



**UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION**

**DIRECTIVES NUMBER: D601**

**SUBJECT: Orderly Shutdown in the Event of a Lapse in Appropriations**

**DIRECTIVE OWNER: Office of Financial Management, Planning and Evaluation**

**EFFECTIVE DATE: August 6, 2019**

**CERTIFIED CURRENT DATE: August 6, 2019**

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1. **PURPOSE.** This directive establishes responsibilities and guidance to perform an orderly shutdown of the CPSC in the event of a lapse in appropriations, the continuation of excepted activities, and the orderly re-opening of the CPSC when the lapse in appropriations ends.
  
2. **AUTHORITY.**
  - a) U.S. Const., art. I, § 9, cl. 7.
  - b) Antideficiency Act (31 U.S.C. §§ 1341 and 1342).
  - c) OMB Circular A-11, Section 124 (as updated).
  - d) Memorandum Opinion for the Director of the Office of Management and Budget, *Government Operations in the Event of a Lapse in Appropriations* (August 16, 1995).
  - e) *Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations*, 5. Op. O.L.C. 1 (1981), 43 Op. Atty. Gen. 293.
  - f) Memorandum Opinion for the Counsel to the President, *Authority to Employ White House Office Personnel Exempt from the Annual and Sick Leave Act Under 5 U.S.C. §6301(2)(X) and (XI) During an Appropriations Lapse* (April 8, 2011).
  - g) *Copyright Royalty Tribunal—Commissioners' Pay During Funding Gap*, 61 Comp. Gen. 586 (1982), B-208333 (1982).

### 3. DEFINITIONS.

- a) **Lapse in Appropriations:** A lapse in appropriations, also known as a funding gap or hiatus, refers to the period between the expiration of an appropriation and the enactment of a new one, during which time an agency or program experiences a lapse in funding. When there is a lapse in appropriations, the Antideficiency Act (31 U.S.C. § 1341) prohibits government officers and employees from obligating the government, unless specifically authorized by law. In the absence of appropriations, federal agencies must terminate all non-exempt activities.
- b) **Voluntary Services:** The Antideficiency Act (31 U.S.C. § 1342) prohibits the government from accepting voluntary services. Employment of government personnel during an absence of appropriations is considered to be an acceptance of voluntary services, and thus, is prohibited. Only employees engaged in excepted or exempted activities are permitted to work during a lapse in appropriations.
- c) **Exempt Employees:** Some categories of employees are exempt from the prohibition on voluntary services. They are:
  - a. Employees whose salaries are funded by appropriations that have neither lapsed, nor been exhausted, such as salaries funded by multiyear or indefinite appropriations. Currently, CPSC does not have any employees covered by this exemption.
  - b. Employees who are exempt from provisions of the Annual and Sick Leave Act (5 U.S.C. § 6103). At CPSC, only the Chairman and Commissioners are exempt from the Annual and Sick Leave Act, and thereby, are covered by this exemption.
- d) **Excepted Employees:** The following categories of employees are deemed excepted and must report to work during a lapse in appropriations:
  - employees who are necessary to perform activities expressly authorized by law;
  - employees who are necessary to perform activities necessarily implicated by law;
  - employees who are necessary to the discharge of the President's constitutional duties and powers;
  - employees who are necessary to perform activities in response to imminent threats to the safety of human life and the protection of property.
- e) **Non-Exempt:** All employees who are not exempt or excepted are considered “non-exempt.” Non-exempt employees will be furloughed in the event of a lapse in appropriations. Non-exempt employees may later be designated excepted, should a need for their services arise to perform excepted activities.
- f) **Excepted Activities:** Exempt and excepted employees who report to work during a lapse in appropriations should not engage in the ongoing, regular functions of government, but rather, should engage in only those activities the suspension of which would imminently

threaten the safety of human life or the protection of property. Excepted activities are activities that are:

- funded with an appropriation that has not lapsed;
- necessary to perform activities expressly authorized by law;
- necessarily implied by law;
- necessary to the discharge of the President's constitutional duties and powers;
- necessary to address imminent threats to the safety of human life and the protection of property;
- necessary to ensure an orderly shutdown of operations.

