



# Furlough Guidance

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Here you will find guidance regarding an emergency “shutdown” furlough. A “shutdown” furlough occurs when there is a lapse in annual appropriations or expiration of authorization. In a shutdown furlough, the FAA is required to suspend any activities that are not excepted or authorized by law.

- Furlough notices will be sent to employees to let them know if they should not report to work.
- If an employee does not receive a notice - they should report to work.
- Some non-excepted employees are funded by an appropriations source which may not be immediately impacted by a lapse.
- All employees should wait to begin any orderly shutdown processes until they receive an official notice from the FAA Office of Human Resource Management (AHR).

New: [Special procedures for use of purchase card for travel](https://my.faa.gov/org/staffoffices/ahr/communications_events2/furlough/special-procedures-for-use-of-purchase-card-for-travel0.html)

([https://my.faa.gov/org/staffoffices/ahr/communications\\_events2/furlough/special-procedures-for-use-of-purchase-card-for-travel0.html](https://my.faa.gov/org/staffoffices/ahr/communications_events2/furlough/special-procedures-for-use-of-purchase-card-for-travel0.html)). This purchase card allowance is only permitted for essential travel authorized and occurring during the period of the shutdown, and is available to travelers at the discretion of organizational leadership.

It's important to **know your status (excepted/non-excepted)** and whether you are expected to work in the unlikely event of a shutdown furlough. Your manager will be provided with your status information.

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## About Shutdown Furloughs

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- How will the length of furlough (day/hours) be calculated on those non-excepted employees? Is this based on employees' work schedules, e.g. 8, 9, or 10 hours? How should an agency determine the number of furlough hours for alternative work schedule (AWS) employees during a shutdown or emergency furlough? Can an employee reschedule a non-workday that occurred during the furlough?

### What is a furlough?

A furlough is the placing of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or for other non-disciplinary reasons.

### What is a shutdown furlough?

A shutdown furlough is a non-disciplinary action placing an employee in a temporary non-duty and non-pay status because funds are not available through an appropriations law, continuing resolution, or an authorization. A shutdown furlough is necessary when an agency no longer has the necessary funds or authority to operate and must shut down those activities which are not excepted pursuant to the Antideficiency Act or other applicable laws and regulations.

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### What procedural rights apply for employees for a furlough of 30 calendar days or less?

No advance notice to employees is required for a furlough of 30 calendar days or less, but employees will receive a written notice documenting the decision to furlough as soon as practicable. The written notices will include information on applicable appeal and grievance rights.

## **Can employees be furloughed, in the event of government shutdown, without first receiving a written notice of decision to furlough?**

Yes. It is **not required** to give written notice prior to effecting the nondiscretionary shutdown furlough. While an employee may ultimately receive a written notice of decision to furlough, it is not required that such written notice be given prior to the start of the furlough.

When Congress enacts a shutdown furlough, it is advisable that employees obtain reliable and specific information, and instructions on the status of the shutdown furlough from the following communication sources and web sites:

- Office of Management and Budget (<https://www.whitehouse.gov/omb/>) (<https://www.whitehouse.gov/omb/>)
- Office of Personnel Management (<https://www.opm.gov/>) (<https://www.opm.gov/>)
- Department of Transportation (<http://dotnet.dot.gov/>) (<http://dotnet.dot.gov/>)
- Federal Aviation Administration (<https://my.faa.gov/>) (<https://my.faa.gov/>)

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## **Does the type of fund or account from which employees are paid affect which employees are subject to a furlough?**

Yes. The FAA is funded from the Trust Fund (itself comprised of a variety of taxes) and the General Fund (appropriated tax dollars). Employees whose salaries are paid by the Airports Improvement Program and Research, Engineering, and Development, and Facilities and Equipment accounts are 100 percent financed by the Trust Fund. Employees whose salaries are paid by the Operations account are funded from both the Trust Fund and General Fund, and some employee salaries are paid from the FAA Franchise Fund.

Depending on the nature of the emergency (shutdown) furlough (i.e., lapse in appropriations or authorizations), the type of fund or account from which an employee is paid, the remaining available balances or contract authority in those accounts, and whether an employee is identified as excepted or non-excepted, will dictate whether they are subject to furlough.

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## **Who are excepted employees?**

In the context of shutdown furloughs, “excepted” employees are those who continue to work during the furlough because they are performing work that – by law – may continue during a lapse in appropriations and/or a lapse in authorization. Excepted employees include those who are performing work involving the safety of human life or the protection of property, involved in the orderly suspension of agency operations or performing certain other types of excepted work. In addition, a particular function (and the employees necessary to perform that function) may be excepted on an intermittent basis. For example, the need for a function may not arise on the first day of the furlough, but three days after the furlough begins. Similarly, employees may only need to be excepted to perform a particular function for limited period, e.g., one day a week. Excepted employees will be paid after the furlough ends.

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## **What happens to employees on detail during a shutdown furlough?**

It depends on whether a lapse in appropriation affects the position of record of the employee on detail. Detailed employees remain officially assigned to their permanent position of record (primary) during the detail (interim), as identified in the Federal Personnel Payroll System (FPPS). There are two scenarios to consider:

1) Generally, a lapse in appropriation will not affect the primary LOB/SO/agency of the employee on detail when the primary and interim LOB/SO/agency have the same funding source. During a shutdown furlough, the primary and interim LOB/SO/agency will determine the excepted or non-excepted status of the employee on detail. The primary and interim LOB/SO/agency will consult about what activities are appropriate for a detailee to perform during a funding lapse to ensure that the activities are consistent with an “excepted” or “non-excepted” designation.

2) However, if the primary and interim LOB/SO/agency does not have the same funding source and a lapse in appropriation impacts the primary LOB/SO/agency, but not the interim LOB/SO/agency, detailed employees cannot continue to work in the detail assignment, even if the detail organization is funded. In this situation, the detailed employee would be furloughed. If a lapse in appropriation impacts the interim LOB/SO/agency, but not the primary LOB/SO/agency, detailed employees can continue to work in the detail assignment, even if the detail organization is not funded.

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### **How does the furlough affect present contractors whose contracts are pre-funded? Should they continue to work although there may be limited or no oversight by a COR?**

Each contract will be considered on its own merit. In general terms, contracts that are pre-funded or funded with appropriations still available for obligation, may continue as long as funds remain available on the contract, and if the success of the work does not involve access to federal personnel who are unavailable during the furlough. In addition, there may be a limited number of unfunded contracts that have not been prefunded but will not receive stop work orders. Direct questions concerning these issues to the appropriate contracting officer.

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### **When a furlough occurs, do training courses in progress continue? Is there a distinction between technical (safety critical) and non-technical training?**

Generally, training is a non-excepted activity. If a shutdown occurs, non-technical training will be halted immediately, as will most technical training. Certain technical training in progress at the Academy at the time of a shutdown may need to continue. AFN will work with the Lines of Business and Staff Offices, AHR, and AGC to determine which technical courses, if any, contributes to the immediate safety of human life or the protection of property or meets the conditions for continuation under the orderly shutdown provisions in the Antideficiency Act.

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### **What should excepted employees who are attending a Federal Executive Institute (FEI) training program do in the event of a government shutdown?**

Depending on the nature of the emergency (shutdown) furlough (i.e., lapse in appropriations or authorizations), the type of fund or account from which an employee is paid, and whether an employee is excepted or non-excepted, will dictate whether they are subject to furlough. Generally, excepted employees attending training must discontinue

training and return to work immediately to perform excepted functions. Attending the training itself would typically not be an excepted function, and if employees were generally furloughed, then excepted employees would have to be performing excepted functions, which the FEI training does not satisfy.

