Office of Inspector General

Operational Startup Plan

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A. **Purpose**

This document establishes a plan of action to execute an orderly startup of OIG operations following the approval of fiscal year (FY) funding (i.e., conclusion of a lapse in Appropriated funding, Continuing Resolution, passage of FY budget, etc.). This plan initiates through a notification to all employees from the Assistant Inspector General (AIG) for Management at the direction of the Inspector General.

B. **Scope**

The functions and activities described herein are executed in accordance with all applicable statutes, regulations, policies, and delegations of authority.

C. **High-Level Summary**


2. Once OPM posts a status notice on their website that the government has reopened, the expectation is employees return to work unless it is a regularly scheduled non-duty day, or an employee is on approved leave or leave without pay under the Family and Medical Leave Act (FMLA). Any delay in reporting for duty requires a request for leave that the employee’s supervisor must approve.

3. It is expected an orderly startup of agency operations will occur as expeditiously as possible so that service to customers can resume quickly.

D. **General Startup Procedures**

All employees are responsible for taking necessary actions to restore the agency to a full operational status. Key items to address include, but are not limited to, the following:

1. Turn off out-of-office messages for email.
2. Reset voicemail message.
3. Remove all signage indicating office closure.
4. Restart computers and other Information Technology (IT) devices according to guidance outlined in the Information Technology section of this plan.
5. Resume use of transit subsidy benefits if available where you work.
6. Resume use of government-issued mobile devices, including mobile phones, tablets, and/or laptops for approved purposes.
7. Resume use of government purchase, fleet, and travel cards for appropriate government use.

E. Guidance for the Startup of OIG Operations

The Assistant Inspector General for the Office of Management (AIG-OM) will guide the transition from shutdown to full operational status. The AIG-OM will be responsible for overseeing the implementation of the startup plan; providing related policy and procedural direction; ensuring coordination and consistency across functional areas (human resources, financial management, information technology, property and procurement, etc.); troubleshooting systems and unique challenges; monitoring progress related to restoring full operational status and addressing employee and customer concerns.

The AIG-OM also will assess lessons learned from the shutdown and startup and apply them to normal operations where applicable, and to future shutdown/startup procedures. The AIG-OM will be responsible for reporting progress and issues to the OIG Senior Staff.

The below listed officials will assist the AIG-OM during startup procedures. Other staff may provide assistance as the issues, challenges, and opportunities warrant.

- Deputy Director, AIG for Management
- Director, Information Technology Division (ITD)
- Director, Human Resources Management Division (HRMD)
- Director, Financial Management Division (FMD)
- Director, Administrative Services Division (ASD)

F. Information Technology

The Director, ITD in the Office of Management is responsible for ensuring IT systems are available and operating with a high level of confidence to perform agency business operations throughout OIG. The following should occur upon restoration of funding for the agency:

1. Director, ITD, will oversee the restoration of all OIG production IT systems, business tools, and websites to their last known operational state.
2. ITD staff will coordinate with USDA to ensure all interdependent and enterprise IT systems are online and available.
3. Employees should retrieve all IT equipment and devices (mobile phones, tablets, etc.) from their secured location and restart them.
4. Employees must restart their computers and other IT devices as a
means of giving their computers and IT devices a fresh start.

5. Employees will contact the OIG Helpdesk to reset any expired passwords.

6. Employees should keep laptops connected to the IT network, either in the office or through the OIG VPN, to ensure all systems update with the appropriate security patches and system updates. Because of IT systems being offline for several days, this process may take up to 24 hours to complete. Although employees can perform work while the systems update, employees may experience several reboots during the process. Do not turn off computers while the updates are in progress.

7. ITD staff will ensure to address and resolve in a timely manner all technical issues submitted to the OIG Helpdesk.

8. Director ITD and ITD staff will monitor restoration activities to ensure availability and proper functionality of IT systems throughout the startup and recovery process.

G. Human Resources

The Director, HRMD is responsible for ensuring and providing all Human Resources (HR) services and guidance to OIG employees in order to return to operations after a government shutdown.

1. Return to Duty After Shutdown:
   The expectation is employees return to work the next business day or scheduled workday following the approval of a budget or a continuing resolution.

2. Time and Attendance:
   Timekeepers must follow up with supervisors and employees to determine if corrected timesheets need to be prepared for pay periods affected by the furlough.

