

## District of Columbia Courts' Shutdown Plan

Updated December 18, 2018

### A. BACKGROUND

If there is a lapse in appropriations for the District of Columbia Courts, the Antideficiency Act will limit the D.C. Courts during the lapse of funding to those operations that are financed from a source other than annual appropriations, or are authorized by law, emergencies involving the safety of human life or the protection of property, or necessary to an orderly shutdown of the Courts' functions. 31 U.S.C. §§ 1341, 1342. All employees not falling under those Antideficiency Act exceptions ("non-excepted" employees) will be furloughed; that is, placed on temporary non-pay status and non-duty status because of lack of funds. The District of Columbia Courts' Plan of operation in the event of the absence of appropriations is set out below.

In general, the plan provides that the operations of the District of Columbia Courts will be limited to those functions necessary and essential to continue the resolution of cases without interruption. This includes cases from all divisions and the Family Court of the Superior Court, and appeals to the Court of Appeals. Thus, all essential case supporting services from magistrate judges, clerks, court reporters, and others will be continued. Juvenile probation services provided by the Family Court's Social Services Division will continue to ensure public safety and the protection of property. Contracts for other services and supplies that must be obligated from current annual appropriations and which support case resolution activity or are necessary to ensure the safety of persons or the protection of property will also continue to be obligated. Opinion of the Department of Justice Office of Legal Counsel on Government Operations in the Event of a Lapse in Appropriations, 1995 O.L.C. LEXIS 57, August 16, 1995. This includes contract obligations for court security officers and cleaning services.

The authority for the continuance of these operations in the absence of appropriations is based on statutory provisions enacted by Congress. Judges of the Court of Appeals and the Superior Court are appointed by the President and their compensation is set at the rate prescribed for judges of the United States courts of appeal and district courts, respectively. D.C. Code §§ 1-204.33(a), 11-703(b) and -904(b) (chief judges are entitled to an additional \$500 per year); 19 Op. O.L.C. 301 (1995). The judges have been vested with the judicial power of the District of Columbia established pursuant to Article I of the United States Constitution. D.C. Code § 11-101(2). This authority to exercise judicial power implicitly requires that it continue to be exercised notwithstanding a lapse in appropriations. See 5 Op. O.L.C. 1, 7-8 (1981). With this authority to continue to exercise the judicial power of the District of Columbia, the authority to provide the necessary and essential support functions must also be inferred. 5 Op. O.L.C. at 22-23.

Furthermore, the Constitution guarantees the rights to presentment or indictment by a grand jury, a speedy trial, effective assistance of counsel, and confrontation of witnesses in criminal cases, and trial of criminal and civil cases by jury. *Marcus v. United States*, 476 A.2d

1134 (D.C. 1984); *Ferguson v. United States*, 977 A.2d 993, 999 (D.C. 2009); *Day v. United States*, 682 A.2d 1125, 1129 (D.C. 1996); *King v. Berindoague*, 928 A.2d 693 (D.C. 2007); see *Armster v. United States District Court*, 792 F.2d 1423 (9th Cir. 1986) (holding that the suspension of the civil jury trial system for any significant period of time for lack of funds was unconstitutional); Principles of Federal Appropriations Law, at 6-152 (3<sup>rd</sup> Ed. 2004). Grand and petit jurors and witnesses are entitled to compensation pursuant to Congressional enactments. D.C. Code § 11-1912, 15-714. These constitutional and statutory mandates require the uninterrupted administration of judicial power and case resolution activity.

Finally, as recognized in the August 16, 1995 Department of Justice opinion, 19 Op. O.L.C. 57 (1995 Opinion), the exception for “emergencies involving the safety of human life or the protection of property” in 31 U.S.C. 1342 applies “to cases of threat to human life or property where the threat can be reasonably said to be near at hand and demanding of immediate response.” The cessation of the administration of justice in criminal, civil and family cases would present more of an emergency than some of the activities recognized as excepted in the 1995 Opinion (e.g., the patrolling of the country’s borders, supervision of the stock markets). 1995 Opinion at 2-3. The continuation of operations necessary and essential to the resolution of cases is also authorized under the Antideficiency Act exception for the acceptance of voluntary services or employment of personal services for emergencies involving the safety of human life or the protection of property. 31 U.S.C. § 1342. Aside from the constitutional requirements, the suspension of criminal, juvenile and neglect operations of the Court would imminently threaten the safety of human life, and the suspension of all civil proceedings would pose an imminent threat to the protection of property under the “emergency” exception.

In providing appointed counsel pursuant to an indigent defendant’s right to representation, the Court is authorized to pay such appointed counsel notwithstanding a lack of appropriated funds. The Comptroller General of the United States has recognized that these mandatory obligations, like those for representation in neglect and guardianship cases, must continue to be incurred, with payment to be subject to the availability of a funding source to liquidate them. Decisions of the Comptroller General, B-283599, September 15, 1999; B-284566, April 3, 2000.

To the extent that funds are available in the D.C. Courts’ Defender Services appropriation account, Pub. L. 112-74 (2011), they are no-year funds that may be expended regardless of a lapse in annual appropriations. 5 Op. O.L.C. 1 (1981); OMB Memorandum, *Agency Operations in the Absence of Appropriations*, November 17, 1981. Activities funded by the capital improvements appropriation in the Courts’ FY 2018 Federal Payment, which does not expire until September 30, 2019, may continue until those funds are depleted.

Minor changes were made to the plan since the Courts last shutdown plan dated September 25, 2018. The total number of FTEs was updated, some position titles were revised to process criminal and probate cases and to provide technology support for courtroom operations, and the point of contact was updated. In addition, Appendix 2 contains an alternative shutdown plan for dates during the holiday period, defined in Section C.2, during which the D.C. Courts will have limited operations.

