



U.S. Small Business  
Administration

# FY 2019 Shutdown Furlough

## Frequently Asked Questions

### Questions Related to Holidays During Furlough

**1. Are non-expected employees required to come to work on a holiday if there is a furlough in order to conduct shutdown activities?**

No. If you plan to be “out of town” or otherwise away from home during any time that you are in a “non-expected” furlough status, you may perform shutdown activities remotely if you telework or on the next business day you are originally scheduled to return to work after the holiday. Please inform your manager or supervisor by email that you will not be local or otherwise able to complete your shutdown activities until you return.

**2. Are expected employees required to come to work on a holiday if there is a furlough?**

No. Under the unique timing of the lapse in appropriations, SBA will take into consideration an employee’s previously approved time off such as scheduled leave, comp time off, comp time off for travel, credit hours, AWS day off, or holiday(s) that takes place during the furlough period. Based on when the SBA expected activities must be performed, SBA will allow the expected employee to be furloughed during the period the employee had been scheduled to take leave, unless it has been determined that there is a need for you to report to work to perform expected activities. If that is the case, you will be notified.

**3. What happens if I am scheduled to be on “use or lose” annual leave during the furlough?**

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. If this is not possible due to the furlough, your “use or lose” annual leave may qualify for restoration.

For questions or guidance, please email [furlough.guidance@sba.gov](mailto:furlough.guidance@sba.gov).

**4. What happens if an employee had properly scheduled use of “restored annual leave” that is due to expire at the end of the leave year (because it is the end of the 2-year restoration period) but that leave is cancelled and lost due to lapse in appropriations. Can SBA restore that previously restored annual leave again?**

No. Unless Congress enacts legislation providing otherwise. There is nothing in existing law or regulation that allows restored annual leave to be restored a second time.

**5. What happens if I am on or was planning to use scheduled leave during the furlough?**

SBA recognizes that some of our employees will be traveling away from home while on leave. Therefore, if you plan to be out of town or otherwise away from home during any time that you are in a “non-excepted” furlough status, you may perform shutdown activities remotely if you telework or when you were originally scheduled to return to work.

Please inform your manager or supervisor by email that you will not be local or otherwise able to complete your shutdown activities until you return home from being on leave.

## General Questions

**6. 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.

**7. 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 because the employees perform work, that by law, may continue to be performed during a lapse in appropriations. This includes emergency work involving the safety of human life or the protection of property or other excepted work as determined by leadership in consultation with the Office of General Counsel. Unless their managers change their work schedules or tour of duty, excepted employees will report to work on their normally scheduled tour of duty.

“**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 status notification email, please check your “clutter” and/or “junk”

mail box to see if the email is there; and if you cannot locate the email, contact the Office of Human Resources Solutions (OHRS) at [furlough.guidance@sba.gov](mailto:furlough.guidance@sba.gov) as soon as possible.

**8. What does the term “exempt” mean?**

“**Exempt**” personnel are those funded by programs with continuing funding and resources. This includes disaster-funded, no-year funded personnel, and program offices with multiple year or other funds (e.g., HUBZone and Advocacy) who are covered by separate appropriations or resources. Exempt employees will report to work as usual.

**9. What is the status of SBA employees who are detailed to the Office of Disaster Assistance (ODA) in support of disaster recovery relief efforts or other SBA program offices with funding resources?**

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. This is only if ODA is funding the position.

Employees on detail with ODA will be informed by their supervisor of record of any changes in their furlough status. Employees detailed to other SBA program offices with funding resources will be considered “exempt” only if their salaries are currently being funded by the office they are on detail. If you are not sure, contact the OCFO.

**10. 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.

**11. 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 except for shutdown related activities. Please know that **use of Federal resources while on furlough status is prohibited by law and may be 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.

**12. 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 will conduct shutdown activities on their next regularly scheduled day in the office. Exempt and excepted employees will report to work at their regularly scheduled duty time.

**13. 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.

**14. 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).

**15. Are "experts and consultants" also impacted by the government shutdown?**

Yes. An employee hired as an Expert because of the experience to perform difficult and challenging tasks in a particular field beyond the usual range of achievement; or as a consultant because of their high degree of broad administrative, professional, or technical knowledge or experience generally serve under an appointment in the Federal government. Experts and consultants who are appointed under 5 U.S.C. 3109 are considered to be Federal civil service employees under 5 U.S.C. 2105. (See 5 CFR 304.101. Supervisors must notify and inform experts and consultants of their exempted, excepted or non-excepted status and treated accordingly.

## Shutdown Activities

### 16. What shutdown activities are expected of non-excepted employees?

Shut down activities include:

1. Changing their email and voice mail to include an out of office message (see question #18);
2. Securing any personal identifying information;
3. Accessing the Emergency Notification System account to ensure the employees' emergency contact information is updated;
4. Discarding any items in refrigerators;
5. Placing trash receptacles in an accessible area; and
6. Accessing SBA's network to retrieve furlough notifications and updates, TSP required documents and their e-OPF, as well as printing a copy of the most recent SF-50 (this document is needed to file for unemployment, if needed).

