Frequently Asked Questions

Emergency Furlough – Lapse in Appropriations

Department of the Navy

5 December 2014

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NOTE: The following questions/answers focus on an unplanned shutdown furlough. Shutdown furloughs may occur at the beginning of a fiscal year if no funds have been appropriated or with the expiration of a Continuing Resolution. During a shutdown furlough, the Department of the Navy would be required to shut down any activities funded by annual appropriations that are not excepted by law. Specific questions/answers may be found at www.opm.gov. For ease of use, the FAQs use 11 December as the date when appropriations would expire.

General Information

1. **Q: What is a furlough?**
   A: In this case, a furlough places appropriated-fund employees in a temporary non-duty, non-pay status due to an absence of appropriations.

2. **Q: What is sequestration?**
   A: Sequestration is an across-the-board reduction in Federal budgetary resources in all budget accounts that have not been exempted by statute. Under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Control Act of 2011 and the American Taxpayer Relief Act of 2012, across-the-board reductions were initiated on March 1, 2013. Sequestration reduced agency's budgetary resources in non-exempt accounts.

3. **Q. What is an administrative furlough?**
   A. An administrative furlough is a planned event by an agency that is designed to absorb reductions necessitated by downsizing, reduced funding, lack of work or any other budget situation other than a lapse in appropriations. Furloughs that would potentially result from sequestration would generally be considered administrative furloughs.

4. **Q: What is a shutdown furlough and how is that different from an administrative furlough?**
   A: Unlike an administrative furlough (which occurred during the summer of 2013), a shutdown furlough is unplanned. A shutdown furlough may occur when there is a lapse in appropriations. A shutdown furlough is necessary when an agency no longer has the funds necessary to operate and must shut down those activities that are not excepted under the Antideficiency Act. Many Federal employees may be familiar with these types of furloughs from instances in previous years in which the government has faced a potential shutdown. Shutdown furloughs are considered emergency furloughs – conversely, administrative furloughs are planned events.

5. **Q: When you say shutdown furlough, don't you mean a complete shutdown?**
   A: Furloughs have been referred to as a government shutdown; however, there is a significant difference. A shutdown would be a virtual closure of all essential government activities: e.g., air traffic controllers would cease to control air traffic; VA hospitals would stop caring for patients; and the FBI, DEA and DHS would stop interdicting and investigating criminal and terrorist activities. During a shutdown furlough, employees engaged in excepted activities would continue to report for duty.

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6. **Q: Why would Department of Navy (DON) employees be furloughed?**
   A: In the absence of either a Fiscal Year 2015 appropriation or a continuing resolution for the DoD, no further financial obligations may be incurred by the DON, except for those related to the orderly suspension of operations or performance of excepted functions as defined by the Office of Management and Budget (OMB).

7. **Q: When would a furlough take effect?**
   A: If funds are not appropriated to DoD by 11 December 2014, the DON will be required to limit operations to only those deemed excepted from a furlough (directed to work). The effective date is the first day of duty following the lapse in appropriations - the uniform time of implementation is 12:01 Eastern Standard Time. For most employees, it will be 12 December 2014.

8. **Q: What is the effective date of the furlough for non-excepted employees if offices must issue notices on Friday, 12 December 2014 and complete an orderly shutdown within 3-4 hours? Will there be timekeeping guidance addressing how to record time?**
   A: More information will follow from DFAS on the record/time-keeping process. Written notification to most furloughed employees will be made on the first day after the lapse in appropriation (e.g., if the lapse occurs on 11 December, the orderly shutdown would occur on 12 December) — the date of the notification letter is the effective date of the furlough action.

Excepted & Exempt Employees

9. **Q: Which employees or positions are excepted from a furlough (directed to work)?**
   A: An excepted (directed to work) employee refers to employees who are excepted from a furlough by law because they are: (1) performing emergency work involving the safety of human life or the protection of property; (2) involved in the orderly suspension of agency operations; or (3) conducting other functions excepted from the furlough. Categories of excepted employees are defined by OMB and Department of Defense (DoD). (Refer to Appendix A for a listing of the select excepted functions.)

   Note: Only the minimum number of civilian employees necessary to carry out excepted activities will be exempt from furlough.

10. **Q: Who are "exempt" employees?**
    A: Employees are "exempt" from furlough if they are not affected by a lapse in appropriations. This includes employees who are not funded by annually appropriated funds. Employees performing those functions will generally continue to be governed by the normal pay, leave, and other civil service rules.

11. **Q: How are excepted (directed to work) employees determined?**

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A: Each major command will identify excepted functions within the command that meet the parameters outlined by DoD and are driven by program requirements.