## **B. SHUTDOWN PLAN POINT OF CONTACT**

Cheryl R. Bailey, Deputy Executive Officer/Acting Executive Officer (effective January 2, 2019)  
500 Indiana Avenue, N.W.  
Washington, D.C. 20001  
Office: 202 879-1700  
FAX: 202 879-4829

## **C. SHUTDOWN TIME PERIOD**

1. For a lapse in appropriations not exceeding five business days, it is estimated that the shutdown of non-essential operations and staffing can be completed in 4 hours.
2. For FY 2019, the holiday period referenced throughout this document is defined as December 22, 2018 – January 1, 2019.

## **D. SHUTDOWN PLANS**

The operations of the District of Columbia Courts will be limited to those functions necessary and essential to continue the resolution of cases without interruption. The Courts will continue case resolution activities in all divisions and Family Court of the Superior Court, and appeals in the Court of Appeals. All essential case supporting services from magistrate judges, clerks, court reporters, and others will be continued. Juvenile probation services provided by the Social Services Division will continue to ensure public safety and the protection of property.

The D.C. Courts have limited operations during the holiday period, defined in Section C.2. Accordingly, fewer employees are necessary to carry out the resolution of cases without interruption and to ensure public safety and the protection of property. In the event of a lapse during the holiday period, defined in Section C.2, the Courts will implement the Alternative Shutdown Plan described in Appendix 2.

**Designation of Excepted Personnel.** The following positions are designated excepted under the categories listed below.

### **1. Employees necessary to perform activities expressly authorized by law:**

#### **Judicial Officers (64 FTEs excepted, 64 Total FTEs)**

All D.C. Court chief judges, associate judges, and magistrate judges are considered excepted personnel because they exercise the judicial power of the District of Columbia Courts established pursuant to Article I of the United States Constitution. D.C. Code §§ 11-101(2); -703, -904 and -1732. Five senior judges are essential to trial case resolution in such matters as criminal misdemeanors and judge-in-chambers, and two senior judges are assigned to hear appellate cases during the relevant time period. D.C. Code § 11- 1504.

### **2. Employees necessary to perform activities necessarily implied by law:**

**Magistrate Judges (24 FTEs excepted, 24 Total FTEs)**

All magistrate judges are considered excepted personnel.

**Judicial Staff (181 FTEs excepted, 181 Total FTEs)**

All judicial secretaries and law clerks are considered excepted personnel because their services are necessary to the exercise of judicial power by judicial officers.

**Court of Appeals Staff (36 FTEs excepted, 43 Total FTEs)**

1 Clerk of the Court  
1 Deputy Clerk of the Court  
1 Calendar Clerk  
1 Clerk's Office Administrative Staff  
1 Opinion Clerk (Case Manager)  
1 Supervisory Legal Counsel  
6 Central Legal Staff  
1 Law Clerk, Legal Staff  
1 Case Manager (Legal)  
1 Supervisory Case Manager  
4 Case Managers  
1 Deputy Case Manager  
1 Director of Administration  
2 IT Specialists  
1 IT Support Specialist  
1 Telecommunications A/V specialist  
1 Public Office Director  
1 Records & Courtroom Support Supervisor  
4 Public Office Deputy Clerk Case Administrators  
3 Courtroom Clerks  
1 Media Case Coordinator  
1 Mediation Coordinator

**Executive Office (6.5 FTEs excepted, 15 Total FTEs)**

1 Executive Officer  
1 Deputy Executive Officer  
1 Administrative Assistant  
1 Chief Security Officer  
1 Security Manager  
0.5 Director of Press and Public Relations (1/2 time)  
1 Access Control Manager

**Clerk of Superior Court (3 FTEs excepted, 4 Total FTEs)**

1 Clerk of the Court  
1 Senior Operations Manager  
1 Executive Assistant or Administrative Assistant

**Administrative Services Division (9 FTEs excepted, 41 Total FTEs)**

- 1 Director or Deputy
- 1 Contract Specialist
- 1 Help Desk Staff
- 3 Mail Center Staff
- 2 Information Center Staff – to notify public of the location of court proceedings and offices
- 1 Lead Supply Inventory Technician

**Budget and Finance Division (8 FTEs excepted, 34 Total FTEs)**

- 1 Chief Financial Officer
- 1 Deputy Chief Financial Officer
- 1 Reports & Contracts Branch Chief
- 1 Reconciliation Specialist
- 1 Defender Services Branch Chief
- 1 Accountant
- 1 Financial Operations Branch Chief
- 1 Budget Branch Chief

**Capital Projects & Facilities Management Division (9 FTEs excepted, 24 Total FTEs)**

- 1 Director or Deputy
- 1 Building Operations Manager or Supervisory Engineer
- 1 Building Maintenance Electrician
- 1 Master Plumber
- 3 Building Maintenance Mechanics
- 1 Facility Repair Worker
- 1 Project Manager Facilities

**Center for Education and Training (0 FTEs excepted, 7 Total FTEs)**

**Civil Division (74 FTEs excepted, 94 Total FTEs)**

- 1 Director or Deputy Director
- 1 Administrative Assistant
- 2 Attorney Advisors
- 1 Branch Chief or Branch Supervisor, Civil Actions
- 1 Case Processing or Quality Assurance Supervisor, Civil Actions
- 1 Accounting Technician
- 9 Deputy Clerks, Civil Actions
- 1 Branch Chief, Courtroom Support
- 3 Courtroom Operations Supervisors, Courtroom Support
- 25 Courtroom Clerks, Courtroom Support
- 1 Branch Chief or Branch Supervisor, Small Claims
- 1 Case Processing or Quality Assurance Supervisor, Small Claims
- 10 Deputy Clerks, Small Claims
- 1 Branch Chief or Branch Supervisor, Landlord and Tenant
- 1 Case Processing Supervisor or Quality Assurance Supervisor, Landlord and Tenant
- 1 Quality Control Specialist, Landlord and Tenant
- 1 Interview and Judgment Officer, Landlord and Tenant

