



The National Labor Relations Board

**Contingency Plan for
Shutdown in the Absence
of Appropriations**

Revised: January 26, 2026

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Summary

In accordance with the Office of Management and Budget (OMB) Circular No. A-11, Section 124.2, the National Labor Relations Board (NLRB or the Agency) plan to enact an orderly shutdown of the Agency in the absence of appropriations is summarized here and detailed below.

In FY 2024, the NLRB reaffirmed its commitment to improving its operations by entering into an agreement with the U.S. General Services Administration. This agreement allows the Agency to replace its 17-year-old electronic case management system. The case management modernization project is financed with no-year funding and is exempted from any shutdown procedures, even during a lapse in the Agency's annual appropriation.

References

- OMB Bulletin 80-14 dated August 28, 1980.
- OMB Circular No. A-11, Section 124 – Agency Operations in the Absence of Appropriations (2020).
- Antideficiency Act (ADA), 31 U.S.C. §§ 1341–1342.
- “Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations,” 5 Op. Office of Legal Counsel (OLC) 1 (1981).
- Department of Justice (DOJ) Advisory Opinion dated August 16, 1995, Government Operation in the Event of a Lapse in Appropriations.
- Federal Service Labor-Management Relations Statute, 5 U.S.C. §§ 7101-7135.

Lapse Plan Summary Overview

Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	½ day
Total number of agency employees expected to be on board before implementation of the plan:	1,073
Total number of agency employees expected to be furloughed under the plan (unduplicated count):	1,030
Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	6 employees
Necessary to perform activities expressly authorized by law:	4 employees
Necessary to perform activities necessarily implied by law:	17 employees
Necessary to the discharge of the President's constitutional duties and powers:	15 employees
Necessary to protect life and property:	1 employee
Brief summary of significant agency activities that will continue during a lapse:	
The NLRB will continue the following activities during a lapse:	

- **Necessary court actions** - To protect federal legal actions already taken or established or initiate court action to protect life, property and/or as necessary to the discharge of the President's constitutional duties and powers.¹
- **Necessary finance and budget actions** – To support the development of the President's Budget proposal and to make timely payments to contractors.
- **Office of Inspector General Hotline** - Necessary for safety of life and protection of property
- **Emergency contact** - Necessary for safety of life and protection of property or to protect federal legal actions already taken or established

Brief summary of significant agency activities that will cease during a lapse:

The NLRB will discontinue the following activities during a lapse:

- Casehandling
- Outreach and Public Affairs

Key citizen services that will be impacted:

- Representation Case Petition Docketing, Investigations, Hearings and Elections
- Unfair Labor Practice Charge Docketing, Investigations, Hearings, Complaints, Settlements
- District, Circuit and Supreme Court Litigation – injunctions, enforcement, contempt, intervening
- Issuance of Administrative Law Judge and Board Decisions
- Resolution of Workplace Disputes – collective bargaining, protected concerted activities, representational issues
- Resolution of Employee/Employer Disputes with Union
- Remedial Action - Backpay, Reinstatement, Reimbursement of Union Dues and Fees, and Bargaining Orders
- Outreach and Congressional and Public Affairs Services
- **Website will remain functional, but it will not be maintained**
- Inspector General Services, other than the Hotline referenced above

Purpose

The purpose of this instruction is to establish procedures to govern the operations of the NLRB in the event of a lapse in appropriations. All federal agencies are required to maintain a contingency plan in the event of an appropriations hiatus.

¹ In addition to the listed excepted personnel, additional personnel may be excepted from furlough status on an as needed basis to perform specific duties in support of litigation functions.

Scope

This instruction applies to all offices and employees within the NLRB.

Policy

In the event of an appropriations hiatus, it is the policy of the NLRB to:

- Commence the orderly and expeditious shutting down of all but emergency NLRB functions by securing files, property, and office facilities.
- Ensure that the NLRB meets its responsibilities to the parties in current unfair labor practice and representation case proceedings consistent with the Antideficiency Act.
- Ensure that NLRB employees are fully informed as to the reasons for the shutdown; and that payroll and other employee benefit responsibilities are met.
- Ensure that the NLRB retains the ability to respond to unfair labor practice incidents that might result in irreparable harm to the private sector economy.

