

# Employee Frequently Asked Questions

## Lapse in Appropriations

The following Q&As provide answers to the most frequently asked questions. This FAQ should be read in conjunction with the Office of Management and Budget's (OMB) [Frequently Asked Questions During a Lapse in Appropriations](#), and the Office of Personnel Management's (OPM) [Special Instructions for Agencies Affected by a Possible Lapse in Appropriations](#).

### ***General Information on Shutdown Furlough***

**1. What is a shutdown furlough?**

A furlough is the placing of an employee in a temporary nonduty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. A shutdown furlough occurs when Congress has not approved funding (appropriations) for the Federal government. If funding is not approved, shutdown procedures must begin.

### ***Furloughed Employees***

**2. Will I be furloughed?**

Most USDA employees will be placed on furlough because their position is not designated as "excepted" or "exempt". If your position is not designated as "excepted" or "exempt," then you will be furloughed. Employees who are placed on furlough may not perform any work, except minimal activities as necessary to execute an orderly shutdown. Your supervisor will inform you of your furlough status.

**3. Can I volunteer to perform my job duties on a non-pay basis during a shutdown furlough?**

**No.** If you have been placed on furlough, then you may not perform work, including working from your government-issued laptop or phone, during a shutdown furlough. Unless authorized by law, an agency may not accept the voluntary services of an employee (see 31 U.S.C. 1342).

### ***Excepted Employees***

**4. Who are "excepted" employees?**

During a furlough some employees are determined to have "excepted" work that must be done regardless of the lapse in funding. Excepted work involves the safety of human life, the protection of property, or performing certain other types of work as USDA's legal

counsel determines. An excepted employee may be required to perform activities legally permitted as an exception during part of a lapse period and furloughed for the rest of the time but may not be paid for that work until after the lapse is over. The use of paid leave is also permissible in certain situations (see 31 U.S.C. 1341(c)(3)). Your supervisor will inform you if you have been designated as an “excepted” employee.

### ***Exempt Employees***

#### **5. Who are “exempt” employees?**

Employees are “exempt” from furlough if they are not affected by a lapse in appropriations. This includes employees whose functions are not funded by annually appropriated funds. Employees performing those functions will generally continue to be governed by the normal pay, leave, and other civil service rules. Your supervisor will inform you if your position is “exempt” from the shutdown furlough.

### ***Use of Government Equipment***

#### **6. Can I use my government equipment when I’m furloughed?**

**No.** Employees in furlough status are prohibited from using any government-issued equipment including computers and telephones. The same prohibition applies to use of any government system, including remotely accessing government email or other automated systems. A non-excepted employee’s use of government-issued equipment during the furlough may result in a fine(s) of up to \$5,000 or a prison sentence of up to two years. An exception is provided for access to personal information or documents on the USDA [Employee Personnel Page](#) webpage and certain Office of Personnel Management (OPM) websites and others.

### ***Orderly Shutdown***

#### **7. If I am furloughed, do I have to perform orderly shutdown procedures?**

**Yes.** Furloughed employees must perform orderly shutdown procedures on their next regular workday (e.g., on Monday). In the event of a lapse in appropriations, employees whose regulatory duties require them to work during a furlough are expected to report to work on their next regular workday.

#### **8. What are orderly shutdown procedures?**

These procedures include securing confidential information, cancelling upcoming meetings, leaving the furlough status script on your email and phone, and completing and submitting your timesheet. A lapse-affected employee is allowed to perform work only to perform orderly shutdown activities. Specific information on how these tasks are to be

performed and the amount of time you may use to perform these tasks will be provided by your supervisor.

**9. Do I have to come to the office to perform the orderly shutdown?**

Employees who are teleworking or working remotely should perform all shutdown activities from their telework or remote duty location. However, if performing any of the shutdown activities requires you to be physically present at the agency worksite, then you must come into the office.

**10. If I am scheduled to be on leave, do I still have to perform the orderly shutdown on that day?**

**No.** If you were scheduled to be on pre-approved leave, an alternate work schedule (AWS) day off, or a non-workday, you will perform your orderly shutdown on your next regular workday (or day scheduled to return to duty). Agencies must make every effort to ensure that employees who will not be conducting orderly shutdown for several days following the commencement of the lapse are aware of their furlough status during that period.