12. **Q: What is the difference between an emergency essential position and a position excepted from furlough (directed to work)?**
    A: Emergency essential employees must report in emergency conditions such as severe weather. Emergency employees are not automatically deemed excepted employees for the purposes of shutdown furlough. Each Command determines which employees are excepted employees based on the law and guidance from OMB and DoD.

13. **Q: Do working capital (revolving) fund activities (exempted) continue to operate as normal during a furlough?**
    A: Guidance directs that working capital (revolving) fund activities will continue under normal operations supporting customer orders, subject to the availability of sufficient fund balances and, as such, those employees are not subject to furlough actions. Command and activity leadership should execute business decisions (such as granting annual leave requests) which will enable them to optimize the use of available funds, particularly given the current situation of limited resources.

14. **Q: How should we handle our direct hire foreign nationals?**
    A: Direct hire foreign national employees paid with host country funds are exempt from furlough. Additionally, foreign national employees governed by country-to-country agreements that prohibit furloughs are exempt from furlough.

15. **Q: Are Foreign Military Sales (FMS) employees subject to the furlough?**
    A: It depends - FMS employees are not exempt from the furlough solely because they are reimbursed by FMS funds. They are subject to the furlough and would ONLY be excepted if they have been designated as mission critical in accordance with the OMB/DoD guidance.

16. **Q: What is the process for placing employees on furlough who were originally excepted, but no longer needed, e.g., the employee's services are no longer justified based on operational requirements?**
    A: The employee would receive a notification (of furlough) letter identifying the effective date for the furlough. An RPA would be generated and submitted to the servicing OCHR Operations Center's furlough inbox in order to generate a Notice of Personal Action (NPA) – keeping in mind that OCHR Operations Center staffing levels would be reduced as a result of the shutdown furlough and processing delays are likely.

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17. Q: Who are deployed civilians and are civilians deployed to a combat zone exempt from the furlough?

A: DoD has defined deployed civilian as a civilian deployed (TDY) or temporarily assigned (to include TCS) to the following locations, listed as combat zones by Executive Orders 12744, 13119 or 13239 and locations where military are subject to the combat zone tax benefits due to direct support to military operations. Included are: Afghanistan, Albania, Arabian Peninsula areas, Bahrain, Djibouti, Iraq, Jordan, Kosovo, Kuwait, Kyrgyzstan, Oman, Pakistan, Philippines (only with orders referencing Operation Enduring Freedom), Qatar, Saudi Arabia, Somalia, Tajikistan, United Arab Emirates, Uzbekistan, Yemen, Yugoslavia (Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Montenegro).

18. Q: If employees have a PCS at an area identified as a combat zone, are they excepted from the furlough?

A: Employees permanently stationed in those areas are not excepted from the furlough.

Non-Excepted Employees

19. Q: If I am a non-excepted employee, can I volunteer to do my job on a non-pay basis during a furlough period?

A: No, employees may not work during furlough days and may not volunteer to do their job during a furlough period.

20. Can non-excepted union officials work on "official time" during a shutdown?

A: Non-excepted union officials cannot work on official time during a shutdown. Non-excepted (furloughed) employees are prohibited from working on official time. Official time is not permitted for excepted employees because they are only permitted to work on activities that are authorized under the Antideficiency Act. Official time is used for Union representational activities, which do not fall within any of the Anti-Deficiency Act's exceptions.

21. Will union officials have access to their union offices if they are in furlough status and therefore not entitled to official time for representational activities?

A: Generally, access to facilities during a furlough may be restricted based on funding, security or other issues. Depending on agency operations, a particular facility, or portions of a facility, may be fully or partially operational. Access to a union office during a period of furlough should not be prevented solely on the basis that a union official seeking access is not in a duty status. Access for representational purposes would be subject to each facility's requirements at the time, including provisions in collective bargaining agreements. If furloughed union officials are allowed access, it would be solely for the purpose of performing voluntary representational functions (i.e., they could not be working on official time).

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22. Q: I am not an excepted employee, but I don't want to get behind in my work. Can I come to work even if I know I won't get paid?
A: No, employees may not work during furlough days and may not volunteer to do their job during a furlough period. This includes volunteer work performed from remote locations and telework.

23. Q: What happens with non-excepted employees who telework?
A: If there is a lapse in appropriation and a subsequent furlough, employees teleworking need to come in on Friday, 12 December 2014, for an orderly shutdown and to secure Personally Identifiable Information (PII).