However, if excepted employees attending a commercially sponsored training event, such as FEI training, are funded by the Research, Engineering, and Development (RE&D), they may remain at FEI training as long as sufficient funding is available that has not lapsed and RE&D funded non-excepted employees have not been furloughed. Excepted employees funded by Operations (Ops) or Facilities and Equipment (F&E) must return from FEI to perform excepted activities.

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## **Are there any restrictions on employee conduct regarding contacts with members of Congress or attending news conferences or other events publicizing the furlough?**

Employees acting in their personal capacity are permitted to contact elected officials or participate in news conferences or other events publicizing the furlough to the same extent as any private citizen as long as it is clear that they are not representing the FAA during the course of their actions. If employees choose to attend news conferences or events publicizing the furlough, they must do so on personal time, not duty time. Managers should neither encourage nor discourage employees regarding contacting their elected officials or participating in news conferences or events publicizing the furlough.

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## **How will the length of furlough (day/hours) be calculated on those non-excepted employees? Is this based on employees' work schedules, e.g. 8, 9, or 10 hours? How should an agency determine the number of furlough hours for alternative work schedule (AWS) employees during a shutdown or emergency furlough? Can an employee reschedule a non-workday that occurred during the furlough?**

Employees are furloughed based on the number of hours they are scheduled to work on the days for which there is a shutdown furlough. FAA policy (HRPM LWS 8.15 Alternative Work Schedules) specifies how flexible and compressed work schedules must be established and when they may be changed. Normally, such schedules are established in advance of the pay period involved. An AWS non-workday scheduled to occur during a shutdown furlough should not be changed after the pay period begins.

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## **What to do on the first day of a shutdown**

On the first workday after an expiring appropriations or authorization, non-excepted (furloughed) employees typically have up to four hours to conduct orderly shutdown activities and the employees' managers determine their ability to conduct those activities remotely on a case-by-case basis. Line of Business or Staff Office may recall initially furloughed employees to perform specific excepted activities/duties for an orderly shutdown.

- What activities are included under the concept of orderly shutdown?
- Do non-excepted employees have to report to their offices for orderly shutdown on the day a shutdown begins?

- If I don't work in the Eastern Time Zone, when does the lapse in appropriation start?
- What issues are associated with recalling a non-excepted employee (i.e., a non-excepted employee becomes excepted due to an accident, contracting need, etc.)?
- Will Lines of Business and Staff Office HR points of contact (LOB/SO HR POCs) have longer than 4 hours to perform orderly shutdown excepted activities?

## **What activities are included under the concept of orderly shutdown?**

Shutdown Activities include:

- Adjusting Microsoft Outlook and voicemail "Out of Office" messages.
- Securing files (computer or hard copy).
- Communicating your status as a furloughed employee to necessary business contacts both inside and outside the agency
- Canceling meetings, hearings, and other previously arranged agency business.
- Documenting the status of current projects so that these can be resumed, transferred or handled when FAA's funding situation is resolved.
- Completing timecard to reflect hours already worked for the current pay period
- Completing Travel Vouchers.

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## **Do non-excepted employees have to report to their offices for orderly shutdown activities on the day a shutdown furlough begins?**

With management approval, a non-excepted (furloughed) employee may be permitted to conduct shutdown activities from a remote location, even without an existing telework agreement, if the nature of the employees' shutdown activities can be accomplished in a brief period of time. For example, receiving and acknowledging receipt of an electronic furlough notice and adjusting voicemail and email to reflect current work status.

## **If I don't work in the Eastern Time Zone, when does the lapse in appropriation start?**

Midnight (2400) in Eastern time; Central (2300); Mountain (2200); Pacific (2100); Alaska (2000); and Hawaii (1800). The rules for the orderly suspension of activities that are not "excepted" under the Antideficiency Act and the start of furlough would begin at that time.

## **What issues are associated with recalling a non-excepted employee (i.e., a non-excepted employee becomes excepted due to an accident, contracting need, etc.)?**

Employees may be recalled to work if there are excepted duties for them to perform. When those duties are exhausted, they may be placed in furlough status again.

## **Will Lines of Business and Staff Office HR points of contact (LOB/SO HR POCs) have longer than 4 hours to perform orderly shutdown excepted activities?**

Yes. The LOB/SO head, with advice from the FAA Office of the Chief Counsel and Office of Finance (AFN), will determine and designate LOB/SO POCs to perform orderly shutdown "excepted" activities, consistent with the applicable legal requirements.

Consistent with requirements of the Antideficiency Act or other applicable statutes, LOB/SO HR POCs may perform necessary orderly shutdown of agency excepted activities beyond 4 hours, but no more than a total of 8 hours. Upon completion of excepted activities, LOB/SO POCs will convert to furlough status.

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## **Using FAA equipment, systems, and buildings during a shutdown**

- Can furloughed employees access FAA email and the FAA website to get information on the status of the furlough or use FAA equipment?
- Can furloughed employees access federal buildings to pick up personal property, to visit the credit union, or to use their automated teller machine (ATM)?
- Will child care centers remain open during a shutdown furlough?
- Can furloughed employees access federal buildings to use the gyms and wellness centers?
- May an employee volunteer to do his or her job on a non-pay basis, or work at home (telework) during a furlough period?

### **Can furloughed employees access FAA email and the FAA Web site to get information on the status of the furlough or use FAA equipment?**

While in furlough status, you may check your FAA webmail account or the [my.faa.gov/go/shutdown](https://my.faa.gov/go/shutdown) webpage to check operating status, schedules, and/or leave requests. You may not use government-issued equipment such as laptop computers, tablets or cell phones or access your FAA webmail account in order to perform work on any day you are in furlough status.

You may not work for the FAA from home, or serve as an unpaid volunteer for the FAA on any day that you are in furlough status. You may not drive a government-issued vehicle if you are non-excepted on a furlough day.

### **Can furloughed employees access federal buildings to pick up personal property, to visit the credit union, or to use their automated teller machine (ATM) machine?**

Yes. Furloughed employees are allowed into federal (GSA controlled/leased) buildings to go to their work space and pick up personal belongings, personal files, etc., to visit the credit union, and to access an ATM. You may not visit your FAA office/workplace in order to perform work or to interact with "excepted" staff on work-related issues.

### **Will child care centers remain open during a shutdown furlough?**

Yes, child care centers will remain open during a shutdown furlough; however, verify with the center first prior to dropping off your children. Furloughed employees are allowed into federal (GSA controlled/leased) buildings to drop off and pick up their children at the child care centers. You may not visit your FAA office/workplace in order to perform work or to interact with "excepted" staff on work-related issues.

### **Can furloughed employees access federal buildings to use the gyms and wellness centers?**

Yes. Furloughed employees are allowed into federal (GSA controlled/leased) buildings to access the gyms and wellness centers. You may not visit your FAA office/workplace in order to perform work or to interact with "excepted" staff on work-related issues.

## **May an employee volunteer to do his or her job on a non-pay basis, or work at home (telework) during a furlough period?**

No.

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## **Returning to work**

- How will I be notified about the end of the shutdown furlough?
- When am I expected to return to work once the shutdown furlough has ended?
- What if I still need to be off work after the shutdown furlough ends?

## **How will I be notified about the end of the furlough?**

You should proactively monitor on a daily basis the federal government operating status from the following communication sources and web sites:

- Office of Management and Budget (<https://www.whitehouse.gov/omb/> (<https://www.whitehouse.gov/omb/>) )
- Office of Personnel Management (<https://www.opm.gov/> (<https://www.opm.gov/>) )
- Department of Transportation (<http://dotnet.dot.gov/> (<http://dotnet.dot.gov/>) )
- Federal Aviation Administration (<https://my.faa.gov/> (<https://my.faa.gov/>) , or <https://www.faa.gov/>)
  - Sign up for the FAA Emergency Notification System (ENS),
  - Call the Employee Emergency Line 866-900-3850.

