

# **RURAL DEVELOPMENT PLAN FOR OPERATIONS IN THE ABSENCE OF APPROPRIATIONS**

## **I. MAJOR PROVISIONS OF MISSION AREA PLAN**

- When the likelihood of a shut-down is imminent, Rural Development (RD) shall discuss the Plan for Operations and the Start-up Plan with the appropriate Labor Unions.
- If RD is informed that there will be the absence of appropriations authority, RD will, within two business days, inform all agency employees of their work status and assignments for the period beginning with the absence of appropriations. If RD is not notified that there will be the absence of appropriations authority, RD will send a notice to all employees informing them of the situation and directing them to report for their regular work shifts. Employees will then be advised of their work status and assignments, and an orderly shut-down of non-excepted mission area operations will be effected within four hours. It is understood that there may be a need for more than four hours to orderly shut-down facilities and some activities for programs.
- The Under Secretary will instruct field supervisors setting standards for office staffing to provide for an orderly shut-down of non-excepted mission area operations and the continuation of excepted activities. Personnel not needed to continue excepted activities or to assist with closing down non-excepted operations will be released within the first four business hours of the period of absence of appropriations. State Directors and staff reporting to them will in their entirety be considered non-excepted. Employees performing excepted activities will be in headquarters in Washington, DC and in St. Louis, MO. Certain employees at the National Financial and Accounting Operations Center (NFAOC), in St. Louis, Missouri, will conduct excepted activities in order to provide financial services support for RD loan customers and for Farm Loan Program customers. RD employees deemed excepted will be located in Washington, DC and in St. Louis, MO, with the exception of the Regional State Directors. Those employees will conduct excepted activities in order to preserve government property and provide financial services supporting RD and Farm Loan Program loan customers.
- The Office of the Secretary is expected to provide approved language for consistent “out of office” signage, outgoing voice mail and email messages, and other public notification by headquarters and field offices that non-excepted functions have ceased. In the absence of such approved language, the Office of the Under Secretary will provide appropriate messages as part of the orderly shut-down activities.
- The orderly shut-down of non-excepted activities includes taking measures to secure files and data systems, securing RD and customer funds, making necessary contacts with contractors, customers, and partners outside the mission area, and canceling meetings, hearings, loan closings, and other previously arranged RD business not necessary for continued operations. Field offices will be instructed to file stop delivery notices with the United States Postal Service effective the first day of the

furlough. However, borrowers that mail checks should be mailing them to the lockbox address. Lockboxes continue to operate during the shutdown

- Supervisors will identify any other tasks necessary to continue excepted operations and for the orderly shut-down of non-excepted activities. Supervisors will also identify those employees needed to administer the excepted operations or necessary for the orderly shut- down of non-excepted operations.<sup>1</sup> These plans are to be reviewed by the Administrators, State Directors, Deputy Administrator for Operations and Management, Deputy Administrator for the Centralized Servicing Center (CSC), Chief Financial Officer, Director NFAOC, Budget Director, and Chief Information Officer for their respective areas of jurisdiction, within specified timeframes. Upon timely completion of their review, the plans will be submitted to the Under Secretary for review and approval. The plan will be forwarded to the Office of the Secretary and all of its appropriate jurisdictions, for their final approval.
- All employees in travel status for other than excepted activities will be directed to return to their duty stations by midnight on the day of notification of the shut-down. If unforeseen circumstances prevent travelers from returning as required, the Agency will ensure travelers return to their duty station via the most expedient and cost effective mode of transportation.
- Once final determinations are made and all necessary notice and bargaining with affected employee unions over impact and implementation of the shut-down is complete, employees performing non-excepted functions will be notified and placed on furlough or other personnel action taken as appropriate for the circumstances. All such employees will be informed of their duty to avoid voluntary work and to refrain from using mobile information technology equipment while on furlough, either through a common notice supplied by the Office of the Secretary or, if not, through a common notice supplied by the Under Secretary.
- The Under Secretary will review the sufficiency of excepted function staffing on an as needed basis, releasing staff no longer needed or adding staff with such additional skills as might be required to address an unforeseen circumstance. The Under Secretary will notify the Assistant Secretary for Departmental Management and the Office of Budget and Program Analysis (OBPA) of any changes to the approved plan.
- Travel and training for RD operations would be suspended during the period of shut-down.
- After shut-down operations, RD state and area office employees located in communities throughout the United States would be furloughed.

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<sup>1</sup> Guidelines used for these interim measures are set forth in Attachment A.

## II. EXCEPTED ACTIVITIES

RD has no program activities that would continue in the absence of an appropriation. However, there are certain limited activities that are viewed as “excepted” for the purpose of preserving the Government’s property. This property includes RD’s loans portfolio, which exceeds \$230 billion and serves as collateral for loans, and borrowers’ funds paid to RD in escrow for real estate taxes and property insurance.