24. Q: If I am a non-excepted employee, can I telework?
A: No.

25. Q: If I am furloughed, can I use my blackberry or government-issued computer to keep up with my emails?
A: No — furloughed (non-excepted) employees are not permitted to check emails on government-issued equipment, such as blackberries or computers, or via OWA Outlook as long as they are in a non-pay, non-duty status.

26. Q: Can I take another job outside the federal government while on furlough?
A: Perhaps; while on furlough, an individual remains an employee of the government, and other employment must be approved by the agency's ethics counselor and consistent with the Executive Branch standards of ethical conduct.

27. Q: Can furloughed employees be recalled to duty during the furlough?
A: Yes, Commands/Activities may recall non-excepted (furloughed) employees based on mission requirements to perform excepted functions.

28. Q: What is the process for returning employees to duty from furlough (e.g., not-excepted to excepted status) before an appropriations or continuing resolution is passed, e.g., how do we bring back individual employees to duty in support of emergent requirements or operations?
A: Commands/Activities may require civilian employees to return to work to perform excepted functions. Commands should maintain contact information of employees in the event that they need to be called back to duty.

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Conducting an Orderly Shutdown

29. Q: I am an excepted employee, what am I expected to do if a shutdown happens?
A: If there is no FY2015 DoD appropriations or Continuing Resolution approved, the DON will be required to execute contingency plans for a lapse in appropriations and limit operations to excepted functions ONLY (commonly referred to as a government shutdown). If this occurs, the expectation is for the entire workforce to return to duty on the next regular duty day and be prepared to implement an orderly shutdown. This includes those who telework and those with Tuesday as their regular day off (RDO) as part of an alternative or compressed work schedule (AWS or CWS). An orderly shutdown should take a few hours and no longer than 3-4 hours. If you are not an excepted employee, you will receive a letter notifying you of the decision to furlough you due to the absence of available appropriations. A checklist of shutdown procedures will be available for furloughed employees.

30. Q: What happens if I am on TDY while furloughed?
A: All non-excepted (furloughed) civilian employees on TDY during a lapse in FY2015 appropriations will return to their home station as part of the DoD orderly shutdown process using the government-issued credit card. Excepted employees on TDY performing excepted functions will remain at their TDY location.

31. Q: Are we correct to assume that the "Deciding Official" who will sign the furlough letters is at the Command's discretion?
A: The Deciding Official signing the letter should reflect the line management (within the chain of command) making the decision as to whom is identified as excepted and non-excepted.

32. Q: What if an employee refuses to acknowledge (sign) receipt of the furlough notification letter?
A: If employees refuse to sign the notification letter, supervisors/managers should note on the letter that the furloughed employee was notified and declined to sign receipt of the furlough notification letter.

33. Q: In many areas we have employees who have a significant commute - is it imperative that they arrive at work on Friday morning to receive a furlough letter?
A: Yes, employees are expected to report to duty and, in the event of a furlough, complete an orderly shutdown.

34. Q: What if someone is legitimately sick on Friday and cannot get their letter?
A: If employees are not on-site, the following actions need to be executed on the first day the employee would report to duty following the lapse in appropriation.
-- Send the letter, certified, return receipt requested OR
-- Send a scanned copy of the signed letter via email with a read and delivery receipt

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35. Q: For our remote employees, can we scan & email or send via USPS? What is the due date for delivery?

A: Options are as follows, if your employees are not on-site. Keep in mind that these actions need to be executed on the first day the employee would report to duty following the lapse in appropriation.

-- Send the letter, certified, return receipt requested to the employee's address of record OR

-- Send a scanned copy of the signed letter via email with a read and delivery receipt

36. Q: On the employee checklist, whose name, phone and email are to be identified? The employee or the supervisor?

A: The placeholder is available for employees to use as a source of information at the office, should an emergency ensue and provide a means to support the workforce. The checklist may be modified by Commands and use as they see appropriate. (See Appendix B for a sample employee checklist.)

37. Q: What address and three-digit code needs to be provided on the SF8 – the Unemployment Compensation Form for federal employees?

A: The address on the SF8 should be the address for the Civilian Personnel office or HRO – the FIC for DoD is 421 and 423 for the DON.

38. Q: What procedural rights apply to employees who are veterans covered under 5 U.S.C. chapter 75 and 5 CFR part 752 for a shutdown furlough?

A: For a shutdown furlough of a covered veteran employee, the law (5 U.S.C. 7513) gives a covered veteran employee the same procedural rights as other covered employees. Employees should consult with their agency human resources office to determine whether they are covered by 5 U.S.C. 7513 and what procedures may apply to them.

39. If an employee decides to challenge a shutdown furlough, from what point would the time for appeal to the Merit Systems Protection Board run?

