



## OPERATIONS AND FURLOUGHS UNDER A GOVERNMENT SHUTDOWN

---

### *Frequently Asked Questions (FAQs)*

*December 2, 2019*

***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 office; 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**

**INSTRUMENTALITY (NAFI) ACTIVITIES**

**F. REIMBURSABLES**

**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**

## **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, which is issued by memorandum (such as M-18-05, the guidance provided in 2018 which is still applicable) and posted both at OMB's public Web site, found at <https://www.whitehouse.gov/omb/information-for-agencies/memoranda/>.

### **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. 13 and 17-20). 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.

NASA's plan recognizes that the excepted activities include the following:

- 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.

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

Answer: Under NASA's shutdown plan submitted to OMB, Center Directors and their Executive Committee were responsible for determining the minimum number of persons who were excepted from a furlough. Specifically, the Center Directors were 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.

Q3. If the ISS 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? What about satellite missions?

Answer: No. In accordance with the definitions of excepted activities identified above, only those employees who the Agency has identified as excepted from furlough will continue to work during a shutdown. Only those employees who are notified by Human Resources that they are excepted will continue to work during a shutdown.

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 NASA employees assigned to non-Federal organizations under the Intergovernmental Personnel Act (IPA) affected by a furlough?

Answer: It depends on the specific circumstances of the assignment. A NASA employee who is on detail to a non-Federal organization may only continue working if: (1) the non-Federal organization is reimbursing NASA for the total cost of the assignment; or (2) the assignment does not require Government support (e.g., facilities, supervision, accounting services) that would be funded by a lapsed appropriation. Otherwise, the employee must be furloughed. All furloughed NASA employees, including IPAs/details, will receive notification of their status and a furlough notice. Program Offices should contact their Servicing Human Resources Office for guidance pertaining to their specific situation.

Q6. How are individuals from non-Federal organizations assigned to NASA under the Intergovernmental Personnel Act (IPA) affected by a furlough?

Answer: It depends on the specific circumstances of the assignment. Program Offices should contact their Servicing Human Resources Office for guidance pertaining to their specific situation; however, generally a person on detail to NASA from a non-Federal organization may only continue working at NASA if: (1) the non-Federal organization is paying for 100 percent of the total cost of the assignment; or (2) NASA's portion of the cost was fully obligated prior to a Government shutdown. In either case, the assignment may not require Government support (e.g., facilities, supervision, accounting services) that would be funded by a lapsed appropriation and the portion of the cost funded by the non-Federal organization must have been paid in full in advance. Otherwise, their assignment must be suspended during the furlough. If the decision is made to furlough, the individual will be notified using the same furlough notice that is used for Center employees not on IPA/detail assignments. A person from a non-Federal organization on appointment to NASA is subject to furlough in the same manner as other civil service employees.

Q7. How are individuals from non-Federal organizations assigned to NASA under the Intergovernmental Personnel Act (IPA) notified that their assignments are being suspended during the furlough?

Answer: The Center is responsible for notifying the non-Federal organization that the agreement is being suspended. Program Offices should contact their Servicing Human Resources Office for guidance pertaining to their specific situation.

Q8. How are NASA employees detailed to other Federal agencies affected by a furlough?

Answer: A NASA employee who is detailed to another Federal agency may only continue working if: (1) the other agency is reimbursing NASA for the total cost of the detail; (2) the other agency has confirmed that funding is available for reimbursement and an advance is received; and (3) the detail does not require Government support (e.g., facilities, supervision, accounting services) that would be funded by a lapsed appropriation. Otherwise, the employee must be furloughed. NASA must notify the employee whether the employee may continue working or will be furloughed. If the employee is furloughed, the employee is issued the same furlough notice as other Center employees. Program Offices should contact their Servicing Human Resources Office for guidance pertaining to their specific situation.

Q9. How are employees from other Federal agencies detailed to NASA affected by a furlough?

Answer: It depends on the specific circumstances of the assignment. If the other Federal agency also has a lapse of appropriations, they will likely furlough the employee. The Center must contact the other Federal agency to determine whether a lapse of appropriations exists. If the other agency is funded, the employee may only continue working if: (1) the other agency is paying for the total cost of the detail; and (2) the detail does not require Government support (e.g., facilities, supervision, accounting services) that would be funded by a lapsed appropriation. Otherwise, the detail must be suspended during the lapse of NASA appropriations. The Center must notify the employee and the other Federal agency that the detail is suspended. Program Offices should contact their Servicing Human Resources Office for guidance pertaining to their specific situation.

Q10. 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.

Q11. Can Excepted Employees perform non-expected 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-expected 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 Anti-deficiency Act to incur obligations for which the appropriation has lapsed.

Q12. 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 Anti-deficiency Act. Making this type of payment is not an excepted activity.

Q13. Are employees covered by non-appropriated 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**

Q14. 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 non-pay, non-duty 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.

Q15. 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 more than 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 criteria for activities exempted from furlough (see Q's 13, 17-20), and this is not a violation.

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

Q16. 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: (1) they are used for the purposes appropriated; (2) the unobligated balances carried forward from the prior fiscal year have been apportioned; and (3) 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**

Q17. 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.