***Pay***

**11. Will I still get paid if I'm furloughed?**

**Yes.** Employees who are furloughed as a result of the lapse in appropriations, as well as employees who are required to perform excepted work activities during the lapse, will receive retroactive pay at their standard rate of pay once operations resume.

Under [31 U.S.C. 1341](#), Federal employees who were furloughed or required to work during a lapse in appropriations will be compensated for the period of the lapse on the earliest date possible after the lapse ends, regardless of scheduled pay dates.

**12. Will my current pay period's check still be deposited on time?**

**Yes.** Salary direct deposit payments for the current pay period are still scheduled to be made as normal.

As part of the orderly shutdown, employees should submit their current pay period timesheet. The timesheet may not include any work performed once furloughed. Non-Excepted employees should document any work performed during orderly shutdown procedures and Excepted employees should document any approved excepted work performed and await direction on how to code timesheets once the furlough is over.

**13. I'm an excepted employee. Can I still earn overtime during the furlough period?**

**Yes.** An employee who performs excepted work and who meets the conditions for overtime pay, Sunday premium pay, night pay, availability pay, and other premium

payments will be entitled to receive payment in accordance with applicable rules, subject to any relevant payment limitations, once the lapse ends. Premium pay may be earned during the lapse but cannot be paid until Congress passes and the President signs a new appropriation or continuing resolution.

**14. If the furlough occurs in the middle of the pay period and I receive a partial paycheck, if my pay isn't enough to cover all my payroll deductions, then what is the order of withholding precedence?**

Agencies follow [Order Of Precedence When Gross Pay Is Not Sufficient To Permit All Deductions](#) for applying deductions from the pay of its civilian employees when gross pay is insufficient to cover all authorized deductions.

## ***Leave***

**15. If I had leave scheduled during the furlough, can I still take my leave?**

**No.** Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is cancelled.

An excepted employee may request approval to use paid leave instead of being placed in a furlough status during an authorized absence from work (see 31 U.S.C. 1341(c)(3)). However, compensation for such leave is still not payable until after the lapse in appropriations.

**16. If I have “use-or-lose” annual leave but am unable to take it because of the furlough, will my forfeited annual leave be restored?**

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 and if you had properly scheduled “use-or-lose” annual leave that you were not able to use because of the lapse in appropriations (scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year), that leave must be restored to you based on an exigency of public business. You will receive credit for any annual and sick leave you would have otherwise (but for the lapse in appropriations) accrued during the period of the lapse once funding is provided.

**17. Will I still continue to accrue annual and sick leave even though I'm furloughed?**

If you were scheduled to be in a pay status but for the furlough, then you will receive your regular pay for furlough periods and there will be no effect on the accrual of your annual and sick leave.

## ***Available Information Sources***

**18. Am I expected to stay informed of the status of USDA's funding and when the furlough has ended?**

**Yes.** Employees are expected to use available resources (e.g., personal e-mail accounts, television, phone, radio, newspaper) to stay informed on the status of the U.S. Department of Agriculture's (USDA) funding and subsequent termination of the shutdown. The USDA [Operating Status](#) website will remain operational and is updated daily. The Federal government operating status is also available at OPM's [Current Status](#) website. In addition, employees may call the USDA Employee Information Line at (800) 932-1902 to obtain updated information about any shutdown and subsequent termination of shutdown. It is recommended that you check these resources often. Employees are expected to check public media, OPM's website, the USDA website, and/or the Employee Information Line to know the current USDA funding status and when to return to work. **When funding is passed and signed by the President, employees will be expected to return to work their next workday.**

### ***Health Benefits***

#### **19. What will happen to my health insurance when I am not getting a paycheck? Can I still go to the doctor?**

**Yes.** You can still go to the doctor using your health insurance benefits. Employees will continue to be covered under the Federal Employees Health Benefits (FEHB) program, which includes your health, vision, dental and any other benefits you have signed up for through work. This coverage continues even if an agency does not make the premium payment on time due to the shutdown furlough. For more information on benefits see [Federal Employees: Guide Me](#).