A: Employees must file an appeal within 30 days after the effective date of their first furlough day, or 30 days after the date of their receipt of the decision notice whichever is later.

40. What procedures and appeal rights are applicable for noncareer, limited term and limited emergency employees in the SES and reemployed annuitants holding career SES appointments?

A: Noncareer, limited term, and limited emergency SES appointees and reemployed SES annuitants holding career appointments are not covered by 5 CFR part 359, subpart H, and they may be furloughed under agency designated procedures, which should include certain minimum features, e.g., whenever possible, a written notice at least 1 day before the furlough that states the reason for, duration of, and effective dates of the furlough.

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Leave

41. Q: How does leave work during a shutdown?
A: Upon furlough, all scheduled leave (e.g., annual leave, sick leave) is canceled for all excepted and non-excepted employees. Absences during the furlough may not be charged to leave; excepted employees (directed to work) unable to report to duty, due to illness, jury duty, etc., must be placed in a furlough status (i.e. non-duty, non-pay).

Unlike "excepted" employees, those who are categorically exempted from the furlough (i.e. NWCF, SIOH, etc.) may be granted annual or sick leave subject to supervisory approval based upon mission requirements.

42. Q: Can I take leave to go to the doctor if I am excepted from the furlough?
A: Employees excepted from furlough (directed to work) may go to the doctor and they will be placed in a furlough status (i.e. non-pay, non-duty) until they are able to return to duty. Excepted employees unable to report to duty, due to illness, jury duty, etc., must be placed in a furlough status (non-pay, non-duty).

Unlike "excepted" employees, those who are categorically exempted from the furlough (i.e. NWCF, SIOH, etc.) may be granted annual or sick leave subject to supervisory approval based upon mission requirements.

43. Q: Instead of not getting paid, can I take annual leave for the time I'm furloughed?
A: No, during a furlough paid leave (e.g., annual leave, sick leave) must be canceled for all employees—to include those excepted from furlough (directed to work).

44. Q: A deployed civilian in a duty status is exempt. If the deployed civilian is on leave, are they furloughed?
A: Upon furlough, all scheduled leave (e.g., annual leave, sick leave) is canceled for all excepted and non-excepted employees. Absences during the furlough may not be charged to leave; excepted employees (directed to work) unable to report to duty, due to illness, jury duty, etc., must be placed in a furlough status (i.e. non-duty, non-pay).

45. Q: What happens if I had leave scheduled during a furlough?
A: Upon furlough, all scheduled leave (e.g., annual leave, sick leave) is canceled for all excepted (directed to work) and non-excepted (furloughed) employees. Absences during the furlough may not be charged to leave. Excepted employees (directed to work) unable to report to duty due to illness, jury duty, etc. must be placed in a furlough status.

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46. Q: Will employees get paid for a holiday that occurs during a shutdown furlough?
A: No. An employee (including excepted employees) who does not work on a holiday will not receive pay for a holiday that occurs during a shutdown furlough.

47. Q: Can excepted employees be required to perform work on a holiday that occurs during a shutdown furlough?
A: Yes. Each agency is responsible for determining which excepted activities must be performed on a holiday in order to carry out functions related to such excepted activities. If an excepted employee refuses to report for work on a holiday after being ordered to do so, he or she can be considered absent without leave (AWOL) and will be subject to any consequences that may follow from being AWOL.

48. Q: What pay entitlements will accrue to an excepted employee who performs work on a holiday during a shutdown furlough?
A: The Federal Government will be obligated to pay an excepted employee who performs work on a holiday according to the normal rules governing pay for work on a holiday. For example, under 5 U.S.C. 5546(b), a covered employee would receive his or her rate of basic pay, plus holiday premium pay at a rate equal to the employee's rate of basic pay. In addition, if such an employee performs officially ordered or approved overtime work on a holiday (i.e., work in excess of his or her basic non-overtime work requirement for that day), the employee would receive overtime pay (or compensatory time off) for that work. Of course, an employee cannot receive payment for working on a holiday until an appropriations act or a continuing resolution is enacted.

49. Q: May an excepted employee earn compensatory time off and credit hours during the shutdown period?
A: Yes, excepted employees may earn compensatory time off and/or credit hours consistent with appropriate requirements and Command guidelines. Employees will not be permitted to use earned compensatory time off or credit hours during the shutdown period.