13 Deputy Clerks, Landlord and Tenant

**Court Reporting and Recording Division (45 FTEs excepted, 45 Total FTEs)**

1 Director or Deputy Director  
1 Supervisory Court Reporter  
1 Supervisor, Customer Service  
1 Branch Supervisor  
28 Court Reporters  
3 Case Managers  
1 Administrative Staff  
1 Lead Official Court Transcriber  
3 Official Transcribers  
4 Transcript Records Clerk  
1 Proofreader

**Criminal Division (78 FTEs excepted, 107 Total FTEs)**

1 Director or Deputy Director  
1 Attorney Advisor  
1 Program Analyst  
1 Branch Chief, Courtroom Support  
32 Courtroom Clerks  
1 Branch Chief, Special Proceedings  
2 Accounting Technicians, Special Proceedings  
5 Deputy Clerks, Special Proceedings  
9 Deputy Clerks, Case Management  
1 Branch Chief, Quality Assurance  
11 Calendar Coordinators, Quality Assurance  
3 Deputy Clerks, Quality Assurance  
6 Courtroom Clerks, Intake/Arraignment Court  
1 Administrative Assistant  
2 Deputy Clerks, Community Court  
1 Mental Health Community Coordinator

**Domestic Violence Division (29 FTEs excepted, 29 Total FTEs)**

All domestic violence staff are considered excepted personnel.

**Family Court Operations Division (114 FTEs excepted, 151 Total FTEs)**

1 Director or Deputy  
1 Administrative Assistant  
1 Supervisory Attorney – Director’s Office  
1 Branch Chief or Branch Supervisor, Central Intake Center  
1 Section Supervisor, Central Intake Center  
1 Case Coordinator, Central Intake Center  
10 Deputy Clerks, Central Intake Center  
1 Branch Chief or Branch Supervisor, Juvenile/Neglect  
1 Section Supervisor, Juvenile/Neglect

8 Deputy Clerks, Juvenile/Neglect  
1 Branch Chief, Counsel for Child Abuse and Neglect Program  
2 Deputy Clerks, Counsel for Child Abuse and Neglect Program  
1 Branch Chief or Branch Supervisor, Domestic Relations Branch  
1 Section Supervisor, Domestic Relations Branch  
7 Deputy Clerks, Domestic Relations Branch  
1 Adoption Supervisor, Domestic Relations Branch  
1 Custody Assessor Supervisor, Domestic Relations Branch  
1 Custody Assessor, Domestic Relations Branch  
1 Custody Assessor Investigator, Domestic Relations Branch  
1 Branch Chief or Branch Supervisor, Paternity and Support  
1 Section Supervisor, Paternity and Support  
8 Deputy Clerks, Paternity and Support  
1 Lead Finance Clerk, Paternity and Support  
1 Branch Chief, Mental Health and Habilitation  
3 Deputy Clerks, Mental Health and Habilitation  
1 Branch Chief or Supervisor, Courtroom Support  
1 Branch Chief, Courtroom Support  
1 Branch Supervisor, Courtroom Support  
1 Deputy Clerk, Courtroom Support  
6 Calendar Coordinators  
36 Courtroom Clerks  
1 Branch Chief, Self Help Center  
3 Facilitators, Self-Help Center  
1 Deputy Clerk, Self-Help Center  
1 Quality Control Supervisor  
2 Attorney Negotiators  
3 Deputy Clerks, Call Center

**Human Resources Division (4 FTEs excepted, 23 Total FTEs)**

1 Director or Deputy Director  
1 Human Resources Information System (HRIS) Manager  
1 Benefits Officer  
1 Payroll Compensation Officer

**Information Technology Division (25 FTEs excepted, 67 Total FTEs)**

1 Help Desk Manager  
3 Help Desk staff to support courtrooms and chambers  
1 Service Desk Supervisor to support Tier 1 operations  
1 Tier I Help Desk staff to print summons and notices  
1 System Administrator to back-up mission critical file systems that support case processing  
1 System Administrator to support VDI  
1 Production Support Manager /Senior Database Administrator to back-up the case management system  
1 Database Administrator to maintain all mission-critical production systems  
1 Server Storage Manager to support VDI, Servers and Storage  
1 Applications Development Manager to troubleshoot and maintain mission critical applications

1/2 Senior Associate Director (COO)  
1 Senior Associate Director (CTO)  
2 Central Recording Technicians to ensure that court proceedings are recorded  
1 Business Analysis Manager to support Business Intelligence  
1 Business Analyst to support the case management system  
1 Courtroom Technology Branch Chief to manage the courtroom technology requirements  
2 Audio Technicians to administer day-to-day courtroom technology setup and repair  
1 Multimedia Specialist to handle high tech courtrooms, training (attorneys), video conferencing and support issues  
1 Security Officer (Branch Manager) to troubleshoot all security issues  
1 Network Administrator to troubleshoot all network issues  
1 Telecom Specialist to support telecommunications  
1/2 Director

**Multi-Door Dispute Resolution Division (15 FTEs excepted, 26 Total FTEs)**

1 Director/Deputy Director  
1 Civil Branch Chief or 1 Civil Program Officer (alternating days)  
2 Civil Case Managers  
1 Program Officer for Landlord Tenant Mediations  
1 Program Officer for Small Claims Mediations  
1 Family Branch Chief  
1 Program Officer for Family Mediations  
1 Program Officer for Child Protection Mediations  
1 Case Manager for Child Protection  
1 Client Services Coordinator or Administrative Assistant  
2 Family Staff Mediators  
2 Family Case Managers

**Office of the Auditor-Master (5 FTEs excepted, 6 Total FTEs)**

1 Auditor-Master  
1 Assistant Auditor-Master  
1 Attorney Advisor  
1 Legal Assistant or Accountant  
1 Administrative Assistant