If the excepted activities to preserve Government property are not permitted during the absence of appropriations, borrower remittances could be lost in our payment lock box bank processes, and Personally Identifiable Information (PII) could be jeopardized. In addition, data could be lost as a result of overlays or overloads, and multiple batch updates of the MortgageServ system, if run back-to-back, could result in an inability to recover the financial system. Furthermore, protective advances for properties in foreclosure could not be made to protect the Government’s interest in the properties.

Included among these excepted activities are:

- Processing nightly updates for each RD financial system — Automated Multi-Family Accounting System (AMAS), Commercial Loan Servicing System (CLSS), MortgageServ, Guaranteed Loan System (GLS), and Program Loan Accounting System (PLAS) — to include daily cash remittances and disbursements. Remittances represent funds returned to the Federal Government and should not be delayed. This effort will include:
  - Balancing and reconciling all RD loans, as well as those Farm Service Agency (FSA) loans on the two financial systems (GLS and PLAS) that are shared between RD and FSA.
  - Ensuring that front-end applications, such as Management Agent Interactive Network Connection, RD Utility Program Customer Initiated Payments, Lender Interactive Network Connection, and GLS remain available for borrower/lender cash remittances. Disbursements represent actual cash outlaid of government funds. Disbursing funds from time to time may be needed for the purpose of protecting and preserving RD assets; e.g., placing protective bids at foreclosure sales to ensure that RD’s loan collateral is not lost and paying for critical repairs necessary to preserve such property.
- Ensuring that RD performs its fiduciary responsibilities in accounting for and processing customers’ funds, such as loan escrow accounts, in an accurate and timely manner. This will help RD avoid creating unnecessary hardships for our customers and litigative risks for RD by processing escrowed funds to pay insurance and tax payments on time, thus reducing the probability of insurance policy cancellations and tax penalties being assessed.
- Ensuring that services’ contracts supporting excepted services remain in place during furlough and available to pertinent staff. Prepare clear documentation on which contracts will remain available and any special provisions that must be observed during furlough.

### III. IMPACT OF PROGRAM SHUT-DOWNS

Rural Development's mission is to serve as a catalyst for economic and community development activities in rural areas through loans and grants to individuals, businesses, and communities.

On a short-term basis, RD would have limited operations, which would only encompass excepted activities, described in Section II, Excepted Activities. The short-term impact would extend beyond preserving the Government's property. RD's loan portfolio exceeds \$230 billion with over one million loans, making the agency one of the largest "banks" in the country. The unavailability of servicing actions not deemed excepted could have a negative impact on the financial stability of customers and mortgage lenders' financial operations. For example, borrowers would not be able to secure much-needed loans, make loan payments, or reamortize loans. Rental Assistance tenants could be negatively impacted because rent payments would not be processed. Community projects, including critical water and environmental improvements, would be suspended during a shut-down due to lack of payments.

There would also be a short-term tangible impact on the overall economy as employees and contractors will not receive compensation. Additionally, there would be intangible effects such as a demoralized workforce.

While the impacts on these programs are described as short-term, the corrections required once operations resume will need to be heavily coordinated and carefully executed in order to minimize further impact on RD's portfolio.

The shut-down of RD loan and grant making activities for a prolonged period of more than two weeks would have an adverse impact on the rural economy. Should RD not be allowed to continue loan and grant making operations for an extended period, the long-term impact would be substantially more serious, as described below.

- No additional loans/grants would be available during the period except for emergency purposes and to protect the Government's interest. System generated disbursements for previously obligated Rental Assistance (RA) funds will continue.
- No new RD rural housing loans or guarantees would be issued, which would result in a setback in construction start-up, as well as a potentially costly inconvenience to buyers and sellers depending on a Single Family Housing loan or guaranteed loan closing. A more permanent interruption in the program would cause a substantial reduction in housing available in rural areas relative to population.
- New and expanding businesses would be unable to access loan guarantees to create new jobs and save existing jobs and with them, the potential taxpayers who would hold those jobs.
- No loans or assistance for essential community facilities would be made, delaying the financing of health care, emergency response, and other essential services to rural

communities. Projects already financed that are under construction would be delayed in having any bridge financing replaced with permanent financing from USDA. A long-term shut-down would place RD seriously behind in our mission of improving quality of life and economic opportunity in rural areas with limited income. The current community facility loan program is one of the very few sources of financing for essential community facilities in rural areas.