50. Q: Many of us have already been furloughed and in a LWOP status for six days; how will furlough time off affect an employee's leave accrual and benefits?
A: If an employee is furloughed (i.e., placed in nonpay status) for part of a biweekly pay period, the employee's leave accrual will generally not be affected for that pay period. However, the accumulation of nonpay status hours during a leave year can affect the accrual of annual leave and sick leave over a period of time. (See 5 CFR 630.208) For example, when a full-time employee with an 80-hour biweekly tour of duty accumulates a total of 80 hours of nonpay status from the beginning of the leave year (either in one pay period, or over the course of several pay periods), the employee will not earn annual and sick leave in the pay period in which that 80-hour accumulation is reached. If the employee again accumulates 80 hours of nonpay status, he or she will again not earn leave in the pay period in which that new 80-hour total is reached. *NOTE: Some employees were furloughed for six*

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days and placed in a LWOP status. If they were furloughed or placed in a LWOP status for four days, they would meet the threshold of 80 hours.

51. **Q: If an employee is on leave under the Family and Medical Leave Act of 1993 (FMLA) during the furlough, does the leave count towards the 12-week entitlement to FMLA?**
A: An employee who is on approved LWOP under the FMLA on days that coincide with the period of furlough will continue to be charged LWOP. No days associated with a shutdown furlough period will be counted against the 12-week FMLA leave entitlement. An employee who was scheduled during the furlough to take paid leave under the FMLA (i.e., an employee chooses to substitute annual leave or sick leave, as appropriate, for unpaid leave under the FMLA) must be placed on furlough instead. Since the paid leave was canceled, the period of absence may not be used to reduce the 12-week entitlement to FMLA leave.

52. **Q: Are employees who are injured while on furlough or LWOP eligible to receive workers' compensation?**
A: No. Workers' compensation is paid to employees only if they are injured while performing their duties. Employees on furlough or LWOP are not in a duty status for this purpose. An employee who is receiving workers' compensation payments will continue to receive workers' compensation payments during a furlough and will continue to be charged LWOP.

53. **Q: I am out on workers' compensation and I am being furloughed. Will I get paid?**
A: Yes. Federal Employees' Compensation Act (FECA) wage-loss compensation (workers' compensation) is not considered wages; therefore, it is not impacted by the lapse in appropriations.

54. **How is Continuation of Pay (COP) under the Federal Employees' Compensation Act affected by a Government shutdown?**
A: The Department of Labor's Office of Workers' Compensation Programs which administers FECA advises that, in the event of a Government shutdown, an employee who is disabled due to his or her injury is to be maintained in COP status during the shutdown unless the agency does not have monies available to pay the salary of that employee. If the agency does not have monies to pay salary during the shutdown but the agency's budget is subsequently restored in such a way as to allow for retroactive payment of salary during the shutdown period, the employee should receive COP for any period of disability that occurs within the shutdown. In the event an agency is legally unable to pay COP to an employee because of a lapse in appropriations, the employee may file a claim for regular FECA wage loss compensation for that period.

Compensation

55. **Q: If furloughed, will we get paid on time on 19 December?**
A: The furlough could potentially disrupt the payroll processing.

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56. Q: Once I go back to work, will I get paid retroactively for the time spent on furlough?
A: The answer depends on the final language and effective date of the approved appropriations bill from Congress, but there is no guarantee of retroactive pay.

57. Q: When an employee's pay is insufficient to permit all deductions to be made because a shutdown furlough occurs in the middle of a pay period and the employee receives a partial paycheck, what is the order of withholding precedence?
A: Agencies will follow the guidance on the order of precedence for applying deductions from the pay of its civilian employees when gross pay is insufficient to cover all authorized deductions:
The below Order of Precedence for civilian federal employees applies **only** when gross pay is not sufficient to permit all deductions; it will be used to determine the order in which authorized deductions from an employee's pay will be processed.

1. Retirement – Deductions for Defined Benefit Plan (including Civil Service Retirement System/Federal Employees Retirement System (CSRS/FERS)
2. Social Security (OASDI) Tax
3. Medicare Tax
4. Federal Income Tax
5. Federal Employees Health Benefits (FEHB) premium (pre-tax or post-tax)
6. Basic Federal Employees' Group Life Insurance (FEGLI) premium
7. State Income Tax
8. Local Income Tax
9. Collection of Debts Owed to the U.S. Government (e.g., tax debt, salary overpayment, failure to withhold proper amount of deductions, advance of salary or travel expenses, etc.; debts which may or may not be delinquent; debts which may be collected through the Treasury Offset Program, an automated centralized debt collection program for collecting Federal debt from Federal payments)
10. Court-Ordered Collection/Debt (Child Support, Alimony, Bankruptcy, Commercial Garnishments)
11. Optional Benefits Premiums (Health care Flexible Spending Accounts (FAS), Dental, Vision, Health Savings Accounts (HAS). Optional FEGLI, Long Term Care, Dependent FSA, TSP (loans, basic and catch-up contributions, then other optional benefits)
12. Other Voluntary Deductions/Allotments (Military Service Deposits, Professional Assoc., Union Dues, Charities, Bonds, personal allotments, additional voluntary deductions)
13. IRS Paper Levies

Additional guidance can be found at the Chief Human Capital Officers Council web page at www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=1477.