Concept of Operations

This plan provides the Board and the General Counsel the required flexibility to protect federal legal actions already taken and to deal with events that might occur during a shutdown. Here are the main points of the plan:

- The plan recognizes that the Board Chairman, the General Counsel, and the sitting Board Members are not subject to furlough and thus will continue fulfilling their responsibilities described below in the next section.
- The plan assumes that Headquarters (HQ) will have the following staff of excepted personnel on duty as needed: the Office of the General Counsel's Acting Deputy General Counsel and Acting Associate to the General Counsel, Division of Legal Counsel's Associate General Counsel and Deputy Associate General Counsel, Injunction Litigation's Assistant General Counsel, Appellate Court's Deputy Associate General Counsel and Assistant General Counsel, Division of Operations Management (Acting) Associate General Counsel, Division of Administration's Director, Executive Secretary, Chairman's Chief of Staff, Solicitor, Chief Information Officer, Chief Financial Officer, Chief of Security, Budget Director, Budget Analysts (6), Finance Director, Accounting Supervisor, Accountants (5), and Acquisition Director²
- a total of approximately 33 employees, this total may increase as needed for discrete excepted tasks.
- Approximately 1,030 employees will be furloughed if there is a lapse in our appropriations for fiscal year 2026.

² In addition to the listed excepted personnel, additional personnel may be excepted from furlough status on an as needed basis to perform specific duties in support of finance and budget functions.

- Each Division/Office/Regional Director will develop and hold a list with contact information of minimum personnel required (one per function, plus a backup) to deal with emergency situations that cannot be delayed during the shutdown period. Those personnel will be called in to work and travel, as necessary. To protect federal legal actions already taken or established, the General Counsel will work with each Division/Office/Regional Director to designate the NLRB personnel necessary to deal with emergency situations that cannot be delayed during the shutdown period.
- The Inspector General will seek excepted personnel status solely to handle urgent criminal matters and, once status is granted, will report the necessary time spent.
- If a member of the public or NLRB staff informs HQ excepted personnel of an emergency situation involving the safety of human life or the protection of property (e.g., workplace violence), the General Counsel and/or Board and/or designee will determine what resources are required to respond to the situation and contact the appropriate Division/Office/Regional Director. The Division/Office/Regional Director will either address the situation or use their list to recall the appropriate NLRB personnel to work on the problem. The personnel attending to the situation will either work on the issue until it is sufficiently resolved for immediate purposes, or if appropriate, defer work on the matter until normal operations are restored.

Responsibilities

The plan assigns the following responsibilities:

- The **Board and the General Counsel** are responsible for ensuring that all necessary determinations are made to carry out the emergency functions of the NLRB during a lapse in appropriation.
- The **Chairman and Board Members** are responsible for ensuring that Board offices take all necessary actions related to shutdown activities.
- The **General Counsel** is responsible for ensuring that HQ General Counsel offices and Regional Offices take all necessary actions related to shutdown activities.
- The **Acting Deputy General Counsel** is responsible for ensuring that all necessary and appropriate actions are taken with regard to administrative activities to ensure the orderly and expeditious shutdown of Agency activities. These actions include the issuance of appropriate announcements and directives and implementation of the contingency plan.

All Agency Employees are responsible for taking appropriate action, consistent with the guidance given in this contingency plan, regarding the orderly shutdown of activities. When the Agency has reason to believe that a shutdown is likely to occur, management will ask all National Labor Relations Board Union (NLRBU) and National Labor Relations Board Professional Association (NLRBPA) unit employees to update, if

necessary, their personal contact information including their telephone number, and email address.

