

**Farm Service Agency**  
Contingency Plan for Agency Shutdown and Startup  
FY 2018

## **Purpose**

This document establishes a plan of action to execute an orderly shutdown of the Farm Service Agency's (FSA) operations following a budget appropriation lapse. This plan will be enacted through a notification to all employees from FSA's Associate Administrator for Operations at the direction of the FSA Administrator.

## **Scope**

- The functions and activities described in this plan are to be executed in accordance with all applicable statutes, regulations, policies, and delegations of authority.
- The Constitution, statutory provisions, court opinions, and Department of Justice opinions provide the legal framework for how shutdowns have occurred in recent decades. Additionally, the Office of Management and Budget (OMB) provides guidance in OMB Circular A-11, Section 124. In recent years, the Department of Justice Office of Legal Counsel provided a legal opinion that identifies the types of activities that can take place during a shutdown (outlined in attached "Summary of Employment" tables).
- An orderly shutdown of agency operations is expected to take place as efficiently as possible to ensure streamlined use of resources and accuracy of shutdown procedures.
- This plan instructs FSA employees to monitor the status of the government shutdown and agency operations via the OPM website ([www.opm.gov](http://www.opm.gov)) and news sources.

## **High-Level Summary**

This contingency plan is developed in accordance with OMB Circular A-11, Section 124 and presents a management framework and establishes operational procedures to sustain essential activities during a lapse in appropriations within FSA.

The Elements of the Plan:

1. Identification of significant agency activities that will continue.
2. Identification of employee totals to perform the significant activities.
3. Alternate means of communication, including email, and electronic.
4. Leadership and support services for the continued management

#### Number of Excepted and Exempted Employees:

- Total Agency Employees: 10,786 (including field employees).
- Total Exempt Employees: 0.
- Total Excepted (2nd half of Day 1, including full time excepted): 185.
- Total Excepted (Day 2-4, including full time excepted): 150.
- Total Excepted (Day 5-9, including full time excepted): 75.
- Total Excepted (Day 10-19, full time excepted): 73.
- Total Excepted (Day 20, full time excepted): 71.

Note: Figures are estimates; total agency employees are estimated as of January 24, 2018.

Figures include disaster support.

Excepted							
Current On-board Staff	2nd Half of Day One	Day 2	Day 5	Day 10	Day 20	Total After Day 20	On-call
10,786	185	150	75	73	71	71	121

Exempted							
	0	0	0	0	0	0	--

*Reference: Per OPM, “excepted” is used to refer to employees who are funded through annual appropriations who are nonetheless excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. Exempted employees are “exempt” from furlough if they are not affected by a lapse in appropriations.*

## Introduction

A budget appropriation lapse can occur each fiscal year-end and at the expiration of a continuing resolution. In recognition that it takes time to shut down in an orderly manner, certain activities are allowed to continue past the appropriations lapse as identified within this report.

Accepted practice and previous guidance instruct agencies to take steps to protect both life and property and determine excepted functions and the excepted personnel needed to carry out those functions as a part of an orderly shutdown. As with any procedural planning, some actions and assumptions may be specific to a furlough occurring at the beginning of a fiscal year (FY) with specific differences applicable at other times of the year. Specific differences may include the level of coverage/coordination required if shut down occurs during a FY as opposed to beginning of a FY in which FSA may maintain funding depending on availability.

## Assumptions

The following directions are provided to assist offices in implementing an orderly shutdown:

Under this plan certain Agency activities will continue, such as those needed to protect property or are funded outside of annual appropriations and are therefore exempted from shutdown procedures, such as (Per Department of Justice's Legal Counsel's issued opinion, Agencies may take action necessary for orderly termination of agency's functions and protection of life/property but funds may not be disbursed):

1. Emergency and Natural Disaster Response (e.g., floods).
2. Protection of buildings and other property and investments owned by the United States when the suspension of such activities would cause a threat to government property.
3. All contracts in support of cyber security and infrastructure operations to support key positions and essential personnel.
4. Excepted positions and support of excepted personnel as needed for shutdown procedures (see attachment).
5. Emergency and Defense Preparedness including food procurement.

This plan also addresses in the attached table those employees who are necessary to lead and direct the continuation of activities identified as excepted from shutdown procedures.

This plan assumes that all funding for exempted operations beginning on the first day of an appropriations hiatus would come from the following sources:

1. Remaining discretionary prior year unobligated balances (carryover), within authorized apportionment, unless the debt ceiling is reached.
2. User fees from the U.S. Warehouse Act.
3. Section 11 funding for P.L. 480, Title II -allowable activities.

We have identified the estimated employment by category in the attached table.

We estimate that it will take approximately 5 days to complete orderly shutdown procedures. Depending on the circumstances and timing of the shutdown, Master timekeepers must work full-time to ensure all time & attendance issues are resolved. Lessons learned during the 2014 lapse in funding are specific to pre-planning such as establishing a toll free Hot line and Website link which employees can access for update/instructions, issue instructions for all field offices receiving loan payments to cancel delivery requests at the USPS on the first day of shutdown, and provide detailed T&A guidelines.

## Procedures

The following plan addresses procedures for activities not excluded from shutdown procedures:

Prior to Day 1, the following actions will be completed:

The Administrator, the Executive Leadership Committee, and applicable Directors will identify those functions that need to be performed that are solely associated with an orderly shutdown of normal activities. Such functions may include but are not limited to:

- Hold conference calls with State offices to review shutdown procedures. State offices should hold conference calls with field staff to review shutdown procedures. (DAFO)
- Coordinate with international procurement partners (Foreign Agricultural Service, U.S. Agency for International Development) to address any pending or pipeline activities funded through Section 11 (P.L. 480, Title II). (DACO)
- Identify all forthcoming third party scheduled events in which FSA attendance is required to protect government interests (i.e. bankruptcy hearings, foreclosure sales, etc.) and establish exceptions for required employees. (All)
- Identify measures to secure records, personal property, real property, and facilities that will be maintained and protected until appropriate disposition is accomplished. (MSD, All)
- Identify what information technology (IT) systems support is needed to maintain essential services and IT infrastructure. (IT)
- Coordinate with FSA/Information Technology Staff (ITS) and National Information Technology Center (NITC) on essential infrastructure requirements. (IT)
- Coordinate with program offices regarding exceptions based on mission criticality and or special funding outside the affected appropriations. (AMD, IT)
- Provide instructions to program offices, COR, contract employees and service providers in regard to shutdown instructions. (AMD)
- Ensure essential documents are checked in and/or filed. (All)
- Validate and distribute contact lists to excepted personnel. (OA)
- Ensure outstanding invoices are processed. (AMD)
- Complete nightly processes – mainframe and web batch processes. (IT)
- Draft communication strategy for communicating with Agency employees. (HRD)
- Draft communication strategy for making contacts outside the Agency that are necessary to communicate our status. (OA, OEA)
- Identify all potential meetings, hearings and other previously arranged Agency business that may need to be cancelled. (All)
- Identify all significant activities and ensure that employees have been identified consistently and fairly in compliance with applicable personnel regulations. (HRD)
- Obtain/update personal contact information for all employees (MIR3, a mass notification electronic system, is available to contact employees in the event of a shutdown. This system is maintained by the FSA Emergency Preparedness Division). (EPD)
- Identify employees whose presence at work will be required to perform functions associated with the orderly cessation of program activities. (OA, Dep's)
- Identify all employees in international travel status. (All)
- Contact any employee in travel status and direct to return to duty station. (All)

