Excepted Personnel and Activities Under Shutdown

The Office of Surface Mining Reclamation and Enforcement Staff - Summary Figures

- An estimate of the time (to the nearest half-day) to complete the shutdown.
  - All Staff for 5 hours to shut-down and secure property.
    - 520 employees for 5 hours = 2,600 hours
  - Additional contract staff to closeout contracts or issue bi-lateral modifications to add a stop work order.
    - 4 employees at 40 hours = 160 hours
  - Human Resource (HR) staff will be contacted, if needed. OSM does not have any active unions.
  - The OSM does not own or operate any facilities, rather, it relies on security provided under government contract for Federal buildings, or buildings leased from the General Services Administration (GSA).

- The number of employees expected to be on-board before implementation of the plan = 520

- The total number of employees to be retained under the plan: 8 total
  - Engaged in law enforcement, military or direct provision of health care: 0
  - Funded through non-lapsing appropriations (other than annual): 0
  - Needed to protect life and property and who are not otherwise exempt: 8 employees as identified on the following page, plus limited contractor support in the event emergency situations exist that require contractors to resolve the situation.

- The estimated number of employees on call: 21 total
  Anticipated functions:
  - Payroll: 2
  - Contracts for emergency projects: 2
  - Financial management: 2
  - Regional Staff for emergency declarations, citizens complaints, inspections: 13
    - Appalachian Region (7)
    - Mid-Continent Region (3)
    - Western Region (3)
  - Safety Issues: 1
  - HR Issues: 1

- As a normal course of operations, OSM does not have any staff charged to carryover funds.

Employees who are necessary to protect life and property, and are not otherwise exempt are identified with their functions below.

The following eight employees are responsible for providing overall bureau policy and direction:

- Bureau Director
- Bureau Deputy Director

The following are responsible for essential overall functions, limited to need during the shut-down:

- Budget Officer to monitor progress and impact of FY 2012 budget
- Communications Officer for internal and external communications
- Assistant Director for Information Resources for general IT, IT security, and records management

Headquarters building security office (National Business Center) will handle emergency situations for building security and entrance.

The following are responsible for managing and coordinating essential field operations of the OSM Federal and state AML emergency programs, and state and Federal regulatory programs:

- Regional Director, Appalachian Region
- Regional Director, Mid-Continent Region
- Regional Director, Western Region

The Regional Directors will contact staff to conduct emergency situation reviews and inspections, and declare emergency projects submitted by States or OSM staff during this time, as appropriate.

In the unanticipated event of a prolonged agency shutdown, additional OSM resources would be considered essential to perform critical operational functions. The estimated number of employees on call is 21 to perform the following functions:

- Personnel to process time and attendance reports to the Payroll Office. This may require two individuals to process, certify and release the timecards.
- OSM does not have any active unions requiring HR support.

Contracting staff

- To review all contracts for stop order modifications or terminations—this will be done at the start of a furlough.
- Appalachian Region - to close-out contracts and procure services, if needed, for emergency projects.

Financial management staff, as appropriate, to process bills for payment to vendors, in the event emergency projects are undertaken.

OSM does not own or operate any buildings. Security will be provided under government contract for Federal buildings, or buildings leased from GSA. The Safety Officer will be contacted in emergency situations to address any issues.

The three Regional Directors are responsible for implementation of emergency situations to protect life and property under the Abandoned Mine Lands and Regulatory Programs. They will be responsible for calling on appropriate staff, on an as needed basis, to address only critical issues under a shutdown, as described under two programs below.

Excepted Activity: Abandoned Mine Lands Emergency Program

The OSM administers the abandoned mine land emergency reclamation program for Federal programs, and assists the states in the declaration of emergencies at the field office level. Emergency projects are those involving abandoned coal mine lands that present an immediate danger to life, public health, and safety. Typically, emergencies include landslides near homes and across roads, subsidence occurring under houses and public buildings, mine and coal waste fires, and open shafts.

Upon notification of a possible emergency, OSM will, usually within 24 hours, visit the sites to verify whether the situation constitutes an emergency. Remedial action is taken as quickly as possible to stabilize the emergency situation. States with approved reclamation programs are responsible for addressing emergency projects while OSM is responsible for Federal programs. Furthermore, OSM is responsible for the final action of "declaring an emergency" since abatement is addressed by a State using AML grant funding. (Note that some States may handle "emergency situations" differently and do not require OSM declaration action to proceed.)

Given the imminent threat that emergencies present to public health and safety, it is necessary to maintain an ongoing emergency program in the event of a Department-wide shutdown. Maintaining an ongoing presence will prevent the destruction of property and reduce the danger to public safety.

Required funding will be limited by ensuring only immediate life threatening hazards will be addressed. All excepted employees identified will be responsible for determining life threatening hazards under an emergency shutdown situation.

Excepted Activity: Regulatory Programs

For active mining, it is possible that there may be a need to have staff available to address imminent harm situations. The Regional Directors are responsible for contacting appropriate staff in the event of emergency situations as follows:

1. To respond to citizens complaints – only if emergency situations
2. Inspections under Federal/Indian programs – only if emergency situation exists
3. Oversight Inspections – only if a state needs assistance in situations of health/safety

DRAFT SHUT-DOWN PLAN		
Activity	**Responsible Office**	**Timeframe**
Alert Supervisors to update contact data for all employees	Safety Officer	Before Furlough
Obtain updated contact information for all employees	Supervisors	Before Furlough
Notify Employees on (Date) to report for duty as scheduled on (Date)	Supervisors	Before Furlough
Notify Employees on travel status to return by midnight on (Date)	Supervisors	Before Furlough
Notify Employees who are on leave/detail of furlough	Supervisors	Before Furlough
Notify Employees who are excepted	Supervisor	Before Furlough
Notify the union, if one exists	Personnel	Before Furlough
Distribute Furlough Notices to OSM Offices/Employees via e-mail	Personnel	Before Furlough
Ensure Employees without e-mail receive notices	Supervisors	Before Furlough
Cancel all meetings and notify critical external parties	Supervisor/Employee	Before Furlough
Secure Files/ Office Space/Vehicles	Supervisor/Employee	Before Furlough
Process payroll actions	Personnel/payroll	Before Furlough
Ensure that Employees leave premises when furlough begins	Supervisor	Before Furlough

Excepted Employees Continue Operations	Excepted Employees	On-going
Contracting staff to review contracts for modifications or stop orders.	Contracting Staff (estimated at 4 for a week)	Beginning of Furlough
Manage Excepted Functions	Excepted Employees	On-going
Prepare Time and Attendance	Excepted Employees	On-going
Rescind Furlough Notice	Personnel	After Furlough
Answer Questions on Time and Attendance	Personnel	After Furlough