



# **Small Business Administration**

## **PLAN FOR OPERATING IN THE EVENT OF A LAPSE IN APPROPRIATIONS**

August 2017

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## Contents

Objective .....	1
Effect of Lapse of Appropriations on Specific SBA Programs .....	1
CONTINUED PROGRAMS.....	1
CLOSED PROGRAMS.....	1
Actions to Be Taken Prior to Initiating Shutdown Activities .....	2
NOTICE TO EMPLOYEES .....	2
PREPARATION FOR SHUTDOWN.....	2
AS SOON AS THE SHUTDOWN BECOMES IMMINENT.....	3
DAY BEFORE THE SHUTDOWN .....	3
INSTRUCTIONS FOR SHUTDOWN OF NONEXCEPTED ACTIVITIES.....	4
Phased Procedures .....	4
PHASE 1.....	4
PHASE 2.....	5
PHASE 3.....	5
APPENDIX A: TABLE OF SBA OFFICES AND AFFECTED POSITIONS .....	7
APPENDIX B: LIST OF EXEMPT AND EXCEPTED FUNCTIONS .....	8
APPENDIX C: LIST OF EXEMPT OR EXCEPTED EMPLOYEES, BY SBA OFFICE .....	19

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## Objective

This Small Business Administration (“SBA” or “Agency”) Plan for Operating in the Event of a Lapse in Appropriations (the “Operating Plan”), provides guidance and procedures for the Agency when either an annual appropriations act or continuing resolution has not been enacted for the Agency in a fiscal year. The procedures in the Operating Plan allow for (1) continuing only those excepted functions under various justifications; and (2) initiating orderly shutdown of those activities not considered exempt or excepted.

## Effect of Lapse of Appropriations on Specific SBA Programs

This Small Business Administration (“SBA” or “Agency”) Plan for Operating in the Event of a Lapse in Appropriations (the “Operating Plan”), provides guidance and procedures for the Agency when either an annual appropriations act or continuing resolution has not been enacted for the Agency in a fiscal year. The procedures in the Operating Plan allow for (1) continuing only those excepted functions under various justifications; and (2) initiating orderly shutdown of those activities not considered exempt or excepted.

### CONTINUED PROGRAMS

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- Disaster Loan Program
- Inspector General (disaster funded and investigatory activities)

### CLOSED PROGRAMS

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- 7(a) Loan Guarantees
- 504 Certified Development Company Loans
- Microloan
- Surety Bond Guarantees
- Procurement Assistance Program
- Small Business Procurement Set-Aside
- 8(a) Business Development
- 7(j) Technical Assistance
- HUBZone
- Women-Owned Small Business Federal Contracting
- Service-Disabled Veteran-Owned Small Business Procurement
- Size Standards

- Small Business Development Centers (SBDC)
- Women’s Business Centers (WBC)
- SCORE
- Veteran’s Business Development
- Small Business Investment Companies (SBIC)
- Small Business Innovation Research (SBIR)
- Small Business Technology Transfer Program (STTR)
- International Trade
- Federal and State Technology Partnership (FAST) Program
- PRIME Program
- Regional Innovation Clusters
- Native American Outreach
- Ombudsman Program
- Secondary Market Guarantee
- Emerging Leaders
- Inspector General (excluding disaster funded and investigatory activities)
- Advocacy
- Program Management & Administration

## **Actions to Be Taken Prior to Initiating Shutdown Activities**

### **NOTICE TO EMPLOYEES**

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For furloughs necessitated by lapsed appropriations, advance written notice prior to implementing the furlough is recommended but not required. When prior written notice is not feasible, any reasonable notice (telephonic or oral) is permissible. Ultimately, SBA must provide each employee with a written notice of a shutdown.

### **PREPARATION FOR SHUTDOWN**

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In the likelihood of a lapse in appropriations, the following steps should be taken

- Identify exempt, excepted and non-excepted personnel. Excepted personnel must be identified by job title; each employee must be notified of his or her classification (exempt,

excepted, or non- excepted) and the status and obligations of the classification. Non- excepted employees must be advised that voluntary services by furloughed employees are not permitted.

- Exempt personnel are those funded by programs with continuing funding and resources, such as the Office of Disaster Assistance and the Office of Inspector General, which may have “no year” appropriations available.
- Excepted personnel are those conducting activities related to orderly shutdown of the Agency, preservation of property, law enforcement activities, preservation of the financial system, related activities justified by necessary implication, and other activities that are justified by the General Counsel.
- Non-Excepted personnel are the remaining employees that are not either exempt or excepted and therefore will be furloughed.
- Communicate with employees, supervisors, resource partners, contractors, cosponsors, regarding procedures under this Operating Plan.
- Draft “decision to furlough” notices and instructions for distribution to employees. If feasible, draft and distribute “possibility of furlough” notices.
- Prepare SF-8s, Notice[s] to Federal Employee about Unemployment Insurance, so employees may more easily file for unemployment compensation, if necessary.

#### **AS SOON AS THE SHUTDOWN BECOMES IMMINENT**

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- Advise the excepted and non-excepted employees on official travel, detail assignments to other agencies (e.g., rotation assignments via the Presidential Management Council or Presidential Management Fellows Programs) or in training status that they may have to return to their regular duty stations.
- Advise contracting officials with authority to obligate funds to refrain from such actions unless the obligation is for shutdown purposes or funded as an exempt activity not funded with annual appropriations.
- No personnel actions will be processed during the period of non-availability of funds except for furlough actions and actions relating to exempt funded programs.
- Advise disbursing and certifying officers that no monies are to be disbursed for obligations incurred after the expiration of appropriations.
- Continue notification to employees, supervisors, resource partners, contractors, cosponsors, and the Union of the actions to be taken under the Operating Plan.
- Program managers must compare programmatic priorities with pending and ongoing contractual and assistance activities as soon as possible to determine which activities to continue or cancel, obtain approval from the General Counsel for those decisions, and then communicate them to interested parties.

#### **DAY BEFORE THE SHUTDOWN**

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- Advise employees, including those on detail or rotational assignments outside SBA, on

travel or in training status, to report to work the next workday, even in the event of lapsed appropriations, to allow for an orderly shutdown.

## **INSTRUCTIONS FOR SHUTDOWN OF NONEXCEPTED ACTIVITIES**

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- No actions under this contingency plan are to be initiated without written notification from the Administrator that the plan is to be put into effect.

### **Phased Procedures**

#### **PHASE 1**

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This phase begins with a lapse in funding or when a continuing resolution expires with no successor appropriations act.