3. Guidance for HR Staffing Specialist and Assistants:
   a. Process all pending personnel actions as quickly as possible.
   b. Review certificates of eligible applicants for vacancy announcements issued prior to the shutdown and extend, as necessary, expiration dates. HR notes such action in the HR case file. (See Appendix A.)
   c. If a vacancy announcement closed during the furlough, the assigned HR Specialist will work quickly to rate, rank, and notify applicants of their eligibility and will issue certificates of eligible applicants to the selecting managers, when appropriate.
   d. Annotation occurs for all vacancy announcement files affected by the furlough for future audit purposes.
e. Appendix B provides additional Human Resources Guidance.
f. Appendix C provides answers to Frequently Asked Questions (FAQ).

**H. Travel**

The Director, FMD and the Director, ASD, are responsible for providing coordinated guidance to authorized agency travelers on issues that may have arisen because of the shutdown and furlough.

1. Travelers should complete any outstanding travel vouchers immediately after OIG has confirmed the operational status of all associated IT systems.

2. The Director, ASD, and the Director, FMD, will work with the Department to determine policy regarding timely payment of travel card balances since OIG employees do not have access to the travel system during a government shutdown. Once the Department makes its determination, ASD/FMD will communicate the Department’s policy and guidance via OIG News.

**I. Administrative Services**

The Director, ASD, is responsible for managing the resumption of functions related to acquisitions, procurements, and asset management (i.e., real and personal property). The expectation is these activities will resume within 2-busniess days following agency start-up.

1. **Contracts and Agreements Guidance:**
   a. Contracts and agreements under OIG authority and requiring OIG support, oversight, and assistance will resume as determined by the appropriate Contracting Officer.
   b. Contracting Officers will issue resume work orders (i.e., modifications) for those contracts suspended or stopped during the furlough.
   c. Interagency and other agreements will resume under the existing terms of the agreement.

2. **Asset Management Guidance:**
   a. Personal property (i.e., vehicles, survey equipment, copiers, etc.) owned or leased by OIG will be made safe, ready, and available for use by authorized Federal and non-Federal personnel. The use of vehicles by non-Federal partners or other agency personnel may resume according to the terms of existing agreements.
b. Real property (i.e., buildings/office space, etc.) owned or leased by OIG will be made safe, ready and available for use by authorized Federal and non-Federal personnel. Real property shall reopen to the public as appropriate.

J. Financial Management

The Director, FMD, is responsible to ensure funding for agency operations is available in a timely manner, and to ensure the proper resumption of the agency’s financial operations.

1. Financial Management Modernization Initiative (FMMI) Accessibility:
   a. The Department’s Office of the Chief Financial Officer manages the FMMI system. The expectation is FMMI will be available to all USDA agencies within the first business day after operations resume. Evaluation of the interface between FMMI and agency IT systems occurs to ensure the interface is functioning properly.
   b. Direct any questions about FMMI access to the Financial Policy, Training and Systems Division at oig.fmmi@wdc.usda.gov for resolution.

2. Discretionary funding:
   a. New FY discretionary funding made available will be loaded into FMMI, reflecting the terms and conditions of the appropriations language and automatic apportionment by the Office of Management and Budget (OMB).
   b. Carryover authority – Allowance holders are NOT to obligate carryover funding. Unobligated balances will be “swept” into the unallocated level in FMMI and made available for use in the current FY. Carryover funding will be used for agency priorities as determined by the IG, including:
      1) Unobligated balances used for obligation in the current FY (see Posting Prior Year Obligations below).
      2) Unobligated balances designated for previously approved specific purposes.

3. Current Year Allocations:
   a. Provision of initial allocations, based on a percentage of the prior FY final allocations, occurs within 5-business days of resumption of full operation.
   b. Initial allocations will support agency operations pending completion of the allocation process.
Appendix A: Human Resources Case File Note

NOTE TO FILE

Current date: __________________________

Vacancy Announcement Number: _____________________________

Announcement Open & Close Dates: ___________________________

Position Title: ______________________________________________

Position Series & Grade: _____________________________________

This case file delay occurred due to the (insert effective date of shutdown) _______ Federal government shutdown due to a lapse in Appropriations funding. At the time of shutdown, this file was at ______ (add current step and status in process) _______. All work resumed as soon as possible after startup operations resumed.

Name of HR Specialist: ______________________________________

Phone number of HR Specialist: ________________________________

Email address of HR Specialist: ________________________________
Appendix B: Human Resources Guidance

Appeals

Federal employees have the right to appeal a shutdown furlough to the Merit Systems Protection Board (MSPB) within 30-calendar days after the effective date of the furlough.