You may also receive a notification to return to work by an email from the Assistant Administrator for Human Resource Management (AHR-1) sent to your work email address.

Formal notification may also come from your immediate supervisor, and Lines of Business and Staff Offices may employ other communication methods to ensure timely notification about the end of the furlough.

## **When am I expected to return to work once the furlough has ended?**

Depending on the time the furlough ends, you should plan to resume your regular work schedule and report for duty the same day or on your next regularly scheduled workday after the end of the furlough. Should the furlough end prior to the start of your regular work schedule, you are expected to report to work as scheduled the same day. If you were an 'excepted' or 'funded' employee, you should continue to follow your schedule unless your manager directs you differently.

If you need additional time before your transition back to the office, you may request annual leave, compensatory time off, or credit hours (subject to applicable FAA policy, LOB/SO requirements and collective bargaining agreements) from your manager, or discuss available flexible schedule options to accommodate your needs (e.g. telework; adjustments to regular work schedule).

Scheduled regular days off (RDOs) that have already occurred prior to the end of the "shutdown" furlough may not be changed retroactively to excused absence/administrative leave.

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## **What if I still need to be off work after the furlough ends?**

After notification that the furlough has ended, you must request and be approved for an appropriate type of leave in order to be off work. Consult with your manager to receive approval. You are required to report to work that day, if leave is not approved..

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## **Excepted Employees**

- If, during a furlough, Federal agencies are operating under a delayed arrival, unscheduled leave, or other emergency operating status policy because of emergency weather conditions, which employees should report for work?
- Will an excepted employee who is normally part-time be allowed to continue working on a part-time schedule? Will excepted employees be required to work extra hours/overtime?
- Are excepted employees volunteering their services or are they compelled to come to work? What happens if an excepted employee chooses not to come to work?
- Can excepted employees have intermittent unpaid absences from work during a shutdown furlough?
- If an agency is willing to approve brief or intermittent unpaid absences from work for an excepted employee and use of workplace flexibilities is not appropriate, does the excepted employee have to be placed in a furlough status for these brief or intermittent unpaid absences?
- Can excepted employees telework or use other workplace flexibilities during the furlough?

**If, during a furlough, Federal agencies are operating under a delayed arrival, unscheduled leave, or other emergency operating status policy because of emergency weather conditions, which employees should report for work?**

**Excepted employees** designated as “emergency” or “mission-critical” may be required to report, even when the FAA office or facility is closed. See EMS-11.5, Identifying Essential Supporting Activities and Designating Emergency and Mission-Critical Employees for Emergency Situations. If you are unsure, whether you fall into these categories or whether you need to report in such situations, check with your manager.

**Other excepted employees** will follow normal emergency operating procedures during the FAA office or facility closure or change in operating status, which may result in placing excepted employees in furlough status for any hours of work not performed. This situation occurs because during a shutdown furlough, when an excepted employee is not working or not performing excepted activities in compliance with the Antideficiency Act, he or she cannot be in a pay status and must be furloughed during any absence from work, and may not be placed in an excused absence or leave without pay (LWOP) status.

**Funded employees** paid through a funding source unaffected by a shutdown furlough will follow normal operating procedures established by the FAA for emergency weather conditions.

**Furloughed employees**, unless recalled using the normal recall process, will not be affected if their FAA office or facility is closed, or announces a change in operating status during a shutdown furlough and will remain in furlough status.

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**Will an excepted employee who is normally part-time be allowed to continue working on a part-time schedule? Will excepted employees be required to work extra hours/overtime?**

Yes. Excepted employees may work part-time and overtime, if approved by management and in accordance with applicable collective bargaining agreements.

**Are excepted employees volunteering their services or are they compelled to come to work? What happens if an excepted employee chooses not to come to work?**

In the event of a furlough, excepted employees may be compelled to come to work and the government will incur an obligation to pay them when authorized. Excepted employees are not volunteers. An excepted employee who refuses to come to work will be placed in an Absent Without Leave (AWOL) status and may be subject to disciplinary action.

**Can excepted employees allowed to have intermittent unpaid absences from work during a shutdown furlough?**

Excepted employees are not eligible to take paid time off of any sort (e.g., annual leave, sick leave, compensatory time off, credit hours, or excused absence). In addition, excepted employees may not be placed in leave without pay (LWOP) status. However, if an excepted employee needs to be absent from work for brief or intermittent periods, managers are encouraged to explore the use of workplace flexibilities such as alternative work schedules and telework (subject to the FAA Telework policy, HRPB WLB-12.3, and collective bargaining agreements) to accommodate the employee's need to be absent. If use of workplace flexibilities is not appropriate for your situation, excepted employees must be furloughed for any brief or intermittent unpaid absence.

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**If an agency is willing to approve brief or intermittent unpaid absences from work for an excepted employee and use of workplace flexibilities is not appropriate, does the excepted employee have to be placed in a furlough status for these brief or intermittent unpaid absences?**

Yes. When excepted employees are absent from work they must be furloughed. Any time an excepted employee is absent from work during a furlough the employee must be in a furlough status for that period of time, and this must be properly documented by a shutdown furlough notice that includes applicable appeal rights.

A modified shutdown furlough notice will be issued, which states that the employee is excepted from furlough except for those periods of time when he or she is not required to work but would otherwise be scheduled to work. The periods of time an employee is not required to work should be listed and clearly identified in the modified shutdown furlough notice. As with any modified furlough notice, this notice should be issued as soon as practicable.

If employees are not paid for time furloughed, then a formal notification will need to be issued that clearly states the time during which the employee was furloughed and includes applicable rights of the employee.

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**Can excepted employees telework or use other workplace flexibilities during the furlough?**

When the excepted activity can be effectively and efficiently accomplished from another location, managers may exercise FAA policy and/or collective bargaining agreement provisions that allow telework or other workplace flexibilities (see FAA Telework policy, HRPM WLB-12.3, and collective bargaining agreements).

In many cases, it may be more effective to have most "excepted" employees in the office due to the huddling and crisis management focus during this period. In certain situations, though, it might be effective for excepted work to occur via telework. For example, telework may be appropriate when excepted work will only take a couple of hours and can be accomplished efficiently by computer or phone. Also, when an employee has to be off (furloughed) for part of a day for a medical appointment or other reason and can be spared for that short time, but has some excepted work to perform which can be accomplished by teleworking for the remainder of the day.

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## **Pay during a shutdown**

- Will employees who are furloughed be paid?
- How are separated employees' entitlements to severance pay affected by a furlough?
- If a furlough begins due to lapse of appropriations, will employees receive a pay check for the last pay period worked prior to the furlough?
- If an employee's pay is insufficient to permit all deductions to be made, what is the order of precedence that deductions will be made from any salary check that the person may receive?
- How does the government shutdown affect my pay?
- What if something is wrong on my paycheck? When and how can that be fixed?

## **Will furloughed employees be paid?**

Congress will determine whether furloughed employees receive pay for the furlough period.

## **How are separated employees' entitlements to severance pay affected by a furlough?**

Funds for severance pay are obligated on a day-to-day basis as the recipient accrues continuing entitlement to severance pay by not being reemployed by the Government of the United States. (Severance pay is suspended or terminated when the individual is reemployed by the Federal Government). Severance pay is paid at the same pay period intervals as if the recipient were still employed. Any severance payment (on a payroll payday) is linked to the corresponding pay period during which the recipient accrued continuing entitlement to severance pay. If the recipient is reemployed by the Federal Government during a pay period, he or she is entitled to a prorated severance payment covering the days in the period prior to reemployment (e.g., 2/5 of one week's pay if the recipient was reemployed on the third workday of the pay period).