Q18. 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. 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.

Q19. 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**

Q20. 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, I3P) 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) and Information Technology (IT) Infrastructure Integration Program (I3P) 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.

Q21. Can non-appropriated 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 non-appropriated 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 non-appropriated activity is continued, it should only be maintained at the reduced level needed to support excepted personnel.

Q22. 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 non-appropriated funds are available to cover the cost.

## **F. REIMBURSABLES**

Q23. 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.

Q24. 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**

Q25. 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 Center Chief counsel offices in implementing these changes, and in minimizing costs to the government.

Q26. 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.

Q27. 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.

Q28. 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: (1) necessary for the orderly shutdown of Agency functions; or (2) necessary to protect human life or property from imminent harm.

Q29. 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.

Q30. 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.

Q31. 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 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, or other contract, agreement, or grant-related activity would not work during a funding hiatus because they would not be supporting excepted activities. For more information on payment processing see Q33.

Q32. 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.

Q33. 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**

Q34. 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.

Q35. 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**

Q36. 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.

Q37. To what extent is it acceptable to process payments for contracts that support excepted activities?

Answer: If funding is available to liquidate obligations, the agency work necessary to make the payments is an excepted activity under the ADA. For either excepted or non-excepted contracts that were awarded prior to the lapse, payment may be made during the lapse if the payment is made from the earlier fiscal year accounts that were obligated on the contract prior to the lapse. For excepted contracts or modifications awarded during the lapse, the Agency will incur new obligations for that work during the lapse, but payment can only be made either: (1) after new appropriations are enacted, or (2) if the Agency has available multi-year funding (carry-over).

In June 2019 OMB posted an update to the "Frequently Asked Questions During a Lapse in Appropriations" documentation on the OMB website at: <https://www.whitehouse.gov/wp-content/uploads/2019/06/FINAL-Agency-Lapse-FAQs-6.27.19.pdf>

## **J. TRAINING**

Q38. 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**

Q39. 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). If you change your mind after the orderly shutdown, you will not be reimbursed for any non-excepted travel to or from your ETDY location. 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,<sup>1</sup> additional consideration 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.<sup>2</sup> 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.

---

<sup>1</sup> 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., SSMS) 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.

<sup>2</sup> 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."

Q40. 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 status 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 will provide updated, agency wide 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.

Q41. 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.

Q42. 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.

The Concur travel system 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.

Q43. 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 during a shutdown?

Answer: No, you cannot attend a conference representing NASA or to present NASA research results during a shutdown. If you choose to attend a conference during the shutdown on personal time and using personal resources for travel and paying your own registration, that is your prerogative. However, your participation needs to be clearly in your private capacity. That means that you should not be presenting results of official NASA work if you are a furloughed civil servant participating as a private citizen or participating on panels as a NASA employee. If you are registered as a NASA civil servant, you must re-register as a private individual. No travel will be paid by NASA as we are not able to except the conference activities for civil servants because they do not meet the threshold as necessary to protect against an imminent threat to life or property.

## **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: <https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance>.

For important information not covered in this FAQ document. Employees are highly encouraged to review the following links for important shutdown related information:

1. **OPM Guidance for Shutdown and Furlough:** <https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/>
2. **NASA Shutdown Furlough Guide for Employees:** [https://nasapeople.nasa.gov/shutdown/NASA\\_Shutdown\\_Furlough\\_Guide\\_for\\_Employees.pdf](https://nasapeople.nasa.gov/shutdown/NASA_Shutdown_Furlough_Guide_for_Employees.pdf)
3. NASA Shutdown Homepage: <https://nasapeople.nasa.gov/shutdown>

**During a shutdown, please continue to check the NASA Shutdown Homepage on a regular basis for updates as links/documents/information will be added as they become available.**



## **A. FURLOUGH AND WORK WHILE ON FURLOUGH.**

Q44. What is a furlough?

Answer: A furlough places employees in a temporary nonduty, non-pay status because of lack of work, lack of funds, or other non-disciplinary reasons. There are two types of furloughs.

A shutdown furlough (also called an emergency furlough) occurs when there is a lapse in government funding to the Agency. In a shutdown furlough, NASA must shut down activities that are not excepted by law.

An administrative furlough is unrelated to a lapse in appropriation and is a planned event by an agency designed to absorb reductions necessitated by downsizing, reduced funding or lack of work.

Q45. 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**

Q46. 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 agency wide email to all addressees and post an announcement to notify everyone that a shutdown has occurred. All employees will receive a formal written notice as soon as administratively feasible.

Q47. 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. You should provide contact information to your supervisor, if you will be on leave during the possible furlough implementation timeframe, so your supervisor can contact you with details specific to your situation. 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 "Section I. Excepted Activities in the Event of a Shutdown, Part K. Travel" 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.

Q48. May I access my NASA email account, check my office voice mail, and use my government-issued Blackberry, etc., if I am furloughed?

Answer: A new policy in 2019 now allows NASA employee to access the NASA network via NASA IT devices (i.e., laptop computer and cell phone) during a Shutdown Furlough. There are specific rules regarding under what conditions the devices may be used. In all cases, all IT security rules must be followed.