- Appeal Rights
  - Employees who have completed a probationary or trial period or 1-year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the MSPB. Employees in the excepted service who have veterans preference may appeal to MSPB if they have completed 1-year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service, may appeal to MSPB if they have completed 2-years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to 2-years or less.
  - Career SES appointees (except reemployed annuitants) who believe the requirements of Title 5, Code of Federal Regulations, Part 359, subpart H have not been correctly applied may also appeal to MSPB.

- Appeal Process
  - If you have the right of appeal to MSPB, and wish to appeal this action, you must file the appeal within 30-calendar days after the effective date of your furlough. If you wish to file an appeal, you may obtain information about the appeals process and a copy of the appeals form from the MSPB website at http://www.mspb.gov/appeals/appeals.htm. MSPB requires the filing of an appeal with the MSPB regional or field office serving the area where your duty station was located when the action occurred. MSPB also offers the option of electronic filing at https://e-appeal.mspb.gov/. Employees have a right to representation in this matter to include representation by an attorney or other person of their choosing.

Benefits

- Federal Employee Health Benefits (FEHB) Program
  - OIG employees’ 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 accumulates, withheld from pay upon return to
pay status. The government contribution continues while employees are in a non-pay status.

- OIG employees in a non-pay status due to a lapse of Appropriations funding (i.e., shutdown furlough) will not have the opportunity to terminate or cancel FEHB coverage. The employee will remain covered and the enrollee share of the FEHB premium accumulates, withheld from pay upon return to pay status.

- New enrollments or changes in enrollment due to a Qualifying Life Event do not take effect until the employee has been back in pay status for any part of the prior pay period.

- **Federal Employees’ Group Life Insurance (FEGLI) Program**

  - 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.

- **Flexible Spending Account (FSAFEDS) 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 are not reimbursable until the employee returns to a pay status and allotments restart successfully. Recalculation occurs of the remaining allotments 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.

- **Federal Long Term Care (FLTCIP) Program**

  - 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 3 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.

- **Federal Dental and Vision (FEDVIP) Program**

  - 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 2 consecutive pay periods.
• **Thrift Savings Plan (TSP) (contributions, investments, and loan)**
  
  o While in a non-pay status, OIG employees should refer to the TSP website for information. Be sure to have your account number or login ID and password when accessing your TSP Account on the website [https://www.tsp.gov/index.shtml](https://www.tsp.gov/index.shtml).

• **Processing Disability Benefits**
  
  o OPM will continue working on disability, reconsideration, and appeals cases. If the application requires additional information from other agencies, expect delays during a government furlough.

• **Processing Court Ordered Benefits**
  
  o OPM employees will continue working to process court ordered benefits. If the application requires additional information from other agencies, delays may occur during a government furlough.

• **High-3 Average Salary**
  
  o Generally, there will be no effect on the High-3 average salary unless the furlough causes the employee to be in a non-pay status for more than 6 months during the calendar year.

**Employees on Details**

The supervisor of record will be responsible for communicating all startup guidance to employees on detail, including when he/she will return to his/her detail assignment.

**Employee Assistance Program (EAP)**

*The Employee Assistance Program* can be helpful in providing confidential counseling and coaching and has experienced, licensed counselors ready to assist all OIG employees and family members, 24-hours a day/7-days a week at 1-800-222-0364. The EAP is a free, confidential counseling service that can assist in helping employees cope with stressful and challenging situations. The EAP website is [https://www.opm.gov/policy-data-oversight/worklife/employee-assistance-programs/](https://www.opm.gov/policy-data-oversight/worklife/employee-assistance-programs/).

**Retirement**

If an OIG employee would have retired during the furlough and had submitted notice of their desired retirement date prior to the furlough, the HR Benefits Specialist 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. Completion of any additional required paperwork, such as the formal retirement application form, may occur when the agency reopens. No consideration of time
spent by the retiree in such actions after the effective date of their retirement is duty time, since
the individual would no longer be an employee of OIG.

Return to Duty Post Shutdown

- Generally, the expectation is employees return to work the next business day or
  scheduled workday following the approval of a budget or a continuing resolution.

- However, guidance concerning when furloughed employees should come back to
  work at the conclusion of the shutdown has to be tailored to the employee’s
  specific situation.

