Frequently Asked Questions for Furloughed Employees

Furlough Information
- **What is a furlough?**
  - **Answer:** A furlough is the placing of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. For most employees, a furlough of 30 calendar days or less is covered under 5 CFR Part 752, adverse action procedures. All furloughs for Senior Executive Service members are covered under 5 CFR Part 359, Subpart H.

- **Why is the Department of the Treasury’s Departmental Offices furloughing employees?**
  - **Answer:** Due to a lapse in appropriations, effective December 21 at midnight.

- **Who is being furloughed?**
  - **Answer:** Most employees who perform functions paid by appropriated funds are being furloughed. The only exceptions are employees who perform functions of the type outlined below:
    - Functions with a continuing source of funding; or
    - Functions expressly authorized by Congress to continue even without funding; or
    - Functions for which authority to obligate funds is necessarily implied by statute; or
    - Functions that are necessary to ensure the safety of human life or the protection of property; or
    - Functions necessary for the discharge of the President’s constitutional duties; or
    - Activities necessary for a short period in order to ensure an orderly shutdown of operations.

- **Are (a) bargaining unit employees impacted differently during a furlough, and (b) how do I know if I am in the bargaining unit?**
  - **Answer A:** There is no distinction between positions held by bargaining unit employees and non-bargaining unit employees in the event of a furlough due to a lapse in funding. Positions must meet certain criteria to be excluded from furlough. See above “who is being furloughed”.
  - **Answer B:** Employees may contact their supervisor or OHR to determine their bargaining unit status.

Compensation, Benefits, and Leave

*Office of Personnel Management (OPM) Guidance for Shutdown Furloughs* provides questions and answers concerning compensation, benefits, and leave. Some commonly asked questioned are discussed below.
LEAVE AND OTHER TIME OFF

- May an employee subject to furlough take previously approved paid time off (e.g., annual, sick, court, military leave, or leave for bone marrow/organ donor leave, or compensatory time off, including religious compensatory time off) during a shutdown furlough?
  - **Answer:** No. All paid time off during a shutdown furlough period must be cancelled 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 federal government that is not authorized by the Act. Therefore, agencies are instructed that during a shutdown furlough, all paid time off must be cancelled.

- May a furloughed employee work during the furlough period to accumulate religious compensatory time off hours for religious observances?
  - **Answer:** No. An employee who is not exempt or excepted may not work during the furlough period, even to accrue religious compensatory time.

- If an employee is scheduled to take approved unpaid leave during a shutdown furlough, should the agency provide the employee with a furlough notice?
  - **Answer:** It depends. If the employee is not expected to work during the furlough period (e.g., a 1-year period of leave without pay to accompany a military spouse overseas), then agencies are not required to provide the employee with a furlough notice. If, however, the employee is scheduled to return from unpaid leave to Federal service during the furlough period, the employee should be provided with a furlough notice (effective on the date of scheduled return), unless the employee is expected to be at work performing an excepted activity.

- If an employee has properly scheduled “use-or-lose” annual leave before the start of the third biweekly pay period prior to the end of the leave year, but is unable to use some or all of the scheduled leave because of the furlough, does the furlough constitute an “exigency of the public business” that would permit an agency to restore the leave after the beginning of the new leave year?
  - **Answer:** Employees in this situation should make every effort to reschedule the “use-or-lose” annual leave for use before the end of the current leave year. However, if this is not possible due to a lapse in appropriations, agency heads (or their designees) are encouraged to use their discretionary authority to restore any lost annual leave by determining that the employee was prevented from using his or her leave because of an exigency of the public business – namely, the need to furlough employees because of the lapse in appropriations.

- If any employee has properly scheduled use of “restored annual leave” that is due to expire at the end of the leave year (because it is the end of the 2-year restoration period)
but that leave is canceled and lost due to lapse of appropriations, may the employing agency restore that leave again?

- **Answer:** Unfortunately, no – unless Congress enacts legislation providing otherwise. There is nothing in existing law or regulation that allows restored annual leave to be restored a second time. In fact, the Comptroller General has determined that unused restored annual leave may not be restored after the expiration of the 2-year period.