During a period of furlough due to a lapse in appropriations, all Agency employees are responsible for checking the Agency public website (www.nlrb.gov), and/or calling the Agency employee information phone line (202-273-2255) for status updates and information regarding a recall to work date. Agency employees may also monitor various media sources (local radio, television, and Internet) for status updates and information regarding a recall to work date. At the conclusion of the shutdown, in addition to posting messages concerning a recall to work on the public website and information phone line, the Agency will use existing telephone trees to inform headquarters NLRBU and NLRBPA bargaining unit employees of the date and time they are to return to work. The Agency will use existing telephone trees to inform Field NLRBU bargaining unit employees of the date and time they are to return to work, provided that no bargaining unit employee will be required to notify any other bargaining unit employee of the date and time they are to return to work.

The (Acting) Deputy General Counsel for the General Counsel and Chief of Staff for the Board are designated for these purposes as NLRBU and NLRBPA points of contact for the General Counsel and Board-side bargaining units, respectively. In addition, the (Acting) Deputy General Counsel is responsible for acting on any employee requests for outside employment for General Counsel-side employees and the Chief of Staff is similarly responsible for Board-side employees.

Staff Retained After Shutdown

Critical operations of this Agency are widely dispersed. NLRB has personnel located in HQ, 48 regional, sub-regional and resident offices, and Administrative Law Judges (ALJ) who are administratively assigned to one of two offices in Washington, D.C. and San Francisco, CA. Further, the NLRB, unlike many departments and agencies, has no discretionary program susceptible to total shutdown on a temporary basis. Each matter brought before the Board (or not ruled on due to the absence of staff) has the potential for serious labor relations strife posing a potential national emergency and may have to be addressed, if only on an interim basis pending resumption of normal operations.

The Board Chairman (vacant), Board Members, and General Counsel (GC) are Presidential Appointees; therefore, are not considered excepted employees or subject to furlough.

Advisory staff will augment that core group:

- 1 – (Acting) Deputy General Counsel
- 1 – (Acting) Associate to the General Counsel
- 1 – (Acting) Associate General Counsel, Division of Operations-Management
- 1 – Executive Secretary
- 1 – Chief Information Officer
- 1 – Chief of Security
- 1 – Chief of Staff

- 1 – Chief Financial Officer
- 1—Director of Administration
- 1 – Solicitor

The Advisory staff will assist in ensuring the orderly shutdown of operations and will also identify and determine how to address emergency situations affecting ongoing federal law enforcement activities or posing an imminent threat to human life or the protection of property. The Agency has determined that any emergencies requiring immediate attention can be identified at the HQ level and will have no excepted personnel in any of its field offices retained for that purpose. Additional HQ and/or Field staff may be called to handle emergencies arising during an appropriations lapse.

Responsibility to use Agency systems in accordance with existing policies remains in effect.

Orderly Shutdown Activities – General Principles

Upon notification of a lapse in appropriation:

1. Agency employees will be advised to report to work to begin an immediate and orderly shutdown of Agency activities. The process of communicating the shutdown order including to employees in travel status; securing files and physical facilities; notifying parties of the cancellation of hearings; canceling court appearances and meetings will take approximately one-half. (See ***Communications Plan and Proposed Shutdown Procedures***).
2. After completion of shutdown activities, employees who are not necessary to perform excepted Agency activities will be furloughed.
3. Employees will be allowed to complete Agency business previously scheduled for the day of the shutdown and which would cause serious disruption to the public if canceled without notice. Such business includes representation elections; trials; hearings; and appearances in federal court. Those employees will be authorized to complete such Agency business by close of business on the day of shutdown to assure that those essential services are performed.

Overview of Shutdown Activities

The following shutdown activities will take place:

1. All materials of a confidential nature will be identified and secured.
2. Incomplete projects will be listed with priorities for the orderly resumption of activities upon the return to work.
3. Emergency situations (e.g., current, or imminent labor disputes which are adverse to the public's interest) requiring immediate attention will be identified and brought to the attention of the appropriate Excepted Personnel.