Time and Attendance

During a furlough, all time and attendance must be reported as furlough (TRC: 74 – Furlough),
even for employees considered “excepted” and/or “ad hoc/call-in excepted.” Employees must
keep track of the number of hours worked while the government is in furlough status.
Steps for coding time in WebTA as furlough are:

1. Go to the Employee Main Menu and select Timesheet.
2. Go to the Leave Time section and click the + sign under Transaction.
3. Click on the link that appears in the Transaction column.
4. This will open the Select Leave Time Transaction window.
5. Click the dropdown menu arrow and scroll down to the bottom to select “74
   Furlough”.
6. Close the Select Leave Time Transaction window.
7. Go to bottom of the sheet and click Save.
8. Validate timesheet.

Employees should document furloughed time based on the number of scheduled work hours
established for the days for which OIG is in furlough status. Employees on the alternative work
schedule (AWS) schedule should not change their AWS day once the agency is in furlough
status.

Employee compensation occurs for hours worked prior to the furlough, if it takes place in the
same pay period. However, employees that are considered “excepted” and/or “ad hoc/call-in
excepted” will not be paid for the hours worked during the furlough status until after Congress
passes and the President signs a new Appropriations budget or Continuings Resolution. Congress
will determine whether furloughed employees receive pay for the furlough period. Notification
to all affected employees occurs once Congress renders this decision.

Transit Subsidy Program

All employees will receive their monthly allowance for transit subsidy when government
operations resume. Only “excepted” and/or “ad hoc/call-in excepted” employees are authorized
to utilize the allowance while in furlough status.
Appendix C: Frequently Asked Questions (FAQs)

General

1. **Q:** When should I expect to report for duty after the shutdown furlough ends?

   **A:** The expectation is for employees to report for duty on the next business day. Employees not contactable through normal notification processes are expected to report for duty on time because they were instructed to monitor OPM’s website, [http://www.opm.gov/Operating_Status_Schedules](http://www.opm.gov/Operating_Status_Schedules), USDA operations website ([www.dm.usda.gov/beprepared](http://www.dm.usda.gov/beprepared)) and media outlets in the OIG shutdown plan.

2. **Q:** Will a “furlough” personnel action “look bad” in my Official Personnel Folder?

   **A:** No. Recognition of a furlough is it is a temporary, non-pay status brought about by lapse of funding. This action does not negatively reflect upon your individual performance or conduct.

3. **Q:** How will employees know when passage of Appropriations or a Continuing Resolution ends the furlough and they can return to duty?

   **A:** Employees should monitor the news on television, radio, and/or OPM’s website, [http://www.opm.gov/Operating_Status_Schedules](http://www.opm.gov/Operating_Status_Schedules). Employees should monitor the same communications media that they would follow on the government’s operating status for inclement weather.

Pay

1. **Q:** When will employees deemed “excepted” and/or “ad hoc/call-in excepted” be paid for work performed during a shutdown furlough?

   **A:** “Excepted” and/or “ad hoc/call-in excepted” employees’ time will be processed and paid after Congress passes and the President signs a new Appropriation or Continuing Resolution.

2. **Q:** Are employees entitled to unemployment compensation if they also receive back pay for furlough days?

   **A:** No. If the employee received unemployment compensation and subsequently receives payment retroactively for furlough time, there is a repayment requirement for any unemployment compensation received.
3. **Q:** When an employee’s pay is insufficient to permit all deductions to occur, what is the order precedence for withholdings?

**A:** This order of precedence for Federal civilian employees applies *only* when gross pay is not sufficient to permit all deductions; the precedence order will be used to determine the order in which authorized deductions from an employee’s pay will be processed. Detailed information is at OPM Letter OPM-2008-01, “Order of Precedence When Gross Pay Is Not Sufficient to Permit All Deductions.” (See [https://www.chcoc.gov/content/ppm-2008-01-order-precedence-when-gross-pay-not-sufficient-permit-all-deductions](https://www.chcoc.gov/content/ppm-2008-01-order-precedence-when-gross-pay-not-sufficient-permit-all-deductions)).