- Identify what instructions and procedures Human Resources Division will provide to employees for the shutdown period including ethics guidance on issues such as outside employment and Stock Act filings. (HRD)
- Identify appropriate Department contacts for communications purposes and orderly shutdown of the agency. (OA, HRD)
- Initiate bargaining over furlough impacts and implementations. (HRD)
- Inform employees that any scheduled or in-status leave occurring during the shutdown must be canceled. (HRD)
- Delay any employee transfer of station. (HRD)
- The FSA Shutdown Plan instructed employees to monitor the status of the government shutdown and agency operations via the Office of Personnel Management (OPM) website ([www.opm.gov](http://www.opm.gov)) and news sources. (HRD)

First half of Day 1 (First work day funds are not available):

All employees will be directed to report to their supervisors to receive assignments of duties or other pertinent information for an orderly shutdown. For those employees teleworking, “report” may be done by telephone. Communication between supervisors and employees will not be conducted using social media. In addition, employees must perform the following activities before departure:

- Secure all Personally Identifiable Information (PII), confidential, sensitive data in your work area and clear your open, accessible work space as appropriate.
- Ensure your supervisor has your current personal contact information.
- Ensure you have your e-authorization password.
- Complete any organization specific shutdown activities as directed by your supervisor.
- Discuss cancellation of any scheduled meetings with your supervisor.
- For the ease of resuming work, document the status of assignments and projects so they can be resumed, transferred, or otherwise appropriately handled when the funding situation is determined.
- Remove or secure all valuable personal belongings. You will not be allowed to return to the building during the furlough to collect them.
- Dispose of/remove all perishable food items that belong to you.
- Remove your food items from the refrigerator and clean/remove dirty dishes.
- Ensure all small appliances are turned off and unplugged.
- Secure all government equipment, especially portable electronic devices.
- Ensure your trash can is clear of any perishable items and is placed in location for removal as applicable.
- Lock your office door, if applicable, at departure.
- Make sure that you have recorded and validated your time in WebTA for the entire

current pay period at <https://wta.nfc.usda.gov/usda/>.

- Set your out of office notification (both email and phone greeting) with a pre-approved scripted message as instructed.
- Shut down your desk top or laptop computer completely (not just a restart, but actually shut it down) and turn off your monitor(s).
- Please be advised, in the event that a lapse in appropriation occurs, furloughed employees are authorized by the Department of Transportation to use their transit benefits to travel to and from work on the first day of the lapse of appropriation for the purposes of conducting an orderly shutdown. After the lapse of appropriation, the transit benefit may only be used by employees who are excepted from the furlough.
- Employees cannot use personal phones and personal private email accounts to conduct government business.
- Do not use your government purchase, fleet or travel card if you are on furlough.
- Turn off your government issued cell phones (deliver to the supervisor), blackberry and/or laptops as use is prohibited for the duration of the furlough period by non-excepted employees.

Managers and supervisors will coordinate the following activities intended to terminate Agency's operations. Social media will not be used for communication between supervisors and employees.

- Communicate shutdown instructions and procedures to all employees.
- Distribute furlough notices at headquarters and all field units to all employees who have not been determined to be necessary for the Agency's termination activities.
- Ensure all employees to be released complete timesheet entry and submit to approving official.
- Certify all time and attendance records before physical or electronic departure.
- Ensure all records; personal property and real property are secured.
- Cancel all meetings, hearings and previously arranged loan closings.
- Validate existing communication strategy and employee contact information for future communication need.
- Place a hold on all mail deliveries to State and County Offices.

There will be daily communications by the Administrator's Office on the status of the shutdown procedures with the Department contacts previously identified.

The Director of Human Resource Management will be responsible for:

- Providing instructions and procedures to managers and supervisors for all employees during the shutdown period. This will include provisions for call back of employees in the event it is determined they are needed to complete shutdown procedures and/or if needed for preparation for an emergency event or emergency response work.
- Providing specific instructions for employees to complete final time and attendance report.

- Ensuring individual furlough notices will be prepared, reviewed and approved.
- Ensuring all employees timesheets are processed by the National Finance Center.
- Delaying hiring of new employees.

The Director of Acquisition Management will be responsible for:

- Coordinating with all contracting officers and contracting officer representatives to notify all contractors and vendors that work is suspended, amended, or continued as determined.

#### Second half of Day 1:

Managers and supervisors will coordinate the following activities intended to terminate Agency's operations:

- Document the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when the agency's ultimate funding situation is determined.
- Prepare files for permanent storage, transfer to related agencies, or other disposition.
- Coordinate shutdown activities with ITS and NITC.
- Post "Sorry" page on the FSA Internet and Intranet, as scripted and approved by OEA.
- Shutoff access to web applications.
- Verify completion of prior day transmission, mainframe, and web processes.
- Continue to re-plan contract work.
- Contracting Officers and contracting officer technical representatives will continue to contact all impacted contractors and vendors to let them know work is suspended.

#### Day 2 - Day 4:

Only employees who were previously identified as required to perform functions necessary for orderly shutdown of program activities will report for work as needed.

Employees leading, directing and performing work identified as excepted from shutdown procedures on page 4, will continue to work.

Employees will be directed to perform only those activities as enumerated earlier.

As each shutdown function is completed, the Line Officer must notify the Line Officer at the next highest level or, at headquarters, the respective Deputy Administrator, through channels, of completion and identify those employees who were responsible for the task.

Each employee whose shutdown function is completed will be furloughed immediately and formally notified by their supervisor or appropriate Line Officer if the supervisor is not available.

There will be daily communications by the Administrator's Office on the status of the shutdown procedures with the Department contacts previously identified.

- Continue coordination of shutdown activities with ITS and NITC.

- Backup databases.
- Shutdown scheduled jobs – web & mainframe.
- Shutdown data replication jobs to STL & FTC Web farms.
- Complete re-planning of contract work.

Day 5:

Employees leading, directing and performing work identified as excepted will continue to address administrative and shutdown residual duties.