### ***Unemployment Benefits***

#### **20. Can I apply for unemployment benefits during a shutdown?**

While on furlough, Federal employees may become eligible for unemployment benefits under the Unemployment Compensation for Federal Employees (UCFE) program. UCFE is paid by the states under the same terms and conditions as regular state Unemployment Compensation (UC). Please contact the state of your last official duty station to file an UCFE claim. To qualify for benefits, you must have earned sufficient wages during the prior 12 to 18 months, as determined under the state UC law. The state will advise you of whether or not you are eligible for benefits. The [Employee Services](#) website includes additional resources regarding unemployment compensation. The U.S. Department of Labor (DOL) is the best source for unemployment compensation information. For additional information, visit [How Do I File for Unemployment Insurance?](#)

If you receive unemployment compensation but are subsequently paid retroactively for the time of your furlough, you will be required to repay all unemployment compensation received in accordance with state requirements. Unemployment compensation is

coordinated at the state level; it is not a Federal program. Employees are responsible to make repayment arrangements with the appropriate unemployment office.

You 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 [America's Service Locator - Employment Services Offices](#).

### ***Thrift Savings Plan***

#### **21. Can I take a Thrift Savings Plan (TSP) loan while I'm furloughed?**

Employees should refer to the [Thrift Savings Plan](#) for more information.

### ***Outside Employment***

#### **22. Can I take another job while on furlough?**

During the furlough, employees may engage in certain outside employment. However, all employees must ensure that such outside employment does not pose a conflict of interest with their official USDA duties and are required to comply with the ethics regulations governing engaging in outside employment or activities (see [5 CFR Part 2635](#) and [5 CFR Part 8301](#)). During the furlough, the requirement for employees to seek advance approval of any outside employment or activity is waived. However, it is important to note that the ethics rules still apply to all employees during a furlough period, so any outside activity or employment must not present a conflict of interest with your USDA position and duties. Employees are referred to the Office of Ethics website to review the applicable ethics rules governing outside employment at [Office of Ethics](#).

### ***Workers Compensation***

#### **23. If I'm injured while on furlough, am I eligible to receive workers' compensation?**

**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.

### ***Travel***

#### **24. If I am in travel status during the announcement of the shutdown furlough, do I need to promptly return back to my official duty station?**

**Yes.** If you are on temporary duty (TDY) assignment away from your normal duty station and are notified to return home, then you must return home as soon as practicable. If you return promptly, then the agency will reimburse these travel costs once appropriations are enacted and available. However, if the employee elects not to return promptly and incurs additional travel expenses, then the employee is personally liable for the additional travel expenses.

If an employee was notified by their supervisor that they are to remain on travel because the continuation of their travel is in direct support of an excepted agency activity, then their travel expenses are properly incurred obligations of the agency and the agency will reimburse the travel costs after appropriations are enacted and are available for that purpose.

## ***Training***

### **25. I am scheduled to attend training during the shutdown period. Can I still attend?**

**No.** Employees must be in a duty status to attend training. Furloughed employees are not in a duty status and are therefore not approved to attend training. This applies to all training, including that conducted by the private sector.

## ***Employees on a Detail or Intergovernmental Personnel Act (IPA) Assignment***

### **26. How are USDA employees (within USDA or external to another agency) who are detailed or on a developmental assignment affected by a shutdown?**

Employees must be returned to their agency. A USDA employee who is detailed to another Federal agency may only continue working if: (1) the other agency is reimbursing USDA for the total cost of the detail; (2) the other agency has confirmed that funding is available for reimbursement and an advance is received; and (3) the detail does not require Government support (e.g., facilities, supervision, accounting services) that would be funded by a lapsed appropriation. Otherwise, the employee must be furloughed.

USDA must notify the employee whether they may continue working or will be furloughed. If the employee is furloughed, the employee is issued the same furlough notice as other furloughed employees.