Telephone and e-mail contacts will be made whenever required to advise parties in active cases, court personnel, contractors, and other members of the public of the Agency shutdown, and appropriate arrangements will be made for each situation. Incomplete contacts will be identified for follow-up by remaining staff to conclude the orderly shutdown. Telephone messages will be recorded at all office locations throughout the NLRB indicating to the public that the Agency is in a “temporary” shutdown mode. The NLRB will post in the Federal Register a notice of procedures to be followed in the event Board offices are closed due to lack of appropriated funds.

4. All Field offices will have recorded messages to identify to the public that the NLRB is in a “temporary” shutdown mode. The message should advise the caller that if a true emergency exists involving a job action, the caller should call an emergency number. On the outside door of each Field office, a notice will be posted advising the public of phone and fax numbers to contact for assistance if there is an imminent threat to the safety of human life or protection of property as a result of a violation of the National Labor Relations Act. Additionally, the Office of Congressional and Public Affairs (OCPA) will post an advisory notice on the Agency website. An automated email response message will be sent to the sender of any external email, notifying the sender of the NLRB’s shutdown mode.
5. Instruct all employees who are scheduled for travel or in training status as to the requirements of a possible shutdown in advance of travel or training.
6. No financial obligations may be incurred unless strictly required to effectuate the shutdown or protect life or property. Although these obligations may be incurred, no funds may be disbursed.
7. Equipment will be secured to the maximum extent possible.
8. Agency equipment assigned to individual employees should be taken home and used only as appropriate (described above).
9. Local General Services Administration (GSA) Building Managers will be notified of the shutdown so that GSA may take appropriate action to secure facilities and discontinue services.

Proposed Shutdown Procedures

The following is a list of procedures to be followed by every NLRB office and organization:

1. Employees receive Shutdown Packet by email
2. Record approved voicemail greeting message on field office telephone numbers

Post paper notice on field office doors notifying the public that the Agency is closed due to a lapse in funding. The notice will provide the public with phone and fax numbers to contact for assistance if there is an imminent threat to the safety of human life or protection of property as a result of a violation of the National Labor Relations Act in English and Spanish. The Office of the Chief

Information Officer (OCIO) will post approved out of office messages in response to all external emails for all Agency employees on furlough.

3. Record approved voicemail greeting messages on all staff phones.
4. Notify local United States Postal Service (USPS) and express couriers (e.g., UPS and FedEx) at each office of the shutdown and provide specific instructions on delivery, holding, and securely storing mail, correspondence, parcels, and packages.
5. Shut down equipment
6. Secure individual work areas and offices
7. Store and lock any sensitive materials
8. Turn out lights

Communications Plan

The Communications section of the plan is designed to facilitate communication between:

- The NLRB and the public (status, how to contact the Agency in an emergency)
- The NLRB and its staff (status, recalls)

The Communications Plan covers preparation leading up to a shutdown, implementation the day of a shutdown, operation during a shutdown, and recall at the end of a shutdown. Communications activities are summarized in the table below:

Communication Process		
Activity	To the Public	To Employees
Preparation (Pre-shutdown)	<ul style="list-style-type: none"> ▪ Prepare and approve public website notices ▪ Prepare and approve regional webpage notices ▪ Prepare and approve 202-273-2000 telephone message ▪ Prepare and approve 202-273-4483 for emergency faxes and EmergencyContact@nlrb.gov for emergency emails ▪ Prepare and approve suggested field office main telephone message 	<ul style="list-style-type: none"> ▪ Prepare and approve shutdown email messages to all staff: preparation and notification (four total) ▪ Prepare and approve Operations email ▪ Prepare and approve Secure Remote Access message ▪ Prepare, approve, and plan distribution of shutdown packets ▪ Prepare and approve 202-273-2255 telephone message ▪ Direct Division/Office Heads and Regional Directors to prepare contact lists of