- All employees will report to work on the next business day.
- Annually funded activities of the Agency will begin an orderly shutdown of operations. Functions that will continue include actions necessary to preserve life and property, law enforcement activities, protection of the integrity of the financial system, or necessary implication of those functions.
- **Exempt personnel** will continue to work, as their funding is not affected.
- **Excepted personnel** will work until notified that their excepted function is completed or no longer needed.
- **Non-Excepted personnel** will be furloughed without pay until further notification by the Agency.
- **Temporary employees** must be furloughed in the same manner as permanent employees.

Orderly shutdown activities to be initiated in Phase 1 include:

- Personnel processing of furlough actions;
- Issuing 'stop work orders' or other work suspensions on contracts as necessary;
- Notifying grantees, lenders, cosponsors and other Agency resource partners of the lapse in funding;
- Coordinating the orderly shutdown of Agency field activities;
- Advising all personnel still on travel, in local training, or on detail or rotational assignments outside of SBA, to report back to the office as soon as possible that day;
- Cancelling all leave (annual, sick, administrative, etc.) as of close of business to last for the duration of the furlough;
- Advising employees that the Office of General Counsel has committed to an expedited conflict of interest review for employees seeking outside employment;
- Closing out Agency files and records;

- Making appropriate arrangements for the collection of obligations owed to SBA.

Non-excepted employees will then be furloughed without pay as directed. Employees will be notified when to return to work by the Agency’s SBA.GOV website, through the Emergency Notification System if possible or through some other form of telecommunications.

The status of excepted employees will be identified as “non-pay duty.” Such employees are advised that the United States will not contest its legal obligation to pay for their services, even in an absence of appropriations. Supervisors will inform excepted employees (in writing or by telecommunication) that they may perform only those activities identified as essential or part of operation shutdown. Supervisors must contact any employee on travel status and advise him or her to return to the duty station immediately, unless the employee volunteers to be furloughed at the travel site and such arrangement is in the best interest of the Federal Government. Travelers should return in accordance with normal Federal Travel Regulations. Phase 1 is anticipated to last approximately 4 to 5 hours.

## **PHASE 2**

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A small contingent of excepted employees will complete final closeout actions or conduct required actions needed to finalize Agency “at risk” financial requirements.

Orderly shutdown activities in Phase 2 include:

- Finalizing furlough personnel action processing;
- Inventorying Agency property;
- Arranging to ship necessary official Agency records to the Archives.

Phase 2 is anticipated to last for more than one day.

## **PHASE 3**

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The activities in Phase 3 of an orderly shutdown of operations include, but are not limited to, the following:

- Canceling meetings, hearings, and other previously arranged business and notifying parties such as other Federal agencies, State governments, and private entities involved in Departmental matters of the cessation of normal business.
- Documenting the status of cases and projects so they can be resumed, transferred, or otherwise appropriately handled when the funding situation is determined.
- Taking steps to plan, control, and maintain orderliness throughout the phase-down of operations.
- Performing the fiscal and accounting tasks required to maintain accountability and reporting obligations and expenditures of all funds.
- Preparing files for permanent storage and preparing for the orderly transfer of property and records as directed by the General Services Administration (GSA) and the Office of Personnel Management (OPM). Property and records are not to be transferred until 30 days after shutdown activities have commenced, and then only after determination that the funding interruption will be substantial or indefinite.

- Preparing inventories of property and records to ensure protection of the Government's interests and the claims of affected private entities and individuals.
- Performing those tasks necessary to protect classified information, including listing all papers to be accorded classified status and securing all appropriate files and automatic data processing information.
- Performing requisite administrative functions, such as processing the payroll for the pay period through the expiration of the continuing resolution.
- Conducting other functions that contribute directly to the orderly shutdown of SBA, and protect life, and safeguard Government property and records.

Supervisors should continue to identify employees or positions that are necessary to perform the functions associated with the orderly cessation of activity. These employees will continue to work for the length of time necessary to complete shutdown activities. The selection of employees to participate in shutdown activities should be based on the number of employees or positions necessary for the orderly termination of an activity and the special knowledge, skills, or abilities required to terminate activities.

As employees required to perform shutdown activities complete their assigned work, they will be placed in a furlough status. Each employee's supervisor is responsible for promptly notifying the servicing personnel office through the organizational point of contact when an employee is placed on furlough so the proper documentation can be placed in the employee's official personnel folder.

All shutdown activities should be accomplished to facilitate efficient reactivation of operations when funds are again available.

No new business for activities funded by one-year appropriations will be initiated unless the Agency action is justified by the General Counsel. Unless they are necessary to the direct support of authorized activities, the following will not be permitted:

- Awards of grants, contracts, cooperative agreements, co-sponsorships, and small purchases;
- Hiring of personnel or extending the appointment of personnel whose appointments have expired, if doing so would result in unauthorized obligation of funds during a lapse of appropriations;
- Travel of persons and transportation of things; excepted and non-excepted personnel in travel status on the first day of a no-funds situation will return to their duty stations as soon as possible;
- Meetings, conferences, and seminars; or
- New or continued employment of experts and consultants, if such actions will incur a financial obligation.

## APPENDIX A: TABLE OF SBA OFFICES AND AFFECTED POSITIONS

Program Offices	Exempt Positions	Excepted Positions	Positions Subject to Furlough	Total Positions Onboard as of PP#10, 2017
Office of the Administrator	2	1	12	15
Office of Advocacy	1	0	41	42
Office of Capital Access	140	21	369	530
Office of the Chief Operating Officer	6	18	181	205
Office of Communication/Public Liaison	0	1	23	24
Office of Congressional/Legislative Affairs	0	1	6	7
Office of Disaster Assistance	838	0	0	838
Office of Entrepreneurial Development	0	0	44	44
Office of Field Operations	0	4	735	739
Office of General Counsel	1	7	126	134
Office of Government Contracting & Business Development	0	1	167	168
Office of Hearings & Appeals	0	0	12	12
Office of the Inspector General	9	8	88	105
Office of Intergovernmental Affairs	0	0	2	2
Office of International Trade	0	0	39	39
Office of Investment & Innovation	0	2	73	75
Office of National Ombudsman	0	0	3	3
National Women's Business Council	0	0	5	5
Office of Performance Management & the Chief Financial Officer	26	7	74	107
Office of Veterans Business Development	0	0	13	13
<b>Total</b>	<b>1,023</b>	<b>71</b>	<b>2,013</b>	<b>3,107</b>

## **APPENDIX B: LIST OF EXEMPT AND EXCEPTED FUNCTIONS**

### **EXEMPT FUNCTIONS**

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These are functions that are either not affected by the lapse in appropriations, or continue under other authorities.

