



**Federal Mine Safety and Health Review Commission  
Contingency Plan  
Agency Operations in the Absence of Appropriations  
December 14, 2017**

The Federal Mine Safety and Health Review Commission has reviewed the guidance provided in OMB Circular No. A-11, Section 124 (2016). The Commission provides the following specific information as required:

Brief summary of significant agency activities that will continue and those that will cease during an appropriations hiatus:

During an appropriations hiatus, the Commission will adjudicate only those Federal Mine Safety and Health Act of 1977 disputes that arise from a mine emergency or are otherwise necessary to ensure continued public health and safety. All other agency activities will cease during the hiatus.

Estimated time to complete shutdown:

This shut-down could be completed in one-half day.

Number of employees expected to be on-board before implementation of plan:

The Commission expects to have 68 employees on-board before implementation of plan.

Resuming Operations:

Once operations are restored, furloughed employees will be notified by phone and email via the Commission's MIR3 mass notification system to report to work the next day and resume operations. Supervisors will allow the use of annual leave, compensatory time off, or credit hours if reporting to work on the day specified by the agency is not possible for employees to return to work. All Commission functions, including oversight and disbursement of contract funds, will resume immediately after the furlough ends.

Critical IT contract personnel will be required to report to work earlier to begin the process of resuming normal IT operations and ensuring that all employees can access all components of the network infrastructure before they are expected to report to work.

Total number of employees to be retained under the plan because:

- Their compensation is financed by a resource other than annual appropriations: **None**
- They are necessary to perform activities expressly authorized by law: **None**
- They are necessary to perform activities necessarily implied by law: **None**
- They are necessary to the discharge of the President's constitutional duties and powers: **None**
- They are necessary to protect life and property: **Four**
  - **Three** In the event of a mine emergency, one administrative law judge and two employees are necessary to review incoming correspondence and pleadings and issue any orders and decisions necessary to ensure continued public health and safety.
  - **One:** In accordance with the guidance from United States Computer Emergency Readiness Team (US Cert), the Commission will have one manager on call who will be listed as a point of contact with the US Cert in the event of any alerts of malicious activity penetrating the network. Upon notification of such alerts, the designated manager on call will contact contract IT support to address the issues. After the issues are resolved, the designated manager and contractor support will return to a furlough status.
- They are Presidential appointees: **Five**

Travel to hearings:

OALJ hearings normally are scheduled months in advance. Last minute cancellations are costly to the government and the parties involved. If a lapse is expected to be of relatively short duration, administrative law judges (ALJs) may travel to hearing locations in the absence of appropriations. If the lapse evolves into a longer period of time, ALJs will cancel the hearings, return to their duty station, conduct shutdown activities as needed, and then be placed on the same duty status as non-retained employees.