

# Frequently Asked Questions – Returning from Furlough

The Office of Human Resources Solutions (OHRS) provides responses to the frequently asked questions (FAQs) below to provide clarification on how pay, leave and benefits will be administered for employees affected by the lapse in appropriations. Every question may not be addressed below; however, OHRS is here to help and asks that you please email additional questions to [furlough.guidance@sba.gov](mailto:furlough.guidance@sba.gov).

## Pay

**Q1: Will employees receive retroactive pay for time spent in a non-pay status during the furlough? If so, which pay periods will be included?**

A1: Employees will receive retroactive payments for pay period 26 (December 23, 2018 – January 5, 2019) and pay period 1 (January 6, 2019 – January 19, 2019) provided the employee was scheduled to be in a pay status. Employees who were on preapproved Leave Without Pay (LWOP) during the furlough will not receive retroactive pay for the days they were in an approved LWOP status.

For pay period 2 (January 20, 2019 – February 2, 2019), employees will submit their timesheets as normally scheduled.

**Q2: When will employees receive payments for the pay periods that occurred during the furlough period?**

A2: For pay period 26 and pay period 1, employees are scheduled to receive retroactive payments in their bank accounts by Thursday, January 31, 2019. For pay period 2, employees should expect to receive their paychecks the week of February 11, 2019.

**Q3: What types of payments will be included in the employees' retroactive payment?**

A3: By close of business on January 28, 2019, SBA's payroll service provider (the National Finance Center) will process all retroactive payments including employees' basic pay and overtime, if the employees performed overtime work during the shutdown. Otherwise, if an employee's overtime is not included in the retroactive payment, the overtime will be processed as a supplemental payment.

**Q4: Will an employee's retroactive payments for the two missed pay periods be deposited as one lump sum payment?**

A4: Employees affected by the furlough will receive one direct deposit that encompasses both pay period 26 and pay period 1.

**Q5: Will time and attendance (T&A) records show the furlough code for pay period 26 and pay period 1? Do employees need to complete their T&A for these pay periods?**

A5: No. Legislation authorizing retroactive payment for employees ensures that they are made "whole" by providing them compensation at their standard rate of pay. Consequently, agencies are not to

document the shutdown. OHRS will complete T&A for all excepted and non-excepted employees for pay period 26 and pay period 1. Employees do not need to take any action.

Exempt employees were not impacted by the furlough; therefore, those employees will code their time cards as they normally would for any other pay period.

**Q6: Since retroactive pay was approved by Congress under the Government Employee Fair Treatment Act of 2019, if employees received unemployment compensation payment(s) while in a non-pay status will employees be required to repay the money received from unemployment?**

A6: Employees are expected to repay the unemployment insurance benefits as directed by the applicable State unemployment office. For more information, see [OPM's Unemployment-Insurance-Resources](#) and the [U.S. Department of Labor's Unemployment Compensation for Federal Employees website](#).

**Q7: Will excepted employees receive overtime pay for time worked during the furlough period (i.e., December 22, 2018 through January 25, 2019)?**

A7: Employees designated as "excepted" during the furlough and who were regularly scheduled or approved to work overtime, are entitled to receive overtime premium pay in accordance with established pay administration regulations and SBA provisions. Premium pay caps and other considerations will apply as they would during normal Agency/Federal operations.

**Q8: What is the status of Within Grade Increases (WIGIs) scheduled to become effective during the shutdown?**

A8: Actions such as WIGIs will continue to be processed by NFC. While processing of WIGIs may be delayed, the effective dates and the impact to pay will be adjusted to reflect the effective date as it would have been if there had not been a lapse in appropriations.

**Q9: When can employees expect to receive their W2 for tax year 2018?**

A9: W2s for tax year 2018 are being uploaded onto and will be available via the Employee Personnel Page (EPP). The NFC is expected to have all W2s delivered to employees no later than January 31, 2019. Employees can also expect to receive a copy of their W2s sent via the U.S. Postal Service mailed to their home address indicated in the National Finance Center system of record. It is important to note that the 2018 tax year ended on December 22, 2018 (the end of pay period 25). Therefore, employees' pay period 26 income will be included on their 2019 W2.