#### **Presidential Appointees (4 PAS Exempt Employees)**

Individuals appointed by the President, with or without Senate confirmation, and who otherwise are not subject to 5 U.S.C. §6301 and attendant regulations governing leave in the Federal service, are not subject to furlough. SBA has four Presidentially-appointed, Senate confirmed positions that will continue to serve during any lapse in appropriations: the Administrator, Deputy Administrator, the Chief Counsel for Advocacy, and the Inspector General. See, 15 U.S.C. 633(b), 15 U.S.C. 634a and 5 U.S.C. App. 3, § 3(a).

#### **Office of Disaster Assistance (838 Exempt Employees)**

The Office of Disaster Assistance (ODA) plays a vital role in the aftermath of disasters. Through ODA, the SBA is responsible for providing affordable, timely, and accessible financial assistance to businesses of all sizes, non-profit organizations, homeowners and renters affected by disaster. Financial assistance is available in the form of low-interest, long-term loans. The SBA's disaster loans are the primary form of federal assistance for the repair and rebuilding of non-farm, private sector disaster losses. For this reason, the disaster loan program is the only form of SBA assistance not limited to small businesses. ODA makes the following types of disaster loans:

- Physical disaster loans are for permanent rebuilding and replacement of uninsured or underinsured disaster-damaged privately-owned real and/or personal property. The SBA's physical disaster loans are available to businesses of all sizes, non-profit organizations, homeowners and renters.
- Economic injury disaster loans provide necessary working capital until normal operations resume after a disaster. Economic injury disaster loans are restricted to non-profit organizations and small businesses.

The disaster loan program is funded entirely by no-year appropriations. See Pub. L. 115-31. Therefore, the disaster funded activities are not subject to the lapse in appropriations. In addition, the Small Business Disaster Response and Loan Improvements Act of 2008, Pub. L. 110-246, calls for the SBA Administrator to ensure that the number of full-time equivalent employees in the Office of Disaster Assistance is not fewer than 800 employees. 15 U.S.C. 636(b)(7).

#### **Disaster-funded employees assigned to other SBA support offices (181 Exempt Employees)**

In certain cases, disaster-funded positions appear in individual SBA operating offices in support of disaster-related activities. The counts of exempt positions appear in those office descriptions in the following sections of this report.

## EXCEPTED FUNCTIONS AND JUSTIFICATIONS

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These are functions that are essential to the Agency and can be justified as protection of property, law enforcement, protection of the integrity of the financial system, orderly shutdown of operations, or necessary implication of those functions.

### **Office of the Administrator (2 PAS Exempt Employees; 1 Excepted Employee)**

The Office of the Administrator is responsible to the President and the Congress for exercising direction, authority, and control over the Small Business Administration. The Office determines and approves all policies covering the Agency's programs to aid, counsel, assist, and protect the interests of the Nation's small business concerns. In addition, the Office delegates responsibility and authority to various SBA staff. The Office also consults with Federal, State, and local agencies on behalf of small business interests in the national economy. It also periodically evaluates the performance, accomplishments, and short and long-range planning goals of the Agency.

The Administrator and The Deputy Administrator are Presidentially-appointed, and therefore will continue to work during the lapse in appropriations. The Chief of Staff will continue to work as an "excepted employee." This position is essential as they direct the intergovernmental affairs activities of the Agency, which will continue during the lapse. It is anticipated that various emergency and continuing needs of other Agencies will continue during the lapse that will require coordination within SBA in order to preserve and protect government property of those other Agencies. In addition, these positions will be directing and coordinating internal SBA orderly shutdown activities with various SBA offices.

### **Office of Advocacy (1 PAS Exempt Employee)**

The Office of Advocacy's Chief Counsel is a Presidentially-appointed and Senate confirmed position. The Office of Advocacy is an independent voice for small business within the federal government. It represents the interests of small entities including small businesses, small organizations, and small governmental jurisdictions. The Chief Counsel advances the views, concerns, and interests of small business before Congress, the White House, federal agencies, and state policymakers. Economic research, policy analyses, and small business outreach help identify issues of concern. Regional advocates and an office in Washington, D.C. support the Chief Counsel's efforts. The Office of Advocacy's economic research and regulatory interventions reduce regulatory barriers that impede small business growth and development.

### **Office of Capital Access (140 Exempt Employees; 21 Excepted Employees)**

The mission of the Office of Capital Access (OCA) is to expand access to capital among small businesses—particularly those that might not otherwise obtain financing. The office does so through a network of programs and services that makes capital available to small business borrowers, working primarily through financing partners to reach those seeking to start new businesses or expand existing enterprises. OCA is primarily known for its 7(a) and 504 loan programs, which offer capital to borrowers on reasonable terms and conditions, but it also oversees a variety of programs targeted at certain markets. The Office of Capital Access also includes:

- The Office of Credit Risk Management, which provides risk management based on monitoring, reviewing, and oversight of the 7(a) and 504 lenders and microloan intermediaries; and monitoring and analysis of the 7(a), 504, microloan and disaster portfolios.

- The Office of Financial Program Operations, which oversees nine financial processing centers located throughout the country. These processing centers collectively underwrite, service, and liquidate SBA loans.
- The Office of Financial Assistance oversees policy for our 7(a) and 504 programs and also oversees the Secondary Market Program for 7(a) and 504 lenders.
- The Office of Economic Opportunity oversees the Microloan Program, which provides small, short-term loans to small business concerns. The SBA makes funds available to specially designated intermediary lenders, which are nonprofit community-based organizations with experience in lending. These intermediaries make loans to eligible borrowers. This office also oversees the Community Advantage Pilot Program.
- The Surety Bond Guarantee Program, which provides guaranteed bid, payment, and performance bonds on contracts up to \$6.5 million for small contractors who cannot obtain surety bonds through regular commercial channels. PSB Program sureties are authorized to issue, monitor and service guaranteed bonds without prior approval.
- The Performance Management and Systems Division oversees the financial systems that support the Agency's multi-billion dollar loan portfolio. This office is responsible for supporting thousands of systems users including our private sector lending partners, disaster loan center staff, and various third-party intermediaries. OPSM manages the multi-million dollar operations of the Agency's Fiscal Transfer Agent and Central Servicing Agent contracts for the 7(a) and 504 loan programs. On the performance side, OPSM supplies SBA leadership and lending customers with business intelligence, sound project management, and critical information system support for the purpose of initiating, maintaining, evaluating, and improving loan programs and initiatives.