This order of precedence is as follows:

1. Retirement
2. Social Security (OASDI) Tax
3. Medicare Tax
4. Federal Income Tax
5. Basic Health Insurance Premium
6. Basic Life Insurance Premium
7. State Income Tax
8. Local Income Tax
9. Collection of Debts Owed to the U.S. Government
   a) Continuous Levy under the Federal Payment Levy Program (tax debt)
   b) Salary Offsets
10. Court-Ordered Collection/Debt
    a) Child Support
    b) Alimony
    c) Bankruptcy
    d) Commercial Garnishments
11. Optional Benefits
    a) Health Care/Limited-Expense Health Care Flexible Spending Accounts
    b) Dental
    c) Vision
    d) Health Savings Account
    e) Optional Life Insurance Premiums
    f) Long-Term Care Insurance Premiums
    g) Dependent-Care Flexible Spending Accounts
    h) Thrift Savings Plan (TSP)
       1. Loan Payments
       2. Basic Contributions
3. Catch-up Contributions
   i) Other Optional Benefits
12. Other Voluntary Deductions/Allotments
   a) Military Service Deposits
   b) Professional Associations
   c) Union Dues
   d) Charities
   e) Bonds
   f) Personal Account Allotments
   g) Additional Voluntary Deductions
13. IRS Paper Levies

4. Q: May an excepted employee be permitted to earn premium pay (e.g., Sunday premium pay, night pay, availability pay) during the furlough period?

A. Yes. Excepted employees who meet the conditions for overtime pay, Sunday premium pay, night pay, availability pay and other premium payments will be entitled to payment in accordance with applicable rules, subject to any relevant payment limitations. Premium pay accrued cannot be paid until Congress passes and the President signs a new Appropriation or Continuing Resolution.

Benefits

1. Q: To what extent does non-pay status affect civil service benefits and programs?

   A: Crediting of non-pay status (furlough) occurs as follows:

   • Federal Employee Health Benefits (FEHB)
     Enrollment continues for no more than 365 days in a non-pay status. The non-pay status may be continuous or broken by period of less than 4 consecutive months in a pay status [(5 CFR 890.303(e)]. The government contribution continues while employees are in a non-pay status. The employee will incur a debt for their premium and will be required to pay it upon return to duty. Visit http://www.opm.gov/insure for more information.

   • Federal Employee Dental and Vision Insurance Plan (FEDVIP)
     Deductions cease when the employee placement into a non-pay status and there are insufficient funds to cover the premium(s). In order for employees to continue FEDVIP coverage, the employee must make payments while in a non-pay status. Visit the FEDVIP website, http://www.benefeds.com/ for more information.

   • Flexible Spending Account (FSA)
     Deductions will cease for periods of non-pay status where there are
insufficient funds to cover the Flexible Spending Account (FSA) premium(s). If the employee is in a non-pay status and has not prepaid the FSA allotment, their FSA account freezes and the employee will not be eligible for reimbursement of any health care expenses incurred during that period until he/she returns to a pay status and their allotments successfully restart. However, if the employee has a Dependent Care Flexible Spending Account (DCFSA), dependent care expenses incurred during the period in a non-pay status and which meet IRS guidelines for eligible expenses are reimbursable up to the FSA account balance. Such expenses include those for which the employee must incur the expenses in order to allow the employee and his/her spouse to work or attend school. When the employee returns to a pay status, recalculation of allotments occurs based on the number of pay dates remaining in the Benefit Period. Visit the TSP website www.fsafeds.com for more information.

Federal Employees Group Life Insurance (FEGLI)
Coverage continues for 12 consecutive months in a non-pay status without cost to the employees (5 CFR 870.401(c)) or to the agency (5 CFR 870.401(d)). The non-pay status may be continuous or broken by a return to duty for periods of less than four consecutive months. Visit https://www.opm.gov/healthcare-insurance/ for more information.

• Federal Long Term Care Insurance Program (FLTCIP)
Payroll deductions will cease for any employee that does not receive pay. Coverage 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.

• Within-Grade Increases
Within-grade and step increases for General Schedule (GS) and Federal Wage System employees occur based on the length of service and individual performance. Denial or delay of such increases cannot occur solely because of lack of funds. However, extended periods of non-pay status (e.g., because of a furlough for lack of funds) may affect the timing of such increases. For example, a GS employee in steps 1, 2, or 3 of the grade who is furloughed an aggregate of more than 2 work weeks during the waiting period would have his or her within-grade increase delayed by at least a full pay period. [See 5 CFR 531.406(b)]

• Retirement
An aggregate non-pay status of 6 months in any calendar year is creditable service. Coverage continues at no cost to the employees while in a non-pay status. When employees are in a non-pay status for only a portion of a pay period, their contributions adjust in proportion to their basic pay (5 U.S.C. 8332 and 8411). The exception would be
an employee who had substantial time in a non-pay status earlier in the year if the furlough causes him or her to have more than 6 months’ time in a non-pay status during the calendar year.