58. Q: May agencies deny or delay within-grade or step increases for General Schedule and Federal Wage System employees during a shutdown furlough?
A: It depends on how long the shutdown furlough lasts. Within-grade and step increases for General Schedule (GS) and Federal Wage System employees are awarded on the basis of

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length of service and individual performance. Such increases may not be denied or delayed solely because of lack of funds. However, extended periods of non-pay status (e.g., because of a furlough for lack of funds) may affect the timing of such increases. For example, a GS employee in steps 1, 2, or 3 of the grade who is furloughed an aggregate of more than 2 workweeks during the waiting period would have his or her within-grade increase delayed by at least a full pay period. (See 5 CFR 531.406(b).)

59. Q: What effect does a furlough have on time-limited appointments or promotions?
A: Furloughs do not extend the not-to-exceed date of time-limited appointments or promotions. Agencies have the option to separate temporary employees rather than including them in the furlough.

Effect on Service Credit

60. Q: I'm planning on retiring within the next three years. Will time in a furlough status have an effect on my high-3 average?
A: Generally there will be no effect on the high-3 average unless the furlough causes the employee to be in a non-pay status for more than six months per calendar year.

61. Q: If an employee is planning on retiring 12 December 2013, will a shutdown furlough affect the employee's retirement date?
A: If the employee provides notice to the employing agency on or before the requested retirement date, the shutdown furlough will not affect the retirement date.

62. Q: Is furlough or leave without pay (LWOP) considered a break in service?
A: No, both mean the employee is in a non-pay, non-duty status for those days/hours. Remember, even while on furlough, an individual is an employee of the government.

63. Q: What are the effects of a furlough on service credit?
A: Time spent in a non-pay status (including furlough) is credited as follows:

- **Career tenure**: The first 30 calendar days of each non-pay period is creditable.
- **Probationary period**: An aggregate of 22 workdays in a non-pay status is creditable.
- **Qualification standards**: There is no requirement to extend qualifying periods by the amount of time spent in a non-pay status. However, activities may require a corresponding time in a pay status to meet training requirements or ability to perform.
- **Time-in-Grade**: Non-pay status is creditable service.
- **Impact on Leave (Service Computation Date)**: While employees in a non-pay status do not accrue additional leave, up to 6 months spent in a non-pay status is creditable service (i.e. counts toward the rate of leave accrual)

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Unemployment Compensation

64. Q: Am I entitled to unemployment compensation while on furlough?
A: It is possible that furloughed employees may be eligible for unemployment compensation. State unemployment compensation requirements differ. Employees should submit their questions to the appropriate state office. Furloughed employees will receive the SF8, the form needed by federal employees to file for unemployment compensation.

65. Q: What address should the HR office provide on the SF8? What is the Federal Identification Code (FIC)?
A: The address on the SF8 should be the address of the HR office; the FIC is 423 for the DON.

66. Q: Can excepted (directed to work) employees file for unemployment, since they are not getting paid?
A: No, excepted employees cannot file an unemployment claim since they are not unemployed.

Worker's Compensation (FECA)

67. How is Continuation of Pay (COP) under the Federal Employees' Compensation Act affected by a Government shutdown?
A. The Department of Labor's Office of Workers' Compensation Programs which administers the Federal Employees' Compensation Act (FECA) advises that, in the event of a Government shutdown, an employee who is disabled due to his or her injury is to be maintained in COP status during the shutdown unless the agency does not have monies available to pay the salary of that employee. If the agency does not have monies to pay salary during the shutdown but the agency's budget is subsequently restored in such a way as to allow for retroactive payment of salary during the shutdown period, the employee should receive COP for any period of disability that occurs within the shutdown. In the event an agency is legally unable to pay COP to an employee because of a lapse in appropriations, the employee may file a claim for regular FECA wage loss compensation for that period.

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Benefits

Open Enrollment

68. Q: How does the furlough affect the processing of my Open Season Benefit changes?
A: Furlough does not impact the processing of your benefit elections as the changes are automatically processed to update your payroll record. Employees can expect their newly elected coverage and premiums to take effect.

Health Insurance

69. Q: How does being furloughed affect my health insurance coverage?
A: Federal Employee Health Benefit (FEHB) enrollment continues up to 365 days in a non-pay status. The government contribution continues while employees are in a non-pay status. If non-pay status is due to a lapse of appropriations (shutdown furlough), there will be no opportunity for an employee to pay the agency directly. In this instance, the premiums will accumulate and be paid upon return to duty.