Thus, in the case of a shutdown furlough, accrued but unpaid severance pay represents an obligation to be paid from funds available before the lapse in appropriations or authorization occurred. Just as payroll checks for work performed prior to a lapse in appropriations or authorization can be processed as part of the orderly suspension of non-excepted activities, severance pay checks covering days before the lapse may also be processed.

No funds may be authorized for severance payments for days during the lapse until an appropriation or authorization is enacted.

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## **If a furlough begins due to lapse of appropriations, will employees receive a paycheck for the last pay period worked prior to the furlough?**

Under the current Office of Management and Budget (OMB) guidance, employees will receive this paycheck. Although the payroll for the last pay period will be processed during a period of furlough, the minimum number of payroll staff necessary for this process will be exempt from furlough for the minimum time required to issue checks.

## **If an employee's pay is insufficient to permit all deductions to be made, what is the order of precedence that deductions will be made from any salary check that the person may receive?**

In general terms, the following deductions are taken from the employee's pay in this order: 1) retirement; 2) Social Security tax; 3) Medicare tax; 4) Federal Income tax; 5) health insurance under FEHB; 6) life insurance under FEGLI; 7) State tax; 8) Local tax; 9) debts owed to the federal government; 10) court-ordered debts; 11) optional benefits such as FEDVIP, FLTCIP, FSA, and TSP; 12) other voluntary deductions such as Combined Federal Campaign; and 13) IRS paper levies.

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## **How does the government shutdown affect my pay?**

**Furloughed employees** can expect to receive pay for hours worked or accounted for by leave for the pay period immediately preceding the official announcement of the furlough. If the furlough begins within the week or on the last Saturday of the pay period, most employees will receive their regular pay check for the pay period. Hours worked during the Orderly Shutdown will be paid once appropriations are enacted. If a furloughed employee was scheduled to work on the first day following the official announcement of the furlough, it would require a separate act of Congress, similar to past government shutdowns, to pay the employee for any scheduled hours of work the day following the official announcement of the furlough that were not part of an orderly shutdown.

**Excepted employees** will not be paid for work performed after the first day of the furlough, until subsequent appropriations are enacted. Therefore, pay received for excepted employees on the scheduled pay day during the 1st pay period of the furlough will only include pay for hours worked through the end of the pay period preceding the start of the furlough. Pay for work performed on the first day following the official announcement of the furlough will be paid retroactively once appropriations are enacted.

**Funded employees** who are in positions whereby their funding source (e.g., annual appropriations, Trust Fund, or General Fund) is not affected, will not be impacted by the government shutdown. They will receive pay for hours worked or accounted for by leave. Similarly, like excepted employees, funded employees may work and obligations may be incurred for their work. However, for a longer furlough, it is uncertain whether these employees would receive their paychecks on time for work performed during the furlough, as the employees responsible for processing the paychecks may themselves be furloughed.

For additional information on deductions, see question on insufficient pay for deductions.

## **What if something is wrong on my paycheck? When and how can that be fixed?**

If your timekeeper isn't available, contact FAA's payroll provider, Department of Interior, Interior Business Center's (IBC's) Payroll Hotline:

Phone: 1-888-367-1622

Hours: 8:00 a.m. to 7:30 p.m., Eastern Time, Monday through Friday

Please note that the Payroll Hotline will be closed on holidays. The hotline staff is on a reduced staffing level, so responses may be delayed. Some issues may require timecard adjustments and approval of an FAA management official. If those employees are furloughed, the issue may not be able to be resolved

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## **Unemployment and other financial assistance**

- Am I eligible for unemployment compensation?
- What happens if I receive unemployment compensation and Congress enacts a law granting retroactive compensation to any federal employees furloughed?
- Are unemployment claims determined by the state in which you live or work?
- The State unemployment agency has asked me for the three-digit code for my Federal agency. What is the 3-digit code?
- Will I be required to look for work in order to receive unemployment benefits?
- Will I have to pay taxes on any unemployment benefits I receive?
- May employees take other jobs while on furlough?
- My State unemployment agency has asked me for the phone number for Equifax Workforce Solutions UC Express. What is the phone number for Equifax Workforce Solutions UC Express?
- Should I contact Equifax Workforce Solutions UC Express if I have questions regarding my unemployment claim??
- How do I apply for Unemployment?
- Are there any programs to provide financial relief to employees impacted by the government shutdown?

### **Am I eligible for unemployment compensation?**

Furloughed employees may become eligible for unemployment compensation depending upon the number of consecutive furlough days. State unemployment compensation requirements differ. Some States require a one-week waiting period before an individual qualifies for payments. In general, the law of the State in which an employee's last official duty station in Federal civilian service was located will be the State law that determines eligibility for unemployment insurance benefits. (See the Department of Labor website "[Unemployment Compensation for Federal Employees](https://workforcesecurity.doleta.gov/unemploy/unemcomp.asp)." (<https://workforcesecurity.doleta.gov/unemploy/unemcomp.asp>)). Agencies or employees should submit questions to the appropriate State (or District of Columbia) unemployment office. It is the responsibility of the employee to file an application for unemployment compensation during the furlough.

The Department of Labor's website provides [links to individual State offices](https://my.faa.gov/exit/?pgLnk=https%3A%2F%2Fwww.careeronestop.org%2Flocalhelp%2Funemploymentbenefits%2Funemployment-benefits.aspx) (<https://my.faa.gov/exit/?pgLnk=https%3A%2F%2Fwww.careeronestop.org%2Flocalhelp%2Funemploymentbenefits%2Funemployment-benefits.aspx>). If your state requires an individually addressed letter, contact your servicing HR Office for assistance.

### **What happens if I receive unemployment compensation and Congress enacts a law granting retroactive compensation to any federal employees furloughed?**

If you receive unemployment compensation and Congress enacts a law authorizing back pay for employees affected by the shutdown furlough, you may be required to repay the unemployment compensation received

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### **Is the unemployment Claim based on the state where you live or where you work?**

In general, the law of the State in which an employee's last official duty station in Federal civilian service was located will be the State law that determines eligibility for unemployment insurance benefits.

**The State unemployment agency has asked me for the three-digit code for my Federal agency. What is the 3-digit code?**

As indicated on the SF-8, the 3-digit code for DOT/FAA is 470.

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**Will I be required to look for work in order to receive unemployment benefits?**

Each State unemployment law varies. You will need to contact your State unemployment agency to find out the rules for that State on whether or not you will be required to look for work.

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**Will I have to pay taxes on any unemployment benefits I receive?**

Yes, unemployment benefits are considered taxable income so you will have to pay taxes on any unemployment benefits you receive.

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**May employees take other jobs while on furlough?**

Even while on furlough, an individual remains an employee of the federal government. Employees must comply fully with guidance and information relating to outside employment in FAA Order 3750.7A, Ethical Conduct and Financial Disclosure, and Appendix E, Outside Aviation Employment Policy. The Agency's guidance on outside employment continues to apply to furloughed employees. Before engaging in outside employment, employees should review the guidance referenced above. Employees may also consult with a Designated Ethics Counselor ("DEC"). DEC's are located in Headquarters, Regions and Centers. Please note that DEC's may be unavailable for consultation during a furlough.