- No loans, grants, or advances would be made or issued for modernizing rural America's electric and telecommunications infrastructure. Borrowers or grantees would not be able to improve service, or pay off short-term bridge loans. No advances would be issued to pay invoices for construction contracts, which could result in defaults on contracts, increase construction costs, and lead to litigation. Ultimately, this could lead to RD loan security problems.
- If Single Family Housing direct loans are on approved status only, the Rural Housing Service will not disburse loan funds. Continued closing of the loan therefore is not necessary to protect Government property, so closing activities should not be exempted.
- Single Family Housing guaranteed borrowers always may close loans with private lenders. If they do so before a guarantee is issued to the lender, then the closing is done at their own risk. Issuance of new guarantees during a shutdown does not protect Government property and should not be exempted.

The negative effects of a shutdown at times other than the beginning of the fiscal year increase the impact on RD borrowers. For example, if a shutdown occurred in December, RD borrowers would not receive critical information to file income tax returns. It has the potential of creating a tax liability for RD borrowers, and long-term, it affects the overall economy of the United States, as it will diminish collections of revenue.

#### IV. PROGRAMS OPERATING UNDER CONTINUING AUTHORITY

Rural Development has a number of programs that contain broad authorizations under no-year appropriations for the Secretary to utilize funds for necessary servicing actions or to make and insure loans and to make grants until the appropriated funds are expended.

Programs administered under no-year appropriations include the following:

- Rural Community Development Initiative Grants
- Community Facilities Direct Loans
- Community Facilities Guaranteed Loans
- Community Facilities Grants
- Community Facilities Economic Impact Initiative Grants
- Community Facilities Tribal College and University Grants
- Section 533 Housing Preservation Grants
- Section 542 Rural Housing Voucher Program
- Section 514 and Section 516 Farm Labor Housing Loan and Grant Program
- SFH 523 Mutual and Self-Help Housing Grants
- SFH 504 Very Low Income Repair Grants
- SFH 509 Construction Defects
- Value Added Producer Grant Program
- Business and Industry Guaranteed Loan Program
- Rural Business Development Grants (RBDG)
- Rural Economic Development Loans and Grants (REDLG)
- Rural Microenterprise Assistance Program (RMAP)
- Biorefinery Guaranteed Loans
- Rural Energy for America Program (REAP)
- Water and Waste Disposal Loan and Grant Program
- Section 306C Water and Waste Disposal Grants
- Section 306D Water and Waste Disposal Grants for Alaskan Villages
- Wastewater Revolving Fund Grants
- Solid Waste Management Grants
- Household Water Well Grants
- High Energy Cost Grants
- Distance Learning, Telemedicine and Broadband Loans and Grants

Programs under annual appropriation that may continue to expend funds include:

- Section 521 Rental Assistance Program

None of these programs will continue operating in the absence of appropriations except to the extent that servicing actions may be required to preserve the property of Rural Development as identified in Section II, Excepted Activities.

## ATTACHMENT A

### RURAL DEVELOPMENT SUMMARY OF ACTIVITIES IN THE EVENT OF A GOVERNMENT SHUTDOWN <sup>1</sup>

<u>Agency</u>	<u>Current On- Board Staff</u>	<u>Estimated Employment by Category</u>						<u>Total</u>	<u>Total</u>
		<u>I</u>	<u>II</u>	<u>III</u>	<u>III</u>	<u>III</u>	<u>Total</u>	<u>% of</u>	
				<u>2nd Half Day One</u>	<u>Day 2</u>	<u>Day 5</u>	<u>Day 5</u>	<u>After Day 5</u>	<u>After Day 15</u>
<b>Rural Development, Total .....</b>	<b>4,782</b>			<b>686</b>	<b>87</b>	<b>87</b>	<b>87</b>	<b>1.8%</b>	<b>87</b>
<b>Field Offices .....</b>	<b>3,271</b>			<b>463</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>0.2%</b>	<b>8</b>
<b>St. Louis .....</b>	<b>848</b>			<b>115</b>	<b>67</b>	<b>67</b>	<b>67</b>	<b>7.9%</b>	<b>67</b>
<i>St. Louis NFAOC</i>	<i>229</i>			<i>48</i>	<i>28</i>	<i>28</i>	<i>28</i>		<i>28</i>
<i>Operations &amp; Management</i>	<i>105</i>			<i>18</i>	<i>18</i>	<i>18</i>	<i>18</i>		<i>18</i>
<i>Rural Housing Service, CSC</i>	<i>514</i>			<i>49</i>	<i>21</i>	<i>21</i>	<i>21</i>		<i>21</i>
<b>Washington, DC .....</b>	<b>663</b>			<b>108</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>1.8%</b>	<b>12</b>
<i>Office of the USEC</i>	<i>3</i>			<i>3</i>	<i>3</i>	<i>3</i>	<i>3</i>		<i>3</i>
<i>Chief Financial Officer</i>	<i>34</i>			<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>		<i>1</i>
<i>Operations &amp; Management</i>	<i>169</i>			<i>29</i>	<i>5</i>	<i>5</i>	<i>5</i>		<i>5</i>
<i>Rural Housing Service</i>	<i>101</i>			<i>17</i>	<i>1</i>	<i>1</i>	<i>1</i>		<i>1</i>
<i>Rural Utilities Service</i>	<i>256</i>			<i>41</i>	<i>1</i>	<i>1</i>	<i>1</i>		<i>1</i>
<i>Rural Business Service</i>	<i>100</i>			<i>17</i>	<i>1</i>	<i>1</i>	<i>1</i>		<i>1</i>

