



OPERATIONS AND FURLOUGHS UNDER A GOVERNMENT SHUTDOWN

Frequently Asked Questions (FAQs)

April 07, 2011

Special Note: These FAQs have been prepared as general guidance on common situations found during a Government shutdown due to lapsed appropriations. They are provided to help personnel preparing for a possible shutdown, to assist in understanding the types of activities that can continue during a shutdown, and provide basic information to NASA employees on what a furlough means. Because of the changing, fact-specific nature of what constitutes an “excepted” activity after a shutdown actually starts, each Center’s executive committee will make detailed decisions about the conduct of operations during a shutdown. For personal questions concerning the implications of furlough status, please contact your local HR; however please understand that there may be limited ability to answer everyone’s questions close to a potential shutdown, and a number of detailed questions may need to await resumption of normal operations and Congressional action for full clarification.

TABLE OF CONTENTS

I. EXCEPTED ACTIVITIES IN THE EVENT OF A SHUTDOWN

A. Employees Excepted From Furlough

B. Voluntary Services

C. Unobligated Balances of No-Year and Multiple-Year Funds

D. Funds Authorized under a CR

E. Working Capital Fund (WCF) and Nonappropriated Fund Activities (NAFI)

F. Reimbursable Work

G. Contracts

H. Grants and Cooperative Agreements

I. Payment Activities

J. Training

K. Travel

II. FURLOUGHS UNDER A SHUTDOWN

A. Furlough and Work While on Furlough

B. Notification of a Shutdown and Your Status; Access to Email and Offices

C. Pay and Benefits during a Shutdown

D. Other – Miscellaneous

I. EXCEPTED ACTIVITIES IN THE EVENT OF A SHUTDOWN

The purpose of this section is to assist employees with a basic understanding of operations in the event of a Government shutdown and to set forth NASA-specific procedures. The following questions and answers augment those provided in the Office of Management and Budget's (OMB's) guidance both at its public website, found at http://www.whitehouse.gov/omb/memoranda_default (as of April 7 this only included [M-11-13, 2011 Planning for Agency Operations in the event of a Government Shutdown](#)), and the government-only *Contingency Planning* page on the MAX website, which can be found at: <https://max.omb.gov/community/x/2Z7zIQ>. The MAX site is accessible by all NASA employees, but you will need to be registered (go to <https://max.omb.gov/maxportal/registrationForm.action> if you have not already registered).

A. EMPLOYEES EXCEPTED FROM FURLOUGH

Q1. What are the criteria used to determine which NASA civil servant employees are excepted from a furlough during a Government shutdown?

Answer: The term "*excepted employee*" refers to employees who are excepted from a furlough by law because they are: (1) performing work essential to prevent imminent threats to human life or the protection of property, (2) involved in the orderly suspension of Agency operations, or (3) performing other limited activities exempted from the furlough (see Qs. 12 and 16-18). Aside from brief activity needed the first day for an orderly suspension of operations, for NASA almost all "excepted employees" are those involved in protection of life or property.

Q2. Who makes the decision about which activities or employees are excepted?

Answer: Under NASA's shutdown plan submitted to OMB, Center Directors and their executive committee are responsible for determining the minimum number of persons who may be excepted from a furlough. Specifically, the Center Directors are instructed to narrowly construe the available exceptions and except from the furlough only those employees who contribute directly to activities that are permitted to continue. NASA's plan recognizes that the excepted activities include the following:

- Space Shuttle (subject to the important qualification in Q3 below) and other space launch hardware processing activities which are necessary to prevent harm to life or property;
- Tracking, operation, and support of the International Space Station (ISS) and operating satellites necessary for safety and protection of life and property;
- Completion or phasedown of research activities in cases where serious damage to property would result from temporary suspension of the activity.

Q3. If the ISS and Space Shuttle programs continue so that NASA may continue to protect the life of the ISS crew and the assets, will all employees that support those programs continue to work during a shutdown?

Answer: No. There are two major operations that would require ongoing support in accordance with the definitions of excepted activities identified above. First, NASA currently is operating the ISS with a crew of 6 astronauts/cosmonauts, which has been in continuous operation since 1998. To protect the life of the crew as well as the assets themselves, we would continue to support planned operations of the ISS during any funding hiatus.

Second, if Space Shuttle has commenced countdown (L-4 or later) or is in flight, we will maintain its operations and that for the Launch on Need and any post-flight down processing activities of a hazardous nature to protect life and property. If the Shuttle is not in flight, preparation activities will generally cease, except to keep powered systems to monitor and maintain the safety of the assets. The extent of support necessary and the time needed to safely cease operations will depend on where the Shuttle is in its processing flow (i.e., VAB, Pad, etc.) Moreover, NASA will be closely monitoring the impact of an extended shutdown to determine if Shuttle services are required to mitigate imminent threats to life and property on the ISS or other areas.

Q4. If it would cost more to shut down a project because of schedule delays, etc., than to continue it, can employees continue to work?