## Leave and Other Paid Time Off

**Q10: What happens to an employee's "use or lose" annual leave that was forfeited because the employee could not use the leave as a result of the furlough?**

A10: Use or lose leave that had been properly scheduled (requested and approved by November 24, 2018) and forfeited as a result of the lapse in appropriations will be restored. The one exception to this is if the leave forfeited had been previously restored "use or lose" leave (2016 leave restored in 2017) and was due to expire at the end of the 2018. Federal Laws and regulation do not permit agencies to

restore leave a second time even if the forfeiture was due to the lapse in appropriations, see 5 CFR 630.306 or 630.309.

**Q11: What happens to employees' "use or lose" annual leave that had been scheduled for use on December 24, 2018?**

A11: The establishment of a holiday by the President does not constitute an exigency of the public business, thus, annual leave forfeited because of the declaration of December 24, 2018, as a holiday generally may not be restored. However, there may be exceptions and employees should contact OHRS if they have additional questions.

**Q12: What happens to an employee's "restored annual leave" that was due to expire at the end of the 2-year restoration period and is forfeited because the employee couldn't use the leave because of the furlough?**

A12: Any previously restored annual leave that was due to expire at the end of the 2018 leave year (i.e., January 5, 2018) because it is the end of the 2-year restoration period will be forfeited. Unfortunately, there is nothing in existing law or regulation that allows restored annual leave to be restored a second time even if the forfeiture was due to the lapse in appropriations.

**Q13: Will compensatory time off (i.e., comp time) "in-lieu-of" overtime and/or comp time for travel be restored if it was forfeited because the employee couldn't use it by the expiration date due to the furlough?**

A13: Both FLSA exempt and non-exempt employees will receive payment for the unused comp time in lieu of overtime in this situation. For comp time for travel, the Agency has the authority to extend the time limit for using comp time off for travel for up to an additional 26 pay periods.

**Q14: Will employees accrue annual leave and sick leave for the pay periods during the shutdown period?**

A14: Yes. Employee's should see accruals for annual and sick leave on their earnings and leave statements for retroactive payments for pay periods 26 and 1.

**Q15: Will approved leave scheduled to take place during the furlough period be deducted from leave balances?**

A15: No. All previously approved leave scheduled to occur during the furlough period was cancelled and will not be deducted from the employee's leave balances.

**Q16: Will the furlough period count toward the 12-week entitlement period for employees who have invoked leave under the Family Medical Leave Act (FMLA)?**

A16: Since the legislation ending the lapse in appropriations provided for retroactive application of the employee's standard rate of compensation, the employee will continue to receive any previously invoked FMLA coverage during the furlough period and covered time (paid or unpaid) counts toward the 12-week entitlement.

## Benefits

**Q17: How were health insurance premiums affected by the shutdown period?**

A17: Employees continued to receive health benefits during the shutdown period and the enrollee share of the FEHB premium accumulated. In accordance with OPM guidance, the premium due will be withheld from pay upon return to pay status and an automated lump sum payment will be made to the health insurance carrier.

**Q18: Was Federal Employees Dental and Vision Insurance (FEDVIP), Federal Long-Term Care Insurance Program (FLTCIP), and Federal Flexible Spending Account (FSAFEDS) Program cancelled during the shutdown period due to non-payment of premiums?**

A18: No. During this shutdown period (December 22, 2018 – January 25, 2019), there should have been no direct bills mailed to employees for missed FEDVIP or FLTCIP deductions due to the furlough. Insurance premiums for FEDVIP, the supplemental vision and dental insurance, will be deducted in adjusted amounts in future pay periods. There may be exceptions; for questions, employees may obtain more information at:

- a. [www.BENEFEDS.com](http://www.BENEFEDS.com) (for FEDVIP deductions and FSAFEDS allotments)
- b. [www.LTCFEDS.com](http://www.LTCFEDS.com) (for FLTCIP)
- c. [www.FSAFEDS.com](http://www.FSAFEDS.com) (for FSAFEDS claims)

**Q19: Will headquarters employees paying monthly parking fees for garage access be required to pay for the full month of January or will the fee be prorated?**

A19: Headquarters employees who park in the building contract directly with the building owner's parking garage owner/company. Therefore, these employees must contact the parking garage vendor directly regarding whether any prorations will be made for January. If you need assistance contacting the parking garage vendor, please contact SBA's parking program manager, Tina Johnson by email at [Tina.Johnson@sba.gov](mailto:Tina.Johnson@sba.gov).

