

U.S. OFFICE OF GOVERNMENT ETHICS (OGE)
PLAN FOR SHUTTING DOWN OPERATIONS IN THE EVENT OF A LAPSE
OF APPROPRIATIONS
September 2025

Lapse Plan Summary Overview	
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>63</i>
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	<i>34</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>26</i>
Necessary to protect life and property:	<i>3</i>
Brief summary of significant agency activities that will continue during a lapse:	
Supporting the discharge of the President’s constitutional duties to nominate and appoint officers of the Government through the administration of the nominee public financial disclosure program. A staff of IT professionals will supplement these activities by protecting Government property and maintaining OGE’s IT infrastructure.	
Brief summary of significant agency activities that will cease during a lapse:	
Providing expert ethics guidance and support to stakeholders, strengthening the expertise of ethics officials, refining ethics policy and issuing interpretive guidance, monitoring agency compliance with executive branch ethics program requirements, monitoring senior leaders’ compliance with individual ethics commitments, and informing the public about OGE and the executive branch ethics program.	

Background

The Constitution provides that “no monies shall be drawn from the treasury, but in consequence of appropriations made by law.” The treasury is further protected through the Anti-Deficiency Act which, among other things, prohibits all officers and employees of the federal Government from entering into obligations in advance of appropriations and prohibits the federal Government from employing federal personnel except in emergencies or accepting voluntary services unless otherwise authorized by law.

OMB Bulletin 80-14, dated August 28, 1980 (and amended by the OMB Director's memorandum of November 17, 1981) requires all agencies to maintain contingency plans to deal with a possible appropriations lapse. The bulletin requires agency plans to be consistent with the January 16, 1981 opinion of the Attorney General on this subject. The Office of Legal Counsel of the Department of Justice has subsequently issued an opinion dated August 16, 1995 that updates the 1981 opinion.

Definitions

Furlough is the placing of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. For most employees, there are two basic categories of furloughs, each involving different procedures. A furlough of 30 calendar days or less is covered under 5 CFR Part 752. A furlough of more than 30 calendar days is covered under 5 CFR Part 351. Furloughs for Senior Executive Service members are covered under 5 CFR Part 359, Subpart H.

Excepted Employees refers to employees who are not subject to 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) supporting the discharge of the President's constitutional duties to nominate and appoint officers of the Government.

Note: Individuals appointed by the President, with or without Senate confirmation, who otherwise are not subject to 5 USC § 6301 and attendant regulations governing leave in the federal service, are not subject to furlough.

Plan

In the event of an appropriations lapse, OGE will proceed with the orderly shutdown of operations beginning with the first workday of the lapse, and will limit work activity to actions necessary for such a shutdown. It is estimated that such actions will require not more than one-half workday. No action will be taken that will impede the orderly commencement of operations once funds are available. OGE's full staff of 63 FTE employees are expected to be on-board the agency before implementation of this plan. The total number of FTE employees expected to be furloughed under this plan is 34.

The Director/Acting Director or Chief of Staff will notify the all Division Heads of a possible appropriations lapse as soon as such an event is deemed likely as well as which activities and personnel are designated as "excepted" and therefore not subject to furlough.

The Director/Acting Director or Chief of Staff shall send out a preliminary communication to all employees when there is a real possibility of an appropriations lapse as directed by the Office of Management and Budget. The preliminary communication will provide the most current information available on the status of funding as well as the tentative dates that a furlough may take place.

The Chief of Staff and Division Heads are responsible for notifying their respective staffs regarding which activities and personnel are designated as excepted and

therefore not subject to furlough as well as the expected duration of each exception. Supervisors will communicate with employees regarding OGE plans to affect an orderly suspension of agency operations. Supervisors will be responsible for notifying absent employees of the appropriations lapse as soon as possible.

NOTE: All paid leave during a furlough is canceled because the necessity to furlough supersedes leave rights. Non-excepted employees will be furloughed for the full lapse period and, when funds are restored, either returned to duty or placed on annual leave, as appropriate. Supervisors must make every effort to reschedule any annual leave cancelled due to a shutdown for use before the end of the current leave year, especially if such leave may be subject to forfeiture at the beginning of the subsequent leave year. The Ethics Transparency and Integrity Branch will prepare draft emergency furlough decision notices for distribution to employees to the extent possible within the limited time available. The notices will provide all relevant information regarding their furlough status and other relevant information, including but not limited to, the following:

- Health Benefits
- Life Insurance Benefits
- Thrift Savings Plan Contributions/Loans Retirement contributions
- Leave Pay Travel Training
- Unemployment Benefits

On the first workday of the lapse in appropriations, all employees should begin work as scheduled. Supervisors will inform employees of the status of funding and instruct them to limit their work activities to those functions necessary for the orderly cessation of operations. Supervisors will direct employees to listen to public broadcasts and view OPM's and OGE's websites to monitor the operating and funding status of the agency. Unless designated as excepted personnel, OGE employees may not perform work on behalf of OGE until funds are appropriated for the agency's normal operations. Employees are required to return to work on the first regular duty day after the funding lapse is terminated.

Once appropriations are restored, OGE will resume orderly operations. The Director/Acting Director or Chief of Staff shall send out a communication to all employees notifying employees that the shutdown furlough has ended and that they are to return to work on a specified day (normally the employee's next scheduled workday after the furlough has ended). Supervisors will be responsible for notifying absent employees of the end of the furlough and resuming operations.

Supervisors have the discretion to offer flexibilities including the use of accrued annual leave or compensatory time off if employees have problems returning to work on the day specified by OGE.

OGE Excepted Personnel

In accordance with guidance provided by the Office of Legal Counsel of the Department of Justice and the Office of Management and Budget, the following positions will be considered excepted from furlough:

- The Director/Acting Director;
- The Chief of Staff;
- Chief Information Officer;

- The Chief of the Ethics Disclosure Branch and the 20 employees who are currently assigned to the PAS nominee disclosure team as well as any additional employees needed to continue OGE's PAS nominee function as the Chief of Staff may designate;
- The Senior Counsel for Financial Disclosure;
- The *Integrity* Program Manager and *Integrity* Program Analyst; and
- Two IT Specialists.

These positions are excepted to perform emergency work involving the protection of property or supporting the discharge of the President's constitutional duties to nominate and appoint officers of the Government. The following positions are excepted to:

- (1) support the discharge of the President's constitutional duties to nominate and appoint officers of the Government:
 - o The Director/Acting Director;
 - o The Chief of Staff;
 - o The Chief of the Ethics Disclosure Branch and the 20 employees who are currently assigned to the PAS nominee disclosure team as well as any additional employee(s) needed to continue OGE's PAS nominee function as the Chief of Staff may designate;
 - o The Senior Counsel for Financial Disclosure; and
 - o The *Integrity* Program Manager and *Integrity* Program Analyst.
- (2) protect Government property and to maintain OGE's IT infrastructure:
 - o The Chief Information Officer; and
 - o Two IT Specialists