Employees completing shutdown functions, continue tasks as outlined under Day 2 for each succeeding day until the Administrator determines the shutdown is complete.

There will be daily communications by the Administrator's Office on the status of the shutdown procedures with the Department contacts previously identified.

Day 6 – Day 20:

Employees leading, directing and performing work identified as excepted will continue to address administrative and shutdown residual duties.

Employees performing those functions will generally continue to be governed by the normal pay, leave, and other civil service rules.

There will be daily communications by the Administrator's Office on the status of the furlough with the Department contacts previously identified.



# Farm Service Agency Start Up Operations Plan

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## Purpose

This document establishes a plan of action to execute an orderly start-up of FSA operations following the approval of fiscal year funding following a government shutdown. This plan will be enacted through a notification to all employees from the Farm Service Agency (FSA) Associate Administrator for Operations at the direction of the Administrator, FSA.

## Scope

The functions and activities described herein are to be executed in accordance with all applicable statutes, regulations, policies, and delegations of authority.

## High-Level Summary

- The FSA Shutdown Plan instructed employees to monitor the status of the government shutdown and agency operations via the Office of Personnel Management (OPM) website ([www.opm.gov](http://www.opm.gov)) and news sources.
- Unless it is a regularly scheduled non-duty day or an employee is on approved leave or leave without pay under the Family and Medical Leave Act (FMLA), employees are expected to return to work the next work day following the President signing a bill funding the agency. Any delay in reporting for duty requires a request for leave that must be approved by the supervisor.
- An orderly start-up of agency operations is expected to take place as expeditiously as possible, so that service to customers can resume quickly.

## Initial Communications Timeline

FSA has prepared for an agency start-up following an approval of FY 2018 funding. In order to keep the agency informed during this start-up process the following communications will occur (note: Day 1 is the first full day of operations upon restoration of funding):

- Following approval of FY 2018 funding: Federal employees receive notification either from the OPM website or the news media that they should report for work on the next work day. FSA will initiate calling tree to notify employees also.
- Following approval of FY 2018 funding: *The Deputy Administrator for Management, on behalf of Senior FSA Leadership, will conduct a Labor-Management Teleconference to provide advance notice to union leadership from locals, regarding the operational status of the agency.*

- Day 1: 8:30 am EST – Meeting of the Executive Leadership Council (ELC) to initiate the Start-Up of FSA Operations Plan
- Day 1: 1:00 – 3:00 pm EST – ELC, State Executive Directors’ and Staff Teleconference – Administrator will review the start-up plan with senior agency leaders and provide any guidance from the Department. Associate Administrator, Deputy Administrator for Management, Chief Financial Officer, and Chief Information Officer will review the start-up plan, focusing on specific guidance for human resources, contracting, budget and finance, information technology (IT), payments, programs, and provide any guidance from the Department.
- Day 2: 9:00 am EST – Meeting of the ELC to continue implementation of the Start-Up of FSA Operations Plan\_
- Day 2: 1:00 pm EST – State Executive Directors’ Teleconference - Administrator and senior managers will review the start-up plan, focusing on specific guidance for payments and budgets, and provide any guidance from the Department.
- Day 3: 1:00 pm EST – State Executive Directors’ Teleconference –Administrator will check status of operations start-up, gather information on major issues and needs related to start-up and post-shutdown activities, and provide any additional guidance.
- Other Communications:
  - Letter to partners from the Administrator (nationally) and State Executive Directors (state-wide) (see Template in Appendix B). Use egov system.
  - Press releases for local media.

## **General Start-Up Procedures**

All employees are responsible for taking necessary actions to restore the agency to a fully operational status. Key items to address include, but are not limited to:

- Turn off the out-of-office message for your Outlook email.
- Reset your voice mail message.
- Remove all signage indicating the office was closed because of the funding lapse.
- Restart computers and other IT devices according to guidance outlined in the Information Technology section of this plan.
- Resume use of transit benefits, if available where you work.
- Resume use of government-issued mobile devices, including cell and smart phones, tablets, and/or laptops for approved purposes.
- Resume use of government purchase, fleet and travel cards for appropriate government use.

## Information Technology

The FSA Administrator Information Officer (CIO) is responsible for ensuring that Information Technology (IT) Systems are available and operating with a high level of confidence to perform agency business operations across the enterprises. Upon restoration of funding for the agency:

- FSA CIO will restore all FSA production IT systems, business tools, and websites to their last known state in order to conduct official FSA business.
- FSA CIO will coordinate with USDA-OCIO-ITS and NITC to ensure all interdependent and enterprise IT systems are online and available.
- Employees should retrieve all IT equipment (laptops, Blackberry, iPhone, iPads, etc.) from their secured location in order to conduct official FSA business.
- Employees will restart their computers and other IT devices to ensure all memory, temporary files, and caches are cleaned, giving the computer a fresh start.
- Reset any expired passwords, and ensure that any associated equipment (e.g., smart phone, notebooks, iPad) is also updated.
- Employees should connect computers and laptops to the IT network to ensure all systems are updated with the appropriate security patches and system updates. As a result of IT systems being offline for several days this process may take up several hours to complete. Do not turn off computers while the updates are in progress.
- FSA CIO will work with USDA-OCIO-ITS to ensure technical issues submitted to the IT helpdesk are addressed completely and in a timely manner.
- FSA CIO will provide ongoing monitoring to ensure availability and proper functionality of IT systems throughout the start-up and recovery process.
- FSA CIO will provide Business Application help desk support for FSA IT systems that support official business. All other user technical issues should be submitted to the appropriate Tier 1 ITS Help Desk. Tier 1 IT helpdesk contact information is provided below:
  1. FSA National Help Desk Number:
    - 1-800-255-2434
  2. OCIO-CTS Tier I - Help Desk
    - 1-877-873-0783

## Human Resources

The Director, Human Resources Management Division is responsible for ensuring that all Human Resources (HR) services and guidance is provided to FSA employees, including HR Specialists in order to return to operations after a government shutdown due to a lapse in appropriations. The following attachments includes Human Resources Guidance (Appendix C),

Frequently Asked Questions (FAQs)(Appendix D), and Case File Note (Appendix E). In addition, the Start-Up Customer Service Team referred to previously is available to provide additional assistance.