Twenty-one (21) OCA employees will be needed to ensure the continued operation of activities critical to the protection of government property and orderly shutdown activities. These include:

- 10 employees at OCA's commercial loan servicing centers in Fresno, CA, and Little Rock, AR, who will ensure that 504 loan program liquidation and servicing activities continue as appropriate. SBA is solely responsible for liquidating 504 loans and ensuring the collection of obligations owed to SBA. If this function shuts down, the government would permanently lose critical recovery revenue on defaulted 504 loans
- 4 employees at OCA's headquarters office who will be needed to perform orderly shutdown activities, including notifying personnel and stakeholders—including SBA's lending partners—of the shutdown and its implications; maintaining critical OCA contracts and issuing stop work orders on non-critical contracts; and overseeing OCA's loan accounting systems and systems that support disaster lending.
- 3 employees at OCA's National Guaranty Purchase Center in Herndon, VA, who will ensure that the 7(a) loan program liquidation and servicing activities continue. These are loans owned by SBA; therefore SBA is solely responsible for ensuring the collection of obligations owed to SBA. If this function shuts down, the government would permanently lose critical recovery revenue on these government owned loans.
- 4 excepted employees of the Office of Capital Access at the disaster processing centers.

OCA oversees three disaster loan servicing centers that collectively service and liquidate loans approved under SBA's disaster loan program, which provides low-interest loans to homeowners, renters, businesses and nonprofit organizations to repair or replace assets that have been damaged or destroyed in a declared disaster. The 140 employees that handle these servicing functions are funded by 'no-year' disaster funds and are exempt from furlough.

#### **Office of the Chief Operating Officer (6 Exempt Employees; 18 Excepted Employees)**

##### **The Office of Administrative Services (3 Excepted Employees)**

The Office of Administrative Services provides administrative support programs across the Agency, including facilities and real estate, asset management, property inventory, fleet management and operations, office equipment and administrative services, physical and building security and safety, records management, mail and print management. Three employees are needed to conduct orderly shutdown activities, provide physical security of exempt and excepted employees, and provide protection of government records.

##### **Office of the Chief Information Officer (8 Excepted Employees)**

The Office of the Chief Information Officer (OCIO) provides information technology leadership, products, services and operational support for the SBA. The Chief Information Officer is the principal advisor to the Administrator on information technology matters and has overall responsibility for developing, managing and monitoring SBA-wide IT systems, projects, personnel and expenditures. The office provides information technology governance support to the Agency, ensuring that the SBA manages its current and prospective IT investment portfolio in accordance with the laws, regulations and policies applicable across government.

The OCIO manages the SBA's functional IT units encompassing systems development, operations, voice and data communications and user support. Directly or through contractors, the OCIO has responsibility for current, mission oriented IT systems that support SBA program delivery and enable the Agency to equip and outfit its employees with current hardware, software and computing tools, such as email, wireless capabilities and remote access for telecommuters.

The OCIO is also the Agency's lead office for information security, data privacy, electronic identity protection and incident reporting, including information technology aspects of COOP, continuity of operations planning.

OCIO manages the web content on [www.sba.gov](http://www.sba.gov), an investment integrating web resources to provide small businesses and aspiring entrepreneurs with information services that save time and money, engage citizens to participate, and enable collaboration across all levels of government.

OCIO will have 8 positions providing orderly shutdown services and protection of government property.

##### **Office of the Chief Operating Officer (2 Excepted Employee)**

The Chief Operating Officer is a senior executive with responsibility delegated by the Administrator for SBA's information technology, physical security and safety, facilities and records management, and coordination of other critical operations functions including continuity of operations functions.

##### **Office of Disaster Planning and Enterprise Risk Management (3 Exempt Employees)**

The Office of Disaster Planning and Enterprise Risk Management reports concurrently to the

Administrator and the Chief Operating Officer, and is responsible for integrating disaster planning, preparedness activities and disaster response programs for all SBA offices. Three of the Office positions are funded by disaster appropriations and therefore are exempt from furlough during a lapse in appropriations.

The office provides direction and oversight in coordinating the utilization of SBA resources to assist citizens, communities and businesses in response to disaster occurrences and long term recovery needs. It also represents the SBA on various inter-governmental bodies related to disaster response and recovery and works to ensure that the Agency and its resource partners coordinate effectively to help serve disaster victims. The Agency's disaster training operations, exercises and simulation programs also fall under the purview of the Office of Disaster Planning as does the responsibility for monitoring internal and external communications in times of disaster.

#### **Office of Diversity, Inclusion, and Civil Rights (No Excepted Employees)**

The Office of Diversity, Inclusion and Civil Rights (ODICR) advances Agency-wide equal employment opportunity (EEO) and diversity at all levels, and promotes equal access to programs and activities receiving SBA financial assistance. The ODICR is also responsible for establishing programs, policies, and initiatives that work to prevent discrimination against all SBA employees and applicants based upon race, color, sex, age, religion, disability, national origin, sexual orientation, gender identity, and retaliation for opposition to discriminatory practices or participation in the EEO process. The ODICR also works to achieve equal employment opportunity for all qualified employees. The Office takes proactive measures to ensure that no person in the U.S. is denied the benefits of, excluded from participation in, or subjected to discrimination under any program or activity receiving SBA financial assistance, based upon race, color, sex, age, disability, national origin, and marital status. Additionally, the Office ensures that individuals with disabilities have equal access to SBA-conducted or co-sponsored programs and activities. ODICR will not require any employees for orderly shutdown or protection of property. The ODICR will not be processing cases, coordinating mediations, conducting compliance reviews, or requesting hearings during a lapse in appropriations.

#### **The Office of the Executive Secretariat (No Excepted Employees)**

Executive Secretariat works with senior management officials to formulate the Administrator's written correspondence. Executive Secretariat reviews, edits, and manages correspondence and ensures that correspondence and written products are delivered in the most timely and efficient manner, while providing useful, reliable information, and advice to Congress, other federal agencies, and small business owners nationwide. The Director for the Office of Executive Secretariat has oversight responsibility for the following critical functions: records management for the agency's executive team, managing the administrator's written correspondence, managing the agency's call center operation, and managing the agency's official circulation and approval process. This office will not require any employees for orderly shutdown or protection of property.