- g) **Orderly Shutdown:** All non-exempt employees will engage in shutdown activities in the event of a lapse in appropriations. Activities should generally be completed within 4 hours, and may be done in the office, and/or by telework, unless otherwise specified.
- h) **Orderly Re-Opening:** When the lapse in appropriations ends, the agency initiates an orderly re-opening. Staff are expected to return to duty and the agency will resume normal activities at the start of the next day following the end of the lapse in appropriations.

4. **SCOPE.** The provisions of this directive apply to all employees of the agency, including the Chairman, Commissioners and their staff.

5. **RESPONSIBILITIES.**

- a) **Chairman:** The responsibilities of the Chairman include ensuring an orderly shutdown of agency operations, continuing excepted activities, and overseeing the orderly re-opening of the agency.
- b) **Office of the Executive Director (OEX):** OEX is responsible for implementing the provisions of the agency shutdown procedures when notified of a lapse in appropriations, making necessary adjustments to the lapse plan during a lapse in appropriations, overseeing excepted activities during the lapse, and overseeing the orderly re-opening of the agency when the lapse in appropriations ends.
- c) **Director, Office of Financial Management, Planning and Evaluation (EXFM):** The Director, EXFM is responsible for monitoring the availability of appropriations and notifying the Executive Director of a lapse in appropriations necessitating an orderly shutdown, notifying the Executive Director when the lapse in appropriations ends, and ensuring an orderly reopening can be initiated, and maintaining the agency's policies and procedures for a lapse in appropriations.
- d) **Excepted Employees:** Excepted employees bear responsibility for performing authorized excepted activities when in duty status.

- e) **Non-Exempt Employees:** Non-exempt employees are responsible for performing orderly shutdown activities, acknowledging receipt of furlough notices, remaining on-call during the duration of the shutdown, and reporting to duty when notified that the lapse in appropriations has ended.

  
Ann Marie Buerkle  
Acting Chairman

August 6, 2019  
Date



**UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION**

**DIRECTIVES NUMBER: D601**

**IMPLEMENTING PROCEDURES NUMBER: IP601**

**SUBJECT: CPSC Lapse in Appropriations: Detailed Implementing Procedures**

**DIRECTIVE OWNER: Office of Financial Management, Planning and Evaluation**

**EFFECTIVE DATE: August 6, 2019**

**CERTIFIED CURRENT DATE: August 6, 2019**

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**1. BACKGROUND.** The U.S. Consumer Product Safety Commission (CPSC) is an independent federal agency that has three facilities: Headquarters in Bethesda, MD, the National Product Testing and Evaluation Center in Rockville, MD; and a Sample Storage Facility in Gaithersburg, MD. In addition, CPSC has compliance investigators whose duty station is their residence, and import and international employees who are co-located in space leased by other federal agencies.

This procedure provides general guidelines for the orderly handling of agency operations in the event of a lapse in appropriations. In the event of an actual shutdown, where the agency is required to implement this guidance, supplemental government-wide guidance issued by the Office of Management and Budget (OMB), the Office of Personnel Management (OPM), and the General Services Administration (GSA) also applies.

**2. EMPLOYEE CATEGORIES.** In the event of a lapse in appropriations, the agency may continue only those activities that are exempt or excepted, as described in applicable law, regulation, or guidance. Such activities may only be carried out by employees who are designated exempt or excepted.

**Exempt:** Employees or activities that are exempt during a lapse in appropriations may continue. Exempt employees and activities are those funded by appropriations that have neither lapsed, nor been exhausted, or employees (*e.g.*, the agency Commissioners), who are **exempt** from the provisions of the Annual and Sick Leave Act (5 U.S.C. § 6103).

**Excepted:** Excepted employees may work in advance of appropriations because their activities conform to one or more of the following criteria:

- necessary to perform activities expressly authorized by law;
- necessarily implied by law;
- necessary to the discharge of the President's constitutional duties and powers;
- necessary to address imminent threats to the safety of human life and the protection of property;
- necessary to ensure an orderly shutdown of operations.