KEY: Category I: Military, Law Enforcement and Direct Provision of Health

Category II: Financed from Available Funds

Category III: Protect Life and Property

2<sup>nd</sup> Half Day One includes supervisors on board

<sup>1</sup> Ad-Hoc Excepted Employees are included in grand totals even though they may not be called on to perform excepted activities.

Summary of Category I Activities:

None.

Summary of Category II Activities:

None.

Summary of Category III Activities:

RD has no program activities that would continue in the absence of an appropriation. However, there are certain limited activities that are viewed as “excepted” for the purpose of preserving property. This property includes RD’s loans and grants portfolio, which exceeds \$230 billion and serves as collateral for loans, and borrowers’ funds paid to RD in escrow for real estate taxes and property insurance. Included among these excepted activities are: Processing nightly updates for each RD financial system — AMAS, CLSS, MortgageServ, Guaranteed Loan System (GLS), and PLAS — to include daily cash remittances and disbursements. Remittances represent funds returned to the Federal Government and should not be delayed. This effort will include: Balancing and reconciling all RD loans, as well as those Farm Service Agency (FSA) loans on the two financial systems (GLS and PLAS) that are shared between RD and FSA. Ensure that front-end applications, such as Management Agent Interactive Network Connection, RD Utility Program Customer Initiated Payments, Lender Interactive Network Connection, and GLS remain available for borrower/lender cash remittances. Disbursements represent actual cash outlaid of government funds. Disbursing funds from time to time may be needed for the purpose of protecting and preserving RD assets; e.g., placing protective bids at foreclosure sales to ensure that RD’s loan collateral is not lost and paying for critical repairs necessary to preserve such property. Ensuring that RD performs its fiduciary responsibilities in accounting for and processing customers’ funds, such as loan escrow accounts, in an accurate and timely manner. This will help RD avoid creating unnecessary hardships for our customers and litigative risks for RD by processing escrowed funds to pay insurance and tax payments on time; thus, reducing the probability of insurance policy cancellations and tax penalties being assessed. Providing for the performance of critical contract obligations under no-year or multi-year or other funds remaining available for these purposes. Ensuring that EAP and Lifecare (Workers’ Compensation) services are provided, though on a reduced schedule.



## DESIGNATION OF POSITIONS DEEMED ESSENTIAL IN THE EVENT OF GOVERNMENT SHUT-DOWN

		First Two Weeks	Beyond Two Weeks	Ad-Hoc Excepted Staff
<b>OFFICE OF THE UNDER SECRETARY</b>				
Under Secretary		1	1	
Deputy Under Secretary		1	1	
Under Secretary Chief of Staff		1	1	
Administrators (DC)		1	1	2
<b>RURAL HOUSING SERVICE - Centralized Servicing Center</b>		16	16	5
<b>CHIEF FINANCIAL OFFICER</b>				
Chief Financial Officer (DC)		1	1	
St. Louis NFAOC		22	22	6
<b>OPERATIONS AND MANAGEMENT</b>				
Deputy Administrator (DC)		1	1	
Procurement and Administrative Services (2 DC / 2 St. Louis)		4	4	
Deputy Chief Information Officer (St. Louis)		16	16	
Human Resources (DC)		1	1	
Director, Emergency Preparedness (DC)		1	1	
<b>REGIONAL STATE DIRECTORS</b>				
Northeast Region		1	1	1
Southern Region		1	1	1
Midwest Region		1	1	1
Western Region		1	1	1
<b>Total</b>		<b>70</b>	<b>70</b>	<b>17</b>

## **ATTACHMENT B**

### **RURAL DEVELOPMENT PLAN FOR OPERATIONS IN THE ABSENCE OF APPROPRIATIONS**

#### **DETAILED LIST OF ACTIVITIES**

The following plan addresses procedures for activities not excluded from close down procedures:

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

The Under Secretary, Deputy Under Secretaries, Chief of Staff, Administrators, Chief Financial Officer, and Deputy Administrator for Operations and Management will identify those functions that need to be performed that are solely associated with an orderly interruption of normal activities. Such functions may include but are not limited to:

