

Legislative Continuity of Operations

(Redacted Version)



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What is Continuity of Operations?

- A **continuity of operations plan** (COOP) establishes policy and guidance ensuring that **critical functions** continue and that **personnel and resources** are relocated to an **alternate facility** in case of emergencies.
- Don't confuse this with Continuity of Government – That's a whole of a different variety.
- Critical parts of a COOP Plan:
 - Alerting, notifying, activating and deploying employees
 - Identifying critical business functions
 - Establishment of an alternate facility
 - Roster of personnel with authority and knowledge of functions

Relevant Legal/Policy Issues*

- **Vermont Constitution Chapter II § 6.** Neither House during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting; and in case of disagreement between the two Houses with respect to adjournment, the Governor may adjourn them to such time as the Governor shall think proper.
- **Vermont Constitution Chapter II § 8.** The doors of the House in which the General Assembly of this Commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the State may require them to be shut.

*Please consult with Legislative Council Legal Staff for legal advice and opinions.

Relevant Legal/Policy Issues

- **2 V.S.A. § 1. Place of holding sessions** The sessions of the General Assembly shall be held in the State House in Montpelier; except that, in case that Montpelier, in the opinion of the Governor, shall ever become an unsafe place because of an enemy attack or threatened attack upon the United States or Canada, such sessions, while such unsafe condition shall continue, shall be held elsewhere in a building or buildings to be designated from time to time by him or her. (Amended 1959, No. 14, eff. March 4, 1959.)
- **29 V.S.A. § 171(e)** The Commissioner [of BGS] shall develop plans for **continuity of government** and **continuity of operations** as an addendum to the State emergency operations plan maintained by the Department of Public Safety, Division of Emergency Management and referenced in 20 V.S.A. § 8(b)(2).
- **BGS Administrative Policy #0024 - Continuity of Government**

Relevant Legal/Policy Issues

- 20 V.S.A. § 184 Emergency interim successors for state offices ... The officer shall designate a sufficient number of such emergency interim successors so that, including deputies, there will be not less than five emergency interim successors.
- Of note – the above does not apply to the Legislature under 20 V.S.A. § 182(3).

Critical Phases

- I. Readiness and Preparedness
- II. Activation and Relocation
- III. Continuity of Operations
- IV. Reconstitution

Critical Elements

- Essential Functions



- Orders of Succession



- Delegations of Authority



- Continuity Facilities



- Continuity Communications



- Vital Records Management



- Human Capital



- Tests, Training and Exercises



- Devolution of Control and Direction



- Reconstitution



What COOP is not

- An Emergency Response Plan (We have one of those too).
- Comfortable.

Why activate a COOP?

- The **Legislative Mission Cannot Continue** in the normal place.
 - Fire (1857)
 - Flood (1927, 1992)
 - Civil Disturbance (2020, 2019, 2017, 2016, 1999 etc)
 - Pandemic (1918, 2020)
 - Pick your disaster.....

Legislative Continuity of Operations

- Goal is to provide several options to ensure ability to function.
- Major differences between in and out of session.
- Heavily constrained by Constitution, Statute and Rules.
- Prior to COVID-19 Pandemic, did not include a virtual option.
- P.A.C.E. Plan – Primary, Alternate, Contingency and Emergency
- First question to ask: Do we activate the COOP, or just press “Pause”?

General Timelines

Out of Session

- Less than a Week
- 1 Week to 1 Month
- 1 Month to Indefinite

In Session

- 0-3 Days
- 3 Days to 1 week
- 1 Week to 1 Month
- 1 Month to End of Session
- Indefinite

Out of Session (We implemented this in 2019)

- Depends greatly on time of year and year of Biennium
 - Mid-Biennium Summer Break is substantially different from Summer Break between Biennia. (And this year is truly different)
 - Approaches to Drafting Deadlines?
- Shorter Term:
 - Most staff work from home most of the time.
 - Small Administrative Space required.
 - Meeting Spaces for Committees etc. reserved as needed
- Longer Term:
 - Staff work from home if possible,
 - Larger Administrative Space obtained.
 - Meeting Spaces for Committees etc.

In Session (*Alternate*)

- Short Term?
 - 0-3 Days – Press Pause*
 - 3 Days to 1 Week – Press Pause*
 - 1 Week to 1 Month – Relocate within the Complex (*24 Hour Implementation*)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - 1 Month – End of Session (*Multiple Day Implementation*)
 - Relocation to [REDACTED] if Available
 - Multiple Layers of Contingencies are available

*Given new abilities of remote meeting – that is probably the way to go in this case

In Session (*Contingency*)

- [REDACTED]
 - Decent infrastructure
 - Good Parking
 - Significant Scheduling Conflicts
- [REDACTED]
 - Senate to [REDACTED].
 - House to [REDACTED].
 - [REDACTED]
 - Excellent infrastructure
 - Parking can be an issue, but easy to overcome (Shuttles etc)

In Session (*Emergency*)

- A portion of staff can be accommodated elsewhere within State Buildings.
- The VOIP Telephone System on hand for the CPD Command Post can be repurposed on the fly to accommodate needs.
- Additional phones can be obtained in 24 hours.
- We have a capacity to provide limited network connectivity at an alternate site, while additional capacity is being built up.

New Additions

- Adaptations explored in light the COVID-19 Pandemic and “Social Distancing” Mandates.
- If an In-Person Session is necessary, it can be accommodated:
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- A Joint Session can be set up maintaining 6-8’ spread for the duration.

Future Steps

- Tried to do this in Summer 2019 and Summer 2020.
 - Staffing Issues in Capitol Police and Legislative IT prevented site surveys.
- Explore locations outside Central Vermont for suitability.
 - Waterbury
 - Burlington Metro
 - St. Albans/NW
 - Newport/NE
 - Bennington/SW
 - Brattleboro/SE
 - Rutland Area
 - Hartford Area
 - Other “Common Sense” Spots:
 - Major Colleges/Universities
 - Major Conference Centers

Challenges *(1 of 2)*

- Essential Functions
 - Every Office needs to list out *essential* functions.
 - Without a good inventory – it is impossible to support.
- Orders of Succession
 - Required by 20 V.S.A. Chapter 7 (§ § 181-192) (*But not for the Legislature*).
 - Not all offices or positions have them.
 - Possible task for future HR Office.
- Delegations of Authority
 - Should be explored.
 - Would have smoothed process.
- Continuity Communications
 - Requires investment and Coordination.
- Vital Records Management
 - H.754 will move this task along
 - A branch-wide policy needed

Challenges *(2 of 2)*

- Human Capital
 - Current Plan is not up to date in State online repository.
 - Need additional technical and administrative support
 - Any COOP activation is heavily reliant on Capitol Police and Legislative IT
- Tests, Training and Exercises
 - We had a live test in Fall of 2019
 - Consider Wisconsin Statute 13.42
- Devolution of Control and Direction
 - Depends heavily on corrections of Orders of Succession and Staffing issue.

For the next 6 Months

- August
 - Full Return?
 - Hybrid?
 - Alternate Site?
- January
 - Off Site Convening?
 - Alternate Flow?
 - Hybrid?
- Something Else?

For the next 6 Months

- New Member Orientation?
- Legislative Briefing?
- Drafting Deadlines....
- Equipment Exchanges
- Open at % of Capacity?
- Lack of Space in the Building
- Lack of Operational Capacity
- Lack of Staffing
- Custodial
- Cafeteria