- **Thrift Savings Plan (TSP)**
  While you are in a non-pay status, you will not be able to contribute to the TSP because employee contributions process through payroll deductions. FERS employees will not receive agency matching contributions (normally based on your employee contributions). FERS employees will not receive Agency Automatic (1 percent) Contributions, calculated on basic pay earned each pay period. All employees can continue to manage their TSP account with inter-fund transfers. You can also make contribution allocation changes that will take effect when you are once again in pay status, or when you make future loan payments to your account. You can transfer or roll over funds into your TSP account from traditional IRAs, SIMPLE IRAs, and eligible employer plans. You can request financial hardship or age-based service withdrawals if you are eligible. You are not eligible to request a new TSP loan. If you already have a TSP loan when you are placed in a non-pay status, a period without pay may result in a missed payment because TSP loan payments are made through payroll deductions (unless you make payments directly from your own funds). If you go into an approved non-pay status, the Internal Revenue Code (IRC) allows you to suspend TSP loan payment for up to one year of the non-pay period. A suspension of loan payments is not automatic. To suspend your payments, you (or your agency or service) must provide the TSP proper documentation of your non-pay status. For more information, refer to the TSP Fact Sheet- Effect of Non-pay Status on TSP Participation. The fact sheet can be found at [https://www.tsp.gov/PDF/formspubs/oc95-4.pdf](https://www.tsp.gov/PDF/formspubs/oc95-4.pdf)

- **Career Tenure**
The first 30-calendar days of each non-pay period are creditable service.

- **Probationary Period**
  An aggregate of 22 workdays in a non-pay status is creditable service.

- **Qualification Standards:**
  There is no requirement to extend qualifying periods by the amount of non-pay status. However, agencies may require such extensions in order to meet training requirements or ability to perform.

- **Time-In-Grade Requirements**
  Non-pay status is creditable service.
• **Military Duty or Workers' Compensation**

Non-pay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.

2. **Q: If employees are receiving Continuation of Pay (COP) due to job-related injuries, can the furlough terminate or interrupt COP?**

   **A:** No. According to the Department of Labor, employees would remain on COP status during periods of furlough.

**Leave**

1. **Q: If employees are on leave under the Family and Medical Leave Act of 1993 (FMLA) during the furlough, does the leave count toward the 12-week entitlement to FMLA?**

   **A:** An employee who is on approved Leave Without Pay (LWOP) under the FMLA on days that coincide with the period of furlough will continue to be charged LWOP. Consistent with law and regulations, the LWOP taken under FMLA is part of the 12-week entitlement. However, an employee who was scheduled during the furlough to take paid leave under FMLA (i.e., an employee chooses to substitute annual leave or sick leave, as appropriate, for unpaid leave under FMLA) must be placed on furlough instead. Because cancellation of the paid leave occurred, the period of absence may not be used to reduce the 12-week entitlement to FMLA leave.

2. **Q: May employees be furloughed on a holiday?**

   **A:** Furloughs may occur for employees for periods that include holidays. However, the selection of the furlough period in question should be justified on programmatic and administrative grounds that are unrelated to the fact that the period includes a holiday. For example, an agency may not properly furlough employees for a 3-day period, the middle of which is a holiday, for the sole purpose of saving 3 days’ pay while losing only 2 days of work (Comptroller General Opinion B-224619, August 17, 1987). Neither would it be proper to furlough an employee solely on a holiday (Comptroller General Opinion B-222836, May 8, 1986).

3. **Q: If employees are furloughed on the last workday before a holiday or the first workday after a holiday (but not on both days), will they be paid for the holiday?**

   **A:** The general rule is that an employee is entitled to pay for a holiday so long as he or she is in a pay status on either the workday preceding a holiday or the workday following a holiday. The employee is paid for the holiday based on the presumption
that, but for the holiday, the employee would have worked.

4. **Q:** If employees are furloughed on the last workday before a holiday *and* the first workday after a holiday, will they be paid for the holiday?

   **A:** No. If a furlough includes both the last workday before the holiday and the first workday after the holiday, the employee is not entitled to pay for the holiday because there is no longer a presumption that, but for the holiday, the employee would have worked on that day (Comptroller General Opinion B-224619, August 17, 1987).

5. **Q:** Can excepted employees be required to perform work on a holiday that occurs during a furlough?