**Office of the General Counsel (1 FTE excepted, 5 Total FTEs)**

1 attorney to address legal issues with respect to the shutdown of operations

**Probate Division/Register of Wills (43 FTEs excepted, 57 Total FTEs)**

1 Register of Wills or Deputy Register of Wills  
1 Administrative Assistant, Office of the Director  
1 Program Analyst, Office of the Director  
1 Small Estate Supervisor or 1 Small Estate Specialist  
1 Small Estate Specialist  
1 Paralegal Specialists, Probate Self-Help Center  
1 Deputy Clerk, Probate Self-Help Center



1 Legal Branch Manager  
2 Assistant Deputy Register of Wills  
1 Legal Assistant, Legal Branch  
1 Branch Chief, Probate Operations Branch  
1 Supervisor, Quality Assurance Office  
3 Case Managers, Probate Operations Branch  
6 Courtroom Clerks, Probate Operations Branch  
7 Deputy Clerks, Probate Operations Branch  
1 Deputy Clerk, Probate Systems Office  
1 Branch Manager, Auditing and Appraisal Branch  
1 Supervisory Auditor  
7 Auditors  
1 Deputy Program Manager, Guardianship Assistance Program  
3 Social Work Case Managers, Guardianship Assistance Program

**Special Operations Division (17 FTEs excepted, 28 Total FTEs)**

1 Director  
1 Tax Officer  
1 Tax Assistant  
1 Juror Officer  
1 Assistant Juror Officer  
1 Grand Jury Specialist  
4 Deputy Clerks, Jurors' Office  
1 Supervisor, Judge-in-Chambers  
2 Courtroom Clerks, Judge-in-Chambers  
1 Deputy Clerk, Judge-in-Chambers  
1 Coordinator, Court Interpreting Services  
2 Spanish Language Interpreters, Court Interpreting Services

**Strategic Management Division (0 FTEs excepted, 11 Total FTEs)**

**Tax Division (FTEs included above in Special Operations Division)**

All tax matters will proceed as scheduled; there are two personnel considered excepted personnel.

**3. Employees necessary to protect life and property:**

**Family Court Social Services Division (122 FTEs excepted, 122 Total FTEs)**

All probation staff are considered excepted to supervise juveniles on probation and provide services to juveniles under the Court's jurisdiction.

**Crime Victims Compensation Program (7 FTEs excepted, 12 Total FTEs)**

1 Director  
1 CVC Accounting Officer  
2 Victim Advocates/Claims Examiners  
3 Legal Claims Examiners or Assistant Legal Claims Examiners

**4. Employees whose compensation is financed by a resource other than annual appropriations:**

**Crime Victims Compensation Program (1 FTEs excepted, 1 Total FTEs)**

1 Legal Claims Examiner (compensation is drawn from administrative monies in the Crime Victims Compensation Fund)

**E. NUMBER OF PERSONNEL PRIOR TO THE APPROPRIATION LAPSE**

The District of Columbia Courts have 1,221 FTEs currently on board (including the seven senior judges).

**F. PERSONNEL RETAINED UNDER THE SHUTDOWN PLAN**

Nine hundred twenty and one half (920.5) personnel are to be retained under the plan during a lapse in appropriations of less than five days. They fall into the following categories:

1. 1 employee's compensation is financed by a resource other than annual appropriations;
2. 64 employees are necessary to perform activities expressly authorized by law;
3. 726.5 employees are necessary to perform activities necessarily implied by law;
4. 129 employees are necessary to protect life and property.

**G. PERSONNEL FURLOUGHED**

The District of Columbia Courts plan to furlough 300.5 FTEs after the appropriation lapse (1,221 Total - 920.5 Excepted = 300.5 furloughed).

**H. APPROVAL OF RETAINED STAFF**

Prior to the appropriations lapse, the Executive Officer or designee shall approve the retained staff. The information will be communicated to the division directors who will verify correct titles with Human Resources personnel listings at least 72 hours prior to the date of the potential lapse and provide this information to the affected personnel.

**I. NOTIFICATION TO PERSONNEL/CONTRACTORS**

**I. Notice of change in level of court operations.**

(a) In the event of a lapse in appropriations, the Executive Officer, or a designee of the Executive Officer, will provide notice of and information regarding the implementation of the D.C. Courts Plan for Operations in Absence of Appropriations (Plan) as follows:

- (1) Notice of implementation of the Plan will be provided to employees, contractors, local media, and the public through use of the D.C. Courts Internet web site, intranet site, telephone information line, D.C. Courts Alert System, and local media contacts.

(2) A written furlough notice will be delivered to each employee who is not listed as excepted as indicated in Section D above. The notice will be in the format set out in Appendix 1.

(3) Written notice will be sent to contractors advising them of the termination or suspension of specific contract activity not authorized in the absence of appropriations.

(4) Notice of implementation of the Plan will be provided to partner agencies, including the Pretrial Services Agency, the United States Attorney's Office, the Public Defender Service, the Court Services and Offender Supervisor Agency, and the United States Marshals Service, by e-mail or the automated notification system.

(b) Notice of a change in the level of operations or of the resumption of full operations will be given by the methods provided in (a)(1) – (4) of this section.

## **II. Termination of non-essential operations.**

(a) Upon implementation of the Plan, employees who have been sent a written furlough notice will be placed on non-pay, non-duty status.

(b) Contract actions and payments not authorized in the absence of appropriations will be stopped.

(c) Designated staff in affected divisions will take other actions necessary to postpone or terminate non-essential operations.

## **III. Change in level of operations in the event of a lapse in appropriations of more than five days.**

In the event that a lapse in appropriations extends beyond the holiday period, defined in Section C.2, the D.C. Courts will dispense with the Alternative Shutdown Plan, and employees in excepted status under the full District of Columbia Shutdown Plan will be required to work to resume full excepted operations.

In the event that a lapse in appropriations exceeds five days beyond the holiday period, the Executive Officer with both Chief Judges will reassess the minimum needs for staffing and supplies in support of case resolution activity. Significant case backlogs or other adverse effects on case resolution resulting from reduced operating levels may warrant placing additional employees in excepted status, and resuming essential contracts.