- Identifying measures to secure records, personal property, real property, and facilities that will be maintained and protected until appropriate disposition is accomplished.
- Drafting communication strategy for communicating with Agency employees.
- Drafting communication strategy for making contacts outside the Agency that is necessary to communicate our status.
- Identify all potential meetings, hearings and other previously arranged Agency business that may need to be cancelled.
- Identify all essential employees and ensure that employees have been identified consistently and fairly in compliance with applicable personnel regulations.
- Identify employees whose presence at work will be required to perform functions associated with the orderly cessation of program activities. This includes employee name, title and function the employee will perform. Include backup coverage employees as “ad-hoc essential. Identify what Chief Information Officer systems support is needed to maintain essential financial services and information technology infrastructure (see Section II, Excepted Activities for list of automated systems), including contractor support. Identify what instructions and procedures Human Resources Management will provide to employees for the close down period. Provide pertinent documents to excepted and non-excepted employees prior to Day 1 to allow for more timely preparation.
- Identify appropriate Department contacts for communications purposes and orderly close down of the agency.
- Contact any employee in travel status and direct to return to duty station by the last day of available appropriation.
- Initiate bargaining over furlough related topics.

- Identify physical facilities' support (security, access, custodial support, etc.) with relevant agencies, such as GSA.
- Identify any work initiated shortly before shut-down, such as SFH loan closings, which will likely be impacted during furlough and may require the need for additional resources.

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

All employees will be directed to report to their supervisors to receive assignments of duties or other pertinent information for an orderly close down. For those employees on telework status, their "report" may be done by telephone.

The Under Secretary, Administrators, State Directors, and subordinate managers and supervisors will coordinate the following activities intended to suspend Agency operations:

- Communicate close down instructions and procedures to all employees.
- Distribute furlough notices at headquarters and all field units to all employees who have not been determined to be necessary for the Agency's termination activities
- Contact any employees on leave and communicate that their leave is cancelled.
- Contact any employees in travel status and direct them to return to duty station.
- Ensure that all employees who are to be released complete timesheet entries and submit them to the approving official.
- Delay any employee transfer of station.
- Ensure all records, personal property, and real property are secured.
- Cancel all meetings, hearings and previously arranged Rural Development business.
- Validate existing communication strategy and employee contact information for future communications.

There will be daily communications by the Under Secretary on the status of the close down procedures with the Department contacts previously identified.

The Director of Human Resource Management will be responsible for:

- Providing instructions and procedures to managers and supervisors for all employees during the close down period. This will include provisions for calling back employees in the event it is determined they are needed to complete close down procedures.
- Providing specific instructions for employees to complete final time and attendance reports.
- Providing workers' compensation eligibility information to employees.

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

The Director of the Procurement Management Division will be responsible for:

- Coordinating with all contracting officers (COs) and contracting officer technical representatives (COTRs) to notify all contractors and vendors that work is suspended.
- Coordinating with all COs and COTRs to notify affected contractors and vendors that work is to continue, in the cases where excepted work requires the continued support of contractors' assistance. Preparing and sharing clear documentation on which contracts will remain available and any special provisions that must be observed during furlough. Ensuring that active contracts during furlough will not lapse during the potential furlough timeframe. This is especially important for CSC Investment and Disbursement Contracts as they support activities for the preservation of property.

The Rural Housing Service Administrator will be responsible for ensuring that emergency Agency activities continue related to cash management, escrow, claims processing, and pay-off activities at the CSC.

### **Second half of Day 1:**

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

- Document the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when Rural Development's ultimate funding situation is resolved. Develop mechanisms to track work accumulated and actions taken during the furlough as a basis for restarting upon return.
- Prepare files for permanent storage, transfer to related agencies, or other disposition, when applicable.
- Complete identification of employees whose presence at work will be required to perform functions associated with the orderly cessation of program activities. Share this information within all excepted employees. This includes:
  - Name of each employee required to continue close down operations,
  - Title and location of each employee identified, and
  - The function that each identified employee is to perform.
- Finalize and submit list of employees to the Office of the Under Secretary no later than the end of Day 2.
- Contact contractors and vendors, by COs and COTRs, to identify whether work is suspended or to be continued.

## **Day 2:**

Only employees leading, directing, and performing work identified as “excepted” from shut-down procedures will continue to work. These employees will be directed to perform only those activities as enumerated above. As each shut-down function is completed, managers and supervisors must notify the manager or supervisor at the next highest level or, at headquarters, the respective program Administrator or Deputy Administrator of Operations and Management, through channels, of completion and identify those employees who were responsible for the task.

Each employee whose shut-down function is completed will be furloughed immediately and formally notified by their supervisor or appropriate manager if the supervisor is not available.

There will be daily communications by the Under Secretary on the status of the shut-down procedures with the Department contacts previously identified.

