The U.S. Office of Personnel Management (OPM) has prepared human resources guidance for agencies and employees on shutdown furloughs (also called emergency furloughs). A shutdown furlough occurs when there is a lapse in annual appropriations. Shutdown furloughs can occur at the beginning of a fiscal year, if no funds have been appropriated for that year, or upon expiration of a continuing resolution, if a new continuing resolution or appropriations law is not passed.

In a shutdown furlough, an affected agency would have to shut down any activities funded by annual appropriations that are not excepted by law. Typically, an agency will have very little to no lead time to plan and implement a shutdown furlough.

How are personnel working for Federal agencies under agreements pursuant to the Intergovernmental Personnel Act (IPA) treated in a shutdown furlough?

A. The specific authority for furloughing personnel who are working under agreements pursuant to the IPA, either inside the Federal Government or with other organizations, will depend upon the nature of individual agreements, the status of the appointments, and/or the funding arrangements for the assignments. As a general rule, the following principles are applicable in determining whether to furlough personnel on IPA assignments:

• Personnel from non-Federal organizations on appointments to the Federal Government are subject to furlough in the same manner as other employees.

• Personnel on detail to Federal agencies from non-Federal organizations may continue working, provided that the non-Federal organizations pay the total costs of the detail.

• Personnel on detail to Federal agencies from non-Federal organizations that share part of the costs of the detail may continue to work if the Federal portion of the cost was obligated from prior appropriations at the time of the IPA agreements. In the event that a furlough takes place during a time for which no funds are appropriated, the assignment should be terminated.

• Personnel on detail to Federal agencies from non-Federal organizations that do not pay or share the costs of the detail are subject to furlough in the same manner as other employees.

Source: OPM’s Guidance for Shutdown Furloughs dtd September 2015

Additional Information:

BSOs can renegotiate to modify/amend the agreement at any time to change conditions of work, such as reduction in pay, hours, etc. or terminate the agreement. However, a 30-day notice should be provided to the employee if the intent is to terminate an IPA assignment.