## **IV. Resumption of full operations.**

Upon the availability of appropriations to resume operations, notice thereof will be given by the methods provided in (a)(1) – (4) of Section I above.

## **J. SHUTDOWN DAY**

Non-expected personnel will be provided written furlough notices either through electronic means or by hand delivery by 9:00 a.m. at their duty stations on the employee's first regular work day following notice of an appropriations lapse (i.e. employees on compressed work schedules do not report on their regularly scheduled day off). Non-expected employees who are able to perform necessary shutdown activities remotely may choose to receive their furlough notice by electronic means (through their work or personal email accounts) rather than at their duty stations.

Furloughed staff will be requested to perform the necessary shutdown activities, including entering time and attendance for the period prior to the lapse, and return home. It is estimated that the shutdown activities will take no longer than four hours and furloughed staff will leave as soon as shutdown activities are completed.

## **K. CONTRACTORS**

In accordance with the District of Columbia Courts' Procurement Policies and Procedures, stop-work orders will be issued by the Administrative Services Division's Contract and Procurement Branch to all affected contractors on the first business day following appropriation lapse. The Contracting Officer or designated staff will: 1) compile a list of all current contractors, 2) determine those contractors with funding and purpose necessary to continue work in an appropriation lapse, and 3) determine those contractors who will receive stop-work orders. The Contracting Officer will work closely with the Contracting Officer Technical Representatives during this process. Contractors funded by prior-year appropriations, no-year appropriations, non-appropriated funds, or current year appropriated funds properly incurred prior to appropriation lapse may continue to perform services according to the contract terms and conditions. Contract administration, including payments to these contractors for services or goods provided during the shutdown period, may continue throughout the shutdown period only if such services are necessarily implied because of the lawful continuation of other funded or excepted activities (e.g., case processing), if the failure to provide those services during the shutdown period would result in an imminent threat to life or property, or would prevent or significantly damage the execution of a congressionally authorized and funded function. Contractors funded by current year appropriated funds properly incurred post-appropriation lapse may work under the contract terms; however, payment will not be provided to the contractors until an appropriation is enacted.

## **L. FY 2019 OBLIGATIONS AND PAYMENTS AFTER APPROPRIATION LAPSE**

The Courts will limit new obligations to "excepted services or goods". Excepted services or goods are those needed for: 1) conducting orderly shutdown of agency operations, 2) the protection of life and property, or 3) activities expressly authorized or necessarily implied by law. The Courts will issue payments to employees during the shutdown period for work performed prior to the appropriation lapse. The Courts cannot issue payments to retained employees for work performed after appropriation lapse, including work performed by retained and furloughed employees on the shutdown day, until appropriations are enacted. The Courts

will continue to issue payments to contractors funded by prior-year, no-year, non-appropriated, or current year appropriated obligations properly incurred prior to appropriation lapse only if such services are necessarily implied because of the lawful continuation of other funded or excepted activities (e.g., case processing), if the failure to provide those services during the shutdown period would result in an imminent threat to life or property, or would prevent or significantly damage the execution of a congressionally authorized and funded function. The Courts cannot issue payments to contractors for obligations incurred post-appropriation lapse.

## Appendix 1

### FURLOUGH NOTIFICATION

To: [Employee]  
From: Gloria Trotman, Director, Human Resources Division  
Subject: Furlough notice due to lapse of appropriations

In the absence of either a FY 2019 appropriation or a continuing resolution, no further financial obligations may be incurred by the D.C. Courts, except for those related to the orderly suspension of D.C. Courts' operations or performance of excepted activities as defined in guidance provided in Office of Management and Budget Circular A-11, § 124. Because you are not engaged in one of the excepted functions, you are being placed in a furlough status effective upon completion of activities you are required to perform for orderly shutdown of operations. This furlough, e.g., nonpay, nonwork status, is not expected to exceed 30 days. You should listen to public broadcasts and when you hear that a continuing resolution or a FY 2019 appropriation has been signed by the President, you will be expected to return to work on your next regular duty day. The D.C. Courts will use our emergency notification system (emergency telephone calls; posting on website [www.dccourts.gov](http://www.dccourts.gov); and DC Courts Alert System) to advise as well.

This action is being taken because of a sudden emergency requiring curtailment of the D.C. Courts' activities; therefore, no advance notification is possible. Employees who are being retained as excepted are required for the orderly suspension of operations or they are performing one of the excepted activities defined in the OMB guidance.

During the furlough period, you will be in a nonpay, nonduty status. Also, during the furlough, you will not be permitted to serve as an unpaid volunteer, but must remain away from your work place unless and until a continuing resolution or a FY 2019 appropriation has been signed by the President. Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is cancelled.

Career service employees who have completed a probationary period, excepted service employees, CES appointees and CEMS appointees, may appeal this action by submitting a written appeal to the Executive Officer within 30 calendar days after the effective date of the furlough. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing. The filing of an appeal will not stay the imposition of the furlough.

## Appendix 2

### Alternative Shutdown Plan

#### A. BACKGROUND

The D.C. Courts have limited operations during the holiday period, defined in Section C.2. Accordingly, fewer employees are necessary to carry out to continue the resolution of cases without interruption and to ensure public safety and the protection of property.

#### B. SHUTDOWN PLAN POINT OF CONTACT

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**Designation of Excepted Personnel.** The following positions are designated excepted under the categories listed below.

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misdeemeanors and judge-in-chambers, and two senior judges are assigned to hear appellate cases during the relevant time period. D.C. Code § 11- 1504.