Answer: No. Only employees meeting the criteria for excepted activities may continue to work during a funding hiatus.

Q5. How are individuals on Intergovernmental Personnel Act (IPA) assignments affected by the shutdown? What about NASA employees who are detailed to other Federal agencies, or employees of other Federal agencies who are detailed to NASA?

Answer: Whether such individuals may continue to work depends on a number of factors, principally whether the other agency or non-Federal organization is fully funding the assignment, and whether the assignment requires Government support (e.g., facilities, supervision, and accounting services) that would be funded by a lapsed appropriation. Program offices should contact their Center Human Resources Office for guidance pertaining to their specific circumstances. NASA employees who are detailed or serving an IPA assignment and who will be furloughed must be given the same notices as other employees in their Center.

Q6. Do employees who work during a Government shutdown work full time?

Answer: The hours that excepted employees work during a funding hiatus would depend upon the minimum level of essential activities needed to protect life and property, as determined by

NASA management. A full-time employee may be directed to work full time, to work part time, or to be on call during the Government shutdown. During any period when an employee is not scheduled to perform approved excepted activities, he/she will be in a furlough status.

Q7. Can Employees Excepted from Furlough Perform Non-excepted Work at NASA?

Answer: Generally, no. If an excepted activity can be performed in less than an entire day, the employee performing it is required to resume furlough status after completing the function. However, if the excepted activity must be performed intermittently throughout the course of the work schedule, and the intervals in between are too short to enable the employee to be furloughed and then recalled in time to perform the function, the employee may remain at work and may perform non-excepted functions during these intervals.

Centers must consolidate any excepted activities performed on an intermittent basis, to the extent possible, and minimize the number of employees performing them in order to minimize the Agency's reliance on the Antideficiency Act to incur obligations for which the appropriation has lapsed.

Q8. Will employees required to work during a shutdown be paid?

Answer: Pay for employees who continue to work during a shutdown and those on furlough would depend on future appropriations.

Q9. Although employing agencies will require excepted employees to report to work during a funding hiatus, they cannot outlay funds for the purpose of paying salaries and associated expenses. Can NASA obligate funds for this purpose?

Answer: Yes. The Agency may obligate funds for excepted activities, although normally funds will not be outlayed for this purpose until an appropriation or Continuing Resolution (CR) is enacted.

Q10. Can Federal employees be excepted from furlough because they are necessary to make payments for contract, agreement, or grant work already completed and funded?

Answer: No. During a funding hiatus, agencies may not excuse or except employees from furlough, other than to support excepted activities under the Antideficiency Act. Making this type of payment is not an excepted activity.

Q11. Are employees covered by nonappropriated funds (e.g. NASA Exchange workers – cafeteria, gift shops, etc.) automatically excepted?

Answer: No, because they generally require support from each Center that would be funded by a lapsed appropriation, such as NASA facilities, security, and other similar services. However, they may continue to work in some circumstances; see Q17.

B. VOLUNTARY SERVICES

Q12. Can I volunteer to perform NASA work during the shutdown period if I am not excepted from furlough?

Answer: No. During the furlough period, you will be in a nonpay, nonduty status. You will not be permitted to serve as an unpaid volunteer, and must not perform NASA's work until recalled. Employees who provide services to the government other than those specifically authorized as excepted will not be compensated for these services, and can, in certain circumstances, be subject to criminal penalty and disciplinary action.

Q13. 31 U.S.C. Section 1342 states that no officer or employee of the United States shall accept voluntary services for the United States or employ personal services in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property. If excepted employees are required to report to work during a funding hiatus, is this a violation of the prohibition against accepting voluntary services?

Answer: No. Employees required to work during a funding hiatus are those who are essential for the safety of human life or the protection of property, or who meet a different criteria for excepted activity, and this is not a violation.

C. UNOBLIGATED BALANCES OF NO-YEAR AND MULTIPLE-YEAR FUNDS

Q14. Can carryover, no-year, and multiyear funds be used to continue activities during a funding hiatus, as long as they are used for the purposes appropriated and apportioned?

Answer: Yes, but only if: (a) they are used for the purposes appropriated, (b) the unobligated balance carried forward in FY 2011 has been apportioned, and (c) no support that would be funded by a lapsed appropriation (for example, facilities, supervision and oversight, or accounting services) is required to continue non-excepted services. Support that would be funded by a lapsed appropriation may be provided only for the safety of human life and protection of property.

D. FUNDS AUTHORIZED UNDER A CR

Q15. Can funds authorized under a CR but otherwise unobligated be used to continue activities during a funding hiatus?

Answer: No. The period of availability stated in the CR is the maximum period of time during which funds appropriated by the resolution are available for obligation.

Q16. Why can agencies use unobligated balances of no-year and multiple-year funds but not unobligated balances under a CR?