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**My State unemployment agency has asked me for the phone number for Equifax Workforce Solutions UC Express. What is the phone number for Equifax Workforce Solutions UC Express?**

We have updated the SF-8 to include the phone number for Equifax Workforce Solutions UC Express which is 1-800-366-6660 Ext 2598.

**Should I contact Equifax Workforce Solutions if I have questions regarding my unemployment claim?**

No. Equifax Workforce Solutions UC Express will refer you to the State unemployment agency to answer questions regarding your unemployment claim. You should contact your State unemployment agency directly if you have any questions regarding your unemployment claim.

## How do I apply for Unemployment?

See the Department of Labor website "[Unemployment Compensation for Federal Employees](https://workforcesecurity.doleta.gov/unemploy/unemcomp.asp)" (<https://workforcesecurity.doleta.gov/unemploy/unemcomp.asp>). The Department of Labor's website provides [links to individual State offices](#).

## Are there any programs to provide financial relief to employees impacted by the government shutdown?

The Employee Assistance Program is available at 1-800-234-1327 or <http://magellanassist.com>. In addition, non-governmental organizations offer assistance such as [Federal Employee Education and Assistance Fund](#).

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## Leave during a shutdown

- If I were already approved for the VLTP prior to the furlough can I take leave donated to me during the furlough?
- What impact does the furlough have upon "use or lose" leave? Will additional time be extended to use such leave?
- 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 leave?
- May excepted employees request and be granted new requests for paid leave during the furlough?
- May excepted employees whose salaries are funded by sources unaffected by the furlough be granted paid leave?
- What happens to my leave that was pre-approved to be taken during the furlough period?
- If an employee is scheduled to take approved Leave Without Pay (LWOP) during a shutdown furlough, should the employee continue to be charged LWOP during the period of furlough?
- If there is a shutdown furlough as a result of a lapse in appropriations or authorization, may employees who are separating receive a lump-sum payment for their unused annual leave?
- Can I apply for the voluntary leave transfer program (VLTP) while I am furloughed?
- What impact does the furlough have upon expiring compensation time, travel compensatory time, or time off awards? Will additional time be extended to use these earned hours beyond their otherwise normal expiration date?
- May an excepted employee be permitted to earn compensatory time off and credit hours during the shutdown period?
- May employees take previously approved paid leave during a furlough?
- What happens if an employee excepted from the furlough faces FMLA-qualifying circumstances?
- If employees request paid leave after receiving a furlough notice, must the requests be denied for those days that coincide with the dates of furlough? If the manager or agency has already approved requests for these categories of paid leave before issuance of the proposed furlough notice, can the approval be rescinded and the employees furloughed on the days that coincide with the dates of furlough?
- Can employees who are taking paid military leave for days covered by a furlough continue to do so during a shutdown furlough?
- What would be the impact of a hurricane or other emergency during a furlough?

## If I were already approved for the VLTP prior to the furlough can I take leave donated to me during the furlough?

No, all paid time off during a shutdown furlough period must be canceled because the requirement to furlough supersedes leave and other paid time off rights. The Antideficiency Act (31 U.S.C. 1341 et seq.) does not allow authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid time off creates a debt to the Government that is not authorized by the Act. Therefore, during a shutdown furlough, all paid time off must be canceled.

### **What impact does the furlough have upon "use or lose" leave? Will additional time be extended to use such leave?**

If you have "use or lose," leave, you should make every effort to use it before the end of the current leave year. However, your "use or lose" annual leave should not be impacted by the furlough so long as it was scheduled and approved no later than pay period 25, otherwise, it will be forfeited. A furlough does not extend the timeframe to use your use or lose annual leave. There are limited exceptions for granting restoration of forfeited annual leave (i.e., exigencies of the public business, illness, and administrative error). The Office of Personnel Management has determined that a furlough is an exigency of public business because of the lapse in appropriations. Therefore, if you were prevented from rescheduling and using your "use or lose" leave prior to the end of the leave year due to the furlough, you may be eligible to have this leave restored. See HROI: Restoration of Annual Leave for further guidance.

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### **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 leave?**

No. An employee who is on approved Leave Without Pay (LWOP) under FMLA during the period of furlough will not be charged LWOP for the period that coincides with the furlough period. Consistent with applicable laws (title 29 Code of Federal Regulations 825.200 (h)) and agency policy (HRPM LWS 8.20 Family and Medical Leave Act), this period of LWOP taken under the FMLA is not counted against the 12-week 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.

### **May excepted employees request and be granted new requests for paid leave during the furlough?**

No, not for days during the shutdown furlough. When an excepted employee is not working or not performing excepted activities in compliance with the Antideficiency Act, he or she cannot be in a pay status. Excepted employees must be either performing excepted activities or furloughed during any absence from work. However, see below question on excepted employees funded by sources unaffected by the furlough.

### **May excepted employees whose salaries are funded by sources unaffected by the furlough be granted paid leave?**

Yes. During a lapse in appropriations or authorization, all paid leave during a furlough must be canceled and employees must be either (1) at work performing excepted activities or (2) furloughed. Generally, as explained in the preceding question, excepted employees who are performing emergency work involving the safety of human life or the protection of property, involved in the orderly suspension of agency operations or performing certain other types of excepted work may not be granted paid leave. However, excepted employees funded by sources unaffected by the furlough would see no change from normal leave situations, subject to supervisory approval, as long as the account through which their salaries are funded is not impacted by the furlough.



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**What happens to my leave that was pre-approved to be taken during the furlough period?**

In a shutdown furlough, all paid leave during a furlough is canceled. Paid leave creates an obligation of the Government that is not authorized by the Antideficiency Act. Therefore, during a lapse in appropriations or authorization, all paid leave during a furlough must be canceled and employees must be either (1) at work performing excepted activities or (2) furloughed.

**If an employee is scheduled to take approved Leave Without Pay (LWOP) during a shutdown furlough, should the employee continue to be charged LWOP during the period of furlough?**

Yes. Nonexcepted employees scheduled to take preapproved LWOP during a shutdown furlough will continue to be charged LWOP during the furlough period, unless the agency cancels the approved LWOP prior to the beginning of the furlough period. If the approved LWOP was scheduled to end before the furlough ended, the employee must be placed on furlough for the remainder of the furlough period unless later designated as an excepted employee.

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**If an employee is scheduled to take approved Leave Without Pay (LWOP) during a shutdown furlough, should the employee continue to be charged LWOP during the period of furlough?**

Yes. Non-excepted employees scheduled to take preapproved LWOP during a shutdown furlough will continue to be charged LWOP during the furlough period, unless the agency cancels the approved LWOP prior to the beginning of the furlough period. If the approved LWOP was scheduled to end before the furlough ended, the employee must be placed on furlough for the remainder of the furlough period unless later recalled from furlough and designated as an excepted employee.

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**If there is a shutdown furlough as a result of a lapse in appropriations or authorization, may employees who are separating receive a lump-sum payment for their unused annual leave?**

Yes, but such salary payments may be delayed until funds are available and/or non-excepted employees return to work to process the payments.

**Can I apply for the voluntary leave transfer program (VLTP) while I am furloughed?**

No. The VLTP application process requires a request for leave. Therefore, you cannot submit the application when you are in furlough status. Also, you may not substitute donated leave (i.e., paid leave) for furlough day(s).

**What impact does the furlough have upon expiring compensation time, travel compensatory time, or time off awards? Will additional time be extended to use these earned hours beyond their otherwise normal expiration date?**

Compensatory time, travel compensatory time, and time off awards have varying provisions regarding forfeiture upon expiration. With the exception of payment for expired compensatory time for employees covered by the Fair Labor Standards Act (i.e., nonexempt employees), there are no provisions that allow for extension of the expiration date, restoration of lost hours, or payment for these types of paid time off that will be forfeited during the furlough period.