### **The Office of Grants Management (No Excepted Employees)**

The Office of Grants Management (OGM) awards and administers all grants under SBA's authorization and appropriations, with the exception of the small business development center and women's business center grants which are awarded and administered by the respective program offices. In the case of congressional earmark grants, the OGM serves as the technical representatives for the grants as well. The director of OGM serves as SBA's senior grant officer and represents the Agency on all interagency grant-related policy making groups. This office will not require any employees for orderly shutdown or protection of property.

### **The Office of Human Resource Solutions (5 Excepted Employees)**

OHRS develops and provides innovative human capital strategies, and advises SBA management with respect to selecting, developing and managing a high-quality, productive workforce. This office sets the SBA's workforce development strategy; assesses current workforce characteristics and future needs based on the SBA's strategic plan; aligns human resources policies with organization mission, strategic goals, and performance outcomes; develops and advocates a culture of continuous learning to attract and retain employees with superior abilities; identifies best practices and benchmarks studies; and creates systems for measuring intellectual capital and identifying links of that capital to organizational performance and growth. This office also implements laws, rules and regulations governing the civil service.

OHRS will perform the following critical functions: issuing furlough notices, processing payroll, and fielding policy questions including addressing any possible retirement benefits issues. This office will have 5 excepted positions.

### **The Office of Personnel Security (3 Exempt Employees)**

The Office of Personnel Security (OPS) screens all selected candidates (including contractors) prior to employment. This includes: risk and sensitivity designation verifications for covered positions, applicant pre-screening, preliminary background checks, reciprocity checks, security clearance level determinations, initiating and scheduling investigations and re-investigations with OPM, conducting security package reviews and conducting suitability/personnel security determinations, security clearance eligibility determinations and granting of national security clearances, and PIV card adjudication. The OPS will not be processing cases or conducting security checks since there will be no staffing activity conducted during a lapse in appropriations. The three exempt employees are Personnel Security Specialists who are funded by "no-year" disaster funds and are exempt from furlough.

### **Office of Communications and Public Liaison (1 Excepted Employee)**

The Office of Communications and Public Liaison (OCPL) has the principal responsibility for developing and implementing effective communications strategies to ensure that the SBA's mission, programs, services and initiatives are articulated clearly and consistently to the American public in general and the small business community in specific. It supports field and program offices with planning and implementation of effective communications strategies. OCPL plays the chief role in articulating, explaining and promoting Agency policy and goals to the national news media.

Through Public Engagement and the Office of Strategic Alliances within OCPL, the SBA forms alliances with for-profit corporations, small businesses, non-profit organizations, trade and professional associations, academic institutions, and public-sector agencies. The alliances offer opportunities to network on areas of common interest.

### **Office of Congressional and Legislative Affairs (1 Excepted Employee)**

The Office of Congressional and Legislative Affairs (OCLA) assist in the development of SBA legislative programs and serves as the communications focal point on legislation and congressional activity. OCLA monitors legislation and policies introduced by Congress and government agencies to determine their effects on SBA and small business. It furthers the goals of SBA and enables Members of Congress to best serve their small business constituencies by promptly providing accurate, current, and continuous information to Members of Congress, congressional committees, and others interested in SBA programs. It also devises and implements legislative strategy and has primary responsibility for all matters relating to the congressional and legislative functions of SBA. It serves as a liaison with legislative personnel at the White House, the Office of Management and Budget, and various federal departments and agencies. It coordinates with program offices and field offices to ensure continuity and consistency in SBA's communications with Congress.

OCLA will have one employee providing orderly shutdown activities. This is necessary since Congress will continue to work during the lapse in appropriations and if they need information or assistance from SBA, OCLA is the main point of contact.

### **Office of Entrepreneurial Development (No Excepted Employees)**

The Office of Entrepreneurial Development (OED) serves the small business community through outreach and public/private sector collaborative ventures and other creative mechanisms with the purpose of providing management and technical assistance through counseling and training to America's small businesses that otherwise would not be able to locate or afford trained and professional assistance. OED provides entrepreneurs with free and low-cost education and training, topical information, and management assistance critical for sound decision-making in the start-up and growth phases of the business cycle. The tools used to accomplish this are OED's SCORE, Small Business Development Center, and Women's Business Center programs; the SBA's online training portal; Emerging Leaders; the Cluster Initiative; and delivery systems such as the SBA's district offices. This office will not require any employees for orderly shutdown or protection of property.

### **Office of Field Operations (4 Excepted Employees)**

The Office of Field Operations (OFO) represents SBA field offices at headquarters. This office provides policy guidance and oversight to regional administrators and district directors in implementing Agency goals and objectives, and in solving problems in specific operational areas. It establishes and monitors performance goals for district offices; provides associate administrators, program heads and the general counsel with a vehicle for overseeing field office program and policy implementation; provides feedback to headquarters management regarding the performance of their programs; ensures that field offices have adequate input into all policy formation and participate in policy deliberations at headquarters; organizes reviews of field offices; informs the SBA Administrator of field activity; and, when necessary, the OFO provides coordination with the ODA.

The Associate Administrator is the principal of the office and will need to be on hand for the orderly shutdown of Field Operations functions, including issuing furlough and call to work notice, point of contact to all Field personnel as new developments emerge and change and will be responsible for advising personnel on return to office and close out of agency files and records.

The Regional Administrator for SBA Region IX is the emergency personnel of record for Field Operations in the event of an emergency in the DC area that impacts the ability of headquarters officials to perform their functions, This Regional Administrator would become the principal of Field Operations to keep our operations moving (same duties as the Associate Administrator and the Deputy Associate

Administrator). Business Opportunity Specialists are responsible for the acceptance of contracts and awards and the financial documentation intake and analysis of the 8(a) compliance operations of the field.

#### **Office of General Counsel (1 Exempt Employee; 7 Excepted Employees)**

The Office of General Counsel (OGC) provides legal advice in support of all SBA programs and initiatives. The office helps to minimize the Agency's legal risks and costs, reduce litigation exposure; and monitors compliance with the applicable statutes, regulations, Executive Orders and other legal requirements. OGC provides the legal support necessary to defend SBA's interest in judicial and administrative actions, and proactively represents the Agency in all legal matters that arise in the context of its financial assistance, procurement and contracting programs, as well as labor and employment disputes.