**Lapse Plan:** OMB Circular A-11 Section 124 requires agencies to develop and maintain plans for an orderly shutdown in the event of a lapse in appropriations. Plans must be submitted to OMB and include the following summary information:

<b>CPSC Lapse Plan Summary Overview</b>	
Estimated time (to nearest half day) required to complete shutdown activities:	<i>½ day</i>
Total number of agency employees expected to be on board before implementation of the plan:	<i>542 FTEs</i>
<b>Total number of employees to be retained under the plan for each of the following categories:</b>	
Compensation is financed by a resource other than annual appropriations (includes Exempt Employees):	<i>5 FTEs</i>
Necessary to perform activities expressly authorized by law:	<i>0 FTEs</i>
Necessary to perform activities necessarily implied by law:	<i>0 FTEs</i>
Necessary to the discharge of the President's constitutional duties and powers:	<i>0 FTEs</i>
Necessary to address imminent threats to the safety of human life and the protection of property	<i>24 FTEs</i>
<b>Total Retained Employees During the Lapse:</b>	<b><i>29 FTE</i></b>
<b>Brief summary of significant agency activities that will continue during a lapse:</b>	
During a lapse in appropriations, the following excepted activities <b>will</b> be performed: periodic review of the most severe incidents to determine an imminent threat to the safety of human life, urgent recalls in the event of an imminent threat to the safety of human life, security of physical and IT assets, other minimally required operations described in this plan.	
<b>Brief summary of significant agency activities that will cease during a lapse:</b>	
During a lapse in appropriations, the following activities will <b>not</b> be performed: detailed analysis of incident data from hospitals and emergency rooms, product testing, field investigations, import surveillance and product screening, most recalls (only recalls involving an imminent threat to the safety of human life), payments to vendors or	

employees, contracting, internal controls, education, communication to consumers, public Commission meetings, regulatory actions, compliance actions that do not involve an imminent threat to the safety of human life, civil penalties, stakeholder education, small business support, legislative affairs, audit, international outreach and communication, hiring, travel, and research.

**3. COVERAGE.** In the event of a lapse in appropriations, all CPSC programs must follow this implementing procedure. Three actions will be taken. These actions involve: (A) conducting orderly shutdown activities, (B) performing exempted activities, and (C) carrying out excepted activities.

- A. **ORDERLY SHUTDOWN ACTIVITIES:** All non-exempted (furloughed) employees will be advised to conduct an orderly shutdown of their activities. Shutdown activities can be completed in the office, or by telework, unless otherwise notified, and generally take no more than 4 hours. Some employees will be designated as “necessary” to complete tasks for the orderly shutdown of the agency, which will take more than 4 hours. Employees performing these shutdown activities will continue to report until such time as their shutdown tasks have been completed, and thereafter, they will go into a furlough status.
- B. **EXEMPTED ACTIVITIES:** Certain programs funded with unexpired appropriations, where carryover funds remain unobligated, or programs funded from sources other than appropriations, such as fees and payments that are available for obligation, may be exempted.
- C. **EXCEPTED ACTIVITIES:** Some activities and functions will continue because they meet one or more of the excepted criteria. The employees carrying out these activities may work in the absence of an appropriation.

#### **4. DETAILED IMPLEMENTING PROCEDURES FOR ORDERLY SHUTDOWN**

- A. **INITIATE SHUTDOWN PROCEDURES:** Upon direction from OMB that a lapse in appropriations has occurred, the Chairman will direct the Executive Director to implement an orderly shutdown of the agency. The Assistant Executive Directors and Office Directors of each component are responsible for ensuring compliance with these procedures, and should not endeavor to make changes to these procedures without advance approval from the Executive Director.
- B. **PUBLIC NOTIFICATION:** The Office of Communications (OCM) will notify the public of closure and reopening of the agency through the CPSC public website. The website will remain operational during the lapse in appropriations. OCM will ensure that the CPSC Hotline is provided with the current status of agency operations and instructions for the public on how to contact the agency during the lapse in

appropriations.

C. **EMPLOYEE NOTIFICATION:** The Executive Director will promptly order the EXRM Director to notify each employee of the implementation of shutdown procedures by memorandum, email, or other available telecommunications or media. Official notification should provide employees with any available information or explanations that may be helpful in clarifying the nature and expected duration of the shutdown action. The EXRM Director shall communicate to employees whether they are excepted, exempt, or non-exempt, and shall issue furlough notices to each employee not designated as excepted or exempt.

