

**FEMA Lapse in Appropriations – FY14**  
**Frequently Asked Questions**  
**Updated October 8, 2013**

**A. Exempt/Non-Exempt Status and Furlough Notifications**

1. Which employees are considered to be “exempt” employees?

Employees considered to be “exempt” from a furlough are those who are not affected by a lapse in appropriations. This includes employees who are not funded by annually appropriated funds. More specifically, employees funded by non-lapsed appropriations include all those not funded by Fund Codes 90, 77, SL, and EM. Employees performing those functions will generally continue to be governed by the normal pay, leave, and other civil service rules.

Additionally, the Agency may designate as exempt a small number of employees funded by a lapsed appropriation when necessary for the safety of life and protection of property.

Additional information about furloughs can be found by accessing the following link:  
<http://on.fema.net/components/msb/Office%20of%20Personnel%20Management%20OPM%20Document%20Librar/Guidance%20for%20Shutdown%20Furloughs%20.pdf>.

2. Will the letters of notification come from HQ or generated by Regional staff using an HQ template? When can we expect to receive them? Who signs the letters?

There are two types of notifications:

- a. Informal notification of employees by the responsible supervisor of record regarding exempt/non-exempt status. This process began on Thursday, September 26, and should have been completed by Friday, September 27.
  - b. Formal notification of furlough to non-exempt employees was provided by OCCHCO on Tuesday, October 1 via e-mail and signed by the Acting Chief Component Human Capital Officer. OCCHCO will provide additional furlough notices on a case-by-case basis as circumstances require.
3. What is the accountability process for receipt of these notification letters?

The accountability process for formal notifications is:

- a. OCCHCO provided an email notice to all non-exempt employees with delivery and read receipts.
  - b. The Emergency Notification System (ENS) sent a message to each non-exempt employee.
4. We cannot reach a non-exempt employee who is on leave and out of the country. How will this affect them if there is a furlough?

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OCCHCO will furlough the employee via email notification. If the lapse ends before the employee returns to work, then we will put the employee back on leave. If the lapse does not end before the employee returns from leave, an official in the employee's reporting chain can confirm the furlough notice upon the employee's return. Like all furloughed employees, whether the employee receives pay for this period will depend on whether Congress authorizes retroactive pay for the lapse.

**B. Procedures Once a Furlough Occurs**

1. What should employees do in terms of entering their time in WebTA?

All employees under Fund Code 90, 77, and SL must update and save their hours worked ONLY covering 09/22—09/30. **DURING FURLOUGH - EMPLOYEES SHOULD NOT BE VALIDATING, NOR SUPERVISORS CERTIFYING, ANY TIMECARDS FOR PAY PERIOD 19. THIS WILL BE HANDLED BY THE OCCHCO WebTA ADMINISTRATOR.**

Furloughed employees **SHOULD NOT** record hours worked beyond Monday, September 30.

- For employees under Fund Code 90, 77, and SL, no one should cancel or approve any leave requests for PP 19 covering 10/01 – 10/05.
- The 4 hours of time for the orderly shutdown of operations will be paid to furloughed employees once an appropriation or a continuing resolution is passed. These hours should not be recorded on your timecard until further instruction.
- If the furlough goes beyond October 5, 2013, the FEMA WebTA Administrator will be responsible for inputting the furlough code and certifying timecards for all furloughed employees.
- If there are any questions or concerns, please contact [FEMA-HC-MYPAYSOLUTIONS@DHS.GOV](mailto:FEMA-HC-MYPAYSOLUTIONS@DHS.GOV).

All exempt employees paid under a fund code that has not lapsed (including the DRF) should ensure their time is accurate and validate as they ordinarily would. The OCCHCO WebTA Administrator will certify ALL timecards during the furlough period.

2. Will Smartbenefits be available after furlough appropriations lapse?

Debit card holders received funding on September 10th and have until October 9th to utilize those funds before they are returned to the Agency. Discussions are ongoing with the Department of Transportation as to whether Smartbenefits will be replenished after October 9th.

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**C. Travel, Deployment, and Leave During Appropriations Lapse**

1. Who may take leave during a lapse in appropriations?

Non-exempt employees paid from Fund 90 or another fund that has lapsed are furloughed and cannot be on leave status.

Exempt employees funded by a non-lapsing appropriation, including COREs, may take leave provided leaders can meet readiness and mission commitments.

Exempt employees funded by appropriations that have lapsed may not take leave. They must either report for duty or be furloughed.