- **Will furloughed employees be paid for a holiday that occurs during a shutdown furlough?**

  - Furloughed employees will not receive pay for a holiday that occurs during a shutdown furlough unless authorized by subsequent legislation.

- **If an employee is scheduled to take unpaid leave under the Family and Medical Leave Act (FMLA) during a shutdown furlough, should the agency provide the employee with a furlough notice?**

  - **Answer:** It depends. If the employee is not expected to work during the furlough period (e.g., an employee who has just given birth and has requested 12 weeks of unpaid leave (leave without pay (LWOP) under the FMLA), the agency is not required to provide the employee with a furlough notice. If, however, the employee is scheduled to return from LWOP to Federal service during the furlough period, the employee should be provided with a furlough notice (effective on the date of scheduled return), unless the employee is expected to be at work performing an excepted activity. An employee on LWOP under FMLA during a shutdown furlough may not later substitute paid time off for the days of LWOP.

- **Does LWOP under FMLA that is scheduled to be taken during a shutdown furlough period count toward the employee's 12-week FMLA leave entitlement?**

  - **Answer:** No.

- **If an employee is scheduled to take paid leave or other paid time off under FMLA during a shutdown furlough, should the employee be furloughed?**

  - **Answer:** Yes. An employee must be placed in furlough status during any paid time off scheduled to be taken during a lapse in appropriations. If an employee is scheduled to take paid time off under FMLA during a shutdown furlough (either continuously or intermittently), the paid time off must be canceled and the employee must be furloughed for any period during which paid time off was scheduled. Thus, any days of scheduled paid time off are documented as furlough days. Any previously scheduled days of unpaid leave under FMLA will continue to be documented as LWOP. No days associated with a shutdown furlough period will be counted against an employee’s 12-week FMLA leave entitlement.

- **Are employees who are not excepted from the furlough allowed to take paid leave or other paid time off during periods when other employees are performing work necessary for an orderly suspension of agency operations?**
Answer: No. All paid leave or other paid time off is cancelled during a period when a lapse in appropriations is in effect. There is no authority to obligate funds for paid time off during a lapse in appropriations. Employees who are not exempt or excepted from the furlough are allowed to perform minimal activities as necessary to execute an orderly suspension of agency operations related to non-excepted activities. Being on paid leave is not an activity necessary to execute an orderly suspension of agency operations. Agencies should determine on a case-by-case basis whether it is necessary to require employees who had been scheduled to take paid time off to report to duty to perform orderly suspension activities.

- Can an employee obtain a loan from their Thrift Savings Plan (TSP) account while in a nonpay status? What happens if an employee has a TSP loan and is placed in a non-pay status?
  Answer: Employees should refer to the TSP Publication- Effect of Non-Pay Status on Your TSP Account or contact their agency representative for information.

- Is furlough considered a break in service?
  Answer: No. The employee is in a non-pay, non-duty status for those days/hours while on furlough. However, extended furlough may affect the calculation of creditable service for certain purposes.

- Will an employee continue to be covered under the Federal Employee Health Benefits (FEHB) program?
  Answer: Yes. The employee’s 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.

- May an employee volunteer to do his or her job on a non-pay basis during a furlough period?
  Answer: No. Departmental Offices may not accept the voluntary services of an individual. (31 U.S.C. 1342)

- What will happen to employees who would have retired while their agencies were shut down?
  Answer: For employees who, on or before the requested retirement date, submitted some notice of their desire to retire, agencies should, when the lapse in appropriations ends, make the retirement effective as of the date requested. The retirement request may be informal (such as a letter requesting retirement), and can be either mailed or personally submitted to the agency. Any additional required paper work such as the formal retirement application form may be completed when funding is restored. 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.
• **May employees take other jobs while on furlough?**
  - **Answer:** Yes, as long as it complied with existing ethics and other requirements for outside employment. While on furlough, an individual remains an employee of the Federal Government. Therefore, executive branch-wide standards of ethical conduct and rules regarding outside employment continue to apply when an individual is furloughed (specifically, the executive branch-wide standards of ethical conduct, 5 CFR part 2635). In addition, there are specific statutes which prohibit certain outside activities, and agency-specific supplemental rules that require prior approval of, and sometimes prohibit, outside employment. Therefore, before engaging in outside employment, employees should consult with DO ethics officials in the Office of the General Counsel. During a lapse, questions can be directed to Treasury’s Designated Agency Ethics Official, Brian Sonfield, at 622-9804 or Brian.Sonfield@treasury.gov.