D. **ORDERLY SHUTDOWN ACTIVITIES: ALL EMPLOYEES:** In the event of a lapse in appropriations, all employees will report for duty on their first working day following the expiration of an appropriations act or a continuing resolution, unless notified otherwise. On that day, all employees not designated excepted or exempt will be furloughed after completing orderly shutdown procedures. Furlough decision notices will be distributed to each non-exempt employee. All employees receiving furlough notices will be dismissed and directed not to report to work until the lapse in appropriations ends. All approved leave will be cancelled, and any new requests for leave will be denied. Non-exempt employees will perform the following orderly shutdown activities before acknowledging their furlough notice, and they will adhere to the following guidance while furloughed:

- Employees who are not exempt must set an autoreply for their email address and for public email addresses. Employees who are not excepted must record out-of-office messages on all public phones and on their phone. Separate guidance on the standard message will be provided by EXRM as part of the orderly shutdown notice.
- All employees must cancel meetings, travel, and other previously arranged business, and must notify appropriate parties of the cessation of normal agency business due to a lapse in appropriations.
- Employees should document the status of cases and projects so they can be resumed, transferred, or otherwise appropriately handled when the lapse in appropriations ends.
- Employees must take appropriate steps to safeguard and secure all records and property to ensure protection of any classified or sensitive information.
- Employees should complete their timesheets with appropriate codes in the time and attendance system (WebTA). Separate guidance on time card codes will be provided by EXRM as part of the orderly shutdown notice.
- Employees who are non-exempt **must not** check work email, or use voice capabilities, or conduct any work during the lapse in appropriations. Employees who are not excepted will be instructed to power-off and securely store all CPSC-provided equipment, property, and credit cards before the lapse in appropriations, and will be informed that they cannot access any such devices while on furlough. This includes, but is not limited to, CPSC provided laptops, smartphones, tablets,

purchase cards, fleet cards, and travel cards.

- Employees who are not exempt or excepted will acknowledge receipt of their furlough notice and depart the agency until the lapse in appropriations ends.
- Employees who are not exempt or excepted will remain on-call during a shutdown. The Executive Director can recall non-exempt, non-excepted employees to perform excepted activities, if necessary.

E. **AGENCY MEETINGS:** The Assistant General Counsel overseeing the Division of the Secretariat (GCOS) will take such actions as are necessary to cancel all agency meetings, including briefings, hearings, and decisionals, previously scheduled for the day the shutdown begins, and for the next seven (7) days, for the Commissioners and other agency employees, as necessary. As part of the orderly shutdown, GCOS will provide the Executive Director, through the Office of the General Counsel (OGC), with a list of upcoming agency meetings and instructions on how to cancel them, if necessary.

F. **COURT ACTIONS:** OGC will take such actions as are as necessary to cancel or postpone court actions involving the agency for the duration of the shutdown. OGC will also provide the Executive Director with a list of scheduled proceedings in lawsuits involving the agency.

G. **HALT OBLIGATIONS:** In the event of a shutdown, the agency will stop incurring new obligations, other than those supporting excepted or exempted activities and shutdown operations. Should any obligation of appropriated funds be necessary, other than excepted employee payroll, each such obligation must be approved in advance by the Executive Director and reported to the Director, EXFM before the obligation is incurred. The Director, EXFM will maintain proper accounting of all obligations incurred during a lapse in appropriations.

The authority to incur obligations does not extend to the actual disbursement. Payment for excepted obligations will generally not be disbursed until normal agency activities resume after the lapse in appropriations ends.

H. **SUSPEND PURCHASE CARDS, TRAVEL CARDS, AND FLEET CARDS:** The Director, EXFM will instruct the purchase card program coordinator to reduce the spending limit for all purchase cards to one dollar (or less), via the bank provider for all agency purchase cards, except for the Director of Procurement Services and any other purchase cards designated by the Executive Director. The Director, EXFS will instruct the agency fleet card and travel card coordinators to reduce the spending limits for non-exempt personnel, who hold fleet and travel cards, to one dollar (or less), via the bank provider, as part of the orderly shutdown for all employees.

I. **NEW CONTRACT OBLIGATIONS:** Unless necessary for excepted activities, or for approved exempted activities, no new obligations for contracts, including the exercise of options, may be entered into during a lapse in appropriations.

