

## SUBCHAPTER H—EMERGENCY REGULATIONS

### PART 375—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

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AUTHORITY: 45 U.S.C. 231f(b)(5), 362(l).

SOURCE: 29 FR 15864, Nov. 26, 1964, unless otherwise noted. Redesignated at 29 FR 16322, Dec. 5, 1964, and further redesignated at 45 FR 28314, Apr. 29, 1980.

#### §375.1 Purpose.

(a) The Railroad Retirement Board has adopted a plan to provide basic organization and methods of operation which may be needed to continue uninterrupted service during a period of national emergency as defined in §375.2.

(b) The plan is published to inform all interested persons of the circumstances and ways in which the Board will organize and operate in a national emergency.

(c) For purposes of Government-wide uniformity, the procedures of the Board regarding payments during evacuation to employees and their dependents shall conform to those contained in subpart D of part 550 of the regulations of the Office of Personnel Management pertaining to "Payments During Evacuation" (5 CFR part 550, subpart D).

[29 FR 15864, Nov. 26, 1964, as amended at 64 FR 66381, Nov. 26, 1999]

#### §375.2 National emergency and effective date.

A period of national emergency shall be deemed to exist and the provisions of this part shall become effective only (a) after an attack upon the United States, or at a time specified by the authority of the President after such at-

tack, and (b) by order of the Chair of the Board or his or her successor as set forth in §375.5, or when it is no longer possible to communicate with such official at his or her designated station.

[29 FR 15864, Nov. 26, 1964, as amended at 64 FR 66381, Nov. 26, 1999]

#### §375.3 Policy.

To the greatest extent possible, payment of benefits shall be made and employment service functions shall be carried on through the period of a national emergency in strict conformance with the pertinent provisions of the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the regulations promulgated by the Board to administer those acts. Where the character of the national emergency is such as to prevent this, the stand-by regulations contained in this part shall obtain. It will be expected, however, that every effort shall be made to return to normal operating practices as quickly as possible thereafter.

#### §375.4 Mailing instructions.

In a national emergency as defined in §375.2, all mail shall be directed to Board offices at their normal locations.

[40 FR 52844, Nov. 13, 1975]

#### §375.5 Organization and functions of the Board, delegations of authority, and lines of succession.

(a) During a national emergency, as defined in §375.2, the respective functions and responsibilities of the Board shall be, to the extent possible, as set forth in the U.S. Government Manual, which is published annually by the Office of the Federal Register, and is available on the Internet at <http://www.nara.gov/fedreg/>, under *Other Publications*.

(b) The following delegation of authority is made to provide continuity in the event of a national emergency:

(1) The Chair of the Board shall act with full administrative authority for the Board.

(2) In the absence or incapacity of the Chair, the authority of the Chair to act

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shall pass to the available successor highest on the following list:

- Labor Member of the Board
- Management Member of the Board
- Director of Administration
- Director of Programs
- General Counsel
- Chief Information Officer
- Director of Supply and Service
- Regional Directors in order of length of Board service.

(3) Except as may be determined otherwise by the Chair of the Board or his or her successor and as provided in §§ 375.6 and 375.7, the duties of each office head or regional director shall be discharged in his or her absence or incapacity during a national emergency by the available staff member next in line of succession. Each office head and each regional director shall designate and preposition the line of succession within his or her office or region. If no such designation has been made, such duties shall be assumed by the available subordinate who is highest in grade or, if there is more than one, in length of Board service.

(4) Emergency responsibility and authority under this section, once assumed, shall be relinquished on direction of the duly constituted higher authority acting under the provisions of paragraph (b)(2) of this section.

[Board Order 68-135, 29 FR 15864, Nov. 26, 1964. Redesignated at 29 FR 16322, Dec. 5, 1964, as amended by Board Order 71-26, 36 FR 4980, Mar. 16, 1971; Board Order 75-52, 40 FR 26673, June 25, 1975; 40 FR 52844, Nov. 13, 1975; 64 FR 66381, Nov. 26, 1999]

**§ 375.6 Personnel, fiscal, and service functions.**

(a) *Personnel.* In a national emergency as defined in § 375.2, when it is no longer possible for a regional director to communicate with the Chair or his or her successor as set forth in § 375.5, complete responsibility and authority for administration of the personnel function are delegated to such regional director for his or her respective geographic area.

(b) *Fiscal.* (1) In a national emergency, as defined in § 375.2, the Chair of the Board or his or her successor, as set forth in § 375.5, shall designate an individual to assume the responsibilities of the Chief Financial Officer in the event

that he or she is unable to assume those responsibilities.

(2) In a national emergency, incumbents of the following positions are hereby authorized to appoint emergency certifying officers:

- Director of Administration
- Director of Programs
- Chief Financial Officer
- Regional Directors.