- **Return to Duty After Shutdown**
  - Generally, employees are expected to return to work the next business day or scheduled work day following the approval of a budget or a continuing resolution.
  - If an employee received unemployment compensation and is paid retroactively for time during furlough the employee will be required to repay the unemployment compensation. For further guidance please visit <https://www.nfc.usda.gov/>
- **Time and Attendance**
  - Timekeepers must follow up with supervisors and employees to determine if corrected timesheets need to be prepared for pay periods affected by the furlough.
- **Guidance for HR Staffing Specialist and Assistants**
  - Proceed to process outstanding personnel actions.
  - Review expiration dates of certificates of eligible applicants and document the case file with the “Note to Case File” provided in Appendix E of this document.
  - If a vacancy announcement closed during the furlough, please work quickly to rate, rank, and notify applicants of their eligibility.
  - Issue certificates of eligible applicants to the hiring managers, when appropriate.
  - For case files that were affected by the furlough, please be sure to add the “Note to Case File” document, Appendix E for future auditing purpose.
- **Performance Management**
  - If the government shutdown occurs in conjunction with the beginning of the fiscal year, the Department has agreed to provide USDA Agencies an extension on rating performance as well as for issuing new performance plans. Once the extension dates are received from the Department, all FSA employees and supervisors will be notified.

## **Travel**

The CFO is responsible for providing coordinated guidance to authorized agency travelers on issues that may have arisen because of the shutdown and furlough.

- Travelers should complete any outstanding travel vouchers immediately after FSA has confirmed the operational status of all associated IT systems.
- The FSA CFO is working with the Department’s Office of the Chief Financial Officer to determine policy regarding timely payment of travel card balances since FSA employees did not have access to the travel system during the government shutdown. Once the

Department makes its determination, the FSA CFO will communicate the Department's policy and guidance via DAFO conference call.

## **Contracts, Agreements, and Asset Management**

The Director, Acquisition Management Division is responsible for managing the resumption of functions related to acquisitions and procurements; contracts and agreements. The expectation is that these activities will resume within two (2) working days following agency start-up.

- **Contracts and Agreements Guidance:**
  - Contracts and Agreements under FSA authority, and requiring FSA support, oversight, assistance, will resume as determined by the appropriate Contracting Officer and Agreements signatory officials.
  - Contracting Officers will issue resume work orders (modifications) for those contracts that were suspended/stopped during the furlough.
  - Interagency and other agreements will resume under the existing terms of the agreement.

The Director, Management Services Division is responsible for managing the resumption of functions related to asset management (i.e., real and personal property). The expectation is that these activities will resume within two (2) working days following agency start-up.

- **Asset Management Guidance:**
  - Personal property (vehicles, survey equipment, copiers, etc.) owned or leased by FSA will be made safe, ready, and available for use by authorized Federal and non-Federal personnel. The use of vehicles by non-Federal partners or other agency personnel may resume according to the terms of existing agreements.
  - Real property (buildings/office space) owned or leased by FSA will be made safe and available for use by authorized Federal and non-Federal personnel, and reopened to the public as appropriate.

## **Financial Management**

The Chief Financial Officer (CFO) is responsible for ensuring that funding for agency operations is made available in a timely manner, and for ensuring that agency financial operations are properly resumed. If the government shutdown is in conjunction with the change of fiscal year, these actions will include year-end close-out and completion of the financial audit.

- Financial System Accessibility:
  - The FMFI system is managed by the Department's Office of the Chief Financial Officer. It is anticipated that FMFI will be made available to all USDA agencies within the first business day after operations resume. The interface between FMFI and agency IT systems will be evaluated to ensure that it is functioning properly.
- Posting Obligations:
  - If the government shutdown is in conjunction with the change of fiscal year, valid and signed obligations that were not entered into FMFI prior to the close of operations on September 30<sup>th</sup> cannot be entered directly by FSA personnel. FSA CFO will coordinate with NFC to have these obligations posted in FMFI.
  - The Office of Budget and Finance will issue instructions within 48 hours after operations resume on how and by whom prior-year obligation information will be collected for entry by NFC.
  - Year-end guidelines for adjustments in period 13 are still valid and should be followed if needed.
- Financial Audit (applicable only if the government shutdown is in conjunction with the change of fiscal year):
  - FSA CFO will work with the Auditors and the Office of Inspector General, which oversees the Departmental Financial Statement Audits, to assess how to bring the financial audit to closure.
  - Any outstanding audit samples should be completed and returned to Quality Assurance as soon as possible, following previously established procedures.
  - Once final plans have been developed, FSA CFO will communicate those plans via staff meetings or DAFO Conference call.
- Program funding:
  - The Budget Director will review the terms and conditions of the OMB-approved apportionment and load authority into the appropriate systems (most CCC and FSA program are managed through FSA systems, not FMFI).
  - Mandatory funding will be made available based on terms and conditions of the appropriations language and OMB's automatic apportionment, as applicable.

## **Farm Bill Programs**

A Government shutdown puts a number of program activities on hold. To ensure a consistent and orderly return to program operations:

- The FSA CIO, CFO, and Deputy Administrator for Farm Programs and Farm Loan Programs will coordinate regarding the resumption of agency program systems to ensure that they are interfacing and functioning properly. States will be notified as soon as testing is complete and the systems are available for use.



- Field offices will be notified by ITSD when program activities may resume in systems.
- States should provide guidance to county offices on prioritizing back log activities such as processing farm loan and commodity loan applications and repayments delayed because of the shutdown. Additional program guidance will be made available.

## Appendix A: Template Letters

### Letter to Customers

There is now an enacted [Fiscal Year (FY) 2018 continuing resolution] that provides funding for the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA). We are in the process of an orderly start-up of farm program and farm loan activities for FY 2018. Thank you for your patience and support during the period that our services were unavailable.

We realize that the temporary lapse in service has created a backlog in requests and service delivery needs. While this backlog was not created overnight and will not be addressed overnight, we are committed to a proactive and customer-focused approach to prioritize activities so that we can provide the service you expect and deserve as quickly as possible. Please contact your local FSA office if you have any questions or need additional information.

Thank you again for your patience during this period.

Sincerely,

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State Executive Director

## Letter to Partners

There is now an enacted [Fiscal Year (FY) 2018 continuing resolution] that provides funding for the U.S. Department of Agriculture (USDA), Farm Service Agency (FSA). We are now beginning an orderly start-up of our farm program and farm loan activities for FY 2018. Thank you for your patience and support during the period that our facilities, equipment, and services were unavailable.

I know that the funding lapse produced difficulties and challenges for many of you and your organizations, from closing offices and facilities and shutting down access to equipment and information to delaying payments and creating a backlog in customer requests and service delivery needs. We will be taking a proactive and customer-focused approach to prioritize activities so that we can get back to normal operations as quickly as possible. As agricultural partners, we will be working closely with you to achieve this goal.

Thank you again for all you do for agriculture and the Nation. I look forward to a productive year, made possible through our strong partnership.

Sincerely,

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State Executive Director

## Appendix B: Human Resources Guidance

### Appeals

Federal employees have the right to appeal a shutdown furlough to the Merit Systems Protection Board (MSPB) within 30 calendar days after the effective date of the furlough.

