

## **SBA – FY2018 Shutdown Furlough – Frequently Asked Questions**

### **General Questions**

- 1. Where can employees find answers to most of their questions?**
  - A. Most employee questions are addressed in the U.S. Office of Personnel Management’s (OPM) *Guidance for Shutdown Furloughs*. The document may be found at the following link: <http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf>.
  
- 2. What do the terms “excepted” and “non-excepted” employees mean? How will employees be notified of their status as excepted or non-excepted?**
  - A. 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 by their supervisor of the status of their position.
  
- 3. What does the term “exempt” mean?**
  - A. Exempt personnel are those funded by programs with continuing funding and resources, such as the Office of Disaster Assistance, which may have “no year” appropriations available.
  
- 4. What is the status of SBA employees who are detailed to ODA in support of hurricane relief efforts?**
  - A. SBA employees who have been detailed to ODA in support of hurricane relief efforts will be considered “exempt” for shutdown purposes, for the duration of their emergency work. Those SBA employees whose detail with ODA concludes before the shutdown is resolved will have their status reevaluated at the end of their detail.
  
- 5. How will employees be officially notified of the furlough? Will employees be expected to sign the notice?**
  - A. Employees will receive a furlough notice in their sba.gov email address on the day of the shutdown. There is no requirement for the employee to sign acknowledgement of the notice.
  
- 6. How will employees who are on leave during shutdown procedures receive official furlough notification?**
  - A. Section F of the following link: [OPM Guidance for Shutdown Furloughs](#), addresses the treatment of leave and other time off. Supervisors who are aware of an employee being out of leave should let OHRS know of these situations.

7. **How will employees be notified to return to work when the furlough ends?**
- A. SBA will post information regarding the daily operating status on the public SBA website, <http://www.sba.gov>. Employees may also receive Emergency Notification System notifications, email or telephone contact, or other means of communication. Employees may also check operating status at the following link: [www.opm.gov/status](http://www.opm.gov/status).
8. **Are “experts and consultants” also impacted by the government shutdown?**
- A. Yes, experts and consultants should also be notified of their excepted or non-excepted status and treated accordingly.
9. **Are contractors permitted to work during a government shutdown?**
- A. 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.

## **Shutdown Activities**

10. **What are the shutdown activities expected of employees?**
- A. Employees will be provided with a message to be placed on their email and voice mailboxes. Shut down activities include securing any personal identifying information. Emergency Notification System and other emergency notification system information must be updated. Any items in refrigerators should be discarded. Managers and supervisors can provide program-specific instructions.

## **Pay, Leave, and Benefits Issues**

11. **Will employees be paid for hours already worked during the pay period? Will employees be paid for the hours of shutdown activity?**
- A. Yes, employees will be paid for time worked.
12. **What if an employee has scheduled annual leave during the furlough?**
- A. 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 the following link: [OPM Guidance for Shutdown Furloughs](#).
13. **If an employee has properly scheduled “use-or-lose” annual leave, but is unable to use some or all of the scheduled leave because of the furlough, does the furlough**

**constitute an “exigency of the public business” which permits 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 appropriations, agency heads (or their designees) are encouraged to use their discretionary authority to restore any lost annual leave by determining that the employee was prevented from using the leave because of an exigency of the public business— namely, the need to furlough employees because of the lapse in appropriations.

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

- A. Employees will continue to receive health benefits. Please see Section H of the following link: [OPM Guidance for Shutdown Furloughs](#).

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

- A. In the event of a government shutdown, TSP will continue its normal daily operations. Loan eligibility and more information may be found at the following link: [www.tsp.gov](http://www.tsp.gov).

**16. 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?**

- A. Please see Section L of the following link: [OPM Guidance for Shutdown Furloughs](#)

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

- A. 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.

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

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

## **Performing Other Work**

**19. Is it permissible to continue working at SBA during a government shutdown?**

- A. 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, 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 the following link: [OPM Guidance for Shutdown Furloughs](#).

**20. Can I work outside of the Federal government while on furlough?**

- A. Information regarding off-duty employment can also be found in the Agency's ethics SOP: <https://sba123.sharepoint.com/offices/Ethics/Pages/WhatsNew.aspx>. Please see Section C, question 3 of the following link: [OPM Guidance for Shutdown Furloughs](#) for additional information on outside employment.

**21. Can a union representative work on "official time" during a government shutdown?**

- A. 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.

**22. If an employee is identified as accepted and is also a union official, can the employee conduct representational work during the furlough period?**

- A. 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 Anti-Deficiency Act.

## **Other Impacts**

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

- A. 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.

**24. Are employees still expected to complete implementation of their FY2018 performance plans? When will the new performance plans be communicated to employees?**

A. The process for the FY2018 performance cycle will be put on hold until the furlough period is over. At that time, a new schedule for completing performance plans will be announced.

25. 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?

A. No, in anticipation of a government shutdown, all travel must be completed by 9:30 am on the morning of the shutdown. All training and travel associated with training is cancelled during a government shutdown.

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

A. 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 these dates, OHRs will contact onboarding employees to inform them of the status of their entry.

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

A. 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.

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

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

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

A. Employees may visit the following link: <http://www.sba.gov> for periodic updates and additional documentation.