• **Are employees entitled to unemployment compensation while on furlough?**
  - **Answer:** It is possible that furloughed employees may become eligible for unemployment compensation. State unemployment compensation requirements differ, and 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” at Unemployment Compensation for Federal Employees, Employment & Training Administration (ETA) - U.S. Department of Labor.) Agencies or employees should submit questions to the appropriate state (or District of Columbia) office. The Department of Labor’s website provides links to individual state offices at Unemployment benefits | CareerOneStop. A list of Federal Identification Codes (FIC) needed for unemployment compensation applications can be found here http://www.dol.gov/dol/shutdown/FIC_chart.pdf.

You may obtain your latest W-2 form and Earning and Leave statement from the National Finance Center by accessing your Employee Personal Page. If you forgot your user name or password, you may use the automated tools to request them online or by email. Employees who do not have an alternate email address established and cannot retrieve their password may contact NFC at: 1-855-632-4468 and select option #5 for EPP.

• **To what extent does non-pay status affect federal employee benefits and programs?**
  - **Answer:** The effects of a nonpay status (which includes furlough, leave without pay, absence without leave, and suspension) on federal employee benefits and programs vary based on current law and regulation. For additional information, see OPM’s fact sheet on the “Effect of Extended Leave Without Pay (or Other Nonpay Status) on Federal Benefits and Programs”

• **If a shutdown 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?**
  - **Answer:** Generally there will be no effect on the high-3 average pay unless the furlough causes the employee to be in a non-pay status for more than six months
during the calendar year.

- **How is Continuation of Pay (COP) under the Federal Employees’ Compensation Act affected by a government shutdown?**
  - **Answer:** 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.

- **Are employees who are injured while on furlough or Leave Without Pay (LWOP) eligible to receive workers’ compensation?**
  - **Answer:** 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.

- **Will the Employee Assistance Program (EAP) continue to operate during a furlough?**
  - **Answer:** Treasury Employee Assistance Programs (EAP) are expected to continue to operate during a furlough and employees may benefit from counseling assistance from their bureau EAPs during this difficult time. Treasury employees may contact their Bureau Human Resources Office or other designated Bureau contact for information about these services. In addition to financial counseling that may be offered by EAP programs, employees may want to contact their financial institution, TSP, or credit union to learn about additional options for financial assistance.

**Furlough Procedures**

- **In the event of a lapse in appropriations, is DO required to provide 30 calendar days advance written notice and an opportunity to respond prior to issuing a decision to furlough?**
  - **Answer:** No. The customary 30-day advance notice period and opportunity to answer are suspended under the provisions of 5 CFR 752.404(d)(2).

- **Can an employee be furloughed without first receiving a written notice of decision to furlough?**
  - **Answer:** While an employee must ultimately receive a written notice of decision to furlough, it is not required that such written notice be given prior to effecting the emergency furlough or in person, although it is recommended. Advance written notice (including through email) is preferable, but when prior written notice is not feasible, then any reasonable notice (e.g., telephonic, oral, personal email, or by mail promptly after the
furlough) is permissible when the furlough decision is made. However, a written notice of decision to furlough must be provided as soon as possible after the furlough begins.

- **Will excepted employees receive the same furlough notice as furloughed employees?**
  - **Answer:** No, employees that are excepted from furlough will receive a separate notice informing them of their status and the expectations during the funding lapse.

- **Can employees use government email accounts or mobile devices to communicate while on furlough?**
  - **Answer:** If you are on furlough, you should not use your government issued mobile phone or log into your government account through remote access. You should regularly check www.Treasury.gov and (877) 436-5566 for shutdown information.

### Instructions to secure working documents and records and Protection of Personally Identifiable Information (PII)

- Prior to leaving the office, Treasury staff and contractor employees should take steps to ensure that:
  - Documents are properly secured. For example, files should be returned to their appropriate central filing area (not stored at individual workstations). DO Records liaisons should document where physical records are located and ensure that the central filing area is secure (to prevent unauthorized access).
  - Electronic records residing on individual computers are placed in the appropriate SharePoint workspace if applicable.
  - Records containing PII or classified information are secured in designated storage areas to prevent unauthorized access.

