

AFGE COUNCIL 238 - PROUDLY SERVING EPA AFGE BARGAINING UNIT EMPLOYEES



As we hear concern of a threatened government shutdown due to a lapse of government funding, AFGE Council 238 wants our employees to understand some of the basics if we do get shutdown

If there's a government shutdown, will I get paid?

YES, during the last shutdown, Congress passed (name of statute) (31 USC 1341(c)(2)) providing federal employees to be paid after a lapse in appropriations. You will not be paid during a shutdown, but you will be paid on the earliest day possible AFTER the lapse in appropriations is over.

How long will the shutdown last?

We don't know how long any shutdown will last. Often threats of shutdowns don't materialize, but we have also experienced shutdowns ranging from 1 day to over a month.

Can I do a little work for EPA during the shutdown?

NO, you cannot work even a little bit when there is a lapse in appropriations UNLESS you are excepted from the furlough because you are exempt or excepted (see next question). The only work you can do is the minimal activities necessary to suspend your work (e.g., setting up out-of-office messages).

How will I know whether I'm excepted (exempt or excepted) from the shutdown?

For shutdown furloughs, "excepted employees" are allowed to work because they are performing work that legally may continue to be performed during a lapse in appropriations. Excepted positions may include employees performing emergency work involving the safety of human life, protection of property, or other types of excepted work. This could include EPA employees reporting for emergency work (e.g., fire or hurricane cleanup). In past shutdown, the Agency has referred to these

people as "essential"- your supervisor will inform you whether you are designated as an excepted employee. However, no one is automatically deemed excepted employees for purposes of shutdown furloughs; EPA management needs to designate specifically who qualifies as an emergency employee. "Exempt employees" are those employees paid out from sources other than annually appropriated funds. Those who are exempt are aware of their status.

Note that even excepted employees working during a furlough will not get paid until after the shutdown is over.

During the shutdown, can I collect unemployment?

Unemployment insurance is a state administered program. It is possible that you may be eligible for your state's unemployment compensation program. You must check with your state's program to determine eligibility. If you collect unemployment, know that you may have to pay it back after you are paid by EPA.

During the shutdown, can I take a job somewhere else for money?

All of the standards of ethical conduct and rules regarding outside employment continue to apply to you even during a furlough, and statutes that prohibit certain outside activities and require prior approval of outside employment still apply. For any job that may involve the skills you use at EPA, you need to consult with your ethics official. Note that if your ethics official is also furloughed, you may not be able to get authorization to take that job. There are some jobs that do not require prior approval, such as working in retail sales, tutoring, substitute teaching, coffee shop barista, babysitting, catering, bartending. However, you must be available to return to EPA once the shutdown is over.

What if I have a pre-planned vacation and have already had leave approved for the time of the shutdown?

The government cannot have you in paid leave status during a shutdown so that leave will be cancelled during a lapse in appropriations. Ensure that your manager is aware of any planned vacation, and submit necessary corrected timesheets and leave slips in People Plus after you return to work.

What if I have use-or-lose leave scheduled to be used during a shutdown?

All paid leave will be cancelled during a lapse in appropriations. To be allowed to restore that use-or-lose leave after the shutdown, make sure any use-or-lose leave is scheduled and approved as soon as possible. Submit leave slips asap to avoid complications.

Will I still have health benefits (FEHB) during a shutdown?

YES, if you have health benefits through the FEHB, those will continue even if the government is not paying the premium during a shutdown. Your share of the premium will accumulate and will be withheld from your pay once you return to pay status.

What happens to other payments I make through my paycheck?

Payments made through your paycheck, including union dues, will not be forwarded during a shutdown. During an extended shutdown, make sure to notify creditors to ensure you do not default.

What if I'm scheduled to retire during a shutdown?

Retirements cannot be processed during a shutdown. Once the shutdown is over, a scheduled retirement is made effective the date it was requested, and paperwork will be completed once the agency reopens.

TOP 10 SHUTDOWN TIPS FOR EPA EMPLOYEES:



- 1.** You will not have access to your work laptop or email! Make sure you have any personal files saved somewhere else.
- 2.** Communications during the shutdown will go out to AFGE members. To check your membership status, sign in at www.afge.org. Provide your personal email and cell number to your AFGE local to receive updates.
- 3.** Make sure to request Use or Lose annual leave as soon as possible in case you will need to restore it.
- 4.** If you want to work outside the Agency during the furlough, contact your ethics officer now.
- 5.** Print out Leave and Earning Statements (LES) from Employee Express for the last 6 months.

6. Draw up a crisis budget: prioritize your debts and creditors. If you encounter difficulty paying bills, contact your creditors. Many businesses will offer help to furloughed feds.

7. Save money where possible. Increase your savings now if you can. Keep in mind resources like food banks, coupons and discounts, and cutting out or pausing extras like subscriptions.

8. You can Contact TSP if you need a short-term loan (if eligible).

9. Know that furloughed federal employees will eventually get paid. Furloughed federal employees will receive retroactive pay at the earliest date possible after the lapse in appropriations ends.

10. For comprehensive guidance about shutdown furloughs, go to <https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf>

MORE RESOURCES

Find out how to apply for unemployment benefits in your state:

<https://www.usa.gov/unemployment-benefits>

Read the full EPA Contingency Plan:

<https://www.epa.gov/lapse/agency-contingency-plans-event-lapse-appropriations>

Read the OPM shutdown guidance:

<https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf>

Find your member of Congress:

<https://whosmyrepresentative.com/>

Read AFGE news and updates:

<https://www.afge.org> and <https://afge238.org/>

Contact EAP:

1-888-635-3202 or <https://care.espyr.com> (Org ID is USEPA)



Thank you for your service. We see you, we appreciate you, and we are standing up for you every day!