**J. EXISTING CONTRACT OBLIGATIONS:** Contracting officers may not issue any new work assignments, tasks or delivery orders, unless for excepted activities, or approved exempted activities. FMPS will issue a letter/email to on-site contractors who are not allowed to work during a shutdown. FMPS will instruct Contracting Officer Representatives to notify contractors that existing funded (*i.e.*, obligated) contracts that do not require interaction with federal employees can continue work, until such time as funding is exhausted, or until the agency issues a stop-work order due to the lapse in appropriations. Payments for existing contracts with obligations incurred before the lapse in appropriations will generally not be made until the lapse in appropriations ends. Payments may be made on a case-by-case basis with the prior approval of the Executive Director, General Counsel, and Chief Financial Officer.

**K. EXISTING GRANTS AND INTERAGENCY AGREEMENTS:** Grants with available obligations incurred before the lapse in appropriations can continue work during a CPSC shutdown. Generally, agency staff will not make disbursements to grantees until the lapse in appropriations ends. Grant recipients must stop work if they reach a point at which they require agency involvement or approval. The FMPS Grants Management Specialist will send an email to grantees instructing them that they can reach out to the Grants Manager at CPSC's interagency shared services partner for technical questions; however, the grantees may continue their grants activities only up to the obligated amount of their grant.

The Office of Procurement Services, in conjunction with OGC, will determine whether work can proceed for any funded interagency agreements (IAAs). IAAs not necessary to support shutdown activities, excepted activities, or exempted activities will stop until the lapse in appropriations ends. Other agencies not subject to a lapse in appropriations can continue to work on IAAs obligated before the lapse in appropriations, subject to available obligations. However, work on these IAAs should stop if they require CPSC involvement or approval.

The agency may issue additional guidance to determine whether work funded under existing IAAs, not involving excepted or exempted activities, may continue.

**L. SUSPEND TRAVEL:** There should be no travel during a lapse in appropriations, except for travel necessary to complete orderly shutdown activities, for excepted activities, or for approved exempted activities where there is available funding to pay the travel costs of the exempted employees. All employees in travel status when a lapse in appropriations occurs will return to their duty station as soon as possible, unless continued travel is essential for accomplishing the orderly shutdown of the organization, or for excepted or approved exempted activities. Canceling and recalling travelers due to a lapse in appropriations may take more than the estimated 4 hours for orderly shutdown, thereby requiring travel program employees to continue working in excepted status until all travelers have return travel reservations confirmed. Travel reimbursement will not be made until after the lapse in appropriations ends. The Travel Administrator will review

travel itineraries several days leading up to a potential shutdown to notify travelers about preparation for travel cancellations, or about being recalled to their duty station before the end of their scheduled travel. At the time that these formal shutdown procedures are implemented, the Travel Office will work with all employees on travel status to ensure that they have the proper arrangements to return to their duty station as soon as practical, typically within 48 hours.

Employees assigned overseas are not in travel status. The overseas location is their duty station. If these employees are not designated as excepted or exempted, they will be placed in furlough status and should not report to work.

Employees on extended Temporary Duty (TDY) travel, where a detail personnel action (SF52) was issued and funded, should follow instructions given by the receiving office. The employee would not return to their home location during a shutdown, unless instructed.

- M. **EMPLOYEE PAY:** EXRM will ensure all employees will be paid, as scheduled, for time worked before the lapse in appropriations. EXRM will provide all employees with coding instructions for employees to complete their time and attendance in the agency time and attendance system (*i.e.*, WebTA). Employees performing excepted activities during the shutdown will be paid for excepted work hours when the lapse in appropriations ends.
- N. **INFORMATION TECHNOLOGY (IT) SYSTEMS:** EXIT will remove remote access for all non-exempt employees. EXIT will post a banner to the remote access Web page for e-mail access, reiterating that employees are prohibited from performing nonexempt or non-excepted work during a lapse in appropriations. EXIT will suspend all non-excepted or non-exempt development activities performed by CPSC employees, including deferring planned system updates or releases. EXIT will ensure continuity of agency security activities necessary for the protection of agency information systems and data, including monitoring of agency threat-detection solutions and messages from the U.S. Department of Homeland Security (DHS) that require agency action during a lapse in appropriations.
- O. **CPSC FACILITIES:** CPSC facilities will maintain minimum operations to support excepted and exempted functions in a safe, sanitary, and secure manner. The agency will maintain physical security for facilities, including guard service, building access controls, and monitoring of facilities, as necessary. The Director of Facilities will provide notification to facility tenant managers of exempt and excepted activities that will continue normal operations in CPSC space. Mail delivery vendors (*e.g.*, USPS, UPS, FedEx, DHL) will be instructed to provide all deliveries to excepted EXFS personnel. All other Facility Services will be halted during the lapse in appropriations, including transit benefits, transportation, sample deliveries and destruction, document reproduction, and library services.