The RHS Deputy Administrator will complete identification of CSC employees whose presence at work will be required to perform functions associated with the orderly cessation of program activities. The RHS Deputy Administrator for CSC will ensure designated CSC employees’ ability to reenter the facility.

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

- Ensure all records; personal property and real property are secured.
- Validate existing communication strategy and employee contact information for future communication needs.

**Excepted managers and senior officials will hold a daily meeting starting on Day 2 to address changes in plan or any other unforeseen circumstance.**

## **Day 3 and through the second week of shut-down:**

Only employees who were previously identified as required to perform functions necessary for orderly shut-down of program activities and those employees previously identified as required to perform functions that are excepted from the close down will report for work.

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

Employees completing close down functions, continue tasks as outlined under Day 2 for each succeeding day until the Under Secretary determines the shut-down is complete.

There will be daily communications by the Under Secretary on the status of the close down procedures with the Department contacts previously identified.

**In the third week and beyond:**

Only employees who were previously identified as required to perform functions necessary for orderly shut-down of program activities and those employees previously identified as required to perform functions that are excepted from the close down will report for work.

There will be communications by the Under Secretary at least weekly on the status of the close down procedures with the Department contacts previously identified.

RHS SFH has an open contract administered by the SFH Guaranteed Loan Division. The contractor is with Deloitte & Touche, LLC. This contract would not be affected by a temporary shut-down because the work is ongoing and current activity is already funded. Should the shut-down extend more than 3 weeks; the contractor will be notified to put any further activities on hold because of USDA's inability to monitor contract activities.

START-UP OF  
RURAL  
DEVELOPMENT  
OPERATIONS  
PLAN

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## **Purpose**

This document establishes a plan of action to execute an orderly start-up of Rural Development (RD) operations following the approval of the new fiscal year funding. This plan will be enacted through a notification to all employees from the RD Deputy Undersecretary for Operations and Management (O&M) at the direction of the Rural Development Under Secretary.

## **Scope**

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

## **High-Level Summary**

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

## Initial Communications Timeline

RD has prepared for an agency start-up following approval of the new fiscal year funding. In general, focus on communications in the first 48 hours will be on employee questions and morale, advancing funds to State and HQ components so payroll is met and they can start conducting business, and identifying projects that require immediate attention to protect the government's interest in real or secured property.

To keep the agency informed during this start-up process, the following communications will occur (Note: Day 1 is the first full day of operations upon restoration of funding):

- Following approval of the new fiscal year funding: Federal employees receive notification either from the OPM website or the news media that they should report for work on the next work day. Employees who wish to furnish their personal mobile numbers will also receive notification through text messaging. St. Louis has the MIR3 application already. Excepted employees would need access to the system to initiate messaging to furloughed employees. Also, subsequent communications could be posted to the RD Internet site that doesn't require connectivity via Government Furnished Equipment. However, they should not solely rely on this method of communication.
- Following approval of the new fiscal year funding: The Deputy Under Secretary for Operations and Management or the Deputy Administrator for Operations and Management, on behalf of Senior RD Leadership, will provide notice to union leadership regarding the operational status of the agency.
- Day 1: 9:00 am EST – Joint Meeting of the Start-Up Committee and Start-Up Customer Service Team to initiate the Start-Up of RD Operations Plan.
- Day 1: 1:00 pm EST – State Directors' and Administrators' Teleconference – RD Under Secretary, Deputy Administrator for Operations and Management, Chief Financial Officer, and Human Resources Director will review the start-up plan with senior agency leaders and provide any guidance from the Department.
- Day 1: 2:30 pm EST – State and Agency Administrative Officers' Teleconference – RD Deputy Administrator for Operations and Management, Chief Financial Officer, and Chief Information Officer will review the start-up plan, focusing on specific guidance for human resources, contracting, budget and finance, and information technology (IT), and provide any guidance from the Department.
- Days 1 and 2: State Directors and Agency Heads "All Hands" Meetings/Calls – Each State Director and Agency Head will hold an "all hands" meeting/conference call to

thank employees, share the latest information about start up procedures, and answer questions.

- Days 1 and 2: 3:30 pm EST – Program Directors’ Review – Respective Deputy Administrators and Assistant Administrators, Deputy Administrator for Operations and Management, and Chief Financial Officer will review the start-up plan, focusing on specific guidance for contracting, payments, and programs, and provide any guidance from the Department.
- Day 2: 9:00 am EST – Joint Meeting of the Start-Up Committee and Start-Up Customer Service Team to continue implementation of the Start-Up of RD Operations Plan.
- Day 2: 3:00 pm EST – State and Agency Human Resource Officers’ Teleconference – Director of Human Resources will review the start-up plan, focusing on specific guidance for human resources, and provide any guidance from the Department.
- Day 3: 9:00 am EST – Joint Meeting of the Start-Up Committee and Start-Up Customer Service Team to continue implementation of the Start-Up of RD Operations Plan
- Day 3: 1:00 pm EST – State Directors’ and Administrators’ Teleconference – RD Under Secretary will check status of operations start-up, gather information on major issues and needs related to start-up and post-shutdown activities, and provide any additional guidance.
- Other Communications:
  - Letter to partners from the RD Under Secretary and Administrators (nationally) and State Directors (State-wide) (see Template in Appendix B).
  - Letter to customers from the Administrators and State Directors (see Template in Appendix B).
  - Additional teleconferences as needed with State leaders and stakeholders.