The Agency's fiduciary responsibility is not suspended during a shutdown. It is anticipated that the Courts will remain open during the furlough. Accordingly, with respect to litigated matters, substantial impacts can arise in the event the Agency fails to timely file an Answer or other significant pleading or misses an applicable deadline (including a filing prior to an applicable statute of limitations). In such event, SBA could incur substantial liabilities or incur significant losses for which no later opportunity to cure will be available. Further, if a deadline in bankruptcy is missed or collateral is not protected, those assets will be lost forever, potentially resulting in significant losses. The review and approval of documentation for 504 loan closings, which represent take-out financing promised by SBA and relied upon by interim/construction lenders and the affected small businesses, will not be needed at the start of the shutdown. SBA also must continue to provide ethics advice, especially to furloughed employees that might need conflict of interest advice.

This office will have seven excepted employees and one exempt employee who is funded by "no-year" disaster appropriations.

#### **Office of Government Contracting and Business Development (1 Excepted Employee)**

The Office of Government Contracting and Business Development promotes increased small business participation in the federal procurement market for goods and services. The office fulfills the SBA's statutory mission to ensure that a fair share of federal procurement goes to small businesses. Working with federal agencies, the SBA negotiates procurement goals, monitors performance, encourages the use of small business sources, provides procurement training and technical assistance to small firms, and provides policy direction and guidance to federal agencies. Several of the government-wide goals are statutory, including small businesses, small disadvantaged businesses, women-owned small businesses, HUBZone small businesses, and service disabled veterans-owned small businesses. Key activities include, but are not limited to, certifying firms for the 8(a) business development program and HUBZone program, processing and reviewing protests for small business contracts and combating fraud, waste and abuse in all programs.

One employee will be providing orderly shutdown activities and protection of government property. Additionally, this employee will ensure that the small business contracting programs continue to operate for any agencies or departments not impacted by the shutdown.

#### **Office of Hearings and Appeals (No Excepted Employees)**

The Office of Hearings and Appeals (OHA) adjudicates several types of disputes affecting Federal procurements government-wide. Among these types of disputes are appeals of SBA formal size determinations (Size Appeals); appeals from contracting officer designations of North American Industry Classification System codes (NAICS Appeals), and appeals of Service- Disabled Veteran-Owned (SDVO)

Small Business Concern (SBC) protest determinations (SDVO SBC Appeals). All NAICS and SDVO SBC Appeals, and nearly all Size Appeals, are in connection with pending Federal procurements, and the contracting activity in each of these cases must await OHA's decision before it can award the contract. OHA will not require any employees for orderly shut-down or protection of property.

**Office of the Inspector General (1 PAS Exempt, 8 Exempt Employees; 8 Excepted Employees)**

The Office of Inspector General (OIG) is an independent office created by law within the SBA to conduct and supervise audits, investigations, and other reviews relating to SBA programs and supporting operations; detect and prevent waste, fraud, and abuse; and promote economy, efficiency, and effectiveness in the administration and management of SBA programs. The Inspector General keeps the SBA Administrator and the Congress fully informed of any problems, recommends corrective actions, and monitors progress in the implementation of such actions. The two operating components of the OIG are the Audits Division and the Investigations Division. The Audits and Investigations Divisions each administer their respective activities through staff located in various locations around the country. The Management and Administration Division and the Offices of Counsel and the Chief of Staff support both the Inspector General and the operating divisions by providing policy, planning, administrative, legal, and other services.

The Inspector General is a Presidentially-appointed and Senate confirmed (PAS) position not subject to the shutdown. Eight employees are funded through no-year disaster funding. Eight employees will be engaged, as needed, in orderly shutdown or protection of government property, including necessary personnel services to implement shutdown plans: the Assistant Inspector General for Management and Administration, the OIG Budget Officer, the OIG Human Resources Officer, and two Human Resources Specialists. In addition, Criminal Investigators (law enforcement positions) with scheduled court appearances or who are working with offices of the United States Attorney on imminent trials or court appearances (protection of government property) may also be excepted on a case-by-case basis.

### **Office of Intergovernmental Affairs (No Excepted Employees)**

The SBA, through its Office of Intergovernmental Affairs (OIA), coordinates governmental initiatives at the federal, state and local level, as well as Native American initiatives, developing policies and procedures to ensuring SBA coordination at the state and local level, as well as available assistance to American Indians, Native Alaskans, and Native Hawaiians. These initiatives consist of three major components: marketing, outreach, and training to enhance business opportunities. OIA will not require any employees for orderly shutdown or protection of property.

### **Office of International Trade (No Excepted Employees)**

The Office of International Trade (OIT) enhances the ability of small businesses to compete in the global marketplace by facilitating access to capital to support international trade, ensuring the interests of small business are considered and reflected in trade negotiations, and supporting and contributing to the U.S. government's international commercial and economic agenda. OIT will not require any employees for orderly shut-down or protection of property.

### **Office of Investments and Innovation (2 Excepted Employees)**

The Office of Investments and Innovation (OII) assists small businesses through the administration of the Small Business Investment Company (SBIC) and the Small Business Innovation Research (SBIR) programs. SBICs are privately owned and managed investment funds that are licensed and regulated by the SBA. They use their own private capital plus funds borrowed with an SBA guaranty to make investments in qualifying small businesses, especially those with potential for substantial job growth and economic impact. The SBIR program helps small businesses to develop innovations to meet the research and development needs of the Federal Government and then commercialize those innovations in the marketplace. The SBIR program can also advance American innovation and competitiveness in the broader economy.

OII will have two employees providing orderly shutdown services and protection of government property. The SBIC program's outside Agents – the Federal Home Loan Bank of Chicago (FHLBC) and the Bank of New York Mellon (BNYM) will be allowed to continue the funding of previously approved contingent draws that have been awarded by the SBA through the issuance of Approval Notices (payment vouchers). These already issued Approval Notices have a term of up to 58 days in which funds can be drawn and SBA guarantee debentures issued. The SBA Funding Administration Branch (FAB) is the servicer of SBIC guarantee debt. If there are issues relative to the wire transfer of funds to these SBICs when funds are drawn – the SBA must be in a position to resolve these issues and provide any security request confirmation when required. FHLBC is compensated only through interim interest income and that BNYM services are not compensated from federal appropriation and therefore their funding services continues during a lapse in federal appropriations.

OII oversees approximately 316 SBICs and a number of assets owned by SBA. There are approximately 101 SBICs in liquidation for which SBA has been appointed Receiver owing SBA several hundred million dollars. The SBA receiverships require approval from SBA personnel to conclude transactions. In a number of instances this includes execution of investment or sale transaction documents. Among the activities required to be completed are approving and authorizing the expenditure of receivership funds, including the issuing of receivership checks to pay the various bills and obligations of the receivership estates. OII is crucial for arranging the collection of obligations, paying bills, and meeting SBA's duties. These are fiduciary obligations not only for the benefit of SBA but other creditors, claimants, and stakeholders of the receivership estates. Failure to meet these obligations and protect the receivership estates is not only harmful to the federal government but would harm other parties. The result of SBA not

meeting these obligations and breaching accepted duties would subject the federal government to additional liability. In addition, personnel will be needed for the orderly shutdown and protection of property of the SBIC, SBIR and STTR Programs.