## **May an excepted employee be permitted to earn compensatory time off and credit hours during the shutdown period?**

Yes. With agency approval, excepted employees may earn compensatory time off and/or credit hours. The employee's manager is responsible for approving the number of hours an excepted employee can work related to the performance of excepted activities. Employees will not be permitted to use earned compensatory time off or credit hours during the shutdown period.

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## **May employees take previously approved paid leave during a furlough?**

Neither excepted nor non-excepted (furloughed) employees may take paid leave during a shutdown furlough. Funded employees paid by an account not affected by the furlough are generally not affected by these restrictions, but will need to verify with their supervisor that previously approved leave may still be taken.

## **What happens if an employee excepted from the furlough faces FMLA-qualifying circumstances?**

During an emergency (shutdown) furlough, an employee must either be working (i.e., excepted from furlough), or in a furlough status. If the excepted employee has a FMLA-qualifying event that would normally qualify him or her for unpaid leave under FMLA, the employee must be placed in a furlough status for the appropriate period consistent with his or her rights under FMLA. The furlough period will not count against the employee's 12-week entitlement under FMLA.

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## **If employees request paid leave after receiving a furlough notice, must the requests be denied for those days that coincide with the dates of furlough? If the manager or agency has already approved requests for these categories of paid leave before issuance of the proposed furlough notice, can the approval be rescinded and the employees furloughed on the days that coincide with the dates of furlough?**

The answer to both questions is yes. In a furlough, all paid leave during a furlough is canceled because the necessity to furlough supersedes leave rights. The Antideficiency Act (31 U.S.C. 1341 et seq.) does not allow authorization of any expenditure or obligation. Paid leave creates a debt to the Government that is not authorized by the Act.

## **Can employees who are taking paid military leave for days covered by a furlough continue to do so during a shutdown furlough?**

No. As with other types of paid leave, paid military leave must be canceled for days covered by emergency furlough. If an employee is on approved leave without pay to perform military duty (Absence - Uniformed Service) and there is no expectation that the employee will return to duty during the shutdown, the employee's status will remain unchanged. (Refer to HRPM LWS 8.4 Military Leave and HRPM LWS 8.10 Unpaid Absences, for more information)

## **What would be the impact of a hurricane or other emergency during a furlough?**

Should a natural disaster (e.g., hurricane), national emergency, or other emergency occur while an employee is on furlough due to a lapse in appropriations or authorization, paid leave would not be granted to the employee. All paid leave during a furlough is canceled because the necessity to furlough supersedes leave rights.

Employees who were not designated as “excepted,” but who are essential to the safety of human life and protection of property solely because of the hurricane or other emergency situation, would be recalled into work as “excepted” so long as that situation remains true. When the need/emergency ends, the employee would return to furlough status.

Additionally, management and employees must “make good faith efforts” to immediately contact each other via email or telephone to provide status updates on their situation. Employees may also call the FAA Emergency Notification number at 866-900-3850, when the emergency affects their permanent or temporary duty location. Employees should ensure that their FAA Profile is accurate and up-to-date in the agency’s Emergency Contacts Records (ECR) by updating their MyProfile information (<https://myprofile.faa.gov/eis/sp/>).

You may refer to EMS-11.3 Guidance on Work Schedule Issues Related to Natural Disasters and National Emergencies, and EMS-11.4 Accounting for Federal Aviation Administration Employees in Emergencies, for additional information.

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## Holidays/RDOs

- Will an employee whose funding source is not impacted by the furlough get paid for the holiday?
- How will an excepted employee know whether or not they should report to work on a holiday that occurs during a shutdown furlough?
- Will an excepted employee who does not work on a holiday that occurs during a shutdown furlough be paid for the holiday?
- Can an excepted employee voluntarily report to work on the holiday?
- Can excepted employees be required to perform work on a holiday that occurs during a shutdown furlough?
- If I am an excepted employee who is required to work on a holiday, will I receive holiday premium pay?
- How do the “in lieu of” holiday rules apply during a shutdown furlough?
- If the shutdown only covers a portion of a pay period, how will the FAA determine the number of furlough hours for alternative work schedule (AWS) employees during a shutdown furlough?
- Can an employee reschedule a regular day off (RDO), or non-workday, that occurs in a pay period affected by the furlough?

### **Will an employee whose funding source is not impacted by the furlough get paid for the holiday?**

Yes. Excepted employees who perform excepted work activities because they are funded by funding sources not affected by the furlough, will be paid for a holiday according to the normal rules governing holidays. During a lapse in appropriations or authorization, employees must be either (1) at work performing excepted activities or (2) furloughed. Employees who are furloughed and excepted employees funded by a funding source that is affected by the furlough will not receive pay for a holiday that occurs during a shutdown furlough, unless authorized by subsequent legislation.

### **How will an excepted employee know whether or not they should report to work on a holiday that occurs during a shutdown furlough?**

Confirm your status for the holiday with your manager on your last workday before the holiday or your “in lieu of” holiday. If your manager is furloughed, ask the manager to whom you are reporting about your excepted work activities.

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### **Will an excepted employee who does not work on a holiday that occurs during a shutdown furlough be paid for the holiday?**

No. An excepted employee who does not perform work on a holiday does not get paid for the holiday, and must be placed in a furlough status for the holiday, or any part of it unless authorized by subsequent legislation. During a lapse of appropriations or authorization, employees must be either performing excepted activities or be furloughed. This applies to any period of time of an affected employee's regularly scheduled administrative workweek, including a holiday.

### **Can an excepted employee voluntarily report to work on the holiday?**

No. Each Line of Business/Staff Office must determine which excepted activities must be performed on a holiday, and which employees are needed to perform those functions. Employees who are not otherwise needed to perform excepted functions on the holiday must be placed in furlough status for that day.

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### **Can excepted employees be required to perform work on a holiday that occurs during a shutdown furlough?**

Yes. Each Line of Business/Staff Office is responsible for determining which excepted activities must be performed on a holiday (or "in lieu of holiday," where applicable) and which excepted employees must work to carry out those functions. If an excepted employee refuses to report for work on a holiday after being scheduled or ordered to do so, he or she can be considered absent without leave (AWOL) and may be subject to disciplinary action. Failure to report to duty on a holiday is no different than failure to report to work on any other day.

### **If I am an excepted employee who is required to work on a holiday, will I receive holiday premium pay?**

An excepted employee who performs work on a holiday is paid using the normal rules governing pay for work on a holiday, as defined in FAA policy or the applicable collective bargaining agreement. Typically, an employee receives his or her rate of basic pay, plus holiday premium pay at a rate equal to the employee's rate of basic pay for hours that fall within the assigned non-overtime shift hours for that day. In addition, if 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. However, payment for work performed by an excepted employee will be delayed until after the furlough ends. Please note, holiday premium pay and overtime pay are not applicable to certain employees, such as FAA Officers and members of the FAA Executive System (FAAES).

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### **How do the "in lieu of" holiday rules apply during a shutdown furlough?**

HRPM Policy chapter LWS-8.9, Holiday Absences or the applicable collective bargaining agreement governs the "in lieu of" holiday rules. During a shutdown furlough, generally:

- The normal "in lieu of" holiday rules apply to "funded" employees because these employees are exempt from the shutdown furlough.

- When scheduling holidays for “excepted” employees, the normal “in lieu of” holiday rules apply. However, any otherwise excepted employee who is not working on the “in lieu of” holiday must be furloughed for that day.
- When the holiday occurs during a shutdown furlough, furloughed employees do not receive pay for the holiday, nor do they receive an “in lieu of” holiday, unless it is authorized by subsequent legislation.