- The Office of Privacy, Transparency, and Records is here to help. Email recordsmanagement@treasury.gov or call (202) 622-0790.

### Media & Non-Media Questions

- **What should I do if I am contacted for information on the funding lapse?**
  - **Answer:** All media inquiries should be directed to the Press Office at (202) 622-2960 or Press@treasury.gov.

### Travel

- **What happens if I am on travel or scheduled to travel?**
  - **Answer:** The DO Travel Office is monitoring and tracking all known travel scheduled to occur through the possible lapse and will provide one-on-one guidance directly to the traveler/office as needed. All travel with a scheduled return on or before December 21 can process under standard procedures.

  For any travel on or after December 22**:

  - No travel for furloughed employees.
  - All travel for exempt/excepted employees should be strictly limited and trips, to the extent possible, should be postponed, regardless of the funding source.
All travel will be reviewed by the travel office, OGC, ASM office, and DCOS – including a re-review of trips previously approved prior to a shutdown.

For excepted employees, ASM/COS and OGC clearance is required for all travel, regardless of cost, to ensure that the trip is for an excepted purpose and the trip participant(s) are excepted or exempt personnel. This requires re-clearing all trips previously approved through the exemption process to ensure that the purpose aligns with the excepted justification.

**All offices must submit the trip exemption request form, via MyTreasury, immediately if they have not already done so. We are only able to make final determinations of the appropriateness of upcoming travel for trips that have a timely submitted form.**

Treasury DO will apply the above approach to two types of travel. Note: the DO Travel Office has pulled records of submitted trip request to identify the travel which falls under one of the two categories.

**Trips that span December 22:**
- Travel with departures on Tuesday, December 18 or earlier
  - Under most circumstances, the traveler would be recalled on December 22 in the event of a lapse. Any waivers for the recall would need to be reviewed by OGC and Senior Leadership.
- Travel with departure date of Wednesday, December 19 and return on or after December 22.
  - Depending on above approach, DO may permit excepted employee travel or preemptively cancel/postpone travel ahead of possible shutdown.

**Trips post-December 22.**
- While there may be exceptions (i.e., confirmations needed ahead of time) DO will decide the status of many of these trips if and when a lapse occurs. Travel will only permitted for exempt or excepted employees performing travel with an exempt/excepted purpose, as determined by OGC and Senior Leadership.

**Travel Card Program**

- **Will travel cards be active during a shutdown?**
  - **Answer:** DO has elected to keep the government-issued travel cards active in the event of a lapse in appropriations.
    - Travel cards, per regulation, are only authorized for use when a traveler is in an approved TDY status. The DO Travel Office will run daily activity reports to identify any potential misuse. Any cards found to be misused will immediately be deactivated and standard disciplinary action will be taken upon the cardholder’s recall to work. All balances, in full, are the responsibility of the cardholder.

**Purchase Card Program**

- **Will I be able to make purchases on my purchase card?**
  - **Answer:** Accounts for furloughed cardholders will be temporarily turned off.
What if I have recurring or automatic payments on my purchase card?
- **Answer:** Please coordinate with your agency/organization finance officials and Agency/Organization Program Coordinator to ensure that these payments are properly dispositioned in the event of a shutdown, and that the federal government does not incur new obligations other than for excepted or exempted requirements in violation of the Antideficiency Act.

**For further questions on purchase cards please contact:**
DO: Emily Morrison, Emily.Morrison@treasury.gov, or via phone at 202-622-0433 (office) or 202-834-7160 (cell).