#### **Office of the National Ombudsman (No Excepted Employees)**

The Office of the National Ombudsman (ONO) fosters a more small-business–friendly federal regulatory enforcement environment by assisting small businesses when they experience excessive federal regulatory enforcement actions, such as repetitive audits or investigations, excessive fines, penalties, threats, retaliation, or other unfair enforcement action by a federal agency. It does this by evaluating how Federal agencies treat small businesses during enforcement or compliance actions. ONO will not require any employees for orderly shutdown or protection of property.

#### **National Women’s Business Council (No Excepted Employees)**

The National Women’s Business Council (NWBC) is a nonpartisan federal government council created to serve as an independent source of advice and policy recommendations to the President, Congress and the Small Business Administration on issues of economic importance to women business owners. The council’s mission includes supporting research that promotes bold initiatives, policies and programs designed to support women’s business enterprises at all stages of development in the public and private sector marketplaces. NWBC will not require any employees for orderly shutdown or protection of property.

#### **Office of Performance Management and the Chief Financial Officer**

##### **(26 Exempt Employees; 7 Excepted Employees)**

The Office of Performance Management and the Chief Financial Officer (OCFO) conducts and promotes effective financial management activities for the SBA including budget, credit subsidy, financial operations, financial systems, and internal controls, and procurement. It develops and maintains integrated accounting and financial management systems; directs, manages, and provides policy guidance and oversight of all Agency financial management personnel, activities, and operations; approves and manages financial management systems design and enhancement projects; develops budgets for financial management operations and improvements; implements Agency asset management systems; monitors the financial execution of the Agency budget in relation to actual expenditures; and develops policies and procedures for the procurement of supplies, equipment, and non-personnel services.

The Office of Performance Management and the Chief Financial Officer provides tools and guidance to assist the Agency in expanding its capacity to conduct and utilize the results of program evaluations. It also helps the Agency develop better performance measures in order to facilitate the SBA’s continued movement from measuring activity outputs to measuring programmatic and Agency outcomes. It builds Agency capacity for results-based management through training and outreach to program offices and supports the Agency’s strategic planning. The office also prepares annual accountability and/or performance reports, and establishes and implements Agency-wide policies for management integrity and audit follow-up, including internal controls.

OCFO also provides disaster accounting services handled by employees that are funded by no- year disaster funds. Employees would be needed to ensure the proper recordation, timely deposit, and accounting of all funds received by SBA. Repayments of thousands of direct loans are handled by OCFO. In addition, staff would be needed for account servicing purposes (e.g., accounting for liquidations and collateral purchases, establishing notes receivable, and posting of court ordered judgments).

The OCFO would have 26 exempt employees report for duty – all are funded by no-year disaster appropriations. The 7 excepted employees would be needed for the following: orderly shutdown of headquarters activity related to financial management policies, budget, financial system, and accounting support for disaster activities.

The exempt no-year funded employees would be needed to ensure the proper recordation, timely deposit, and accounting of all funds received by SBA, process the repayments of hundreds of thousands of direct loans handled by OCFO. In addition, staff would be needed for account servicing purposes (e.g., accounting for liquidations and collateral purchases, establishing notes receivable, and posting of court ordered judgments).

#### **Office of Veterans Business Development (No Excepted Employees)**

The Office of Veterans Business Development (OVBD) conducts comprehensive outreach on behalf of the Agency and is responsible for the formulation, execution, and promotion of policies and programs of the Administration. To accomplish these tasks, OVBD operates its national outreach initiative and provides direct service delivery through funding agreements with resource partners, coordination of outreach and service delivery with other federal agency partners, and development of Agency program initiatives. OVBD will not require any employees for orderly shut-down or protection of property.

### **APPENDIX C: LIST OF EXEMPT OR EXCEPTED EMPLOYEES, BY SBA OFFICE**

#### **ADMINISTRATOR: (2 PAS EXEMPT EMPLOYEES; 1 EXCEPTED EMPLOYEE)**

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- Administrator (PAS)
- Deputy Administrator (PAS)
- Chief of Staff

#### **ADVOCACY: (1 PAS EXEMPT EMPLOYEE)**

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- Chief Counsel for Advocacy

#### **CAPITAL ACCESS: (140 EXEMPT EMPLOYEES; 21 EXCEPTED EMPLOYEES)**

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#### **Excepted Employees (21)**

##### **Office of Capital Access (OCA), Washington, DC (4)**

- Associate Administrator (1)
- Director, Office of Financial Program Operations (1)
- Director, Office of Performance and System Management (1)
- Supervisory Information Technology Specialist, Systems Operations Division (1)

**Fresno Commercial Loan Servicing Center, Fresno, CA (5)**

- Supervisory Loan Specialist, Center Director (1)
- Supervisory Loan Specialist (1)
- Loan Officers (2)
- Attorney (1)

**Little Rock Commercial Loan Servicing Center, Little Rock, AR (5)**

- Supervisory Loan Specialist, Center Director (1)
- Supervisory Loan Specialist (1)
- Loan Specialists (2)
- Attorney (1)

**National Guaranty Purchase Center (NGPC), Herndon, VA (3)**

- Supervisory Loan Specialist, Center Director (1)
- Loan Specialist (1)
- Center Counsel (1)

**Birmingham Disaster Loan Servicing Center, Birmingham, AL (2)**

- Supervisory Loan Specialist, Center Director (1)
- Loan Specialist (1)

**Santa Ana National Disaster Loan Resolution Center, Santa Ana, CA (2)**

- Supervisory Loan Specialist, Center Director (1)
- Paralegal (1)

**Exempt Employees (140)**

**Office of Financial Program Operations (OFPO), Washington, DC (2)**

- Supervisory Loan Specialist, Deputy Director (Disaster) (1)
- Program Analyst (Disaster) (1)

**El Paso Disaster Loan Servicing Center, El Paso, TX (33)**

- Supervisory Loan Specialist, Center Director (1)
- Quality Control Specialist (1)
- Supervisory Loan Specialists (2)
- Attorney Advisors (2)
- Lead Loan Specialists (4)
- Information Technology Specialists (2)
- Loan Specialists (8)
- Administrative Officer (1)
- Legal Assistant (1)
- Loan Servicing Assistants (8)
- Office Automation Assistants (3)