## **General Start-Up Procedures**

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

- Turn off the out-of-office message for Outlook email.
- Reset voice mail message.
- Remove all signage indicating the office was closed because of the funding lapse.

- Restart computers and other IT devices according to guidance outlined in the Information Technology section of this plan.
- Resume use of transit benefits, as applicable.
- Resume use of government-issued mobile devices, including cell and smart phones, tablets, and/or laptops for approved purposes.
- Resume use of government purchase, fleet and travel cards for appropriate government use.
- Manage the approval of Telework schedules, for the next two pay periods immediately upon return to work, based on the needs of each work unit. Managers and supervisors must assess the work unit's need and manage employees' schedules appropriately. This will allow the agency to recover faster, make services available sooner, and control backlogs.

## **Guidance for the Start-Up of RD Operations**

A temporary Start-Up Committee ("Committee") will guide the agency's transition from shutdown to full operational status. The Committee will be responsible for overseeing the implementation of the start-up plan; providing related policy and procedural direction; ensuring coordination and consistency across functional areas (human resources, financial management, information technology, property and procurement, programmatic, etc.); troubleshooting system and unique challenges; and monitoring progress related to restoring full operational status and in addressing employee, partner, and customer concerns.

Initially, the Committee will meet at least daily to assess progress and developing issues. As issues are resolved and progress continues, meetings may be less frequent. The Committee also will assess lessons learned from the shutdown and start-up and apply those to normal operations where applicable, as well as to plans prepared in the event of a future shutdown/start-up. The chair will be responsible for reporting progress and issues to the Under Secretary. The Committee will be disbanded when the Under Secretary has determined operations are back to normal and any major issues/challenges related to the shutdown have been resolved.

The Deputy Under Secretary for O&M will chair the Start-up Committee. The Deputy Administrator for O&M will serve as vice chair. The complete membership of the Committee will be as follows:

- Deputy Under Secretary for O&M, Chair
- Deputy Administrator for O&M, Vice Chair
- RD Chief of Staff

- Chief Financial Officer
- Chief Information Officer
- Agency Administrators
- Agency Deputy and Assistant Administrators
- Regional State Directors

The Committee will be assisted by the following positions. Other positions may be called upon for assistance as the issues, challenges, and opportunities warrant.

- Director, St. Louis Loans NFAOC
- Director, Budget Division
- Deputy Chief Information Officer
- Deputy Administrator, Centralized Servicing Center
- Director, Procurement and Administrative Services Division
- Director, Human Resources Division
- Director, Legislative Affairs and Public Affairs Staff
- Director, Human Resources
- State Director Regional Team Leads (four)

See Appendix A for a list of the specific duties of the Start-Up Committee.

## **Customer Service for Start-Up of RD Operations**

The re-start of RD operations will be accompanied by many employee, customer (internal and external), and stakeholder questions and concerns. It is important for RD to provide timely and consistent information that is in keeping with statute, regulation, and policy, and that this information is accessible throughout RD.

A temporary cross-cutting Start-Up Customer Service Team (“Team”) will be available to address this need on Day 1 of the return of the RD workforce to duty status. The Team will work in a cohesive and coordinated manner to ensure timely, accurate, and consistent responses to shutdown/start-up questions from employees, customers, and partners. In addition, the Team will inform the Start-Up Committee on the status of its work, and will elevate issues and opportunities that require higher level interaction or resolution.

The makeup of the Start-Up Customer Service Team will be as follows:

- Deputy Administrator, Operations and Management, Chair
- Director, Legislative Affairs and Public Affairs Staff
- Director, St. Louis NFAOC

- Director, Budget Division
- Director, Human Resources
- Director, Procurement and Administrative Services Division
- Deputy Chief Information Officer
- Deputy Administrator, Centralized Servicing Center
- Agencies' Chiefs of Staff

A centralized email box ([RDoperationalstatus@wdc.usda.gov](mailto:RDoperationalstatus@wdc.usda.gov)) will be established so that all employees can submit shutdown and start-up questions on a 24 hour/7 days per week basis. The Team will monitor the box and ensure that responses are developed and appropriately vetted, and that employees receive responses as rapidly as possible. Questions and answers with broad applicability will also be posted to the agency's Frequently Asked Questions, which will be accessible to all RD employees via USDA Connect.