Answer: Obligations can only be made within the period of availability specified in the appropriation or CR. A previously enacted no-year or multiple-year appropriation (usually prior-year) may have budget authority available until September 30 of the current fiscal year or beyond, whereas a CR is usually available for a more limited time and may end sometime during the fiscal year. For example, the most recent CR only provides authority for obligating funds until April 8, not through the end of the fiscal year. Moreover, even for multiple-year and no-year funds, it must be recognized that, due to the decreased staffing, there likely will be no contracting officer available to obligate multiple-year funds.

Q17. If a contract for non-excepted activities is properly obligated under a CR while the funds are available, can the contractor continue to perform work while the Government is shut down?

Answer: Yes, in some circumstances. Non-excepted work may continue as long as funds already obligated remain available and the work does not require any civil servant oversight or other Government support which would be funded by a lapsed appropriation.

E. WORKING CAPITAL FUND (WCF) AND NONAPPROPRIATED FUND INSTRUMENTALITY (NAFI) ACTIVITIES

Q18. Since revolving funds, such as NASA's Working Capital Fund, do not need Congressional action for their financing, can they continue to operate during a funding hiatus?

Answer: NASA's WCF (NSSC and SEWP) will also conduct an orderly shutdown of non-excepted activities. Although the WCF has no-year funds (earned revenue), most of the operations of the NASA Shared Services Center (NSSC) are in support of internal customer orders involving processes that require attention by non-excepted personnel, either internally or externally, to complete the work. Solutions for Enterprise-wide Procurement (SEWP) does support emergency activities of other agencies, but it also receives significant orders in support of non-excepted activities.

Q19. Can nonappropriated fund activities, such as NASA employee exchanges, continue to operate during a Government shutdown?

Answer: It depends. NAFI activities may continue during a Government shutdown if: (1) they support an excepted activity, or (2) they will still have work to do during a Government shutdown, the full cost of the activity (including support costs) is funded by nonappropriated funds, and they do not require access to a closed Government facility, civil servant oversight, or other Government support that would be funded by a lapsed appropriation. If a nonappropriated activity is continued, it should only be maintained at the reduced level needed to support excepted personnel.

F. REIMBURSABLES

Q20. Can reimbursable activities funded by a non-Federal organization continue during a funding hiatus?

Answer: It depends. Reimbursable activities that prevent imminent threat to human life or protect property may continue. Other reimbursable activities may only continue to the extent that the full cost is being reimbursed (including increased incremental costs now required for operation under a partial shutdown), the performance does not require the use of Government support that would be funded by a lapsed appropriation, and the customer has paid the full cost in advance.

Q21. Can reimbursable activities funded by other Government agencies continue during a funding hiatus?

Answer: It depends. Federal reimbursable activities may continue if the funding agency has confirmed that funding is still available, the work is authorized under the shutdown, and performance does not require the use of Government support that would be funded by a lapsed appropriation. Federal reimbursable activities must have confirmation from the funding agency that the work is authorized under the shutdown and funding is available before considering continuing the work.

G. CONTRACTS

Q22. Can contractors authorized to work during a funding hiatus continue at their normal level of operations?

Answer: It depends. Contracting officers will need to discuss the appropriate level of activity with contractors and may need to reduce the work performed under the contract during the shutdown. With the permission or at the direction of an appropriately authorized contracting officer, contract activities excepted in order to protect people or property from imminent harm, as determined by the Agency (not by the contractor), may continue during a shutdown at the

minimum level needed to protect life and property. Non-excepted work may continue as long as it is funded by multiple-year or no-year appropriations, or funds already obligated on the contract remain available, the amount of funding specified in any applicable limitation of funds clauses is not exceeded, and the work does not require any civil servant oversight or other government support, such as access to and use of NASA facilities (e.g., all buildings on NASA Centers inside our gates). However, based on our Agency's shutdown plans, it may be necessary to suspend or reduce work under a contract. Consequently, no contract activity shall be allowed to continue without concurrence from Center CFO, Procurement, and Chief Counsel offices, with HQ consultation as appropriate. Procurement personnel shall work closely with the Office of General Counsel (for HQ) or field center chief counsel offices in implementing these changes, and in minimizing costs to the government.

Q23. Can employees excepted from furlough approve contract changes if needed during the Government shutdown?

Answer: No, unless the excepted employee is a duly authorized contracting officer. Government personnel who are excepted from the furlough are reminded that only appropriately warranted contracting officers have the authority to enter into, modify, or sign contracts or task orders on behalf of the Government, even during a Government shutdown. Government personnel who initiate unauthorized commitments should not assume that such commitments will be ratified at a later time, and should be aware that they may be held personally and financially liable for those unauthorized commitments.

Q24. Can contractor employees perform excepted services during a Government shutdown?

Answer: Yes. Subject to the approval of a duly authorized contracting officer, contractor employees may perform excepted activities, provided all of the requirements governing excepted activities are met and the contractor receives approval for the continued work. For example, contractors may perform excepted services for emergency services or network security, but only to the minimum extent necessary. In general, the test for determining the minimum extent necessary is whether or not the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.

