



## FY 2019 Shutdown Furlough Frequently Asked Questions

### General Questions

#### 1. Where can employees find answers to most of their questions about the furlough?

Most employee questions are addressed in the [U.S. Office of Personnel Management's \(OPM\) Guidance for Shutdown Furloughs](#). Employees can also reference these frequently asked questions on [SBA's external Shutdown and Furlough website](#).

#### 2. What do the terms “excepted” and “non-excepted” employees mean? How will employees be notified of their status as excepted or non-excepted?

“**Excepted**” means the employee’s position is an exception to the furlough. Excepted employees will need to report to work as usual.

“**Non-excepted**” means the employee’s position is impacted by the furlough. Non-excepted employees will be furloughed.

By now, all employees should have been notified via email of the status of their position. If you do not see the email, please check your “clutter” and/or “junk” mail box to see if the email is there, and if still not found, contact the Office of Human Resources Solutions (OHRS) at [furlough.guidance@sba.gov](mailto:furlough.guidance@sba.gov) as soon as possible.

#### 3. What does the term “exempt” mean?

“**Exempt**” personnel are those funded by programs with continuing funding and resources. This includes disaster-funded and other no-year funded personnel, who are covered by separate appropriations. Exempt employees will report to work as usual.



**4. What is the status of SBA employees who are detailed to the Office of Disaster Assistance (ODA) in support of disaster recovery relief efforts?**

SBA employees who have been detailed to ODA in support of disaster recovery relief efforts will be considered “**exempt**” for shutdown purposes, for the duration of their emergency work.

Employees on detail with ODA will be informed by their supervisor of record of any changes in their furlough status.

**5. How will employees be officially notified of the furlough? Will employees be expected to sign the notice?**

Employees will receive a furlough notice in their sba.gov email address no later than the first business day following the shutdown. There is no requirement for the employee to sign acknowledgement of the notice.

**6. Are non-excepted employees permitted to perform any SBA-related work during the shutdown from home?**

No. Beginning at noon the day of the shutdown, non-excepted employees will no longer be permitted to utilize SBA email or other federal resources. Please know that **use of Federal resources while on furlough status is prohibited by law and is considered a criminal offense.**

**Employees must NOT represent the Agency in any formal or informal capacity; this includes not using personal email accounts or computers to conduct SBA business.**

Upon arrival at work on the first business day of the shutdown, refer to [SBA’s Plan for Operating in the Event of a Lapse in Appropriations](#) for a list of permissible activities.

**7. What should employees who are teleworking, telework-ready or utilizing their AWS days on the first business day of the furlough do?**

Teleworkers and telework ready employees have the flexibility of conducting orderly shutdown activities remotely. Employees with an applicable pre-approved reasonable accommodation may also conduct orderly shutdown activities remotely. Employees with a day off under the compressed or maxiflex 5/4-9 (under the Master Labor Agreement) schedules must consult with their supervisor for further guidance. Exempt and excepted employees will report to work at their regularly scheduled duty time.



**8. How will employees who are on leave on the first day of the furlough receive official furlough notification?**

Employees will receive notification about the Agency’s operating status from the Emergency Notification System. Supervisors who are aware of an employee out on leave should make arrangements to notify the employee of their status. Section F, of the [OPM's Guidance for Shutdown Furloughs](#) addresses the treatment of leave and other time off.

**9. How will employees be notified to return to work when the furlough ends?**

The best source of up-to-date information is [SBA's Shutdown Website](#). Employees may also receive Emergency Notification System announcements, email or telephone contact, or other means of communication. Another good source for the Federal government’s operating status is [www.opm.gov/status](http://www.opm.gov/status).

**10. Are “experts and consultants” also impacted by the government shutdown?**

Yes, supervisors must notify and inform experts and consultants of their exempted, excepted or non-excepted status and treated accordingly.

**11. Are contractors permitted to work during a government shutdown?**

Contracting officials will not be able to obligate funds unless the contract is for purposes related to the shutdown or funded with “no year” money for an exempt activity. All other contractor activity incurring a new or continuing financial obligation will not be permitted unless the contractual services are related to one of the exceptions. Contracting Officers Representatives must contact the Acquisition Office’s Contracting Officers for specific guidance.