(i) The emergency certifying officers shall be empowered to certify:

(a) Benefit payments under the Railroad Retirement Act.

(b) Benefit payments under the Railroad Unemployment Insurance Act.

(c) Administrative expenses of the Railroad Retirement Board.

(ii) Emergency certifying officers shall be appointed under the authority delegated by this section when (a) normal channels for certifying payments have been rendered inoperable, and (b) clearance has been obtained from the ranking official in line of succession as set forth in § 375.5(b)(1) and (2) and under such instructions and conditions as he may prescribe.

(c) *Supply and service.* (1) In a national emergency, as defined in § 375.2, complete responsibility and authority for the procurement of needed supplies, equipment, space, communications, transportation, and repair services, are delegated to each regional director for his or her geographic area.

(2) Federal sources of supply and service, if available, shall be used.

(3) Any supplies, equipment, space, or services provided under this emergency delegation shall be documented to show what was provided, the amount procured, the cost thereof, and the source from which procured.

(4) As soon after the period of national emergency as conditions permit, the records required by paragraph (c)(3) of this section shall be transmitted to the Director of Supply and Service or his surviving successor.

[29 FR 15864, Nov. 26, 1964. Redesignated at 29 FR 16322, Dec. 5, 1964, as amended by Board Order 67-29, 32 FR 3975, Mar. 11, 1967; 34 FR 12490, July 31, 1969; Board Order 75-52, 40 FR 26674, June 25, 1975; 40 FR 52844, Nov. 13, 1975; 64 FR 66381, Nov. 26, 1999]

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### § 375.7 Operating regulations.

(a) *Retirement claims.* (1) In a national emergency as defined in § 375.2, applications for and development and certification of claims for retirement, disability, and survivor benefits shall be to the extent possible, as set forth in subchapter B of this chapter, except that:

(i) Standards of evidence may be relaxed although legal requirements for entitlement to payments shall remain unchanged; in determining relationships, employment, birth, death, etc., consideration shall be given to whatever information is in the possession of applicants and beneficiaries or the Board office adjudicating a claim.

(ii) If prescribed forms are not available, any writing that contains substantially the necessary information shall be acceptable.

(iii) In a national emergency, that is when the headquarters office is inoperable, the development and certification of claims shall be assumed by the regional offices.

(2) To provide the necessary authority for a decentralized program as outlined in this paragraph (a), those authorities which have been delegated to the Director of Programs are hereby delegated to the regional directors or their surviving successors.

(b) *Unemployment and sickness claims.* (1) In a national emergency as defined in § 375.2, receipt, adjudication, and certification of claims for unemployment and sickness benefits shall be to the extent possible as set forth in subchapter C of this chapter, except that:

(i) Where the Board's wage records have been destroyed or are otherwise unavailable, the wage-record evidence

in the possession of the claimant, or the employer's wage records will be acceptable in determining qualifications for benefits.

(ii) In the event normal record sources are destroyed or otherwise unavailable, other evidence of previous benefit payments shall be considered in determining the periods for which benefits are currently payable and the amounts.

(iii) In developing sickness benefit claims where medical evidence in the form of a doctor's statement is not available, an affidavit from the claimant or other person having knowledge of his sickness or injury shall be acceptable.

(iv) If prescribed forms are not available, any writing that contains substantially the necessary information shall be acceptable.

(v) Eligibility interviews, investigations, and checking procedures shall be curtailed.

(vi) If claims cannot be submitted to the processing offices in headquarters because of the national emergency, the development and certification of claims shall be assumed by district offices.

(2) To provide the necessary authority for a decentralized program as outlined in paragraph (b) of this section, the authorities which have been delegated to the Director of Programs and to the regional directors are hereby delegated to the district managers or to their surviving successors.

[29 FR 15864, Nov. 26, 1964. Redesignated at 29 FR 16322, Dec. 5, 1964, as amended by Board Order 75-52, 40 FR 26674, June 25, 1975; 64 FR 66381, Nov. 26, 1999]

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**§ 375.8 Regulations for employers.**

(a) In a national emergency, as described in §375.2, employers shall continue to follow, to the greatest extent possible, the requirements pertaining to employers in subchapters A, B, and C of this chapter.

(b) Where a national emergency, as described in §375.2, prevents an employer from following any requirement

imposed by paragraph (a) of this section, the employer shall comply with such requirement as soon as possible after the cessation of the national emergency.

(c) In a national emergency, as defined in §375.2, all communications by employers shall be directed as set forth in §375.4.

[64 FR 66382, Nov. 26, 1999]

**SUBCHAPTER I [RESERVED]**