Employees must use the Virtual Private Network (VPN) whenever conducting any activities on NASA equipment, including:

- Orderly shutdown activities.
- NASA excepted services during the shutdown due to a lapse in funding.
- Periodic check-in for shutdown-related updates and communications.

This ensures your IT device is getting appropriate patching and is protected by other layers of NASA's network infrastructure to guard against cyber threats. It also ensures NASA network and information security.

- **All Employees:** Personally owned IT devices, technology, and applications are prohibited from connecting to any NASA network or system in addition to any network or system that stores or processes NASA data.
- **Non-Excepted Employees:** You may keep your Government-issued mobile devices (e.g., iPhones, Androids, BlackBerrys, laptops, etc.). Non-excepted employees should only use their Government-issued IT devices for orderly shutdown activities and to periodically check for shutdown-related updates and communications. Government-issued IT devices should not be used for any other non-excepted work activities or for personal use as this results in additional costs which would violate the Anti-Deficiency Act.
- **Excepted Employees (Full-Time, Part-Time, and On Call):** You can keep your Government-issued IT devices on during the shutdown.

Please remember to use the Virtual Private Network (VPN) whenever you are conducting NASA excepted services during the shutdown due to a lapse in funding. This ensures your IT device is getting appropriate patching and is protected by other layers of NASA's network infrastructure to guard against cyber threats.

Excepted employees will still have limited IT support during the furlough from the Enterprise Service Desk (ESD). Excepted individuals in need of assistance, should still continue to call 1 877-677-2123 (1-877-NSSC123).

Q49. 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.

Q50. How will I know when to return to work when a furlough is over?

Answer: The Office of Personnel Management will post operating status on their Web site at [www.opm.gov](http://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, and at their Web site, <http://nasapeople.nasa.gov>.

Employees are expected to check these sources each day and return to work when the end of the shutdown is announced. Employees who work other than a Center's basic workweek (typically Mon-Fri) should contact their supervisor to determine when they are required to report to work.

## **C. PAY AND BENEFITS DURING A SHUTDOWN**

Q51. How will time be recorded during a furlough?

Answer: Timekeeping should be done in accordance with local procedures.

Q52. Can an excepted employee take paid leave?

Answer: Yes. 31 U.S. Code Section 1341(c)(3) established a new requirement, providing that excepted employees who are required to perform work during a lapse in appropriations "shall be entitled to use leave" under 5 U.S.C. chapter 63, if applicable (or under other applicable law if chapter 63 is not applicable), but that compensation for the leave will be paid after the lapse ends. The use of such paid leave is subject to the normally applicable rules for the applicable leave program, including leave request and approval procedures. While excepted employees have the option to use their paid leave (i.e., establish entitlement to paid leave to be paid after the lapse ends), they are not required to use leave to cover periods of authorized absence from work. Instead, they may choose to remain in the default status of being furloughed during any such authorized absence during the lapse. We expect employees generally to choose to allow the default furlough status to be applied to any approved absence, since section 1341(c)(2) provides retroactive pay for furlough periods without charge to leave. See the "NASA Shutdown Furlough Guide for Employees" posted at <https://nasapeople.nasa.gov/shutdown/> for more information.

Q53. Will employees get paid retroactively for furlough time?

Answer: Yes. Retroactive pay is covered by the "Government Employee Fair Treatment Act of 2019" (S. 24). This Act can be found at <https://www.congress.gov/bill/116thcongress/senate-bill/24>. The Act amended the Anti-deficiency Act provision codified in 31 U.S.C. 1341 to authorize retroactive pay for Federal employees affected by a lapse in appropriations. The section 1341 amendments apply to any lapse in appropriations that begins on or after December 22, 2018. Section 1341 amendments apply to each employee of the United States Government or of a District of Columbia public employer.

**Furloughed employees:** Under section 1341(c)(2), an employee who is furloughed as the result of a lapse in appropriations must be paid for furlough periods that occurred during the lapse. After the lapse ends, retroactive pay is provided at the employee's "standard rate of pay."

**Excepted employees:** After the lapse ends, excepted employees will receive their “standard rate of pay” for the actual hours that they worked (e.g., including any overtime or other premium pay, allowances, and differentials earned based on actual hours worked). Any time that an excepted employee is placed in a furlough status they will be compensated under the rules for furloughed employees.

**Both furloughed and excepted employees will be paid after the lapse in appropriations ends.**

Note: Employees who were on previously approved leave without pay (LWOP) or who were absent without leave (AWOL) during the lapse in appropriations will not receive pay for those hours.

Q54. If Congress approves back pay for civil servants, can non-appropriated 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 non-appropriated funds.

Q55. Will employees get paid on time for the full or partial pay period that was completed before the furlough began?

Answer: OCHCO will issue guidance to employees on the impact the shutdown will have on paychecks for work previously performed before the furlough occurs.

Q56. 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: Generally during a furlough, agencies cannot disburse funds for new obligations; therefore, employees will not get paid until after the furlough.

Q57. 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](http://www.nasa.gov/offices/ogc/general_law/outsideactivity.html).