70. Q: What happens if an employee wants to terminate Federal Employee Health Benefits (FEHB) coverage while in a non-pay status in order to avoid the expense?
A: Unlike other types of non-pay status, employees in a non-pay status due to a lapse of appropriations (shutdown furlough) will not have the opportunity to terminate or cancel FEHB coverage. The employee will remain covered; the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

71. Q. If an employee submitted a new application or a change to his/her health insurance plan (e.g. because of a Qualifying Life Event) and the paperwork was not processed by the agency because of a shutdown furlough, how would the employee seek services or coverage?
A. New enrollments or changes in enrollment due to a Qualifying Life Event do not take effect until the employee has been back in pay status for any part of the prior pay period.

Federal Employees Group Life Insurance (FEGLI)

72. Q: To what extent does non-pay status affect FEGLI coverage?
A: Life insurance coverage continues for 12 consecutive months while in non-pay status without cost to the employee or the agency. The non-pay status may be continuous or it may be broken by a return to duty for periods less than four consecutive months.

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Federal Employees Dental & Vision Insurance Program (FEDVIP)

73. Q: To what extent does non-pay status affect Federal Employees Dental and Vision Insurance Plan (FEDVIP) coverage?

A: FEDVIP deductions cease when an employee is placed in a non-pay status and there are insufficient funds to cover the premium(s). In order for FEDVIP coverage to continue, employees must make payment while in a non-pay status. If premiums are not paid, coverage will be terminated at the end of the pay period in which premiums were last paid. To avoid termination of FEDVIP benefits, an employee can be moved to a direct bill payment plan, by request. With this option, an employee would receive a statement by postal delivery and the invoice must be paid by check. Employees are required to pay all direct bills IN FULL to avoid the cancellation of their coverage/plan. If a full payment is not received by the due date, the coverage will be cancelled.

Thrift Savings Plan (TSP)

74. Q: Can I take a TSP loan while I'm furloughed?

A: Yes. By law, a TSP participant may take a TSP loan any time before separation. The TSP has adopted an administrative rule that provides that TSP participants must be in a pay status in order to take a TSP loan. The TSP adopted this rule because it generally requires TSP participants to agree to repay their loans through payroll deduction. The first payment is due on or before the 60th day following the loan issue date. Since shutdowns are rare occurrences and are typically of short duration, the TSP's Executive Director has determined that it is in the best interest of TSP participants to interpret the requirement that participants be in a pay status to mean that a break in pay due to a Government shutdown does not disqualify one from TSP loan eligibility. A short-term break in pay status would still allow participants to commence payment by payroll deduction within the required 60 days of the loan issue date. If a shutdown were to extend beyond 60 days, participants would still be responsible for making loan payments. For further information, visit the TSP website at www.tsp.gov/. Employees should refer to the TSP Fact Sheet - Impact of a Government Shutdown on the Thrift Savings Plan.

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Long-Term Care

75. Q: To what extent does non-pay status affect Long-Term Care (LTC) coverage?
A: Deductions cease when the employee is placed in a non-pay status and there are insufficient funds to cover the premium(s). In order to continue LTC coverage, the employee must make payments while in a non-pay status. Visit the LTC website, www.ltcfeds.com/documents, for more information.

Miscellaneous

76. Q: Can I travel during the furlough if I am an excepted employee?
A: Travel to support excepted efforts is subject to Command and DON approval requirements.

77. Q: If the furlough impacts my ability to meet my financial obligations (e.g., mortgage or rent payments), will this impact my security clearance?
A: A furlough is a circumstance beyond your control. The Federal Adjudicative Guidelines specify that the adjudicative process is the careful weighing of a number of variables known as the whole person concept. Mitigating factors may include: the conditions that resulted in the concern were largely beyond the person's control and whether (or not) the individual acted responsibly under the circumstances As a proactive measure, you may wish to contact your local Civilian Employee Assistance Program (CEAP) to see if financial planning is available.

78. Q: Beyond working with creditors, documenting the situation, and keeping the security office informed, what else can an employee do to protect a security clearance?
A: Candidates for security clearance are evaluated to assess judgment, reliability, trustworthiness, and being an overall good security risk. If you consistently act in ways that reflect your good judgment your security clearance should not be at risk. In addition to the actions listed above, you should ensure that any financial problems do not adversely impact other areas of your life. Financial hardships can be very stressful and lead to a person making bad decisions in other areas. If you start to encounter financial problems, credit counseling may be a useful tool; the National Foundation for Credit Counseling (http://www.nfcc.org/) is a nonprofit organization offering help for individuals experiencing financial problems.