**Q20: For employees whose transit subsidy did not automatically upload to their Smart Trip card, how do employees access the transit subsidy?**

A20: Email [HR4U@sba.gov](mailto:HR4U@sba.gov) with "Transit Subsidy for Furlough Period" in the subject line. Please indicate the employee's name, program office, and phone number. As a reminder, employees are only to use the SBA funds on the card for Agency related business such as commuting to work or attending a function on behalf of SBA.

**Q21: How are TSP loans taken out during a furlough period repaid?**

A21: Loan repayment and more information may be found at [www.tsp.gov](http://www.tsp.gov).

**Q22: What affect, if any, does the furlough have on an employee who has a pending retirement date this year? How would it affect their computation of years of service?**

A22: Please see [Section L of the OPM Guidance for Shutdown Furloughs](#) beginning on page 19.

**Q23: How can the Employee Assistance Program (EAP) assist employees impacted by the shutdown?**

A23: Employees may contact EAP, administered by Federal Occupational Health (FOH) services, to address the uncertainties caused by a furlough, assistance with financial matters and other resources by calling 1-800-222-0364 (888-262-7848/TTY) or visiting [www.FOH4You.com](http://www.FOH4You.com).

## Work Activities

**Q24: What are the reopening activities expected of employees?**

A24: Employees must remove their out of office messages on email and return their voice mailbox messages to indicate normal operations. Managers and supervisors can provide program specific instructions regarding work.

**Q25: A due date for a major project was missed as a result of the government shutdown. Will this deadline be adjusted and how will this impact employees' performance plans or annual rating?**

A25: Individual deadlines will need to be revisited with the supervisor and the stakeholders reliant upon the work. Performance ratings are based on the evaluation of performance throughout the year. Performance elements and standards for assigning ratings are prescribed in the performance plan (or Personal Business Commitment Plan) at the beginning of the fiscal year. Rating Officials must consider and document extenuating circumstances (i.e. the furlough) that render certain elements not ratable or certain activities unachievable. Employees will have an opportunity to provide a statement of accomplishments or other input regarding their own performance prior to meeting with the Rating Official to discuss the overall rating.

**Q26: What are the procedures for reactivating passwords for WebTA and Talent Management Center (TMC) that expired during the furlough?**

A26: Employees should contact OHRS to request a password reset for WebTA or TMC by sending an email to [furlough.guidance@sba.gov](mailto:furlough.guidance@sba.gov). Note, OHRS will provide additional guidance during the week of January 28<sup>th</sup>.

**Q27: Training and travel were cancelled during the furlough. If the training and associated travel was pre-paid from FY 2019 funds, can the training be rescheduled in the new fiscal year?**

A27: If training was paid for with FY 2019 funds, the funds should still remain allocated for the training. Employees should discuss the rescheduling of training and associated travel with their manager and the training provider to determine options for completing the training.

**Q28: Can SBA's resource partners return to using SBA's facilities and resources?**

A28: Yes, once the government status has changed from "closed" to "open," SBA's resource partners may return to SBA offices to resume work.

**Q29: What happens to persons scheduled to enter on duty during as a new employee the furlough period?**

A29: OHRS has been in contact with the persons who were scheduled to onboard as new employees during the shutdown period to inform them of the status of their entry. New dates will be arranged as soon as is feasible.

**Q30: Did vacancy announcements on USA Jobs remain open to applicants during the shutdown period?**

A30: USA Jobs remained operational during the government shutdown. Any open vacancies at the time of the shutdown remained posted and closed on the scheduled close date. Closed announcements will be processed upon the reopening of the government and notifications will be issued to applicants as appropriate. Please be patient as the shutdown period has created a backlog.

**Q31: Can an extension be granted to certificates of eligible job candidates from a vacancy announcement that closed during the furlough?**

A31: The selecting official should notify the staffing specialist in OHRS to discuss obtaining an extension to expired certificate of eligibles.

**Q32: How can employees ask additional questions?**

A32: Employees may contact [furlough.guidance@sba.gov](mailto:furlough.guidance@sba.gov) with questions not covered by these FAQs.