

Contingency Planning Meeting Notes

5.31.17

Opening Remarks / Schedule

- We continue to expect to have operating and capital budgets in place on July 1. As in prior years, however, we must plan ahead and meet notification requirements to be prepared in the event the Legislature fails to make appropriations by the start of the fiscal year.
- A weekly conference call will be held every Wednesday through the end of June.

Office of Financial Management (OFM) Team

We have a team in place that is working on contingency planning with the Governor's Office:

- ❖ Pat Lashway – Deputy Director
- ❖ Ro Marcus – Legal Affairs
- ❖ Franklin Plaistowe – State Human Resources
- ❖ Jim Crawford – Budget
- ❖ Scott Merriman – Legislative Liaison
- ❖ Ralph Thomas – Communications

Agency Contingency Plans

April 25 – Email from David Schumacher requesting updated contingency plans.

- 2013 – All agencies submitted plans.
- 2015 – Some agencies updated their plans.
- 2017 – All agencies were asked to send an update. If you have not done so, please submit your plan ASAP.

Attorney General's Office (AGO) Advice

OFM has asked AGO to review its previous legal advice on contingency. We also asked the AGO to have their assistant attorney generals (AAGs) check with their assigned agencies. If you have not heard from your AAG, you should contact them. If you have received advice in previous years, discuss it with your AAG to make sure it is current and nothing has changed.

OFM Contingency Website

- OFM has launched a contingency planning website (the link is found on OFM's home page at www.ofm.wa.gov.)
- The latest information is posted (memos, templates and contractor information). OFM Communications is posting materials on our website as soon as we send them out.

Templates – Q&As

- Updated templates and Q&As will be sent out and posted next week for represented and non-represented employee notifications. There will be updated templates and Q&As for all categories of employees. This will give agencies time to prepare appropriate notices in the event they are required. Agencies should not issue employee notifications until necessary — toward the end of June.
- If a question is not included in the Q&As, send it to Ro Marcus and Franklin Plaistowe. They will get it answered and possibly added to the Q&As.
- State HR is working directly with agency HR Directors on contingency notifications. They also meet weekly.

Union Notification

OFM (Franklin) sent 30-day notifications to all unions with whom OFM bargains. OFM did **not** send notice to unions with whom we do not bargain. Four-year universities need to send their own notifications.

Contracts

Your contract office should review all contracts to determine the notice period if your agency has no funding for the services or goods. There is information about this on our website.

Leases

We are looking at this more closely this year. Per the AGO, leases are the same as other contracts. Leases will not be terminated, and it is possible that agencies will be assessed fines for late payments in the event of a partial shutdown. DES will have the majority of leases but other agencies may have some, too.

Contingency Planning/Continuation of Services

- No agency is exempt from contingency planning. All need to have a plan. Within the plan, agencies will propose services that would continue due to constitutional or some federal statutory requirements. Agencies must work with their AAGs for services proposed to continue under these requirements.
- Because the transportation budget has been enacted, services funded through the transportation budget will continue, effective July 1, 2017.
- If you have services that are paid from non-appropriated funds, in most cases, agencies can continue those services, subject to positive cash balances in the fund.
- When in doubt, ask. OFM can help if we know there is an issue to try to resolve.

Customer, Client, and Stakeholder Notification

Generally, agencies will be asked to contact customers, clients and stakeholders around June 16. If you believe you need to contact them before June 16, please contact Ro, Jim or Ralph.

Questions

Q: If we use local funds to avoid a shutdown, can we notify our employees?

A: You do not have to notify employees unless they are at risk of layoff, reduced hours or emergency leave without pay. It is likely helpful to employees and clients to inform them of your situation if you are able to continue services even without a state operating and/or capital budget by June 30. WSDOT has a good employee letter that we can share.

Q: Who will notify contractors for capital projects?

A: Department of Enterprise Services.

Q: Employment Security needs a standby letter to waive the requirement for state employees who are temporarily laid off to look for work while collecting unemployment benefits.

A: This will come from OFM in mid-June.

Q: Any guidance on rules suspension?

A: If you need to suspend rules or initiate emergency rule making, you should prepare now even though you may not file.

Q: How do we handle public records requests if an agency must respond within five days?

A: We will provide a notice in mid-June that you can post on your website for any requests that come in during a layoff period. Agencies should use the same template.