79. Q: What kinds of financial hardships should be reported if they occur?
A: Employees should notify their security officer or supervisor in writing if, because of furlough, they: (1) face bankruptcy, (2) are unable to pay Federal, state or other taxes required by law or ordinance, (3) require credit counseling, (4) become delinquent on alimony or child support payments, (5) have a judgment entered against you for failure to meet financial obligations, (6) have liens placed against you, (7) become delinquent on a Federal debt, (8) have possessions or property repossessed, (9) default on loans, (10) have accounts turned over to a collection agency, (11) have credit accounts suspended, charged off, or cancelled for failure to pay as agreed, (12) are evicted for non-payment, (13) have

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wages garnished in order to satisfy a financial obligation, or (14) become over 120 days delinquent on a debt. Providing notification demonstrates responsibility which can mitigate any security concerns about the debts themselves.

Returning to Work

80. Q: How do I know when to report to work again after the furlough is over?
A: Employees should monitor media reports, including checking official websites such as www.donhr.navy.mil and the Office of Personnel Management website, for news about the approval of a continuing resolution or an FY 2015 appropriation for the Department of Defense. When either the continuing resolution or the appropriation has been approved, employees will be expected to return to work as soon as practicable but not later than your next regular duty day.

81. Q: Can furloughed employees be recalled to duty during the furlough?
A: Commands/Activities may recall non-excepted (furloughed) employees based on mission requirements to perform excepted functions.

82. Q: What is the process for returning employees to duty from furlough before an appropriations or continuing resolution is passed, e.g., how do we bring back individual employees to duty in support of emergent requirements or operations?
A: Commands/Activities may require civilian employees to return to work to perform excepted functions. Commands should maintain contact information of employees in the event that they need to be called back to duty.

Where to Go for Additional Information

For additional information:

1. Contact Command HR offices.
2. Visit the DON Office of Civilian Human Resources -- www.donhr.navy.mil or the designated webpage http://www.secnav.navy.mil/donhr/employees/Furlough/Pages/Default.aspx
3. Email questions **DONhrFAQ@navy.mil**

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Appendix A: Excepted Functions

Following is a listing of the high-level categories used in identifying missions and functions in DoD that may continue in the absence of available appropriations. A more detailed description of the categories is available via the DoD guidance on the continuation of operations in the absence of appropriations.

Activities that are determined not to be excepted and which cannot be performed by utilizing military personnel in place of furloughed civilian employees will be suspended when the appropriated funds expire. Each major command will identify excepted functions within the command that meet the parameters outlined by DoD and driven by program requirements. DoD categories include:

- Protection of life and property, national security
- Safety of persons and protection of property (includes SAPR)
- Medical/dental care
- Acquisition and logistic support
- Contracting activities
- Education and training
- Legal activities
- Audit and investigation
- Morale welfare and recreation/non-appropriated funds
- Financial management
- Working capital fund/other revolving funds
- **Note**: Only the minimum number of civilian employees necessary to carry out excepted activities will be excepted from the furlough. Employees that provide direct support to excepted positions may also be deemed excepted if they are critical to performing the excepted activity.

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Appendix B: Sample Employee Checklist

Employee Checklist & Sample Out of Office Messages

- ❒ Supervisor contact information
  (provided for employees to use as a source of information)
  Name _____
  Phone _____
  Email _____
- ❒ Secure PII data
- ❒ Set voice mail (*see below*)
- ❒ Set out-of-office for email (*see below*)
- ❒ Secure office area (turn off appliances, fans, etc.)
- ❒ Submit any outstanding travel vouchers
- ❒ Enter time in SLDCADA
- ❒ Turn off computer

Out-of-Office Messages

Sample Voice Mail

Hello … due to a lapse in federal funding, employees have been furloughed. Therefore, I will be out of the office and unable to monitor or respond to voice mails until the furlough has ended.

Sample Voice Mail if Someone has been Designated to Respond to Inquiries

Hello … due to a lapse in federal funding, employees have been furloughed. Therefore, I will be out of the office and unable to respond to voice mails until the furlough has ended. If this is an emergency, please contact _____.

Sample Email

Due to a lapse in federal funding, employees have been furloughed. I will not be able to monitor or respond to email messages until furlough has ended.

Sample Email if Someone has been Designated to Respond to Inquiries

Due to a lapse in federal funding, employees have been furloughed. I will not be able to monitor or respond to email messages until the furlough has ended. If this is an emergency, please contact _____.

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