Managers and supervisors can provide program-specific instructions.

### 17. What are the instructions for setting the "Out of Office" message in Outlook?

To set your out of office message in Outlook:

1. Click on the "File" tab and then click on "Automatic Replies (Out of Office)" located in the center of the page.
2. Click "send automatic replies".
3. Click on the tab labeled "Inside my organization".
4. Delete your old message.
5. Type the following message: "Thank you for your email message; I am not able to respond due to the lapse in appropriations, the U.S. Small Business Administration is shut down. I'll respond to your message as soon as we are able to return to work."
6. Click on the tab labeled "Outside my organization," ensure that there is a check next to the text "auto-reply to people outside my organization".
7. Click in the circle next to the text "anyone outside my organization," and type the same message as above.
8. Click "OK" to accept the changes and activate your Out-of-Office message.

## 18. What is the language to be used for voicemail?

The language for your telephone “Out of Office” voicemail message should be:

“Hello, you’ve reached the voicemail for [YOUR NAME & TITLE]. Due to the lapse in appropriations, the U.S. Small Business Administration is shut down. I’ll respond to your message as soon as we are able to return to work.”

## Pay, Leave, and Benefits Issues

### 19. Will non-excepted and excepted 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. Compensation for work performed during the furlough will be received when the lapse in appropriations ends and government re-opens.

### 20. What if an excepted employee has scheduled annual leave or other time off during the furlough?

If you have scheduled leave or other time off during the furlough period, you should, consult with your manager or supervisor for further guidance to determine when you will be expected to conduct your excepted duties; see also Question 5 above.

### 21. 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 may be required to work remotely, [request to be in a paid or unpaid leave status \(Government Employee Fair Treatment Act, S. 24\)](#), or request to be excused from duty without being charged leave. An excepted employee who requests to be excused from performing excepted duties without charge to leave, will be treated in the same fashion as other furloughed employees and must be placed in a “non-pay” status and will receive a furlough notice as the local emergency situation requires. If an excepted employee request to be on leave, the leave balance will be adjusted when the lapse in appropriations ends and the employee receives their compensation for work performed during the furlough period. Conversely, the employee will return to their “excepted” status when the employees are able to resume performing excepted activities remotely or in the office.

## **22. 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](#).

## **23. 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](#).

## **24. 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](#).

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

Yes. SmarTrip benefits may not be affected by the shutdown. Depending on the timing and length of a shutdown, there may be sufficient funding available with the U.S. Department of Transportation to fund SmartTrip benefits during the period of the Shutdown. As a reminder, employees are not to use the SBA funds on the card for personal use. Non-excepted employees must not use their SmartTrip benefits during the

shutdown unless their furlough status is changed (to excepted or exempt) or when SBA reopens after the shutdown ends.

## **26. 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**

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

Unless the employee is “excepted” or “exempt” from the furlough, the employee must not perform any official or unofficial duties during the furlough. Beginning at noon the day of the shutdown, unless otherwise instructed or informed by SBA, 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 may be 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, non-excepted or exempt at any point during a shutdown of SBA operations. Please see Section C of [OPM's Guidance for Shutdown Furloughs](#).

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

SBA employees are not prohibited from obtaining non-federal employment while on furlough. However, federal ethics laws and the Standards of Ethical Conduct continue to apply to all employees, even those in a furloughed status. Specifically, furloughed employees may not engage in outside employment or be involved in an outside activity that conflicts with the official duties of their positions.

In the context of outside employment while furloughed, activities could conflict with official duties if they:

- Are specifically prohibited by Federal law or regulation; or

- Result in a financial or fiduciary conflict of interest that would require an employee to be disqualified from performing their official duties upon returning to work at SBA.

More detailed guidance on ethical obligations regarding outside employment can be found on the agency's [Ethics intranet page](#). Ethics information on outside employment will also be posted to the SBA shutdown website, as will information on how to contact an agency ethics official for advice during furlough periods.

Employees with ethics questions regarding outside employment or activities can always seek advice from an Agency ethics official via email at [ethics@sba.gov](mailto:ethics@sba.gov).

### **29. 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.

### **30. 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**

### **31. 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” and “exempt” 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 and exempt 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 and exempt employees may represent SBA in any formal or informal capacity during this period.

**32. 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?**

If you plan to be out of town or otherwise away from home during any time that you are in a “non-excepted” furlough status, please inform your manager or supervisor by email that you will not be local or otherwise able to complete your shutdown activities until you return home from travel.

This means you will not be required to report to work or remotely complete your shutdown activities if you will be away from home because of your previously approved leave or other paid time off status.

If possible, 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.

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

No, new or transferring employees, transferring to a non-excepted or excepted position, 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. New ODA, no-year, or other resource funded exempt employees will be able to onboard provided these employees will be performing exempt work during the furlough.

**34. 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.

## Obtaining Additional Information

### 35. 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](#).

### 36. Where can employees go for more information?

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