   **A:** Yes. Each agency is responsible for determining which excepted activities require performance on a holiday in order to carry out functions related to national security, protection of life or property, or the orderly suspension of agency operations. If an excepted employee refuses to report for work on a holiday after receiving orders to do so, he or she may be absent without approved leave, which may result in a proposal for disciplinary action.

6. **Q:** What pay entitlements will accrue to an excepted employee who performs work on a holiday?

   **A:** The Federal government will be obligated to pay an excepted employee who performs work on a holiday according to the normal rules governing pay for work on a holiday. Under these rules, an excepted employee would receive his or her rate of basic pay, plus holiday premium pay at a rate equal to the employee’s rate of basic pay. In addition, if such an employee performs officially ordered or approved overtime work on a holiday (i.e., work in excess of his or her basic non-overtime work requirement for that day), the employee would receive overtime pay (or compensatory time off) for that work. Of course, an employee cannot be paid for working on a holiday until an Appropriation or a Continuing Resolution is enacted.

7. **Q:** If an employee has properly pre-scheduled “use-or-lose” annual leave before the start of the third biweekly pay period occurring prior to the end of the leave year, but is unable to use some or all of the pre-scheduled “use-or-lose” 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?

   **A:** Employees in this situation should make every effort to reschedule “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 appropriation funding, agency heads (or their designees) are encouraged to use their discretionary authority to restore any lost annual leave. This occurs by determining that an exigency of the public business—namely, the need to
furlough employees because of the lapse in appropriations, prevented the employee from using his or her leave..

8. **Q:** If an 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?

**A:** 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 restoration of unused restored annual leave cannot occur after expiration of the 2-year period. (See B-188993, December 12, 1977.)

9. **Q:** How does a shutdown furlough impact a separating employee’s lump-sum payment for their unused annual leave?

**A:** Delay occurs of any payments incurred by the agency for an employee’s lump-sum leave until funds are available after the shutdown.

### Time and Attendance

1. **Q:** How is a furlough recorded on Time and Attendance?

**A:** In WebTA, select “74 Furlough” from the Select Leave Time Transaction window to code your timesheet accordingly.

2. **Q:** How should an agency determine the number of furlough hours for alternative work schedule (AWS) employees during a shutdown furlough? Can an employee reschedule a non-workday that occurred during the furlough?

**A:** The furloughing of employees occurs based on the number of hours they are scheduled to work on the days for which there is a shutdown furlough. Each agency that has an AWS program should have a policy establishing of flexible and compressed work schedules, to include changing such schedules. Normally, the establishment of such schedules occurs in advance of the pay period involved. Under such a policy, no change of an AWS non-workday scheduled to occur during a shutdown furlough occur after the pay period begins.

3. **Q:** If a continuing resolution is passed requiring employees to report for duty that day, how do I record my time?

**A:** Unless it is your regularly scheduled non-duty day, the expectation is you report for work as soon as is practical after receiving notice that the agency is open for business. Coding of the time between the announcement and your reporting for duty that day is as administrative leave. Any delay in reporting for duty requires a request for leave requiring approval by your supervisor on the day of the announcement.
Travel

1. Q: What impact does a funding lapse on an employee who is in temporary quarters due to an approved relocation?

   A: The relocation agreement between the employer and the employee is that it is a contract, and therefore, at the time that of contract execution, the funds are considered obligated. Additionally, the employee's new duty station is considered their duty station of record, and as such could not “return” to anywhere.

2. Q: What happens if the time allocated for temporary quarters has expired and the employee needs an extension?

   A: Requests for extension of temporary quarters should have occurred for approval in advance of the lapse in appropriations. No additional funds may be obligated during a lapse in appropriations and, without an approved temporary quarters extension the employee may be in jeopardy of not recouping those expenses.

3. Q: During and following a shutdown furlough, am I responsible for paying my government travel charge card in a timely manner?

   A: Yes. Departmental Regulation 4070-735-001, “Employee Responsibilities and Conduct,” states employees are responsible for “timely payment of claims,” to include their government-issued credit cards. FMD is working with the Department’s Office of the Chief Financial Officer to determine the Department’s policy regarding timely payment of travel card balances due to OIG staff not having access to the travel system during the government shutdown. Once the Department makes its determination, the FMD will communicate the Department’s policy and guidance via a Financial Management (FM) communication and during an FM conference call. You may also wish to consult the U.S. Bank government credit card website at https://www.usbank.com/index.html.