**2. Employees necessary to perform activities necessarily implied by law:**

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- 1 IT Specialist
- 1 Public Office Director
- 1 Records & Courtroom Support Supervisor
- 2 Public Office Deputy Clerk Case Administrators
- 1 Courtroom Clerk
- 1 Media Case Coordinator
- 1 Mediation Coordinator

**Executive Office (5.5 FTEs excepted, 15 Total FTEs)**

- 1 Deputy Executive Officer
- 1 Administrative Assistant
- 1 Chief Security Officer
- 1 Security Manager
- 0.5 Director of Press and Public Relations (1/2 time)
- 1 Access Control Manager

**Clerk of Superior Court (3 FTEs excepted, 4 Total FTEs)**

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**Administrative Services Division (9 FTEs excepted, 41 Total FTEs)**

- 1 Director or Deputy
- 1 Contract Specialist
- 1 Help Desk Staff
- 3 Mail Center Staff
- 2 Information Center Staff – to notify public of the location of court proceedings and offices
- 1 Lead Supply Inventory Technician



**Budget and Finance Division (7 FTEs excepted, 34 Total FTEs)**

1 Chief Financial Officer or Deputy Chief Financial Officer  
1 Reports & Contracts Branch Chief  
1 Reconciliation Specialist  
1 Defender Services Branch Chief  
1 Accountant  
1 Financial Operations Branch Chief  
1 Budget Branch Chief

**Capital Projects & Facilities Management Division (8 FTEs excepted, 24 Total FTEs)**

1 Director or Deputy  
1 Building Operations Manager or Supervisory Engineer  
1 Building Maintenance Electrician  
1 Master Plumber  
3 Building Maintenance Mechanics  
1 Project Manager Facilities

**Center for Education and Training (0 FTEs excepted, 7 Total FTEs)**

**Civil Division (67 FTEs excepted, 94 Total FTEs)**

1 Director or Deputy Director  
1 Administrative Assistant  
2 Attorney Advisors  
1 Branch Chief or Branch Supervisor, Civil Actions  
1 Case Processing or Quality Assurance Supervisor, Civil Actions  
1 Accounting Technician  
9 Deputy Clerks, Civil Actions  
1 Branch Chief, Courtroom Support  
2 Courtroom Operations Supervisors, Courtroom Support  
22 Courtroom Clerks, Courtroom Support  
1 Quality Assurance Supervisor, Small Claims  
8 Deputy Clerks, Small Claims  
1 Branch Chief, Landlord and Tenant  
1 Case Processing Supervisor or Quality Assurance Supervisor, Landlord and Tenant  
1 Quality Control Specialist, Landlord and Tenant  
1 Interview and Judgment Officer, Landlord and Tenant  
13 Deputy Clerks, Landlord and Tenant

**Court Reporting and Recording Division (12 FTEs excepted, 45 Total FTEs)**

1 Director or Deputy Director  
1 Administrative Staff  
1 Case Manager  
2 Transcript Records Clerks  
1 Lead Official Court Transcriber  
1 Official Court Transcriber

4 Official Court Reporters  
1 Branch Supervisor

**Criminal Division (58 FTEs excepted, 107 Total FTEs)**

1 Director or Deputy Director  
1 Attorney Advisor  
1 Program Analyst  
1 Branch Chief, Courtroom Support  
16 Courtroom Clerks  
1 Branch Chief, Special Proceedings  
2 Accounting Technicians, Special Proceedings  
4 Deputy Clerks, Special Proceedings  
7 Deputy Clerks, Case Management  
1 Branch Chief, Quality Assurance  
8 Calendar Coordinators, Quality Assurance  
1 Deputy Clerk, Quality Assurance  
6 Courtroom Clerks, Intake/Arraignment Court  
1 Administrative Assistant  
3 Deputy Clerks, Community Court  
4 Deputy Clerks, Intake/Arraignment Court

**Domestic Violence Division (29 FTEs excepted, 29 Total FTEs)**

All domestic violence staff are considered excepted personnel.

**Family Court Operations Division (65 FTEs excepted, 151 Total FTEs)**

1 Director or Deputy  
1 Administrative Assistant  
1 Supervisory Attorney – Director’s Office  
1 Branch Chief or Branch Supervisor, Central Intake Center  
1 Section Supervisor, Central Intake Center  
6 Deputy Clerks, Central Intake Center  
1 Branch Chief or Branch Supervisor, Juvenile/Neglect  
1 Section Supervisor, Juvenile/Neglect  
5 Deputy Clerks, Juvenile/Neglect  
1 Deputy Clerk, Counsel for Child Abuse and Neglect Program  
1 Branch Chief or Branch Supervisor, Domestic Relations Branch  
1 Section Supervisor, Domestic Relations Branch  
5 Deputy Clerks, Domestic Relations Branch  
1 Adoption Supervisor, Domestic Relations Branch  
1 Custody Assessor Supervisor, Domestic Relations Branch  
1 Custody Assessor, Domestic Relations Branch  
1 Branch Chief or Branch Supervisor, Paternity and Support  
1 Section Supervisor, Paternity and Support  
5 Deputy Clerks, Paternity and Support  
1 Case Finance Clerk, Paternity and Support  
1 Branch Chief, Mental Health and Habilitation

3 Deputy Clerks, Mental Health and Habilitation  
1 Branch Chief or Supervisor, Courtroom Support  
2 Courtroom Support Supervisors, Courtroom Support  
1 Deputy Clerk, Courtroom Support  
2 Calendar Coordinators  
7 Courtroom Clerks  
1 Branch Chief, Self Help Center  
3 Facilitators, Self-Help Center  
1 Deputy Clerk, Self-Help Center  
1 Quality Control Supervisor  
2 Attorney Negotiators  
3 Deputy Clerks, Call Center

**Human Resources Division (4 FTEs excepted, 23 Total FTEs)**

1 Director or Deputy Director  
1 Human Resources Information System (HRIS) Manager  
1 Benefits Officer  
1 Payroll Compensation Officer