Q25. Can new contracts, grants, cooperative agreements, task orders, change orders, and other actions be issued during a Government shutdown?

Answer: No, except for those approved activities: (a) necessary for the orderly shutdown of Agency functions, or (b) necessary to protect human life or property from imminent harm.

Q26. Can contractors performing excepted services travel, order supplies, or incur overtime during a Government shutdown?

Answer: Contractor travel associated with excepted activities should occur only on an exception basis, and only to the minimum required level necessary for the excepted activities. Supplies that are not immediately needed to carry out the excepted operations under this policy, overtime not critical to meeting the tasks still permitted under this policy, and similar costs should not be incurred.

Q27. During a Government shutdown, can contractors performing non-excepted activities who run out of available obligated funds volunteer to work and then bill the Government later?

Answer: No. Once the contractor reaches the limit of its available funding, non-excepted effort to be funded by a lapsed appropriation shall not continue unless and until an appropriation act or CR has been enacted and a contracting officer has notified the contractor that work may resume.

Q28. Can contract administration functions proceed during a lapse in appropriations?

Answer: Yes, to the extent they are supporting contracts for excepted activities. However, for non-excepted activities, any routine work such as contract or grant administration (including payment processing) funded from a salaries and expense or other account that requires but lacks an appropriation should not continue during a funding hiatus. Thus, most Agency employees performing oversight, inspection, accounting, administration, payment, or other contract, agreement, or grant-related activity would not work during a funding hiatus because they would not be supporting excepted activities.

Q29. How do contractors know whether they may continue to work during a Government shutdown?

Answer: The contracting officer will notify the contractor, which will notify its employees. The Agency, not the contractor, determines whether the contract work is excepted from the shutdown.

Q30. Can NASA purchase card accounts or Travel Cards be used during a funding hiatus?

Answer: NASA has no plans to suspend individual purchase card accounts or travel cards with JP Morgan Chase. Any purchase or travel card holder who is not in excepted status should not use their purchase card. Charges to purchase cards or travel cards can only be made by civil servants with designated excepted status, and only to the minimum extent necessary to support an excepted activity or function. Contact the Center Procurement office with any questions regarding purchase card use.

H. GRANTS AND COOPERATIVE AGREEMENTS

Q31. Can grantees and partners in cooperative agreements authorized to work under a CR continue at their normal level of operations?

Answer: It depends. Non-excepted work may continue as long as funds already obligated remain available, the work does not require access to a NASA or other closed Government facility, and the work does not require any civil servant oversight or other government support that would be funded by a lapsed appropriation. However, based on the Agency's shutdown plan, it may be necessary to suspend or reduce planned work during a funding hiatus. NASA contributions under cooperative agreements, whether in the form of human capital or facility access, would not be available for non-excepted activities.

Q32. Do grantees and partners in cooperative agreements need to be notified whether work may continue during a Government shutdown?

Answer: Yes. The grants and agreements officer at NSSC, or the applicable Center if a grant or cooperative agreement is not managed by NSSC, should notify all financial assistance recipients that access to a NASA or other closed Government facility, civil servant oversight, and other Government support that would be funded by a lapsed appropriation will not be available during a Government shutdown, and that any portion of their work requiring that support may not continue until the shutdown has ended and NASA's full operations resume. The notice may be issued in writing or on a web site, as deemed appropriate

I. PAYMENT ACTIVITIES

Q33. If payments are withheld, then the Government may incur interest penalties under the Prompt Payment Act or the Cash Management Improvement Act. Does this additional cost permit an Agency to process payment requests?

Answer: No. One of the purposes of these laws was to authorize interest payments to contractors, partners, and grantees to compensate them for late payment due to a funding hiatus.

Q34. To what extent is it acceptable to process payments for contracts that support excepted activities?

Answer: During a lapse in appropriations, a contract may be awarded or modified to support an excepted activity (e.g., minimal necessary guard services to protect a facility), but the contractor cannot be paid until appropriations are enacted.

J. TRAINING

Q35. If a furloughed employee is scheduled to attend training during the shutdown period, can he/she still attend?

Answer: No. The training assumed that the employee was in a duty status. The employee was furloughed and therefore is not on duty. This applies to all training, including that conducted by the private sector and that involving travel.

K. TRAVEL

Q36. What happens to employees in a travel status at the time of a shutdown?

