MSPB 185) and instructions online. See [MSPB guidance and regulations](#) for more information. If you do not have Internet access, please Omar Williams at omar.williams@ntsb.gov to request the MSPB regulations and appeal form. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing.

MSPB requires an appeal to be filed with the MSPB regional or field office serving the area where your duty station was located when the action was taken. Use the [local officer finder](#) on MSPB's website.

If you believe that this action has been taken in reprisal for whistleblowing disclosures, and you are otherwise entitled to appeal this furlough to the MSPB (as described above), you may articulate allegations about whistleblower reprisal in your appeal. Alternately, you may seek corrective action before the [U.S. Office of Special Counsel](#) (OSC). The OSC process may ultimately include an appeal to the MSPB; however, such an appeal will be limited to resolving the claim of reprisal for whistleblowing and will not otherwise consider the merits of the furlough action. If you are not otherwise entitled to appeal this furlough directly to the MSPB, and you believe the furlough has been taken in reprisal for whistleblowing disclosures, you must seek corrective action through the OSC.

Finally, you have the right to file a complaint of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC) if you believe that this action is based on unlawful discrimination because of your race, color, religion, sex, national origin, age, disability, or retaliation for previous participation in the EEO process. If you elect to file a discrimination complaint, you must contact an EEO Counselor within forty-five (45) calendar days of the effective date of this action. To file an EEO complaint, or to obtain additional information about the EEO complaint procedure, contact Ebony Jarrett, ebony.jarrett@ntsb.gov.

You may also raise the issue of discrimination in an appeal to the MSPB. However, you may file only under one of these procedures (MSPB appeal or EEO complaint), and whichever appeal/complaint is filed first will be considered an election to proceed in that forum. If you choose to file a discrimination complaint, the MSPB may ultimately hear an appeal of the NTSB resolution or final action on that complaint in accordance with procedures described in the MSPB regulations.

We regret the necessity for this furlough and will make every effort to keep you informed as additional information regarding NTSB's funding becomes available. Please remember that the agency has an Employee Assistance Program (EAP). The EAP is free and confidential for all NTSB employees. You may contact the EAP at any time, day or night, by calling (800) 869-0276.

This notice will become invalid upon passage of NTSB's appropriation or a continuing resolution.

If you have any questions, please contact Veronica Marshall, Chief Human Capital Officer at veronica.marshall@ntsb.gov.

Attachment 3**PLANNING & IMPLEMENTATION****SAMPLE CHECKLIST FOR AN ORDERLY SHUTDOWN**

The checklist below is activated 2 weeks prior to the potential shutdown.

RESPONSIBLE OFFICE	PLANNING FOR SHUTDOWN	PLANNING DEADLINE	IMPLEMENTATION OF SHUTDOWN	ACTION DEADLINE
MD	Notifies office directors of shutdown actions.		Sends email notification to office directors of shutdown actions.	
OFFICE DIRECTORS	Update contact info including personal email address, phone number, and COOP.		Use contact info to maintain contact with employees during furlough.	
OFFICE DIRECTORS	Request list from division chiefs of critical activities other than investigative activities with contact information for the subsequent 1-2 weeks requiring follow-up.		Collect list from Division Chiefs of critical activities for the subsequent 1-2 weeks requiring follow-up	
OFFICE DIRECTORS	Identify travelers on other than investigative travel to provide instructions regarding impact of furlough while on travel.		Notify travelers to return home by 12:00 midnight on month/day/year.	
CIO	Determines network availability during shutdown.		Ensures network availability to all employees during shutdown if that determination is made.	
HCT	Notifies Union of the potential shutdown		Issues notice to Union on furlough status.	
HCT/MD	HCT prepares general employee notice regarding agency closure.		MD notifies employees of potential shutdown.	

SRC	Update ntsb.gov/shutdown and draft message for ntsb.gov landing page.		Update website with current lapse plan post lapse in appropriations message on ntsb.gov.	
CFO	Prepares contingency plans per OMB guidance to office directors on suspending purchases for travel, training, meetings for other than investigative work, and pending payments.		Issues guidance to office directors on pending expenses.	
HCT	Prepares notification to employees of their furlough status (excepted vs. non-excepted).		MD notifies employees of their status.	
HCT	Petitions MSPB for a contingency notice of furlough and an expedited and consolidated ruling on the ability to furlough ALJs.		Takes appropriate action as directed by MSPB on ALJs.	
HCT	Notifies Union of the potential shutdown and bargain Impact and Implementation.		Issues notice to Union on furlough status.	
HCT	Prepares notification to selectees with tentative job offers and permanent job offers regarding the CR and the impact on their job offers.		Sends notification to selectees with tentative job offers and permanent job offers regarding the CR and the impact on their job offers.	
HCT	Ensures accurate tracking of onboard employees and details.		Provides accurate onboard count to CFO.	

HCT	Prepares individual furlough notices to employees.		Issues furlough notices to employees.	
CFO (ACQUISITION)	Prepares notification to contractors about possible shutdown.		Sends notification to contractors about possible shutdown.	
CFO (ACQUISITION)	Prepares notices to MRP of possible shutdown and its impact.		Sends notices to MRP of possible shutdown and its impact.	
MD	Arranges for mail to be held during shutdown.		Inform carriers of shutdown to hold mail and deliveries during shutdown.	
MD	Prepares notices of possible shutdown to renters of the Boardroom and high-bay facilities.		Sends notices of possible shutdown to renters of the Boardroom and high-bay facilities.	
HCT/MD	HCT prepares notification on resumption of work.		MD notifies employees to return to work.	