**Note:** An employee’s RDO should not be changed solely to increase or decrease the employee’s pay entitlement relative to a holiday.

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### **If the shutdown only covers a portion of a pay period, how will the FAA determine the number of furlough hours for alternative work schedule (AWS) employees during a shutdown furlough?**

Employees are furloughed based on the number of hours they are scheduled to work on the days for which there is a shutdown furlough. HRPM policy chapter LWS-8.15, Alternative Work Schedules, HROI: Flexible Work Schedules, and applicable collective bargaining agreements describe how flexible and compressed work schedules are established and changed. A schedule is generally established in advance, or the employee’s actual work hours are known before the pay period closes. If there is no schedule established for certain flexible work schedules, the “typical” schedule requested by the employee and approved by the manager will be posted. If no “typical” schedule has been requested or can be posted, then one of these methods may be used to discern individual patterns of arrival or departure:

- Constant Pattern of Arrival: An employee's established pattern of arrival and departure each workday is used to determine the work schedule.
- Predominant Pattern of Arrival: An employee's predominant particular arrival time is used to determine the work schedule.
- Variable Pattern of Arrival: A mathematical average of the employee's arrival time for the previous pay period is used when there is a variable pattern of the employee's arrival time. The average arrival time is used as a reference for determining the work schedule.

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### **Can an employee reschedule a regular day off (RDO), or non-workday, that occurs in a pay period affected by the furlough?**

An employee’s RDO should not be changed solely to increase or decrease the employee’s pay entitlement relative to the furloughed days. Although FAA policy indicates that, in rare instances, an employee can request approval to reschedule an RDO after the pay period starts, changes to RDOs must not circumvent the impact of the furlough.

Alternative Work Schedule (AWS) RDOs scheduled to occur before or after a shutdown furlough must not be changed to fall during the furlough period solely to increase an employee’s pay entitlement. Similarly, should Congress approve payment for furloughed time, the RDOs scheduled to occur during a shutdown furlough should not be moved to a day outside the furlough period to increase the paid time off and also provide an additional day off.

Operational needs should be the primary factor in determining whether RDO changes during the same pay period as a furlough would be appropriate. Managers are also reminded to follow applicable policy and the collective bargaining agreement procedures, if applicable, relative to advance notification and other rules before approving a change to an employee’s RDO.

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## Benefits

- Can an employee obtain a loan from their Thrift Savings Plan (TSP) account while in a non-pay status?
- Is furlough or leave without pay (LWOP) considered a break in service?
- To what extent does non-pay status affect Flexible Spending Account (FSA) coverage?
- What is the guidance/coverage for issues with workers' compensation for excepted employees?
- To what extent does non-pay status affect my life insurance?
- To what extent does non-pay status affect my health benefits?
- To what extent does non-pay status affect my annual and sick leave?
- To what extent does non-pay status affect Federal Employees Dental and Vision Insurance Plan (FEDVIP) coverage?
- Will an employee continue to be covered under the Federal Employee Health Benefits (FEHB) program if the agency is unable to make its premium payments on time?
- To what extent does non-pay status affect Long Term Care (LTC) coverage?
- How do I report the death of a family member or an employee during a government shutdown?
- What happens if an employee terminates his or her Federal Employee Health Benefit (FEHB) coverage while in a non-pay status in order to avoid the expense?
- Where can I find out about how my non-pay status affects TSP Loans?

### **Can an employee obtain a loan from their Thrift Savings Plan (TSP) account while in a non-pay status?**

Agencies and employees should refer to the [TSP website \(https://www.tsp.gov/index.html\)](https://www.tsp.gov/index.html) or contact TSP at 1-877-968-3778 for information. How does nonpay status affect my Flexible Spending Account (FSA)?

### **Is furlough or leave without pay (LWOP) considered a break in service?**

No, both mean the employee is in a non-pay, nonduty status for those days/hours. However, extended furlough or LWOP may affect the calculation of creditable service for certain purposes.

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### **To what extent does non-pay status affect Flexible Spending Account (FSA) coverage?**

Payroll deductions will cease for any employee that does not receive pay. The employee remains enrolled in FSAFEDS, but eligible health care claims incurred during a non-pay status will not be reimbursed until the employee returns to a pay status and allotments are successfully restarted. The remaining allotments are recalculated over the remaining pay periods to match the participant's election amount.

Eligible dependent care expenses incurred during a non-pay status may be reimbursed up to whatever balance is in the employee's dependent care account, as long as the expense incurred during the non-pay status allows the employee (or spouse if married) to work, look for work or attend school full-time.

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## **What is the guidance/coverage for issues with workers' compensation for excepted employees?**

Excepted employees, working and performing official duties, are covered by workers' compensation.

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## **To what extent does non-pay status affect my life insurance?**

Coverage continues for 12 consecutive months in a non-pay status without cost to the employee or to the agency. Neither the employee nor the agency incurs a debt during this period of non-pay.

## **To what extent does non-pay status affect my health benefits?**

FEHB coverage will continue even if an agency does not make the premium payments on time. Since the employee will be in a non-pay status, the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

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## **To what extent does non-pay status affect my annual and sick leave?**

When a full-time employee with an 80-hour biweekly tour of duty accumulates a total of 80 hours of non-pay 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 non-pay status, he or she will again not earn leave in the pay period in which that new 80-hour total is reached. At the end of the leave year, any accumulation of non-pay status hours of less than 80 hours is zeroed out so that the accumulation of non-pay status hours for the next leave year starts at zero. Leave accrual for part-time employees is prorated based on hours in a pay status in each pay period; thus, time in non-pay status reduces leave accrual in each pay period containing such time. Paragraph 12 of Human Resources Policy Manual Chapter LWS 8.10, Unpaid Absences, summarizes the effect of non-pay status (furlough) time on other benefits.

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## **To what extent does non-pay status affect Federal Employees Dental and Vision Insurance Plan (FEDVIP) coverage?**

If employees are furloughed, payroll deductions will cease for any employee that does not receive pay. BENEFEDS will generate a bill to enrollees for premiums when no payment is received for two consecutive pay periods. The enrollee should pay premiums directly billed to him/her on a timely basis to ensure continuation of coverage.

## **Will an employee continue to be covered under the Federal Employee Health Benefits (FEHB) program if the agency is unable to make its premium payments on time?**

Unlike other types of non-pay status, employees in a non-pay status due to a lapse in appropriations or authorization 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.

## **To what extent does non-pay status affect Long Term Care (LTC) coverage?**

Payroll deductions will cease for any employee that does not receive pay. Coverage will continue so long as premiums are paid. If Long Term Care Partners does not receive payment for three consecutive pay periods, they will begin to direct bill the enrollee. The enrollee should pay premiums directly billed to him/her on a timely basis to ensure continuation of coverage.

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### **How do I report the death of a family member or an employee during a government shutdown?**

FAA employees or surviving family members of FAA employees may contact the Benefits Operations Center at 1-855-322-2363 to report the death of a family member or the death of an employee. The BOC will be providing limited services during a government shutdown and will provide assistance for a family member death or death of an employee.

### **What happens if an employee terminates his or her Federal Employee Health Benefit (FEHB) coverage while in a non-pay status in order to avoid the expense?**

Unlike other types of non-pay status, employees in a non-pay status due to a lapse of appropriations (shutdown furlough) or authorization 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.

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### **Where can I find out about how my non-pay status affects TSP Loans?**

The TSP fact sheet on the impact of a federal government shutdown at <https://www.tsp.gov/PDF/formspubs/oc11-5.pdf> provides information about the impact of the furlough on TSP loans. You can learn more on the [TSP non-pay status page \(https://www.tsp.gov/PlanParticipation/LoansAndWithdrawals/loans/nonPayStatus.html\)](https://www.tsp.gov/PlanParticipation/LoansAndWithdrawals/loans/nonPayStatus.html).