Answer. It depends.

a. Travel for an excepted activity. Those that are performing excepted functions (i.e., as part of protection of life and property, or who are fully supported by funds not affected by a lapse in appropriations) should continue approved TDY at the minimum level necessary to support the excepted function. Note: everyone should receive prompt confirmation of whether they are excepted from furlough and whether their travel is part of an excepted activity. If you have not received confirmation by the beginning of the first work day after a shutdown is announced, you need to obtain confirmation right away, and if unable to confirm should proceed with an orderly suspension of travel on the assumption your travel is not excepted.

b. Those not excepted and on official temporary duty travel (TDY) when a shutdown is announced. If you are not designated an excepted employee (i.e., you are being furloughed), you must return to your permanent duty station. While you need to return promptly, you should make reasonable arrangements (e.g., during work hours and at typically approved (not premium) fares) consistent with an orderly suspension of operations.

c. Those not excepted and on extended temporary duty travel (ETDY) when a shutdown is announced. If you are on ETDY (e.g., detailed) and are placed on furlough, you have the option to either remain in place at the ETDY location, or to arrange to promptly return home (per the provisions of NPR 9700.1, Appendix A, section. 301-11.220). You will need to communicate your choice when being furloughed, and if you elect to stay in place you will need to leave your contact information with your HR contact for use by your Center travel coordinator or Executive Committee should they need to reach you while furloughed. This should be coordinated with your supervisor and travel approver, if different. Because NASA has already obligated the funding prior to the lapse in appropriations, you should not break any lodging contract unless specifically directed. However, NASA will only reimburse expenses connected with your lodging; you will not be reimbursed any other M&IE expenses while on furlough. Bear in mind there is a possibility that in the event of a protracted shutdown you may be recalled to duty for

the limited purpose of orderly winding down your ETDY lodging. If you return home, once normal operations are resumed, you will initially report back to your home duty station pending new travel orders to report back to work at your ETDY duty station.

If your ETDY is scheduled to end within one month of a shutdown announcement, you should immediately review with your supervisor the prudence of terminating your ETDY status as a part of NASA's orderly suspension of operations. If the decision is to terminate your ETDY, you should take steps to quickly wind down your lodging, including vacating the premises and approved shipment of unaccompanied baggage home.

d. Those planning travel prior to a potential shutdown. Employees who are currently scheduled to travel around the time of a potential furlough should review with their supervisors the prudence of possibly rescheduling official travel, considering factors such as the importance of the travel balanced against the impact and likelihood of a shutdown, in the travel approver's judgment. However, the mere fact that travel extends beyond the end of a current CR period should not lead to the disapproval of normal business travel.

That said, in addition to the normal considerations given to authorizing travel under a CR,¹ additional considerations should be given with respect to travel that starts after or extends beyond the end of a CR. Non-expected travel must be ended in an orderly manner, at minimum expense necessary to return the traveler to her/his duty station. Further, when planning for travel extending beyond the end of a CR, all travelers should be warned about the potential requirement to stop nonessential travel if there is a funding hiatus.² Given the possible disruptions caused by a funding hiatus, should a shutdown appear likely, approvers will want to consider whether certain types of requests for nonessential travel should be minimized or deferred until a new CR or final appropriation is enacted.

Q37. What if an employee is overseas?

Answer: Personnel at duty stations overseas would report to their duty stations and receive orders on how to proceed. Excepted personnel in support of ongoing excepted operations, such as the ISS, will remain on official travel. If you are not excepted personnel and are in TDY or ETDY overseas, because carrying out an orderly shutdown should include consideration of the likely length of a shutdown in addition to the requirements for suspension of operations, you may be required to remain at your foreign duty station in an on-call, yet fully reimbursable, furlough status after a shutdown announcement. For consistency, the Headquarters executive committee

¹ Note: Travel that extends beyond a first CR period is not subject to the same restrictive processes required for travel using single year funds (e.g., CAS) that crosses or starts after a fiscal year end. Travel extending beyond a first CR period into a next CR period or final appropriation is still considered travel within the same fiscal year. To the extent the travel is within the same fiscal year but at least partially under a CR, "an agency may generally follow any pattern of obligating funds, so long as it is operating under a plan which will enable continuation of activities throughout the fiscal year within the limits of the annual amount appropriated." GAO-06-382SP Appropriations Law, Vol. II, p. 8-15.

² For example, a particularly effective form of notice to travelers would be to insert a notice in travel authorizations prior to approval, such as "Travel is scheduled past the current CR ending date of [xx/xx]. Traveler is authorized to commence and/or continue travel beyond this date, subject to enactment of a further CR or appropriation. If neither occurs the traveler will be required to terminate the trip and return unless it is confirmed that such travel is considered "essential" under NASA's emergency shutdown plan."

will provide updated, agencywide guidance during a shutdown for non-excepted personnel overseas. As with traveler's remaining at ETDY locations, you will need to leave your contact information with your HR contact for use by your Center travel coordinator or Executive Committee should they need to reach you while furloughed.

Q38. If I am scheduled to return from temporary duty travel just before expiration of the current CR, and process my travel expenses voucher immediately upon my return, and a furlough is imposed shortly thereafter, how and when will I be reimbursed?

Answer: Travel vouchers submitted just before a shutdown might not be approved and fully processed until after normal operations are resumed. While you should always submit your vouchers for approval promptly after any travel, you should do so immediately when approaching a potential shutdown.