**Information Technology Division (22 FTEs excepted, 67 Total FTEs)**

3 Help Desk staff to support courtrooms and chambers  
1 Service Desk Supervisor to support Tier 1 operations  
1 Tier I Help Desk staff to print summons and notices  
1 System Administrator to back-up mission critical file systems that support case processing  
1 System Administrator to support VDI  
1 Production Support Manager /Senior Database Administrator to back-up the case management system  
1 Database Administrator to maintain all mission-critical production systems  
1 Server Storage Manager to support VDI, Servers and Storage  
1 Applications Development Manager to troubleshoot and maintain mission critical applications  
1/2 Senior Associate Director (COO)  
1 Senior Associate Director (CTO)  
2 Central Recording Technicians to ensure that court proceedings are recorded  
1 Business Analysis Manager to support Business Intelligence  
1 Business Analyst to support the case management system  
1 Courtroom Technology Branch Chief to manage the courtroom technology requirements  
1 Audio Technician to administer day-to-day courtroom technology setup and repair  
1 Security Officer (Branch Manager) to troubleshoot all security issues  
1 Network Administrator to troubleshoot all network issues  
1 Telecom Specialist to support telecommunications  
1/2 Director

**Multi-Door Dispute Resolution Division (14 FTEs excepted, 26 Total FTEs)**

1 Director/Deputy Director  
1 Civil Branch Chief or 1 Civil Program Officer (alternating days)  
2 Civil Case Managers

- 1 Program Officer for Small Claims and Landlord Tenant Mediations
- 1 Family Branch Chief or Program Manager
- 1 Family Program Officer
- 1 Family Program Officer or Case Manager
- 1 Client Services Coordinator or Administrative Assistant
- 2 Family Staff Mediators
- 3 Family Case Managers

**Office of the Auditor-Master (5 FTEs excepted, 6 Total FTEs)**

- 1 Auditor-Master
- 1 Assistant Auditor-Master
- 1 Attorney Advisor
- 1 Legal Assistant or Accountant
- 1 Administrative Assistant

**Office of the General Counsel (1 FTE excepted, 5 Total FTEs)**

- 1 attorney to address legal issues with respect to the shutdown of operations

**Probate Division/Register of Wills (43 FTEs excepted, 57 Total FTEs)**

- 1 Register of Wills or Deputy Register of Wills
- 1 Administrative Assistant, Office of the Director
- 1 Program Analyst, Office of the Director
- 1 Small Estate Supervisor or 1 Small Estate Specialist
- 1 Small Estate Specialist
- 1 Paralegal Specialists, Probate Self-Help Center
- 1 Deputy Clerk, Probate Self-Help Center
- 1 Legal Branch Manager
- 2 Assistant Deputy Register of Wills
- 1 Legal Assistant, Legal Branch
- 1 Branch Chief, Probate Operations Branch
- 1 Supervisor, Quality Assurance Office
- 3 Case Managers, Probate Operations Branch
- 6 Courtroom Clerks, Probate Operations Branch
- 7 Deputy Clerks, Probate Operations Branch
- 1 Deputy Clerk, Probate Systems Office
- 1 Branch Manager, Auditing and Appraisal Branch
- 1 Supervisory Auditor
- 7 Auditors
- 1 Deputy Program Manager, Guardianship Assistance Program
- 3 Social Work Case Managers, Guardianship Assistance Program

**Special Operations Division (10 FTEs excepted, 29 Total FTEs)**

- 1 Director or Attorney Advisor
- 1 Tax Officer or Tax Assistant
- 1 Juror Officer or Assistant Juror Officer
- 1 Grand Jury Specialist

- 2 Deputy Clerks, Jurors' Office
- 1 Supervisor, Judge-in-Chambers
- 2 Courtroom Clerks, Judge-in-Chambers
- 1 Spanish Language Interpreter, Court Interpreting Services

**Strategic Management Division (0 FTEs excepted, 11 Total FTEs)**

**Tax Division (FTEs included above in Special Operations Division)**

All tax matters will proceed as scheduled; there is one staff member considered excepted personnel.

**3. Employees necessary to protect life and property:**

**Family Court Social Services Division (101 FTEs excepted, 122 Total FTEs)**

- 5 Senior Managers
- 19 Administrative Assistants/Deputy Clerks
- 1 Bilingual Deputy Clerk
- 3 Delinquency Prevention Technicians
- 2 Contract Monitoring & Data Analysis positions
- 50 Probation Officers
- 4 Bilingual Probation Officers
- 11 Supervisors/Supervisory Probation Officers
- 6 Clinical Psychologists and Interns

**Crime Victims Compensation Program (5 FTEs excepted, 11 Total FTEs)**

- 1 Director
- 1 CVC Accounting Officer
- 1 Victim Advocate/Claims Examiner
- 2 Legal Claims Examiners or Assistant Legal Claims Examiners

**4. Employees whose compensation is financed by a resource other than annual appropriations:**

**Crime Victims Compensation Program (1 FTEs excepted, 1 Total FTEs)**

- 1 Legal Claims Examiner (compensation is drawn from administrative monies in the Crime Victims Compensation Fund)

**E. NUMBER OF PERSONNEL PRIOR TO THE APPROPRIATION LAPSE**

The District of Columbia Courts have 1,218 FTEs currently on board (including the four senior judges).

**F. PERSONNEL RETAINED UNDER THE SHUTDOWN PLAN**

Seven hundred fifty-two and one half (752.5) personnel are to be retained under the plan during a lapse in appropriations of less than five days. They fall into the following categories:

1. 1 employee's compensation is financed by a resource other than annual appropriations;
2. 61 employees are necessary to perform activities expressly authorized by law;
3. 584.5 employees are necessary to perform activities necessarily implied by law;
4. 106 employees are necessary to protect life and property.

## **G. PERSONNEL FURLOUGHED**

The District of Columbia Courts plan to furlough 465.5 FTEs after the appropriation lapse during the holiday period (1,218 Total - 752.5 Excepted = 465.5 furloughed).

## **H. APPROVAL OF RETAINED STAFF**

Prior to the appropriations lapse, the Executive Officer or designee shall approve the retained staff. The information will be communicated to the division directors who will verify correct titles with Human Resources personnel listings at least 72 hours prior to the date of the potential lapse and provide this information to the affected personnel.