- **Appeal Rights**
  - Employees who have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the MSPB. Employees in the excepted service who have veterans preference may appeal to MSPB if they have completed one year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to MSPB if they have completed two years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two years or less.
  - Career SES appointees (except reemployed annuitants) who believe the requirements of Title 5, Code of Federal Regulations, Part 359, Subpart H, have not been correctly applied may also appeal to MSPB.
- **Appeal Process**
  - If you have the right of appeal to MSPB, and wish to appeal this action, you must file the appeal within 30 calendar days after the effective date of your furlough. If you wish to file an appeal, you may obtain information about the appeals process and a copy of the appeals form from the MSPB website at <http://www.mspb.gov/appeals/appeals.htm>. MSPB requires an appeal to be filed with the MSPB regional or field office serving the area where your duty station was located when the action was taken. MSPB also offers the option of electronic filing at <https://e-appeal.mspb.gov/>. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing.
- **Bargaining Unit Employees**
  - Bargaining unit employees may grieve this action in accordance with their applicable negotiated agreement or may appeal to MSPB in accordance with the procedures outlined above, but not both.

## Benefits

- **Federal Employee Health Benefits (FEHB) Program**

- FSA employee's FEHB coverage will continue even if an agency does not make the premium payments on time. Since the employee will be in a non-pay status, the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status. The government contribution continues while employees are in nonpay status
- FSA employees in a non-pay status due to a lapse of appropriations (shutdown furlough) will not have the opportunity to terminate or cancel FEHB coverage. The employee will remain covered; the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.
- New enrollments or changes in enrollment due to a Qualifying Life Event do not take effect until the employee has been back in pay status for any part of the prior pay period.

- **Federal Employees' Group Life Insurance (FEGLI) Program**

- Coverage continues for 12 consecutive months in a nonpay status without cost to the employee or to the agency. Neither the employee nor the agency incurs a debt during this period of nonpay.

- **Flexible Spending Account (FSAFEDS) Coverage**

- Payroll deductions will cease for any employee that does not receive pay. The employee remains enrolled in FSAFEDS, but eligible health care claims incurred during a non-pay status will not be reimbursed until the employee returns to a pay status and allotments are successfully restarted. The remaining allotments are recalculated over the remaining pay periods to match the participant's election amount.
- Eligible dependent care expenses incurred during a non-pay status may be reimbursed up to whatever balance is in the employee's dependent care account—as long as the expense incurred during the non-pay status allows the employee (or spouse if married) to work, look for work or attend school full-time.

- **Federal Long Term Care (FLTCIP) Program**

- Payroll deductions will cease for any employee that does not receive pay. Coverage will continue so long as premiums are paid. If Long Term Care Partners do not receive payment for three consecutive pay periods, they will begin to direct bill the enrollee. The enrollee should pay premiums directly billed to him/her on a timely basis to ensure continuation of coverage.

- **Federal Dental and Vision (FEDVIP) Program**
  - Payroll deductions will cease for any employee that does not receive pay. BENEFEDS will generate a bill to enrollees for premiums when no payment is received for two consecutive pay periods.
- **Thrift Savings Plan (TSP) (contributions, investments, and loan)**
  - Please see attached for details related to TSP accounts while in nonpay status. Also, FSA employees should refer to the TSP website for more detailed information. Be sure to have your account number or log-in ID and password when accessing your TSP Account on the TSP website. <https://www.tsp.gov/index.shtml>
- **Processing Disability Benefits**
  - Disability, reconsideration, and appeals employees at OPM will continue working on your case. If the application requires additional information from other agencies, expect delays during a government furlough.
- **Processing Court Ordered Benefits**
  - OPM employees will continue working to process court ordered benefits. If the application requires additional information from other agencies, delays may occur during a government furlough.
- **High-3 Average Salary**
  - Generally there will be no effect on the high-3 average salary unless the furlough causes the employee to be in a nonpay status for more than 6 months during the calendar year.

## **Details**

The supervisor of record will be responsible for communicating all start-up guidance to employees on detail, including when he/she will return her his/her detail assignment.

## **Employee Assistance Program (EAP)**

*The Employee Assistance Program* can be helpful in providing confidential counseling and coaching has experienced, licensed counselors ready to assist all FSA employees and FSA family members, 24 hours a day/7 days a week at 1-800-222-0364, TTY, 1-888-262-7848. The EAP is a free, confidential counseling service that can assist in helping cope with stressful and challenging situations. EAP offers assistance and guidance on many life and wellness items including health, financial assistance, managing stress. Employees may access EAP information at [www.foh4you.com](http://www.foh4you.com).

## **Intergovernmental Personnel Act (IPA)**

The specific authority for furloughing personnel who are working under mobility agreements pursuant to the Intergovernmental Personnel Act (IPA), either inside the FSA or with other organizations, will depend upon the nature of individual agreements, the status of the appointments, and/or the funding arrangements for the assignments.

## **Retirement**

If an FSA employee would have retired during the furlough, and submitted notice of their desired retirement date prior to the furlough, HR Specialist should, when the lapse in appropriations ends, make the retirement effective as of the date requested. The retirement request may be informal (such as a letter requesting retirement), and can be either mailed or personally submitted. Any additional required paper work, such as the formal retirement application form, may be completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of FSA.

## **Return to Duty After Shutdown**

- Generally, employees are expected to return to work the next business day or scheduled work day following the approval of a budget or a continuing resolution.
- However, guidance concerning when furloughed employees should come back to work at the conclusion of the shutdown has to be tailored to the employee's specific situation. FSA will apply a rule of reason in requiring employees to return to work as soon as possible, taking into account the disruption to the lives and routines of furloughed employees that a shutdown has caused.

## **Time and Attendance**

Employees will be paid for hours work prior to the furlough, if it takes place in the same pay period. However, employees that are considered "excepted or ad hoc/call-in excepted" will not be paid for the hours worked during the furlough status until after Congress passes and the President signs a new appropriation or continuing resolution.

Congress will determine whether furloughed employees receive pay for the furlough period. All employees will be notified once this decision is made.

## **Transit Subsidy Program**

All employees will have received their monthly allowance for transit subsidy when government operations resume. Only excepted employees were authorized to utilize the allowance while in furlough status.

## Appendix C: Frequently Asked Questions (FAQs)

### General

**1. When am I expected to report for duty after the shutdown furlough ends?**

The expectation is for employees to report for duty on the next business day. Employees that cannot be contacted through normal notification processes are nevertheless expected to report timely as they were instructed to monitor OPM's website and media outlets in the FSA shutdown plan.

**2. Will a furlough personnel action "look bad" in my Official Personnel Folder?**

No. A furlough is recognized as a temporary, nonpay status brought about by lack of funds. This action does not negatively reflect upon your individual performance or conduct. In the event that the federal workforce receives back pay for the furlough, FSA is awaiting guidance whether a personnel action will be processed to document the furlough action.