### **27. How are employees from other Federal agencies detailed to USDA assignment affected by a shutdown?**

It depends on the specific circumstances of the assignment. If the other Federal agency also has a lapse of appropriations, they will likely furlough the employee. The Gaining Organization must contact the other Federal agency to determine whether a lapse of appropriations exists. If the other agency is funded, the employee may only continue working if: (1) the other agency is paying for the total cost of the detail; and (2) the detail

does not require Government support (e.g., facilities, supervision, accounting services) that would be funded by a lapsed appropriation. Otherwise, the detail must be suspended during the lapse of USDA appropriations.

The Gaining Organization must notify the employee and the other Federal agency that the detail is suspended.

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

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

- Personnel from non-Federal organizations on appointments to the Federal Government are subject to furlough in the same manner as other employees if the Federal agencies hosting them are paying their salaries and benefits.
- Personnel from non-Federal organizations on detail to Federal agencies may continue working and are not subject to furlough, provided that the non-Federal organizations are paying the total costs of their details.
- Personnel on detail to Federal agencies from non-Federal organizations that share part of the costs of the detail may continue to work if the Federal portion of the costs was previously obligated from amounts available at the time of the IPA mobility agreements.
- In the event that a shutdown furlough takes place during a time for which no funds are available, the assignment should be terminated.
- Personnel on detail to Federal agencies from non-Federal organizations that do not pay or share the costs of the detail are subject to furlough in the same manner as other employees because the Federal agency is covering the costs of the detail.

***Presidential Appointees***

**29. Are Presidential appointees subject to furlough?**

**No.** Individuals appointed by the President, with or without Senate confirmation, who are not covered by the leave system in 5 U.S.C. chapter 63 (or an equivalent leave system) are not subject to furlough but are also barred from receiving pay during a lapse in appropriations. These Presidential appointees will be paid after the lapse in appropriations has ended.

## ***Contracts***

### **30. Can contractors continue to work during a shutdown?**

It depends. Contracting officers should discuss the appropriate level of activity with contractors and may need to reduce the work performed under the contract during the shutdown. With the permission or at the direction of an appropriately authorized contracting officer, contract activities excepted in order to protect people or property from imminent harm, as determined by the agency (not by the contractor), may continue during a shutdown at the minimum level needed to protect life and property.

### **31. Can contractor employees perform excepted services during a shutdown?**

**Yes**, subject to the approval of a duly authorized contracting officer, contractor employees may perform excepted activities, provided all of the requirements governing excepted activities are met and the contractor receives approval for the continued work.

### **32. How do contractors know whether they may continue to work during a shutdown?**

The contracting officer will notify the contractor, which will notify its employees. The agency, not the contractor, determines whether the contract work is excepted from the shutdown.

### **33. Can new contracts, grants, cooperative agreements, task orders, change orders, and other actions be issued during a government shutdown?**

**No**, except for those approved activities: (1) necessary for the orderly shutdown of agency functions; or (2) necessary to protect human life or property from imminent harm.

## ***Interns***

### **34. Can interns work if they are placed in furlough status?**

**No**. Interns may not work on USDA matters if furloughed, USDA excepted staff may not work with interns if furloughed, and the intern point of contact may not give interns an academic assignment to work on during the furlough period.

## ***Building Operations at Headquarter Complexes***

### **35. What USDA buildings in the NCR will remain open during the shutdown?**

The Whitten, South, Yates, and GWCC buildings will be open during the shutdown for exempted and excepted employees. Employees should anticipate reduced services at these locations and plan accordingly.

### **36. Will headquarter buildings be cleaned during the shutdown?**

Cleaning of the common areas and restrooms will continue daily. Accessible offices, conference rooms, kitchenettes, and shared spaces will receive normal daily trash collection and custodial services. The custodial staff does not enter locked offices so locked offices will not be cleaned. During the shutdown, employees should leave trash (not the trash cans) in the hallways to facilitate pick-up since there will be limited custodial staff.

**37. Will parking be available at the headquarters complex?**

Parking will be available on the Whitten Apron, as well as Lots 8,9,10, and 11. South Building parking will be limited to Court 2. The parking lot at GWCC will remain open.