## **I. NOTIFICATION TO PERSONNEL/CONTRACTORS**

### **I. Notice of change in level of court operations.**

(a) In the event of a lapse in appropriations, the Executive Officer, or a designee of the Executive Officer, will provide notice of and information regarding the implementation of the D.C. Courts Plan for Operations in Absence of Appropriations (Plan) as follows:

(1) Notice of implementation of the Plan will be provided to employees, contractors, local media, and the public through use of the D.C. Courts Internet web site, intranet site, telephone information line, D.C. Courts Alert System, and local media contacts.

(2) A written furlough notice will be delivered to each employee who is not listed as excepted as indicated in Section D above. The notice will be in the format set out in Appendix 3. Employees who are not listed as excepted in Section D above, but who are listed as excepted in Section D of the District of Columbia Courts Shutdown Plan will be notified in the format set out in Appendix 4.

(3) Written notice will be sent to contractors advising them of the termination or suspension of specific contract activity not authorized in the absence of appropriations.

(4) Notice of implementation of the Plan will be provided to partner agencies, including the Pretrial Services Agency, the United States Attorney's Office, the Public Defender Service, the Court Services and Offender Supervisor Agency, and the United States Marshals Service, by e-mail or the automated notification system.

(b) Notice of a change in the level of operations or of the resumption of full operations will be given by the methods provided in (a)(1) – (4) of this section.

## **II. Termination of non-essential operations.**

Please see the full District of Columbia Shutdown Plan.

## **III. Change in level of operations in the event of a lapse in appropriations of more than five days.**

In the event that a lapse in appropriations extends beyond the holiday period, defined in Section C.2, the D.C. Courts will dispense with the Alternative Shutdown Plan, and employees in excepted status under the full District of Columbia Shutdown Plan will be required to work to resume normal operations.

## **IV. Resumption of full operations.**

Please see the full District of Columbia Shutdown Plan.

## **J. SHUTDOWN DAY**

Please see the full District of Columbia Shutdown Plan.

### Appendix 3

#### FURLOUGH NOTIFICATION—Non-Excepted Personnel

To: [Employee]  
From: Gloria Trotman, Director, Human Resources Division  
Subject: Furlough notice due to lapse of appropriations

In the absence of either a FY 2019 appropriation or a continuing resolution, no further financial obligations may be incurred by the D.C. Courts, except for those related to the orderly suspension of D.C. Courts' operations or performance of excepted activities as defined in guidance provided in Office of Management and Budget Circular A-11, § 124. Because you are not engaged in one of the excepted functions, you are being placed in a furlough status effective upon completion of activities you are required to perform for orderly shutdown of operations. This furlough, e.g., nonpay, nonwork status, is not expected to exceed 30 days. You should listen to public broadcasts and when you hear that a continuing resolution or a FY 2019 appropriation has been signed by the President, you will be expected to return to work on your next regular duty day. The D.C. Courts will use our emergency notification system (emergency telephone calls; posting on website [www.dccourts.gov](http://www.dccourts.gov); and DC Courts Alert System) to advise as well.

This action is being taken because of a sudden emergency requiring curtailment of the D.C. Courts' activities; therefore, no advance notification is possible. Employees who are being retained as excepted are required for the orderly suspension of operations or they are performing one of the excepted activities defined in the OMB guidance.

During the furlough period, you will be in a nonpay, nonduty status. Also, during the furlough, you will not be permitted to serve as an unpaid volunteer, but must remain away from your work place unless and until a continuing resolution or a FY 2019 appropriation has been signed by the President. Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is cancelled.

Career service employees who have completed a probationary period, excepted service employees, CES appointees and CEMS appointees, may appeal this action by submitting a written appeal to the Executive Officer within 30 calendar days after the effective date of the furlough. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing. The filing of an appeal will not stay the imposition of the furlough.



## Appendix 4

### FURLOUGH NOTIFICATION—Personnel who are Excepted After the Holiday Period

To: [Employee]

From: Gloria Trotman, Director, Human Resources Division

Subject: (1) Furlough notice due to lapse of appropriations  
(2) Notice to Return to Work after the Holiday Period

#### (1) Furlough notice due to lapse of appropriations

In the absence of either a FY 2019 appropriation or a continuing resolution, no further financial obligations may be incurred by the D.C. Courts, except for those related to the orderly suspension of D.C. Courts' operations or performance of excepted activities as defined in guidance provided in Office of Management and Budget Circular A-11, § 124. Because you are not engaged in one of the excepted functions during the holiday period of limited court operations (December 22 - January 1, 2019), you are being placed in a furlough status effective upon completion of activities you are required to perform for orderly shutdown of operations. You should listen to public broadcasts and when you hear that a continuing resolution or a FY 2019 appropriation has been signed by the President, you will be expected to return to work on your next regular duty day. The D.C. Courts will use our emergency notification system (emergency telephone calls; posting on website [www.dccourts.gov](http://www.dccourts.gov); and DC Courts Alert System) to advise as well.

This action is being taken because of a sudden emergency requiring curtailment of the D.C. Courts' activities; therefore, no advance notification is possible. Employees who are being retained as excepted are required for the orderly suspension of operations or they are performing one of the excepted activities defined in the OMB guidance.

During the furlough period, you will be in a nonpay, nonduty status. Also, during the furlough, you will not be permitted to serve as an unpaid volunteer, but must remain away from your work place unless and until a continuing resolution or a FY 2019 appropriation has been signed by the President. Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is cancelled.

Career service employees who have completed a probationary period, excepted service employees, CES appointees and CEMS appointees, may appeal this action by submitting a written appeal to the Executive Officer within 30 calendar days after the effective date of the furlough. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing. The filing of an appeal will not stay the imposition of the furlough.

#### (2) Notice to Return to Work after the Holiday Period

Should the lapse in appropriations extend past the holiday period, you will be placed in an excepted status effective January 2, 2019, and you will be expected to return to work January 2 (or your next

regular duty day, if January 2 is not a regular duty day). Any leave that may have been scheduled is cancelled.