Communication Process		
Activity	To the Public	To Employees
	<ul style="list-style-type: none"> ▪ Prepare and approve paper notice for field offices ▪ Contact parties in each pending case/trial/election/ etc. ▪ Prepare and approve suggested out of office email message ▪ Prepare and approve suggested staff voicemail greeting message ▪ Prepare and approve notice for publication in the Federal Register 	<p>minimum personnel required by function (one per function and an alternate) for emergency recalls</p> <ul style="list-style-type: none"> ▪ Ask all NLRBU and NLRBPA unit employees to update, if necessary, their personal contact information including their telephone number and email address. ▪ Prepare Contact list for excepted personnel ▪ Contact employees in travel status and advise them to be prepared to return to their duty station immediately in the event of a shutdown ▪ Prepare and approve 'Day Of' shutdown procedures (secure equipment and files, email autoreply, voicemail message, etc.) ▪ Prepare and approve voicemail greeting messages to all staff ▪ Send Operations email ▪ Send Chairman/AGC all-staff preparation email message ▪ Send email to all Division Heads, RDs and ALJs to make sure they have in their possession up-to-date telephone trees ▪ Train Excepted Personnel on web, email, and phone updating, monitoring 202-273-4483 for emergency faxes and

Communication Process		
Activity	To the Public	To Employees
		<p>emergencycontact@nlrb.gov email and PACER</p> <ul style="list-style-type: none"> ▪ Update telephone trees
Implementation (Day of)	<ul style="list-style-type: none"> ▪ Post public website notice ▪ Post regional webpage notices ▪ Post messages on NLRB social media accounts. ▪ Submit notice for publication in the Federal Register ▪ Record 202-273-2000 and ▪ Notify phone vendors to set 202-273-1000 to acknowledge shutdown ▪ Ready 202-273-4483 for emergency faxes and emergencycontact@nlrb.gov for emergency emails ▪ Record voicemail message on field office telephone numbers ▪ Post paper notice on field office doors ▪ Post out of office messages on staff emails ▪ Record voicemail message on all staff phones 	<ul style="list-style-type: none"> ▪ Send global email shutdown notification, including copy of shutdown packet ▪ Send Chairman/GC shutdown email (email will be pre-approved by OMB) ▪ Send all-staff shutdown procedures ▪ Send voicemail greeting message to all staff on shutdown ▪ Place notice on Secure Remote Access ▪ Provide all staff with shutdown packet by e-mail ▪ Notify local USPS and express couriers (e.g., UPS, FedEx) at each office of shutdown and provide specific instructions on delivery, holding, and securely storing mail, correspondence, parcels, and packages ▪ Shut down equipment
Operation (During)	<ul style="list-style-type: none"> ▪ Communicate any change in status using public website and 202-273-1000, and the field office main phone numbers 	<ul style="list-style-type: none"> ▪ Communicate any change in status using public website and 202-273-2255 phone number ▪ Use emergency recall procedure, if required

Communication Process		
Activity	To the Public	To Employees
Recall	<ul style="list-style-type: none"> ▪ Communicate recall using NLRB social media accounts. ▪ End public-facing global messages: voice and email 	<ul style="list-style-type: none"> ▪ Communicate recall using public website and 202-273-2255 phone number and other media sources ▪ Communicate recall procedures using NLRB email system ▪ Change email and voice messages ▪ Use existing telephone trees to inform headquarters NLRBU and NLRBPA bargaining unit employees of the date and time they are to return to work ▪ Use existing telephone trees to inform Field NLRBU bargaining unit employees of the date and time they are to return to work, provided that no bargaining unit employee will be required to notify any other bargaining unit employee of the date and time they are to return to work

Note: Agency employees will be notified of options in the event they have problems returning to work on the day specified by the agency including the use of annual leave, compensatory time, or credit hours.

Shutdown Package

The proposed contents of the Shutdown Package to be distributed to all staff via e-mail will include:

- Official Notice
- Emergency Contact Information
- Frequently Asked Questions (FAQs) for NLRB-specific questions
- Administrative Bulletin on Outside Employment During Shutdown

- Administrative Bulletin on Unemployment Insurance During Shutdown
- Agency Office and Mobile Phone Script

Continuing of Functions

During a lapse of appropriations, certain program offices within the NLRB may remain functional to perform or support excepted functions. This section identifies program offices within the NLRB that may remain functional in the event of a lapse of appropriations, as well as a description of the duties and responsibilities that would be performed.