Q39. What happens if I travel for an excepted activity during a furlough? My concern is based upon the fact that the travel charge card bill may arrive at my house before I am reimbursed.

Answer: While NASA can incur obligations for excepted activities after a shutdown is announced, and all approved travel expenses for excepted activities will eventually be paid, any vouchers not fully approved prior to a shutdown can only be finally processed for payment after normal operations have resumed. However, employees are still required to pay their travel charge card bill on time, so use of centralized billing accounts (CBAs), not individual billing accounts (IBAs, or travel cards) is recommended where available during a shutdown,.

FedTraveler will continue to be available during a shutdown for fully processing travel authorizations and for accepting travel vouchers (but not finally processing for payment). Employees traveling as part of an orderly suspension of operations, i.e., returning home to be furloughed, should submit their travel voucher prior to furlough. Similarly, employees traveling for excepted activities should promptly submit their vouchers upon completion of any travel. Even if not fully approved because typical approvers are on furlough, prompt pay interest will be calculated from the day an otherwise proper voucher is submitted. Any IBA charges should continue to be timely paid.

Q40. Can an employee, such as a principal investigator, pay for his or her own travel to present NASA research results at an important technical conference?

Answer: No. While you can pay to attend a conference on your own time, you cannot attend a conference representing NASA or to present NASA research results.

II. FURLOUGHS UNDER A SHUTDOWN

The purpose of this section is to assist employees with understanding the basic mechanics and impact of furloughs. The following questions and answers augment those provided in the Office of Personnel Management's (OPM's) *Guidance and Information on Furloughs*, which can be found at: <http://www.opm.gov/furlough2011>.

A. FURLOUGH AND WORK WHILE ON FURLOUGH.

Q41. What is a furlough?

Answer: A furlough places employees in a temporary nonduty, nonpay status because of lack of work, lack of funds, or other nondisciplinary reasons. Basically, there are two types of furloughs--a "shutdown" or "emergency" furlough and a "save money" furlough. In a "shutdown" furlough, the Agency no longer has the necessary funds to operate and must shut down those activities which are not excepted by the Office of Management and Budget (OMB).

Q42. Will all NASA employees be furloughed?

Answer: While most employees will be furloughed, Centers have identified employees who will be required to work during the furlough. If you have been identified by your Center as "excepted," you will be notified. Unless specifically excepted, all employees are subject to furlough. Some employees will be excepted only part of the time, because they will not be required to work on a full-time basis. Some employees may be informed that they are "on call" for emergency needs during the shutdown period (although any employee may be called back to work to handle excepted activities that arise, if necessary). Any employee not required to work full time during a shutdown will be furloughed during any period they are not scheduled to work.

B. NOTIFICATION OF A SHUTDOWN AND YOUR STATUS; ACCESS TO EMAIL AND OFFICES

Q43. How will I be notified of a shutdown?

Answer: Usually, during a government shutdown due to lack of appropriated funds, agencies receive very limited lead time. Accordingly, it is considered an "emergency" shutdown and employees may be notified verbally, by email, or by a written notice. Promptly after receiving notice that of a shutdown from OMB, NASA will both send an agencywide email to all

addressees and post an announcement at www.nasa.gov/shutdowninfo to notify everyone that a shutdown has occurred. All employees will receive a formal written notice as soon as administratively feasible.

Q44. What do I do if I hear of a government shutdown?

Answer: Unless you are away from your duty station on approved leave or in a travel status, employees are expected to report to work on the next business day following an announcement of a government shutdown; all who are not excepted from furlough, including those who designated as being on call, will be dismissed and furloughed after completion of orderly shutdown activities. Centers may establish procedures that allow employees to be excused from reporting to work in-person on the first day after a funding hiatus if the employee has no duties in the shutdown process or can perform the shutdown duties from an alternate (telework) location, and if the Center can ensure that the employee received the necessary notifications. In general, the orderly suspension of non-excepted activities will take less than four hours, and anything over that must have prior approval of your Center's executive committee. Excepted personnel will receive confirmation about their status and the excepted functions and activities they are expected to perform and whether they will remain in a full-time status or not.

If you are on leave away from your duty station at the start of the first day normal operations are suspended, you will be placed in furlough status with notice provided in accordance with local Center procedures. If your notice indicates you are to be excepted from furlough, your leave will be cancelled and you should promptly report to your duty station for further instructions.

If you are on travel status, see Qs 33-35 above to determine which duty station (i.e., your TDY or home duty station) you should report to for instructions after a shutdown is announced.

Q45. May I access my NASA email account, check my office voice mail, and use my government-issued Blackberry, etc., if I am furloughed?

Answer: No, except for those designated as on-call. If you are designated as furloughed, but on call, you must regularly check your email, or if you cannot remotely access email, check other contact means that you indicated for any recall notice. This applies whether you are initially designated as on call, or are subsequently recalled to on-call status. Centers are responsible for identifying how on-call employees will be notified and recalled to duty.