## **Shutdown Activities**

**12. What shutdown activities are expected of employees?**

Employees will be provided with a message for placement on their email and voice mailboxes the first business day of the furlough. Shut down activities include securing any personal identifying information and accessing the Emergency Notification System account to ensure the employees’ emergency contact information is updated. Any items in refrigerators should be discarded and trash receptacles placed in an accessible area. Managers and supervisors can provide program-specific instructions.

## Pay, Leave, and Benefits Issues

### 13. Will employees be paid for hours already worked during the pay period and for the hours of shutdown activity?

Yes, employees will be paid for time worked.

### 14. What if an excepted employee has scheduled annual leave during the furlough?

All leave (i.e., paid time off) is cancelled during a furlough. Because employees are in a non-paid status, no leave may be used during this time. Even when excepted employees are not working, they are on furlough and cannot be in a pay status. See Section F of [OPM's Guidance for Shutdown Furloughs](#).

### 15. How are employees affected if, during a shutdown furlough, their Federal office is closed or announces a change in operating status due to an emergency, severe weather condition, natural disaster, and other incident causing disruption or agency operations?

**Non-excepted** employees are not affected if SBA or their office is closed or announces a change in operating status during a shutdown. **Non-excepted** employees remain in furlough status.

**Exempt** and **excepted** employees must refer to the document entitled “Requirements, Flexibilities, and Resources for Weather and Safety Emergencies” found on [SBA's Shutdown Website](#), and act in accordance with the guidance for the specific Federal closure or change in operating status announced by OPM for the Washington D.C. area.

For events affecting SBA offices outside of the Washington, DC, area, **exempt** and **excepted** employees will observe operating status determinations made by the heads of the affected SBA offices based on recommendations of local police, highway authorities, the National Weather Service, and the Federal Executive Board ([FEB](#)) for the geographic area. SBA officials will report any change in operating status to the appropriate leaders in headquarters and notify the affected workforce.

**Exempt** employees may be required to work remotely or request to be in a paid or unpaid leave status due to inclement weather.



**Excepted** employees who are unable to work remotely will be treated in the same fashion as other furloughed employees. This is because excepted employees must be placed in a “non-pay” status if they are not performing excepted duties during a shutdown. Excepted employees, therefore, cannot be placed in a “pay” status when they are not working. Specifically, excepted employees cannot request, and their supervisors cannot approve, leave of any kind (e.g. annual leave, sick leave, administrative leave, excused absence). Excepted employees will receive a furlough notice as the local emergency situation requires. Conversely, the employee will return to their “excepted” status when the employees are able to resume performing excepted activities remotely or in the office.

**16. How would health insurance be affected by a furlough?**

Employees will continue to receive health benefits. Please see Section H of [OPM's Guidance for Shutdown Furloughs](#).

**17. Can employees take TSP loans during a furlough period?**

In the event of a government shutdown, TSP will continue its normal daily operations. Loan eligibility and more information may be found at the [TSP Website](#).

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

Please see Section L of [OPM's Guidance for Shutdown Furloughs](#).

**19. Will SmarTrip cards still be funded if employees are commuting into work for an orderly shutdown?**

Yes. SmarTrip benefits will not be affected by the shutdown. As a reminder, employees are not to use the SBA funds on the card for personal use.

**20. Will the Employee Assistance Program (EAP) still be available to employees in the event of a government shutdown?**

Yes, employees may contact Federal Occupational Health (FOH) services for addressing the uncertainties caused by a furlough, assistance with financial matters and other issues. Employees may contact the EAP program by calling 1-800-222-0364 (888- 262-7848/TTY) or visiting the [FOH4You Website](#).