Budget Branch

During a government shutdown, the Budget Branch will perform essential budget functions to prevent any interruptions related to the formulation of the President's Budget Request and the execution of contracts awarded if they directly support excepted activities or if they are funded by an exempt funding source.

Finance Branch

During a lapse in appropriation, the Finance Branch will take necessary actions to address disruptions in the financial system, to ensure safety, soundness, liquidity, and to maintain confidence in the financial system. These actions are the following:

- Continue Treasury payment and collection activities to meet the Government's obligations
- Provide intermittent support for financial operations to ensure timely payments
- Manage the Government's cash position
- Perform essential accounting functions to prevent any interruptions in government-wide financial reporting
- Provide intermittent travel support of excepted personnel traveling for necessary court actions that protect federal legal actions already taken or established

Acquisitions Management Branch

The Antideficiency Act prohibits agencies from incurring obligations in advance of an available appropriation or in excess of an existing appropriation, except under limited circumstances such as express statutory authority, emergencies, or specific presidential authorities. As a result, during a lapse in appropriations, agencies must take action to ensure compliance with these legal requirements.

Consistent with this mandate and applicable OMB guidance, the Acquisitions Management Branch (AMB) is responsible for issuing stop-work orders for all severable

service contracts during a lapse in appropriations. Once funding is restored, AMB ensures that affected services resume promptly and in an orderly manner.

Contracting Restrictions During a Lapse in Appropriations

- **New Contracts:** May only be awarded if they directly support excepted activities or if they are funded by an exempt funding source.
- **Contract Options:** Options for additional quantities or extensions may only be exercised if:
 - The goods or services are required to continue or support excepted activities; or
 - Exercising the option does not obligate additional funds; or
 - The option is supported by an exempt funding source.

Contracts Remaining Operational

To maintain the NLRB at a base operational level, particularly with respect to information technology, the following contracts will continue during the shutdown:

- Wide Area Network (WAN)
- Microsoft G5 contract for email, Azure, and Teams
- Cellular Service for Duress Alarms/Security Panels
- Agency Mobile Devices
- Fax on Demand Services

In addition, Agency servers will remain operational during the shutdown.

Excepted Activities and Exempted Funded Contracts and Agreements

- Contracts funded through no-year appropriations may continue if funds remain available for obligation and an exempted government employee is available for contract administration.
- Interagency Agreements with the Department of Homeland Security for Federal Protective Services will continue, as these activities are necessary for resource protection.

Payment Processing

As needed, AMB staff will assist in processing timely payments to contractors for work under contracts that were previously awarded and have available obligated funding.

Contracting Officer Representatives and Points of Contact may also be required to support this process by validating invoices to ensure accurate and timely payment. These activities may require intermittent exception to perform the necessary review and approval functions.

Human Resource Functions

As needed, staff from Division of Administration/Human Resources will be recalled in order to assist with personnel and payroll matters that arise and require immediate attention.

Human Resources considerations during a shutdown will be summarized and communicated to NLRB personnel as part of the FAQs on the day of shutdown.

AGENCY INFORMATION

Agency website: <http://www.nlrb.gov>

Agency Phone: 202-273-1000

Employee information line: 202-273-2255

Emergency contact information for public:

202-273-2000 (phone)

202-273-4483 (fax)

EmergencyContact@nlrb.gov (e-mail)

For more detailed information, you can refer to the official resources below:

[U.S. Office of Personnel Management](#)
[Furlough Guidance](#)

[The White House FAQs](#)
[OMB Circular Section 124 Agency Operations in the](#)
[Absence of Appropriations.pdf](#)

[Congress](#)
[Government Shutdowns and Executive Branch](#)
[Operations: Frequently Asked Questions \(FAQ\) |](#)
[Congress.gov | Library of Congress](#)