No other use is permitted by any furloughed employee. Employees who use NASA IT resources, such as their email account, for personal use under the acceptable use policy should make other arrangements prior to shutdown if they may want to receive such during the shutdown (e.g., change the destination for personal email).

To learn when normal operations are scheduled to resume, furloughed employees may check OPM's website, <http://www.opm.gov/>, under "operating status."

Q46. Can I have access to my office if I am furloughed?

Answer: No. NASA facilities will only be accessible to employees who are participating in an orderly suspension of activities or who are otherwise designated as excepted and are required to come to work.

Q47. How will I know when to return back to work when a furlough is over?

Answer: The Office of Personnel Management will post operating status on their website at www.opm.gov. In addition, the NSSC Customer Service phone line will provide a recorded message indicating NASA operating status, at 1-877-677-2123. Employees are expected to check these sources each day, and return to work when the end of the shutdown is announced.

C. PAY AND BENEFITS DURING A SHUTDOWN

Q48. How will time be recorded during a furlough?

Answer: WebTADS will be automatically pre-filled with the Furlough code for all employees. Employees who are furloughed should not access WebTADS during this period. Any appropriate adjustments to time and attendance will be made after the shutdown ends.

Employees who perform authorized excepted duties during the shutdown are required to enter their hours worked into WebTADS daily, overriding the automatic entries.

Q49. Can a furloughed employee take paid leave?

Answer: No. You cannot be in any type of pay status (e.g., annual leave, sick leave, court leave) or use compensatory time off or credit hours during the furlough period. Paid leave creates a debt to the Government that is not authorized. Therefore, agencies are required to cancel all paid leave during the furlough period.

Q50. Since NAFI employees are not paid with appropriated funds, can they take leave?

Answer: Since NAFI employees are not paid with appropriated funds, managers and supervisors may work with them for whatever arrangements they would otherwise be eligible for (e.g., vacation leave, leave without pay (LWOP), etc.), assuming nonappropriated funds are available to cover the cost.

Q51. Will employees get paid retroactively for furlough time?

Answer: Although this has happened in the past, NASA cannot promise that its employees will be paid for the period during which they are on furlough, since this is subject to Congressional appropriation.

Q52. If Congress approves back pay for civil servants, can nonappropriated employees on furlough or LWOP also get back pay?

Answer: Whether or not Congress would give back pay to civil servants in the event of a furlough has no bearing on whether a Center's employee exchange does the same for its NAFI employees who are paid with nonappropriated funds.

Q53. Will employees get paid on time for the full or partial pay period that was completed before the furlough began? How will this happen?

Answer: Current OPM and past OMB guidance indicates that an orderly shutdown includes processing civil servant payroll for the periods prior to a lapse in appropriations. However, NASA plans to process the April 9 payroll early. Separate guidance will be provided.

NASA still has no confirmation or control over final payment by the Department of the Treasury, but it will take all steps it is authorized to under OPM and OMB guidance, as part of an orderly shutdown, to process payroll up to shutdown. WebTADS will continue to be used to collect work activity during a shutdown, and excepted employees should enter their time daily. Payroll processing and requests for payment will not be able to be processed until ordinary operations have been resumed.

Q54. If an employee is declared excepted from the furlough and works through the furlough, will paychecks be received at the usual time, or will employees get paid after the furlough?

Answer: During a furlough agencies cannot disburse funds; therefore, employees will not get paid until after the furlough.

Q55. What happens to my benefits? Will health insurance (FEHB) and life insurance (FEGLI) coverage continue?

Answer: Yes, you will be covered by both. There is no cost for FEGLI coverage during this period. However, if the furlough lasts long enough that you miss an FEHB premium, you will receive a notice that informs you of the options for paying the premium. These options would

include having the premium deducted once you return to pay status (in addition to the current premium payment) or making direct payments. [Note: This is what DOI has told us they will do.]

Q56. What about FSA, Long Term Care, FedVIP? Will coverage continue and how will they get paid?

Answer:

- a. *Flexible Spending Account (FSA)*: If you have not pre-paid your allotment, your FSA account will be frozen and you will not be eligible for reimbursement of any health care expenses incurred during that period. When you return to pay status, your allotments will be re-calculated based on the number of pay periods remaining in the year.

If you have a Dependent Care FSA, expenses you incur during the nonpay period that meet IRS guidelines for eligible expenses (i.e., you must incur the expenses in order to allow you and your spouse to work or attend school) may be reimbursed up to your account balance. When you return to pay status, your allotments will be re-calculated based on the number of pay periods remaining in the year.

For more information, go to the FSAFEDS website:

<https://fsafeds.com/fsafeds/SummaryOfBenefits.asp#NonpayStatus>.