**Birmingham Disaster Loan Servicing Center, Birmingham, AL (52)**

- Attorney Advisors (2)
- Supervisory Loan Specialist, Center Director (1)
- Supervisory Loan Specialist, Deputy Director (1)
- Quality Control Specialist (1)
- Information Technology Specialists (2)
- Legal Assistants (2)
- Loan Servicing Assistants (10)
- Loan Specialists (19)
- Office Automation Assistants (6)
- Supervisory Loan Specialist (4)
- Lead Loan Specialists (3)
- Administrative Officer (1)

**Santa Ana National Disaster Loan Resolution Center, Santa Ana, CA (53)**

- Supervisory Loan Specialist, Center Director (1)
- Supervisory Loan Specialist, Deputy Center Director (1)
- Supervisory Loan Specialists (4)
- Lead Loan Specialists (2)
- Loan Specialists (26)
- Loan Servicing Assistants (6)
- Chief Counsel (1)
- General Attorneys (5)
- Quality Control Specialist (1)
- Administrative Officer (1)
- Information Technology Specialists (2)
- Office Automation Specialists (3)

**CHIEF OPERATING OFFICER: (6 EXEMPT EMPLOYEES; 18 EXCEPTED EMPLOYEES)**

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**Immediate Office of the Chief Operating Officer (2 Excepted Employee)**

- Chief Operating Officer (1)
- Deputy Chief Operating Officer (1)

**Office of Administrative Services: (3 Excepted Employees)**

- Director, Office of Administrative Services (1)
- Supervisor (Mail Facilities) (1)
- Safety and Security Specialist (1)

**Office of the Chief Information Officer: (8 Excepted Employees)**

- Chief Information Officer (1)
- Chief Information Security Officer (CISO) (1)
- Information Technology Specialist, Infrastructure Operations (4)
- Information Technology Specialist, Cyber Security Operations (1)

- Online Media Information Specialist (1)

**Office of Disaster Planning and Enterprise Risk Management (3 Exempted Employees)**

- Director, Office of Disaster Planning and Enterprise Risk Management (1)
- Program Analysts (2)

**Office of Diversity, Inclusion and Civil Rights (No Exempted Employees)**

- None

**Office of Executive Secretariat (No Exempted Employees)**

- None

**Office of Grants Management (No Exempted Employees)**

- None

**Office of Human Resources Solutions (5 Exempted Employees)**

- Chief Human Capital Officer (CHCO) (1)
- Deputy Chief Human Capital Officer (DCHCO) (1)
- Payroll Specialist (2)
- Policy Analyst (1)

**Office of Personnel Security (3 Exempt Employees)**

- Personnel Security Specialists (3)

**COMMUNICATIONS & PUBLIC LIAISON: (1 EXCEPTED EMPLOYEE)**

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- Associate Administrator

**CONGRESSIONAL & LEGISLATIVE AFFAIRS: (1 EXCEPTED EMPLOYEE)**

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- Associate Administrator

**DISASTER ASSISTANCE: (838 EXEMPT EMPLOYEES)**

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- All employees

**ENTREPRENEURIAL DEVELOPMENT: (NO EXCEPTED EMPLOYEES)**

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- None

**FIELD OPERATIONS: (4 EXCEPTED EMPLOYEES)**

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- Associate Administrator (1)
- Regional IX Administrator (1)
- Business Opportunity Specialist (2)

**GENERAL COUNSEL: (1 EXEMPT EMPLOYEE; 7 EXCEPTED EMPLOYEES)**

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**Exempt Employees (1)**

- Attorney Advisor (1)

**Excepted Employees (7)**

- General Counsel (1)
- Deputy General Counsel (1)
- Associate General Counsel (2)
- General Attorney (2)
- Ethics Official (1)

**GOVERNMENT CONTRACTING & BUSINESS DEVELOPMENT: (1 EXCEPTED EMPLOYEE)**

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- Associate Administrator (1)

**HEARINGS & APPEALS: (NO EXCEPTED EMPLOYEES)**

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- None

**INSPECTOR GENERAL: (1 PAS EXEMPT EMPLOYEE; 8 EXEMPT EMPLOYEES; 8 EXCEPTED EMPLOYEES)**

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- Inspector General (1 PAS)

**Exempt Employees (8)**

- Auditor/Program Analyst/Investigative Analyst (8)

**Excepted Employees (8)**

- Assistant Inspector General for Management & Administration (1)
- Budget Officer (1)
- Human Resources Officer (1)
- Human Resources Specialist (2)
- Criminal Investigator (3)

**INTERGOVERNMENTAL AFFAIRS: (NO EXCEPTED EMPLOYEES)**

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- None

**INTERNATIONAL TRADE: (NO EXCEPTED EMPLOYEES)**

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- None

**INVESTMENT AND INNOVATION: (2 EXCEPTED EMPLOYEES)**

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- Chief Administrative Officer
- Director, Office of Liquidation

**NATIONAL OMBUDSMAN: (NO EXCEPTED EMPLOYEES)**

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- None

**NATIONAL WOMEN'S BUSINESS COUNCIL: (NO EXCEPTED EMPLOYEES)**

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- None

**PERFORMANCE MANAGEMENT OFFICER/CHIEF FINANCIAL OFFICER: (26 EXEMPT EMPLOYEES; 7 EXCEPTED EMPLOYEES)**

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- Chief Financial Officer (1)
- Director, Denver Finance Center (1)

**OCFO Planning and Budget Staff**

- Budget Analyst (1)

**OCFO Management and Administrative Staff**

- Management & Program Assistant (2)

**OCFO Administrative Accounting Branch Staff**

- Supervisory Accountant (2)
- Accountant (3)
- Accounting Technician (4)
- Financial Specialist (5)

**OCFO Financial Reporting Branch**

- None

**OCFO Acquisition Division**

- Senior Procurement Executive (1)
- Contract Specialist (2)

**OCFO Financial Operations Branch**

- Financial Specialist (2)
- Accounting Technician (1)
- Accountant (1)

**OCFO Programmatic Accounting Branch**

- Supervisor (1)
- Accounting Technician (2)

**OCFO Financial Systems**

- IT Specialist (3)

**OCFO Internal Controls**

- Financial Specialist (1)

**VETERANS BUSINESS DEVELOPMENT: (NO EXCEPTED EMPLOYEES)**

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- None