**3. How will employees know when appropriations are passed ending the furlough, so they are to return to duty?**

Employees should monitor the news on television, radio, and/or OPM's website <https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/current-status/>. Employees should monitor the same communications media that they would follow on the government's operating status for inclement weather.

### Pay

**1. When will excepted employees be paid for work performed during a shutdown furlough?**

Those employees will be paid after Congress passes and the President signs a new appropriation or continuing resolution.

**2. Are employees entitled to unemployment compensation if they also receive back pay for furlough days?**

If you receive unemployment compensation and are subsequently paid retroactively for furlough time, any unemployment compensation received must be repaid.

**3. When an employee's pay is insufficient to permit all deductions to be made, what is the order precedence for withholdings?**



This Order of Precedence for federal civilian employees applies **only** when gross pay is not sufficient to permit all deductions; it will be used to determine the order in which authorized deductions from an employee's pay will be processed. More detailed information can be found at: OPM Letter OPM-2008-01, "Order of Precedence When Gross Pay Is Not Sufficient to Permit All Deductions.

1. Retirement
2. Social Security (OASDI) Tax
3. Medicare Tax
4. Federal Income Tax
5. Basic Health Insurance Premium
6. Basic Life Insurance Premium
7. State Income Tax
8. Local Income Tax
9. Collection of Debts Owed to the U.S. Government
  - a) Continuous Levy under the Federal Payment Levy Program (tax debt)
  - b) Salary Offsets
10. Court-Ordered Collection/Debt
  - a) Child Support
  - b) Alimony
  - c) Bankruptcy
  - d) Commercial Garnishments
11. Optional Benefits
  - a) Health Care/Limited-Expense Health Care Flexible Spending Accounts
  - b) Dental
  - c) Vision
  - d) Health Savings Account
  - e) Optional Life Insurance Premiums
  - f) Long-Term Care Insurance Premiums
  - g) Dependent-Care Flexible Spending Accounts
  - h) Thrift Savings Plan (TSP)
    1. Loan Payments
    2. Basic Contributions
    3. Catch-up Contributions
  - i) Other Optional Benefits
12. Other Voluntary Deductions/Allotments
  - a) Military Service Deposits
  - b) Professional Associations
  - c) Union Dues
  - d) Charities
  - e) Bonds

- f) Personal Account Allotments
  - g) Additional Voluntary Deductions
13. IRS Paper Levies

**4. May an excepted employee be permitted to earn premium pay (e.g., Sunday premium pay, night pay, availability pay) during the furlough period?**

Yes. Excepted employees who meet the conditions for overtime pay, Sunday premium pay, night pay, availability pay and other premium payments will be entitled to payment in accordance with applicable rules, subject to any relevant payment limitations. Premium pay may be earned but cannot be paid until Congress passes and the President signs a new appropriation or continuing resolution.

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## **Benefits**

### **1. To what extent does nonpay status affect civil service benefits and programs?**

Nonpay status (furlough) is credited as follows:

- **Federal Employee Health Benefits (FEHB)**  
Enrollment continues for no more than 365 days in a nonpay status. The nonpay status may be continuous or broken by period of less than four consecutive months in a pay status [(5 CFR 890.303(e)]. The government contribution continues while employees are in a nonpay status. The employee will incur a debt for their premium and will be required to pay it upon return to duty. Visit <http://www.opm.gov/insure> for more information.
- **Federal Employee Dental and Vision Insurance Plan (FEDVIP)**  
Deductions cease when in the employee is placed in a non-pay status and there are insufficient funds to cover the premium(s). In order for employees to continue FEDVIP coverage, the employee must make payments while in a non-pay status. Visit the FEDVIP website, <http://www.benefeds.com>, for more information.
- **Flexible Spending Account (FSA)**  
Deductions will cease for periods of non-pay status where there is insufficient funds to cover the Flexible Spending Account (FSA) premium(s). If the employee is in a non-pay status and has not pre-paid the FSA allotment, their FSA account will be frozen and the employee will not be eligible for reimbursement of any health care expenses incurred during that period until he/she returns to a pay status and allotments are successfully restarted. However, if the employee has a Dependent Care Flexible Spending Account (DCFSA), dependent care expenses incurred during the period in a non-pay status which meet IRS guidelines for eligible expenses (i.e., the employee must incur the expenses in order to allow the employee and his/her spouse to work or attend school) may be reimbursed up to the FSA account balance. When the employee returns to a pay status, allotments will be recalculated based on the number of pay dates remaining in the Benefit Period. Visit the website, [www.fsafeds.com](http://www.fsafeds.com) for more information.
- **Federal Employees Group Life Insurance (FEGLI)**  
Coverage continues for 12 consecutive months in a nonpay status without cost to the employees (5 CFR 870.401(c)) or to the agency (5 CFR 870.401(d)). The nonpay status may be continuous or it may be broken by a return to duty for periods of less than four consecutive months. Visit <http://www.opm.gov/insure> for more information.
- **Federal Long Term Care Insurance Program (FLTCIP)**  
FLTCIP Partners are working with the Office of Personnel Management

(OPM) to put a process in place to handle premium collection. However, this is a unique situation and no hard decisions have been made. Once a process has been put in place information will be available at: [www.LTCFEDS.com](http://www.LTCFEDS.com)

- **Within-Grade Increases**

Within-grade and step increases for General Schedule (GS) or CO and Federal Wage System employees are awarded on the basis of length of service and individual performance. Such increases may not be denied or delayed solely because of lack of funds. However, extended periods of nonpay status (e.g., because of a furlough for lack of funds) may affect the timing of such increases. For example, a GS/CO employee in steps 1, 2, or 3 of the grade who is furloughed an aggregate of more than 2 workweeks during the waiting period would have his or her within-grade increase delayed by at least a full pay period. [See 5 CFR 531.406(b)]

- **Retirement**

An aggregate nonpay status of six months in any calendar year is creditable service. Coverage continues at no cost to the employees while in a nonpay status. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay (5 U.S.C. 8332 and 8411). The exception would be an employee who had substantial time in a nonpay status earlier in the year if the furlough causes him or her to have more than six months' time in a nonpay status during the calendar year.

- **Thrift Savings Plan (TSP)**

While you are in a nonpay status you will not be able to contribute to the TSP because employee contributions must be made through payroll deductions. FERS employees will not receive agency matching contributions (which are based on your employee contributions). FERS employees will not receive Agency Automatic (1%) Contributions, which are calculated on basic pay earned each pay period. All employees can continue to manage their TSP account with interfund transfers. You can also make contribution allocation changes that will take effect when you are once again in pay status, or when you make future loan payments to your account. You can transfer or roll over funds into you TSP account from traditional IRAs, SIMPLE IRAs, and eligible employer plans. You can request financial hardship or age-based service withdrawals if you are eligible. You are not eligible to request a new TSP loan. If you already have a TSP loan when you are placed in a non-pay status, a period without pay may result in a missed payment because TSP loan payments are made through payroll deductions (unless you make payments directly from your own funds). If you go into an approved nonpay status, the Internal Revenue Code (IRC) allows you to suspend TSP loan payment for up to one year of the nonpay period. A suspension of loan payments is not automatic. To

suspend your payments, you (or your agency or service) **must** provide the TSP with proper documentation of your nonpay status. For more information, refer to the TSP Website.