2. Can an employee take sick leave during a lapse in appropriations?

See answer to number 1 above. Non-exempt employees will not be required or permitted to take paid sick leave during a lapse in annual appropriations. Exempt employees whose salary and benefits come from a lapsed appropriation must either be present for work or on furlough. If they become sick, they must be furloughed, but may be recalled for exempt activities when able to return. Exempt employees who are funded by a non-lapsing appropriation may take leave using standard procedures.

3. Do employees need to be within a certain distance/commute time at all times during furlough – (i.e. some may want to leave the area for a few days)?

There is no requirement for employees to remain within a certain distance, but employees will need to report to work or obtain approval for leave upon the conclusion of the furlough.

**D. Pay & Benefits**

1. When an employee's pay is insufficient to permit all deductions to be made because a furlough occurs in the in the middle of a pay period and the employee receives a partial paycheck, what is the order of withholding precedence?

Agencies will follow the guidance on the order of precedence for applying deductions from the pay of its civilian employees when gross pay is insufficient to cover all authorized deductions found at the following link

<http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=1477>

2. Will an employee continue to be covered under the Federal Employee Health Benefits (FEHB) program during a shutdown furlough if the agency is unable to make its premium payments on time?

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Yes, the employee's FEHB coverage will continue even if an agency does not make the premium payments on time. Since the employee will be in a non-pay status, the enrollee's share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

The following link will answer questions pertaining to health insurance benefits:  
<http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf>.

3. What happens if an employee wants to terminate Federal Employee Health Benefits (FEHB) coverage while in a non-pay status in order to avoid the expense?

Unlike other types of non-pay status, employees in a non-pay status due to a lapse of appropriations (shutdown furlough) will not have the opportunity to terminate or cancel FEHB coverage. The employee will remain covered; the enrollee's share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

4. Is it possible that furloughed employees may become eligible for unemployment compensation?

Employees placed in a non-pay/furlough status may choose to file a claim under the Department of Labor's Unemployment Compensation for Federal Employees (UCFE) program.

Unemployment compensation requirements differ from state to state. In general, the state in which an employee's last official duty station in Federal civilian service was located will determine eligibility for unemployment insurance benefits. See the Department of Labor website for additional information regarding unemployment insurance for Federal employees.

- <http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp>
- <http://www.dol.gov/sequestration/ui-federalemployees.htm>
- <http://www.dol.gov/dol/shutdown/UI-Fact-Sheet.pdf>

Employees should submit questions to the appropriate state (or District of Columbia) office. The Department of Labor's website provides links to individual state offices at <http://www.servicelocator.org/OWSLinks.asp>.

To submit your unemployment application you will need the following documents:

- SF 8, Notice to Federal Employee about Unemployment Insurance
- Latest SF 50, Notification of Personnel Action

To obtain your most recent SF 50, you will need to access the eOPF (Electronic Official Personnel Folder) system. eOPF can be accessed from any computer. To access your

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eOPF, go to <https://eopf.nbc.gov/dhs/> and click “Accept”. Once redirected, if you have forgotten your ID or password, you can reset it from this page.

Questions can be directed to [FEMA-HC-mypaysolutions@dhs.gov](mailto:FEMA-HC-mypaysolutions@dhs.gov).

**E. Miscellaneous**

1. Which Employee Assistance Program (EAP) resources would still be available to employees (exempt/non-exempt?) in the event of a lapse in appropriations?

EAP will still be available to employees. You can access EAP toll-free at 1-800-222-0364 or visit their web site at [www.FOH4You.com](http://www.FOH4You.com) to find information and resources.

2. Will FEMA issue standard letters people can use for creditors (to forestall credit issues) if the lapse is prolonged?

Yes, a notice was issued to all furloughed employees on October 8, 2013 which can be provided to creditors.

3. What are the ethics rules on outside employment during a lapse in appropriations?

During a government shutdown, FEMA employees must continue to comply with all of the ethics laws and regulations, including the criminal conflict of interest laws and the Standards of Ethical Conduct for Employees of the Executive Branch. Furlough status does not affect the existing rules and considerations that FEMA employees must follow before engaging in outside activities. Please see important additional information at the following link <http://www.oge.gov/Topics/Outside-Employment-and-Activities/Outside-Employment-Limitations/>

4. Does online training need to be suspended during the furlough? If staff is scheduled to attend classes at another location, should that be cancelled?

If an employee is non-exempt they should not attend or complete training upon notification of furlough.

5. Not all employees have Blackberries, how will employees be notified to return to work?

Employees who do not have a blackberry should monitor their phones (ENS) or other means of receiving emails such as their personal computer.

6. Will FEMA send me a daily email notifying me of the furlough status?

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Administrator Fugate and/or Deputy Administrator Serino will send an All Hands communication on a daily basis which will include the furlough status.