## Performing Other Work

### 21. Is it permissible to continue working at SBA during a government shutdown?

Unless the employee is “excepted” from the furlough, the employee must not perform any official duties during the furlough. Beginning at noon the day of the shutdown, employees will no longer be permitted to utilize SBA email or other federal resources. Please know that **use of federal resources while on furlough status is prohibited by law and is considered a *criminal offense***. Employees must NOT represent the agency in any formal or informal capacity; this includes not using a personal email account to conduct SBA business.

Additionally, with proper Agency approval, an employee’s furlough status may change from excepted to non-excepted or vice versa at any point during a shutdown of SBA operations. Please see Section C of [OPM's Guidance for Shutdown Furloughs](#).

### 22. Can I work outside of the Federal government while on furlough?

Information regarding off-duty employment can be found in the [Agency’s ethics webpage](#). It states that as an Executive Branch employee you are subject to a number of limitations on the outside activities in which you may be involved. You may not have outside employment or be involved in an outside activity that conflicts with the official duties of your position. An activity conflicts with official duties:

- If it is prohibited by statute or by SBA regulations; or
- If the activity would require you to be disqualified from matters so central to the performance of your official duties as to materially impair your ability to carry out those duties.

Please see Section C, question 3 of [OPM's Guidance for Shutdown Furloughs](#) for additional information on outside employment.

### 23. Can a union representative work on “official time” during a government shutdown?

No, a union official cannot work on official time during a government shutdown. Official time is only granted when the union official would otherwise be in a paid duty status. During a government shutdown, employees are in a non-pay status. Therefore, the Agency



cannot incur a financial obligation during a lapse in appropriations for representational duties performed.

**24. If an employee is identified as “excepted” and is also a union official, can the employee conduct representational work during the furlough period?**

No, the employee cannot conduct representational duties while in an excepted status. The work performed while in an excepted status is authorized under the Anti-Deficiency Act. Union representational duties are not a part of those approved activities under the Act.

**Other Impacts**

**25. How will the government shutdown impact our resource partner’s funding (i.e., SBDC, WBC and SCORE)? How are those people who work in our office, but are not paid by the Federal government, impacted?**

**Beginning at noon on the day of the shutdown, only “excepted” employees will be permitted to utilize SBA email, voice mail, or other Federal resources.** Please note, use of Federal resources by anyone other than excepted employees during a shutdown furlough period is prohibited by law and is considered a *criminal* offense. This means SBDC, WBC, SCORE and other partners would not be able to access SBA facilities, computers, phone lines, etc., during a government shutdown. Additionally, only excepted employees may represent SBA in any formal or informal capacity during this period.

**26. Should employees in travel or training status proceed with their plans, even if travel or training extends beyond the lapse of appropriations? What about upcoming travel and training?**

No, in anticipation of a government shutdown, all travel must be completed by 11:59 p.m. on the last day before the furlough begins. All training and travel associated with training is cancelled during a government shutdown; employees cannot and will not be approved to use any pre-approved combination travel that includes personal time. All travelers must return to their official duty station before the shutdown begins or as soon as practical due to airline or other transportation provider’s schedules require.



U.S. Small Business  
Administration

**27. Should new employees scheduled to enter on duty during a shutdown still report to SBA?**

No, new or transferring employees cannot on-board during a shutdown. It cannot be predicted how long a government shutdown will last. In the event the shutdown continues through the onboarding date, OHRS will contact onboarding employees to inform them of the status of their entry.

**28. Will vacancy announcements on USA Jobs remain open to applicants?**

USA Jobs will still be operational during the government shutdown. Any open vacancies at the time of the shutdown will continue to be posted and will close at the announced date. In the event the government shutdown continues past the closing date, the announcement will be processed upon the reopening of the government with notifications, as appropriate, issued to applicants.

**29. How can employees ask additional questions?**

Employees may contact [Furlough.Guidance@sba.gov](mailto:Furlough.Guidance@sba.gov) with questions not covered by either these FAQs or by [OPM's Guidance for Shutdown Furloughs](#).

**30. Where can employees go for more information?**

Visit [SBA.gov/shutdown](https://www.sba.gov/shutdown) for the most up-to-date information, periodic updates and additional documentation.