- **Career Tenure**  
The first 30 calendar days of each nonpay period are creditable service.
- **Probationary Period**  
An aggregate of 22 workdays in a nonpay status is creditable service.
- **Qualification Standards:**  
There is no requirement to extend qualifying periods by the amount of nonpay status. However, agencies may require such extensions in order to meet training requirements or ability to perform.
- **Time-In-Grade Requirements**  
Nonpay status is creditable service
- **Military Duty or Workers' Compensation**  
Nonpay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.

**2. If employees are receiving Continuation of Pay (COP) due to job-related injuries, can the COP be terminated or interrupted by furlough?**

No. According to the Department of Labor, employees would remain on COP status during periods of furlough.

**Leave**

**1. If an employee is on leave under the Family and Medical Leave Act of 1993 (FMLA) during the furlough, does the leave count toward the 12-week entitlement to FMLA leave?**

An employee who is on approved Leave without Pay (LWOP) under the FMLA on days that coincide with the period of furlough will continue to be charged LWOP. Consistent with law and regulations, the LWOP taken under FMLA is part of the 12-week entitlement. However, an employee who was scheduled during the furlough to take paid leave under FMLA (i.e., an employee chooses to substitute annual leave or sick leave, as appropriate, for unpaid leave under FMLA) must be placed on furlough instead. Because the paid leave was cancelled, the period of absence may not be used to reduce the 12-week entitlement to FMLA leave.

**2. May employees be furloughed on a holiday?**

Employees may be furloughed for periods of time that include holidays. However, the selection of the furlough period in question should be justified on programmatic and administrative grounds that are unrelated to the fact that the period includes a holiday. For example, an agency may not properly furlough employees for a 3-day period, the middle of which is a holiday, for the sole purpose of saving 3 days' pay while losing only 2 days of work (Comptroller General Opinion B-224619, August 17, 1987). Neither would it be proper to furlough an employee solely on a holiday (Comptroller General Opinion B- 222836, May 8, 1986).

**3. If employees are furloughed on the last workday before a holiday *or* the first workday after a holiday (but not on both days), will they be paid for the holiday?**

Yes. The general rule is that an employee is entitled to pay for a holiday so long as he or she is in a pay status on either the workday preceding a holiday or the workday following a holiday. The employee is paid for the holiday based on the presumption that, but for the holiday, the employee would have worked.

**4. If employees are furloughed on the last workday before a holiday *and* the first workday after a holiday, will they be paid for the holiday?**

No. If a furlough includes both the last workday before the holiday and the first workday after the holiday, the employee is not entitled to pay for the holiday because there is no longer a presumption that, but for the holiday, the employee would have worked on that day (Comptroller General Opinion B-224619, August 17, 1987).

**5. Can excepted employees be required to perform work on a holiday that occurs during a furlough?**

Yes. Each agency is responsible for determining which excepted activities must be performed on a holiday in order to carry out functions related to national security, protection of life or property, or the orderly suspension of agency operations. If an excepted employee refuses to report for work on a holiday after being ordered to do so, he or she can be considered absent without approved leave (AWOL), which may result in a proposal for disciplinary action.

**6. What pay entitlements will accrue to an excepted employee who performs work on a holiday?**

The federal government will be obligated to pay an excepted employee who performs work on a holiday according to the normal rules governing pay for work on a holiday. Under these rules, an excepted employee would receive his or her rate of basic pay, plus

holiday premium pay at a rate equal to the employee's rate of basic pay. In addition, if such an employee performs officially ordered or approved overtime work on a holiday (i.e., work in excess of his or her basic non-overtime work requirement for that day), the employee would receive overtime pay (or compensatory time off) for that work. Of course, an employee cannot be paid for working on a holiday until an appropriation or a continuing resolution is enacted.

- 7. If an employee has properly scheduled “use-or-lose” annual leave before the start of the third biweekly pay period prior to the end of the leave year, 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” that would permit an agency to restore the leave after the beginning of the new leave year?**

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 his or her leave because of an exigency of the public business—namely, the need to furlough employees because of the lapse in appropriations.

- 8. If an employee has 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 canceled and lost due to lapse of appropriations, may the employing agency restore that leave again?**

Unfortunately, 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. In fact, the Comptroller General has determined that unused restored annual leave may not be restored after expiration of the 2-year period. (See B-188993, December 12, 1977.)

- 9. How does a shutdown furlough impact a separating employee’s lump-sum payment for their unused annual leave?**

Any payments incurred by the agency for an employee’s lump-sum leave will be delayed until funds are available after the shutdown.

## **Time and Attendance**

- 1. How is a furlough recorded on the Time and Attendance sheet?**

In WebTA, select “furlough” from the drop down “leave” menu, and code your timesheet accordingly.

**2. How should an agency determine the number of furlough hours for alternative work schedule (AWS) employees during a shutdown furlough? Can an employee reschedule a non-workday that occurred during the furlough?**

**A.** Employees are furloughed based on the number of hours they are scheduled to work on the days for which there is a shutdown furlough. Each agency that has an AWS program should have a policy specifying how flexible and compressed work schedules must be established and when they may be changed. Normally, such schedules are established in advance of the pay period involved. Under such a policy, an AWS non-workday scheduled to occur during a shutdown furlough should not be changed after the pay period begins.

**3. If a continuing resolution is passed requiring employees to report for duty that day, how do I record my time?**

**A:** Unless it is your regularly scheduled non-duty day, you are expected to report for duty as soon as is practical after receiving notice that the agency is open for business. The time between the announcement and your reporting for duty that day should be coded as administrative leave. Any delay in reporting for duty requires a request for leave that must be approved by your supervisor on the day of the announcement.

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## **Travel**

- 1. What impact does a funding lapse on an employee who is in temporary quarters due to an approved relocation?**

The relocation agreement between the employer and the employee is considered a contract, and therefore, at the time that the contract is executed, the funds are considered obligated. Additionally, the employee's new duty station is considered their duty station of record, and as such could not "return" to anywhere.

- 2. What happens if the time allocated for temporary quarters has expired and the employee needs an extension?**

Any request for extension of temporary quarters should have been requested and approved in advance of the lapse in appropriations. No additional funds may be obligated during a lapse in appropriations and, without an approval for an extension, the employee may be in jeopardy of not being reimbursed for those expenses.