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## **Retirement**

- To what extent does non-pay status affect retirement?
- When a furlough occurs during the three years of service prior to retirement, what effect will time in a furlough status have on an employee's high-3 average?
- What will happen to employees who would have retired during the furlough?
- Are the retirement rules concerning the effect of a furlough the same for employees under the Civil Service Retirement System and the Federal Employees Retirement System?

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### **To what extent does nonpay status affect my retirement?**

For retirement purposes, an aggregate nonpay status of 6 months in any calendar year is creditable service.

### **When a furlough occurs during the three years of service prior to retirement, what effect will time in a furlough status have on an employee's high-3 average?**



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 6 months during the calendar year.

### **What will happen to employees who would have retired during the furlough?**

Employees who, on or before the requested retirement date, submitted notice of their desire to retire, will have the retirement effective as of the date requested, when the furlough ends. The retirement request may be informal (such as a letter requesting retirement), and can be either mailed or personally submitted to the agency (even if put under the door).

Any additional required paper work such as the formal retirement application form may be completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of the agency.

### **Are the retirement rules concerning the effect of a furlough the same for employees under the Civil Service Retirement System and the Federal Employees Retirement System?**

Yes.

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## **Travel**

- Will FAA be able to permit travel for excepted employees paid by annual appropriations, trust fund or general fund (i.e., inspectors making a site visit) and, if so, will that travel be reimbursed?
- Will I receive payment for my TDY up to the point of furlough?
- What happens to employees who are away from their duty station on regular TDY when the furlough begins?
- What about non-excepted employees on long-term TDY or on international long term assignment?
- Will employees on TDY continue to receive coverage under insurance and other provisions that typically cover employees on travel?
- Do I still have to pay my individually billed travel card bill?

### **Will FAA be able to permit travel for excepted employees paid by annual appropriations, trust fund or general fund (i.e., inspectors making a site visit) and, if so, will that travel be reimbursed?**

Yes, FAA may permit limited travel for excepted employees, however, reimbursement for the travel may not occur until after the furlough.

### **Will I receive payment for my TDY up to the point of furlough?**

Yes. If you have an approved travel authorization. You can complete your travel voucher and notify your manager for their approval. Managers should ensure that their employees on TDY have approved travel authorizations. Please note that payment processing may not occur until after the furlough has ended.

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### **What happens to employees who are away from their duty station on regular TDY when the furlough begins?**

If a furlough occurs while an employee is on TDY, the employee must complete their return home within 24 hours. Prior to the furlough, the employees may remain at the TDY location until the official furlough announcement. However, managers may instruct employees to return home earlier from TDY prior to an imminent lapse in appropriations or authorization.

Employees and managers must be fiscally prudent in re-booking return flights. For example, if an employee has a refundable ticket they must exchange that for their return trip; if an employee has a non-refundable ticket, they need to determine the cost of the change fees and rebooking of the new ticket when choosing a return flight. If there is a flight that costs \$400 more that leaves in two hours and one that costs \$150 more leaving in five hours, then the \$150 flight should be selected.

Travelers are encouraged to contact their travel management center for assistance to ensure that the lowest cost option is utilized. The traveler is responsible for payment of his/her Travel Charge Card bill. The Financial Policy Division, AFR-100 will work with JP Morgan Chase to minimize impact on travelers who have not been reimbursed.

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### **What about non-excepted employees on long-term TDY or on international long term assignment?**

Consistent with this guidance, those non-excepted employees, on long term TDY or international long term assignment should not break lease agreements. Depending on the anticipated length of the furlough, it may be more cost effective for the employee to remain at the TDY site. Employees should not return to their permanent duty station unless directed to do so by their manager. The Financial Policy Division, AFR-100 will work with JP Morgan Chase to minimize impact on travelers who have not been reimbursed.

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### **Will employees on TDY continue to receive coverage under insurance and other provisions that typically cover employees on travel?**

Yes. As long as the employee is on valid TDY (e.g., excepted employees performing excepted functions, non-excepted employees traveling home within 24 hours of furlough, long term TDY or international assignments that have not been cancelled) the employee will be covered by the same provisions and insurance as he/she would if there had been no lapse in appropriations or authorization.

### **Do I still have to pay my individually billed travel card bill?**

Yes. Employees are still obligated to make repayments on their travel card. JP Morgan Chase will work with individual cardholders on a case-by-case basis in the event of government-wide shutdown to address hardships caused by this event. Standard processes including account aging, late fees and finance charges would remain in force unless it is determined by the bank that an individual cardholder has experienced a hardship related to the shutdown. Suspension and late fees do not kick in immediately on accounts which are not currently past due.

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## **Labor/ Management Relations**

- Will union officials have access to their union offices if they are in furlough status?
- Can Union officials work on "official time" during a shutdown?

## **Will union officials have access to their union offices if they are in furlough status?**

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.

## **Can Union officials work on "official time" during a shutdown?**

The Office of Personnel Management (OPM) has issued guidance allowing official time in certain circumstances during the shutdown. The revised guidance now allows official time to perform representational duties related to management's excepted activities under the Antideficiency Act.

Official time will be allowed when those excepted activities trigger representational rights under the collective bargaining agreement or under title 5 United States Code Chapter 71 (e.g., formal discussion, Weingarten, or representation of an employee in connection with an adverse action). It is important to remember that under the shutdown, management must only engage in excepted activities. Therefore, any management activity that is not necessary to avoid significantly compromising the safety of human life or the protection of property must be delayed until the shutdown ends.

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## **Forms & Guidance**

- [SF-8 Unemployment Compensation Form \(PDF\)](#)
- [MSPB Regional & Field Offices \(PDF\)](#)
- [Unemployment Eligibility Guidance \(PDF\)](#)
- [Guidance for Non-Excepted Employees \(PDF\)](#)

## **Resources**

- [FAA Shutdown Furlough Policy - HRPMP EMP-1.27a \(Shutdown\)](#)  
([https://employees.faa.gov/org/staffoffices/ahr/program\\_policies/policy\\_guidance/hr\\_policies/hrpm/emp/emp-1-27a/](https://employees.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/emp/emp-1-27a/))
- [Financial Assistance Information \(PDF\)](#)
- [FAA Letter to Creditors \(PDF\)](#)
- [ATO-specific Furlough Guidance](#) (<https://my.faa.gov/go/ATOofurlough>)
- [FAA Procedures for Emergency \(Shutdown\) Furlough and Recalling Furloughed Employees](#)  
([https://employees.faa.gov/org/staffoffices/ahr/program\\_policies/policy\\_guidance/hr\\_policies/hrpm/emp/emp\\_ref/media/RMS\\_hutdownRecallProc/](https://employees.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/emp/emp_ref/media/RMS_hutdownRecallProc/))
- ["The Congressional Appropriations Process: An Introduction" \(PDF\)](#)
- ["Basic Federal Budgeting Terminology" \(PDF\)](#)
- [How Our Laws Are Made - Library of Congress](#) (<http://thomas.loc.gov/home/lawsmade.toc.html>)

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## **FAQs (Download Full List)**

- Furlough Guidance FAQs (Part 1) (PDF)
- Furlough Guidance FAQs (Part 2) (PDF)

This page can be viewed online at:

[https://my.faa.gov/org/staffoffices/ahr/communications\\_events/furlough.html](https://my.faa.gov/org/staffoffices/ahr/communications_events/furlough.html)