**38. How will the shutdown impact food offerings in the NCR during the shutdown?**

Most food options at USDA Headquarters will be CLOSED during the shutdown, including the South Building cafeteria and the Green Olive. Claudia's (South Building sub-basement) will remain open daily from 7am – 2pm. Dunkin (Whitten basement) will initially open but will reevaluate its status as the shutdown continues.

**39. Will the medical units remain open during the shutdown?**

Yes, both the Dr. Gregory Parham Medical Unit in the South Building and the GWCC Medical Unit will remain operational during the shutdown.

**40. Will a lapse in appropriations impact daycare centers located in the USDA Headquarters buildings?**

In the event of a government shutdown, the daycare centers at the Yates Building and the GWCC will remain open. Their hours of operation are Monday-Friday, 6am-6pm.

**41. What is the status of the Credit Union during the shutdown?**

The Agriculture Federal Credit Union located in the South Building sub-basement will remain open during the shutdown. The credit union in the GWCC will also remain open.

**42. What services at USDA Headquarters will be CLOSED during the shutdown?**

In the event of a shutdown, the following services in the Whitten and South Buildings will be closed: Post Office, ERSA/Fitness Center, Base Supply Store (BSC), Green Olive, South Building Cafeteria.

***AgLearn Training***

**43. Will AgLearn be available for users if there is a lapse in government funding?**

In the event of a lapse of funding, AgLearn will not be available. AgLearn courses will not be available for users, nor will the Team AgLearn be available via Ask AgLearn Now to respond to user tickets.

**44. What happens if a user has an ISA training deadline during the government shutdown?**

During the shutdown, if the user account is in noncompliant status, the user will have a one-week grace period to complete the ISA course once the government reopens. If the user account is in restricted status, the account will be unrestricted during the shutdown. However, the account will return to restricted status once the government reopens if the user fails to complete their ISA training before the end of the grace period.

### ***Employee Assistance Program***

**45. Is the Employee Assistance Program available to me?**

**Yes.** Please be reminded that it's USDA's policy to offer the Employee Assistance Program (EAP) services to all employees who may be experiencing personal matters or anything that may be impacting their job performance, conduct, or attendance. In advising you of this counseling service it is not implied that you have such a problem. The EAP provides confidential counseling services for USDA employees at no charge to the employee. EAP services are available 24 hours a day, 7 days a week.

Specific EAP services are available and employees assigned to the following should contact:

- **AMS-FMMA Appalachian Office:** ComPsych at (888) 290-4327 or online at [GuidanceResources](#).
- **Forest Service:** Additional [Forest Service Wellbeing Support information](#), Espyr LLC at (833) 621-2989 or online at [FS EAP](#) (Login: usfs; Mobile App: Espyr Connect)
- **FPAC (Business Center, FSA, NRCS, RMA):** Espyr LLC at (866) 869-0276 or online at [Care.Espyr](#) (PW: usdafpac). Go to the [FPAC Agency OneUSDA Intranet](#) for more information on FPAC EAP services.
- **OCIO:** Espyr LLC at (833) 621-2992 or online at [Care.Espyr](#) (PW/Company ID: OCIOEAP).
- **All other USDA employees:** Federal Occupational Health at (800) 222-0364 or online at [FOH4you](#) (some also have [Worklife4You](#), contact your EAPC for registration code).

No personal information regarding your contact with EAP can be obtained by anyone without your written consent and your participation is not noted in your electronic Official Personnel Folder.

## ***Returning to Work***

### **46. How will I know if it is time to come back to work?**

Employees are expected to monitor the news. **When funding is passed and signed by the President, employees will be expected to return to work their next workday.** The USDA [Operating Status](#) website will remain operational and is updated daily. The Federal government operating status is also available at OPM's [Current Status](#) website. We recommend you check these resources often and expect you to check public media, OPM's website, the USDA website, and/or the Employee Information Line at 1-800-932-1902 (for TTY 1-800-877-8339) to know the current USDA funding status and when to return to work.

## ***Additional Information***

Additional guidance is available from on OPM's website: [Guidance for Shutdown Furloughs](#).