P. **PROHIBITED ACTIVITIES:** Unless necessary to support excepted activities, the following activities are prohibited during a lapse in appropriations:

- awards of grants, contracts, cooperative agreements, and small purchases, including the use of purchase cards;
- hiring of employees or extending the appointment of employees whose appointments have expired, if doing so would result in unauthorized obligation of funds during a lapse of appropriations;
- travel of persons and transportation of things, including the use of travel cards and use of GSA vehicles, unless otherwise authorized, or part of orderly shutdown;
- attendance at conferences, seminars, or other similar events that are not an excepted activity;
- new or confirmed employment of experts and consultants;
- participation in training classes and other training activities;
- use of equipment and utilities not related to excepted activities, where their use creates liabilities for the government beyond those existing on the date of the lapse in appropriations;
- any other activity not identified as exempt or excepted, without the prior approval of the Executive Director.

Q. **EXCEPTED ACTIVITIES AND EMPLOYEES:** The Executive Director, in consultation with the OGC, will identify employees required to perform excepted activities during a lapse in appropriations. Employees who are required to perform excepted activities under one or more of the excepted criteria will continue to work on those activities each day during the lapse in appropriations. Once the excepted activities are completed on a given day, the employee will enter furlough status until the next day when there are excepted activities to perform, at which time the employee will again enter an excepted work status.

EXRM will provide time and attendance guidance for excepted employees to record the hours worked on excepted activities. Excepted work hours will be recorded by excepted employees at the end of each work day. Any obligations incurred for excepted activities during the lapse will be paid after the lapse in appropriations ends.

Excepted Activities during a lapse in appropriations include, but are not limited to:

- managing the orderly shutdown, excepted activities, and orderly resumption of operations;
- collecting and analyzing information about products to determine whether the products create an imminent threat to the safety of human life;
- working with manufacturers, distributors, and retailers to recall (and monitor), as quickly as practicable, products that create an imminent threat to the safety of human life;
- disseminating information to the public about products that create an imminent threat to the safety of human life;

- providing legal advice on excepted activities, the Antideficiency Act, and other legal matters pertaining to the lapse in appropriations, and to file an action in a United States district court regarding products that create an imminent threat to the safety of human life;
- coordinating with U.S. Customs and Border Protection to monitor and conduct activities related to the importation of products that create an imminent threat to the safety of human life;
- providing information technology services to support to excepted employees and activities;
- providing necessary financial management, including recording obligations, communicating with the Office of Management and Budget on shutdown/lapse policy issues, communicating with congressional appropriations staffs on excepted activities and appropriations, coordinating suspension of services with contractors, and handling procurements necessary to support excepted activities, and administering funded contracts;
- providing for the safety, security, and access of agency facilities;
- providing for personnel support services, including issuing furlough notices, processing personnel actions, securing personnel records, handling benefit actions, recording excepted time worked, processing payroll, and communicating with the Office of Personnel Management (OPM);
- providing other services necessary to support those employees conducting excepted activities.

The Executive Director may adjust this lapse plan during a shutdown to accomplish excepted activities. During a lapse, the Executive Director may consolidate the roles and responsibilities of employees necessary to conduct excepted activities to minimize the total number of excepted employees. Accordingly, during a lapse in appropriations, the Executive Director may notify employees designated as excepted employees that their excepted functions are completed and that they are no longer excepted employees; those employees will enter furlough status until the lapse in appropriations ends or they are recalled to perform excepted activities. Alternatively, the Executive Director may call upon employees in a non-excepted status, directing them to return to duty to perform excepted activities during a lapse in appropriations, should the need arise.