**Voicemail**
- **How do I update or change my voicemail remotely?**
  - **Answer:** The procedures for updating voicemail are below. Please be advised that furloughed employees should not be conducting business in the event of a lapse.
      1. Dial 202-622-2600, or toll free on 866-417-0755
      2. Press # when asked if you have mailbox on the system
      3. Enter 5 digit mailbox number when prompted
      4. Enter password
      1. Dial 202-622-2100, or toll free on 855-470-2100
      2. Press # when asked if you have mailbox on the system
      3. Enter 5 digit mailbox number when prompted
      4. Enter password

**Payroll**
**Issue:** A lapse in funding resulting in a government shutdown would impact the timely validation, certification, and processing of employees’ timecards for Pay Period 25, December 9 through December 22, 2018. All employees, including furloughed and excepted employees, are asked to enter their hours worked during the current pay period by Friday, December 21, 2018. For other employees, who work in offices not impacted by a lapse in appropriations, please process timecards according to the regular schedule.

- **Why are employees and supervisors (both excepted and furloughed) being asked to update their timecard information by December 21?**
  - **Answer:** In the event of an actual shutdown on December 22, we want to ensure that timecard information is recorded so that it can be processed in a timely manner at the end of the pay period.

- **What happens to the timecards if the shutdown only lasts a couple of days?**
  - **Answer:** The Assistant Secretary for Management will assess what corrective timecard actions need to be taken for affected personnel once there is final resolution on the FY 2019 appropriation. Any corrections to the Pay Period 25 or subsequent timecards will need to be made by the respective office timekeeper in a timely manner as to not impact the financial reporting.
• **Is anyone permitted to work during a lapse in appropriation?**
  
  o **Answer:** The following offices within Departmental Offices are not impacted by the current lapse in appropriation, based on their funding sources:

  - Office of Financial Research
  - Small Business Lending Fund
  - Office of Financial Stability
  - Office of D.C. Pensions
  - Federal Financing Bank
  - Office of Technical Assistance
  - Financial Stability Oversight Council
  - Treasury Executive Office of Asset Forfeiture

In addition, employees whose positions are funded by the Treasury Franchise Fund are not impacted by a lapse in appropriation. Employees assigned to the above organizations should record their time in webTA, validate, and certify according to the regular schedule.

• **Additionally, some employees are excepted from furlough based on their functions. How should such an employee’s time be recorded in webTA in the event of a government shutdown?**
  
  o **Answer:** Employees, excepted and furloughed, should record their time in webTA as “Furlough” in the Timesheet screen. This does not apply to employees whose offices are not impacted by a lapse in appropriation as referenced above.

• **If excepted employees are required to report to work during a government shutdown, why is their time recorded as “Furlough” in webTA?**
  
  o **Answer:** The Departmental Offices personnel identified as “excepted” must record their time in webTA as “Furlough” because they are not funded from non-annual appropriations and do not otherwise have another source of continuing funding. Each office has been provided a list of the excepted personnel by the Office of Human Resources.

  Under current law, excepted employees are entitled to receive pay for their work once an appropriation is enacted. Entering “Furlough” in web TA will not affect this entitlement.

• **Where do I begin to enter the “Furlough” time in webTA?**
  
  o **Answer:** The webTA screen shots below provide the step-by-step process for creating and entering the furlough leave in webTA.

  Step 1: Select “Timesheet” on the Employee Main Menu screen.
Step 2: Select “Leave Time”

Step 3: Click on the “Annual Leave” link to access the Transaction Code drop down menu. The employee or timekeeper should select “Furlough” which is the ninth option from the bottom of the list. Then click “Select Leave Time Transaction”.
Step 4: Once the Furlough Leave category has been established the employee or timekeeper should enter the work hours for the days impacted by a lapse in appropriations based on the employee’s work schedule. The hours should correspond to either a fixed 8-hour schedule or the appropriate hours based on the employee’s Alternative Work Schedule.

The employee should validate the timecard once the furlough time is entered in webTA.

- Who should I contact if I have trouble with webTA?
**Answer:** The Administrative Resource Center’s Payroll and Processing Branch provides webTA technical assistance from 7:30 am to 5:00 pm at 304-480-8000, Option 4.

### Transit Subsidy
- **May I use my transit subsidy during a lapse in appropriation?**
  - **Answer:** If you are excepted or exempt from furlough, you may use your transit subsidy as you normally would. If you are furloughed during a lapse, you must not use your transit subsidy, even if a balance is loaded on your SmarTrip Card. Unfortunately, this means that any personal balance you have stored on your card will not be accessible during a lapse in appropriations.