Retirement

1. Q: What will happen to employees who would have retired while their agencies were shut down?

   A: 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 have been informal (such as a letter requesting retirement), and either mailed or personally submitted to the agency. Any additional required paperwork, such as the formal retirement application, completes when the agency reopens. No consideration of time spent by the retiree in such actions after the effective date of
the retirement as duty time occurs, since the individual would no longer be an employee of the agency.

2. Q: I applied for disability benefits. Will my application still be processed?

   A: OPM will continue working on disability, reconsideration, and appeals cases. If the application requires additional information from other agencies, expect delays until after the government furlough is over.

**Thrift Savings Plan**

1. Q: Does a Federal government shutdown affect the TSP?

   A: Neither the TSP nor the Federal Retirement Thrift Investment Board receives annual appropriations from the Congress. Since the TSP is not dependent on Congressional appropriations, a government shutdown would not affect the TSP; the TSP would continue to operate “business as usual.”

2. Q: Will my TSP investments be affected? What about disbursements?

   A: Investment activity will continue. Share prices and account balances will continue to update each business day, and disbursement of loans and withdrawals occurs.

3. Q: What happens to my contributions?

   A: Because payment of salary does not occur during a furlough, your TSP contributions will stop, and, if you are a FERS employee, you will not receive agency contributions during this time.

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

   A: Yes. By law, a TSP participant may take a TSP loan any time before separation. The TSP has adopted an administrative rule that provides that TSP participants must be in a pay status in order to take a TSP loan. The TSP adopted this rule because it generally requires TSP participants to agree to repay their loans through payroll deduction. The first payment is due on or before the 60th day following the loan issue date.

   Because shutdowns are rare occurrences and are typically of short duration, the TSP’s Executive Director has determined that it is in the best interest of TSP participants to interpret the requirement that participants be in a pay status to mean that a break in pay due to a government shutdown does not disqualify one from TSP loan eligibility. A short-term break in pay status would still allow participants to commence payment by payroll deduction within the required 60 days of the loan issue date. If a shutdown were to extend beyond 60 days, participants would still be responsible for making loan payments.
5. Q: What happens to my loan payments while I am furloughed?

   A: If you have an outstanding loan and you are furloughed, your loan payments will stop because they are deducted from your pay.

   Loans are not deemed in “default” until the participant has missed more than 2-1/2 payments. If you miss a loan payment (or two) resulting from the furlough, you always have the option to make direct payments to the TSP using the Loan Payment Coupon available in the Forms & Publications section on the TSP website at http://www.tsp.gov. Otherwise, your loan term extends or, if you have requested the maximum loan term, you may have a balloon payment at the end of the loan term. If you miss more than 2-1/2 payments, the TSP will notify you by mail that you must mail in a personal check for the “cure” amount to get your loan back on track.

6. Q: Does my agency have to send in a Form TSP-41 notifying the TSP that I have been furloughed?

   A: Your agency should not send a Form TSP-41 to the TSP during a Federal government shutdown. A shutdown is a rare occurrence and is typically of short duration. The Form TSP-41 is for use by participants placed on extended leave without pay, e.g., due to illness, military furlough, maternity leave, etc.

   It is not practical for the agencies to complete and submit Forms TSP-41 for all of their furloughed employees who have TSP loans (both at the beginning of the furlough and at the end), and it is not practical for the TSP to process these forms.

7. Q: Can the government take money from the TSP to resolve the financial situation?

   A: No, the money in the TSP is held in trust for its participants. Neither Congress nor the Administration can take money from your TSP account.

   Further information regarding the impact of a Federal government shutdown on your Thrift Savings Plan account is available at www.tsp.gov under the heading “shutdown”

Time-Limited and Term Appointments

1. Q: What happens to time limited appointments that expired during a furlough?

   A: Furloughs do not extend the time limits for temporary and term appointments. The expectation is the extension of the appointment occurred prior to the furlough, or after the furlough.

2. Q: Does a shutdown furlough extend an employee’s probationary period?

   A: No, unless the furlough extends beyond an aggregate of 22 workdays, or the
employee has an aggregate of more than 22 workdays of furlough time as well as other non-pay status time. Otherwise, the 22 workdays of non-pay time counts as creditable service.

**Appeals**

1. **Q:** If an employee decides to challenge a shutdown furlough, from what point would the time for appeal to the Merit Systems Protection Board occur?

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