



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: MARGARET M. WEICHERT
ACTING DIRECTOR

Subject: Telework and other Workplace Flexibilities for *Excepted Employees*
during a Lapse in Appropriations

The U.S. Office of Personnel Management (OPM) is aware of the difficulties facing many employees during the current lapse in appropriations. While all furloughed employees are impacted, employees who have been designated as *excepted* from the furlough (e.g., those excepted from the furlough to protect life or property or those who must support them or other non-furloughed employees “by necessary implication”) have the additional expense of coming to work, but are having their compensation delayed. These employees may have also lost their subsidies for childcare and transit benefits, and are generally ineligible for unemployment benefits if they are working full-time.

During this difficult time, it is prudent, to the extent possible and appropriate, for agencies to provide additional flexibility to the Federal civil servants who are *excepted* from the furlough to perform necessary functions for the American people. As a result, OPM would like to remind agencies of the various workplace flexibilities available to employees. OPM strongly encourages agencies to be as accommodating as possible during the current lapse in appropriations to allow telework-eligible employees performing excepted duties to telework more frequently, permit flexible start and stop times under a flexible work schedule, and provide employees with the ability to request time off based on their personal circumstances. (Note that *excepted* employees may request leave, but they cannot be paid for the leave until after funding is available. For *excepted* employees who do not request leave, approved periods of absence will be treated as furlough hours for which the employee will receive retroactive compensation, without charge to his/her leave balances.) In making determinations regarding whether to grant requests for time off that result in placement in furlough status, agencies are encouraged to consider the same principles that guide the granting of various types of paid leave during normal periods of funded operations, while keeping in mind any special work requirements for excepted employees during the lapse in appropriations. OPM encourages agencies to communicate these flexibilities however is best to its workforce and utilize them in a manner that has minimal impact on its mission and service to the American people.

We want to thank the dedicated men and women who are serving the American people during the partial lapse in appropriations. We pledge to continue to perform funded and critical non-funded services and look forward to the day when we can resume the full complement of work we perform on behalf of the citizens of the United States.

Additional Information

Agency headquarters-level human resources offices may contact OPM at pay-leave-policy@opm.gov. Employees must contact their agency human resources office for further information on this memo. For additional information on workplace flexibilities, see our guidance on telework and alternative work schedules.

- **Telework**—<https://www.opm.gov/policy-data-oversight/worklife/telework/>
- **Alternative Work Schedules (AWS)**—<https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/alternative-work-schedules/>.
- **Metro Safe Track Guidance (Telework)**—<https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/notices/opm-guidance-on-the-use-of-telework-during-metro-safetrack.pdf>
- **Metro Safe Track Guidance (AWS)**—<https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/notices/opm-guidance-on-the-use-of-alternative-work-schedules-during-metro-safetrack.pdf>
- **Time Off**—OPM memorandum CPM 2019-04 regarding the Government Employee Fair Treatment Act of 2019 (S. 24), which was enacted on January 16, 2019. <https://chcoc.gov/content/government-employee-fair-treatment-act-2019>

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, and HR Directors