- 3. During and following a shutdown furlough, am I responsible for paying my government travel charge card in a timely manner?**

Yes. Departmental Regulation 4070-735-001, "Employee Responsibilities and Conduct," states employees are responsible for "timely payment of claims," to include their government-issued credit cards. The FSA CFO organization is working with the Department's Office of the Chief Financial Officer (CFO) to determine the Department's policy regarding timely payment of travel card balances due to FSA staff not having access to the travel system during the government shutdown. Once the Department makes its determination, the FSA CFO organization will communicate the Department's policy and guidance via a Financial Management (FM) Communication and during an FM Conference call. You may also wish to consult the U.S. Bank government credit card website at <https://www.usbank.com/index.html>.

## **Retirement**

- 1. What will happen to employees who would have retired while their agencies were shut down?**

For employees who, on or before the requested retirement date, submitted some notice of their desire to retire, agencies should, when the lapse in appropriations ends, make the retirement effective as of the date requested. The retirement request may have been informal (such as a letter requesting retirement), and either mailed or personally submitted to the agency. Any additional required paperwork, such as the formal retirement application, may be completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of the agency.

**2. I applied for disability benefits. Will my application still be processed?**

Disability, reconsideration, and appeals employees at OPM will continue working on your case. If the application requires additional information from other agencies, expect delays until after the government furlough is over.

**Performance Management**

**1. Should a lapse in appropriations occur at the end of a performance year, will performance appraisals and new performance plans still be due on the original timeline?**

The Department's Office of Human Resources Management (OHRM) has assured FSA that OHRM will adjust the deadlines as appropriate and necessary following after the shutdown.

**Thrift Savings Plan**

**1. Does a federal government shutdown affect the TSP?**

Neither the TSP nor the Federal Retirement Thrift Investment Board receives annual appropriations from the Congress. Since the TSP is not dependent on Congressional appropriations, a government shutdown would not affect the TSP; the TSP would continue to operate "business as usual."

**2. Will my TSP investments be affected? What about disbursements?**

Investment activity will continue. Share prices and account balances will continue to be updated each business day, and loans and withdrawals will continue to be disbursed.

**3. What happens to my contributions?**

Because you are not paid during a furlough, your TSP contributions will stop, and, if you are a FERS employee, you will not receive agency contributions during this time.

**4. Can I take a TSP loan while I'm furloughed?**

Yes. By law, a TSP participant may take a TSP loan any time before separation. The TSP has adopted an administrative rule that provides that TSP participants must be in a pay status in order to take a TSP loan. The TSP adopted this rule because it generally requires TSP participants to agree to repay their loans through payroll deduction. The first payment is due on or before the 60th day following the loan issue date.

Because shutdowns are rare occurrences and are typically of short duration, the TSP's Executive Director has determined that it is in the best interest of TSP participants to

interpret the requirement that participants be in a pay status to mean that a break in pay due to a government shutdown does not disqualify one from TSP loan eligibility. A short-term break in pay status would still allow participants to commence payment by payroll deduction within the required 60 days of the loan issue date. If a shutdown were to extend beyond 60 days, participants would still be responsible for making loan payments.

**5. What happens to my loan payments while I am furloughed?**

If you have an outstanding loan and you are furloughed, your loan payments will stop because they are deducted from your pay.

Loans are not considered in default until the participant has missed more than 2-1/2 payments. If you miss a loan payment (or two) as a result of the furlough, you always have the option to make direct payments to the TSP using the Loan Payment Coupon available in the Forms & Publications section on the TSP website at <http://www.tsp.gov>. Otherwise, your loan term will be extended or, if you have requested the maximum loan term, you may have a balloon payment at the end of the loan term. If you miss more than 2-1/2 payments, the TSP will notify you by mail that you must mail in a personal check for the "cure" amount to get your loan back on track.

**6. Does my agency have to send in a Form TSP-41 notifying the TSP that I have been furloughed?**

Your agency should not send a Form TSP-41 to the TSP during a federal government shutdown. A shutdown is a rare occurrence and is typically of short duration. The Form TSP-41 is intended for participants who are being placed on extended leave without pay, e.g., due to illness, military furlough, maternity leave, etc.

It is not practical for the agencies to complete and submit Forms TSP-41 for all of their furloughed employees who have TSP loans (both at the beginning of the furlough and at the end), and it is not practical for the TSP to process these forms.

**7. Can the government take money from the TSP to resolve the financial situation?**

No, the money in the TSP is held in trust for its participants. Neither Congress nor the Administration can take money from your TSP account.

*Further information regarding the impact of a federal government shutdown on your Thrift Savings Plan account is available at [www.tsp.gov](http://www.tsp.gov) under the heading "shutdown"*

**Time-Limited and Term Appointments**

**1. What happens to time limited appointments that expired during a furlough?**

Furloughs do not extend the time limits for temporary and term appointments. The appointment should have been extended prior to the furlough or the individual may be reappointed after the furlough.

**2. Q: Does a shutdown furlough extend an employee's probationary period?**

No, unless the furlough extends beyond an aggregate of 22 workdays, or the employee has an aggregate of more than 22 workdays of furlough time as well as other nonpay status time. Otherwise, the 22 workdays of nonpay time counts as creditable service.

**Appeals**

**1. If an employee decides to challenge a shutdown furlough, from what point would the time for appeal to the Merit Systems Protection Board run?**

Employees must file an appeal within 30 days after the effective date of their first furlough day, or 30 days after the date of their receipt of the decision notice whichever is later.

**2. As a bargaining unit member, can I file a grievance and an appeal on the furlough action?**

A bargaining unit employee has the right to file a grievance under an applicable negotiated grievance procedure or file an appeal with the MSPB. As a furlough is a matter appealable to the MSPB, it is *excluded* from coverage from the USDA's administrative grievance system. If a furlough is covered by an applicable negotiated grievance procedure, a bargaining unit member may elect to file a grievance under that procedure OR an appeal to the MSPB, both not both.

## **Appendix D: Case File Note**

(see next page)

## NOTE TO FILE

Current date: \_\_\_\_\_

Vacancy Announcement Number: \_\_\_\_\_

Announcement Open & Close Dates: \_\_\_\_\_

Position Title: \_\_\_\_\_

Position Series & Grade: \_\_\_\_\_

This case file was delayed due to the (add shutdown date) Federal government shutdown due to the lapse in appropriation. At the time of shutdown, this file was at \_\_\_\_\_ (add current step and status in process) \_\_\_\_\_. All work resumed as soon as possible after start-up operations resumed.

Name of HR Specialist: \_\_\_\_\_

Phone number of HR Specialist: \_\_\_\_\_

Email address of HR Specialist: \_\_\_\_\_