**R. OTHER GUIDANCE DURING A LAPSE IN APPROPRIATIONS:** Any element of these implementing procedures can be superseded or amended during a lapse in appropriations by new or clarifying guidance issued by OMB, OPM, or other relevant agencies that have government-wide responsibilities for providing guidance or direction during a lapse in appropriations (*e.g., OPM's Frequently Asked Questions During a Lapse in Appropriations*).

**5. NOTIFICATION TO RESUME NORMAL OPERATIONS:** OMB will notify agencies when the lapse in appropriations has ended, thereby reopening agencies. Upon receiving formal notification that the lapse has ended, the Director, EXFM will notify the Chairman and Executive

Director. The Chairman will direct the Executive Director to resume normal operations in accordance with OMB guidance.

Agency employees should monitor public news broadcasts and the OPM ([www.opm.gov](http://www.opm.gov)) website to obtain updated information on the lapse and reopening. Employees can also call the CPSC hotline or monitor the CPSC website ([www.cpsc.gov](http://www.cpsc.gov)) for current information on the lapse and operating status.

**6. ORDERLY RE-OPENING:** Once the agency receives notification that the lapse in appropriations has ended, the agency will recall all agency employees and begin resuming normal operations. Immediate start-up activities include:

- Following receipt of the OMB apportionment, provide budget allotments, with priority given to processing payroll;
- restoring all IT services, including network access, the application of any system updates, and confirmation of operational readiness of agency IT systems and services; restoring to normal levels purchase, travel, and fleet card purchasing limits;
- restoring facilities services to normal service levels, including janitorial, security, and HVAC;
- restarting contract, grant, and interagency agreement activities, including recalling onsite contractors and lifting any stop-work orders;
- submitting time and attendance information for payroll processing; and
- reviewing and approving invoices and other payments received during the lapse in appropriations.

## **Appendix - CPSC Excepted and Exempted Employees**

**Appendix -- CPSC Excepted and Exempted Employees as of August 1, 2019**

<b>Office</b>	<b>Justification</b>	<b>Excepted</b>	<b>Exempted</b>
Chairman/Commissioners	PAS exempt from the provisions of the Annual and Sick Leave Act	0	5
Chief of Staff	To manage the orderly shutdown, excepted activities, and orderly resumption of operations	1	0
Office of the Executive Director	To manage the orderly shutdown, excepted activities, and orderly resumption of operations	3	0
Office of Hazard Identification & Reduction	To collect and analyze information about products to determine whether they create an imminent threat to the safety of human life	4	0
Office of Compliance	To work with manufacturers, distributors, and retailers to recall (and monitor) as quickly as practicable, products that create an imminent threat to the safety of human life	3	0
Office of Import Surveillance	To coordinate with U.S. Customs and Border Protection to monitor and conduct activities related to the importation of products that create an imminent threat to the safety of human life	1	0
Office of Communications	To disseminate information to the public about products that create an imminent threat to the safety of human life	1	0
Office of Financial Management	To oversee financial management, including recording obligations, communicating with OMB on lapse policy issues, communicating with appropriations staffs on excepted activities and appropriations, coordinating suspension of services with contractors, and handling procurements necessary to support excepted activities, and administering funded contracts	2	0
Office of Human Resources Management	To manage personnel support services, including issuing furlough notices, processing personnel actions, securing personnel records, handling benefit actions, recording excepted time worked,	1	0

	processing payroll, and communicating with the OPM		
Office of Information Technology	To manage information technology and services to support excepted employees and activities	5	0
Office of Facilities Services	To identify and assign employees necessary for the safety, security, and access of agency facilities	1	0
Office of General Counsel	To provide legal advice on excepted activities, the Antideficiency Act, and other legal matters pertaining to the lapse in appropriations, and to file an action in a United States district court with respect to products that create an imminent threat to the safety of human life	2	0
<b>Total</b>		24	5

  542   **Total CPSC Employees on-Board as of August 1, 2019**

  24   **Total CPSC Employee Excepted**

  5   **Total CPSC Employees Exempted**

  4   **% CPSC Employees Excepted**

  1   **% CPSC Employees Exempted**