- b. *Dental and vision benefits through FEDVIP*: If you are in a nonpay status for more than 2 pay periods, you will receive a bill at your home address for premiums. The bill must be paid by the due date to ensure continuation of your coverage.
- c. *Long Term Care*: In order for employees to continue Long Term Care (LTC) coverage, the employee must make payments while in a nonpay status. See https://www.ltcfeds.com/help/faq/cost_paying.html for more information on how to change payment options.

Q57. What about TSP contributions?

Answer: Since TSP contributions are determined by your salary, they will stop while the government is shut down – this applies for employees covered by both the Federal Employees Retirement System (FERS) and the Civil Service Retirement System (CSRS). FERS employees will not receive the Agency 1% or matching contributions. If you are an excepted employee who keeps working, your contributions as well as (for FERS employees) your agency's matching contribution and additional 1 percent automatic contribution for that period will be deposited in your TSP account when you're paid after the shutdown ends. All participants will be able to transfer money among TSP funds and change their contribution allocations during the shutdown. Upon returning to pay status, employees may increase their regular and/or Catch-up TSP contributions in order to reach the IRS deferral limit for the year. See the TSP Fact Sheet

“Impact of a Federal Government Shutdown on the Thrift Savings Plan” at <https://www.tsp.gov/PDF/formspubs/oc11-5.pdf>.

Q58. May I take out a TSP loan?

Answer: Check with TSP. Although the OPM web page on furloughs says otherwise, TSP has recently affirmed that employees *may* obtain a loan from their TSP account while on furlough. See the TSP Fact Sheet “Impact of a Federal Government Shutdown on the Thrift Savings Plan” at <https://www.tsp.gov/PDF/formspubs/oc11-5.pdf>. When considering a loan, employees should consider the processing time involved before a loan could be granted.

You may also be eligible to make an in-service withdrawal if you are 59½ or older or facing a certifiable financial hardship. In-service withdrawals are taxable and an early withdrawal penalty, as well as other consequences, may apply. See the TSP publication regarding in-service withdrawals at <https://www.tsp.gov/PDF/formspubs/tspb12.pdf> for more information.

Note: For employees with existing TSP Loans, the Internal Revenue Service (IRS) allows loan payments to be suspended for up to one year of the nonpay period. If less than 2 ½ payments are missed the payments will be added to the end of the loan. If employees miss more than 2 ½ payments, TSP will inform them by mail of the requirements for payment. Interest will accrue while payments are suspended. Employees may also make direct payments on TSP loans from their personal funds while on furlough. Employees who wish to continue making payments to any outstanding TSP loan should obtain a TSP Form 26 from the TSP website: <https://www.tsp.gov/forms/loans.shtml>.

Q59. Are employees on furlough eligible for unemployment compensation?

Answer: Individuals would need to consult with their State Employment agency on unemployment claim procedures. During the furlough period, you may be eligible for unemployment benefits, in accordance with the laws of the state where your official duty station is located. (The District of Columbia is considered a state for unemployment compensation purposes.) See the Department of Labor website at <http://www.servicelocator.org/OWSLinks.asp> for more information. When applying for unemployment benefits, you will need a copy of your furlough notice and form SF-8, which you will receive with your furlough notice.

Q60. May employees take other jobs while on furlough?

Answer: It is important to keep in mind that while on furlough, an individual remains an employee of the Government. While it is permissible to take other jobs while a federal employee, even while on furlough you must comply with applicable laws and regulations, such as the Federal conflict of interest law and statutes prohibiting Federal employees from

representing another person or organization (such as an outside employer) before any Federal agency. Consequently, furloughed employees need to avoid 1) engaging in work that concerns NASA business, 2) participating in any matter with a company that could be affected by their official duties, or 3) representing others before the U.S. Government. Since ethics advice will not be available during a shutdown, employees need to be very cautious about accepting employment with any firm or entity that does business with NASA. NASA's supplementary standards of conduct also require prior approval before engaging in certain kinds of outside activities. Further information on these requirements can be found at http://www.nasa.gov/offices/ogc/general_law/outsideactivity.html.

D. OTHER – MISCELLANEOUS

Q61. Will retirees be impacted by furlough?

Answer: OPM is responsible for payment of Federal employee annuities. Therefore, retirees should contact the OPM Retirement Services office, by email at retire@opm.gov, or by phone at (888) 767-6738. OPM's website for retirees and their families can be found at http://www.opm.gov/retire/retire_families.asp.

Q62. Are employees who are injured while on furlough or LWOP eligible to receive workers compensation?

Answer: No. Workers compensation is paid to employees only if they are injured while performing their duties. Employees on furlough or LWOP are not in a duty status for this purpose.

Q63. Will employees who were injured before the shutdown continue to receive workers compensation benefits? Will they be in furlough status?

Answer: An employee who is on LWOP due to a work related injury will continue on LWOP during the furlough; an employee who is receiving workers compensation payments will continue to receive such payments. If an employee is entitled to Continuation of Pay (COP) (i.e., during the first 45 days after an injury), NASA will continue to carry the employee in COP status during the shutdown.