The Deputy Administrator for Operations and Management will coordinate all internal communications. The Director of Legislative and Public Affairs Staff (LAPAS) will coordinate all external communications with stakeholders and the Hill in conjunction with the Office of Congressional Relations (OCR).

## **Information Technology**

The RD Chief Information Officer (CIO) is responsible for ensuring that Information Technology (IT) Systems are operating with a high level of confidence to perform agency business operations across the enterprises. The Director of the St. Louis COE is responsible for ensuring that all loan accounting systems are available as necessary. Upon restoration of funding for the agency:

- RD CIO will restore all RD production IT systems, business tools, and websites to their last known state in order to conduct official RD business.
- St. Louis COE and CIO will coordinate with USDA-OCIO-CTS and NITC to ensure all interdependent and enterprise IT systems are online and available.
- RD CIO will ensure communication with the Departmental Office of the Chief Information Officer
- Employees should retrieve all IT equipment (laptops, Blackberry, iPhone, iPads, etc.) from their secured location in order to conduct official RD business.
- Employees will restart their computers and other IT devices to ensure all memory, temporary files, and caches are cleaned, giving the computer a fresh start.

- Reset any expired passwords, and ensure that any associated equipment (e.g., smart phone, notebooks, iPad) is also updated.
- Employees should connect computers and laptops to the IT network to ensure all systems are updated with the appropriate security patches and system updates. As a result of IT systems being offline for several days, this process may take up to 4 hours to complete. Do not turn off computers while the updates are in progress.
- RD CIO will work with USDA-OCIO-CTS to ensure technical issues submitted to the IT helpdesk are addressed completely and in a timely manner.
- RD CIO will provide ongoing monitoring to ensure availability and proper functionality of IT systems throughout the start-up and recovery process.
- RD CIO will provide Business Application help desk support for RD IT systems that support official business (i.e., GLS, MFIS, LoanServ, etc.). All other user technical issues should be submitted to the appropriate Tier 1 CTS Help Desk. Tier 1 IT helpdesk contact information is provided below:
  1. RD Business Applications Help Desk Numbers:
    - 1-800-457-4700 Select Option 2 then select option 2 again
  2. OCIO-CTS Tier I - Help Desk
    - 1-800-457-4700

## **Human Resources**

The Director, Human Resources is responsible for ensuring that all Human Resources (HR) services and guidance is provided to RD employees, including HR Specialists in order to return to operations after a government shutdown due to a lapse in appropriations. The following attachments include Human Resources Guidance (Appendix C), Frequently Asked Questions (FAQs) (Appendix D), and Case File Note (Appendix E). In addition, the Start-Up Customer Service Team is available to provide additional assistance.

- Return to Duty After Shutdown
  - Generally, employees are expected to return to work the next business day or scheduled work day following the approval of a budget or a continuing resolution.
  - If an employee received unemployment compensation and is paid retroactively for time during furlough, the employee will be required to repay the unemployment compensation. For further guidance please visit <https://www.nfc.usda.gov/>
- Time and Attendance
  - Timekeepers must follow up with supervisors and employees to determine if a corrected timesheet(s) need(s) to be prepared for pay periods affected by the furlough.

- Guidance for HR Staffing Specialist and Assistants
  - Process outstanding personnel actions.
  - Review expiration dates of certificates of eligible applicants and document the case file with the “Note to Case File” provided in Appendix E of this document.
  - If a vacancy announcement closed during the furlough, please work quickly to rate, rank, and notify applicants of their eligibility.
  - Issue certificates of eligible applicants to the hiring managers, when appropriate.
  - For case files that were affected by the furlough, please be sure to add the “Note to Case File” document, Appendix E for future auditing purpose.
- Performance Management
  - The Department will provide guidance to USDA Agencies regarding extensions on rating performance for the previous fiscal year as well as issuing new performance plans for the new fiscal year, if any. Once the extension dates are received from the Department, all RD employees and supervisors will be notified.

## **Travel**

The Deputy Administrator for O&M and the CFO are responsible for providing coordinated guidance to authorized agency travelers on issues that may have arisen because of the shutdown and furlough.

- Travelers should complete any outstanding travel vouchers immediately after RD has confirmed the operational status of all associated IT systems.
- The RD CFO will work with the Department’s Office of the Chief Financial Officer to determine policy regarding timely payment of travel card balances since RD employees did not have access to the travel system during the government shutdown. Once the Department makes its determination, the RD CFO will communicate the Department’s policy and guidance via an FM Communication and during an FM Conference call.

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

The Director, Procurement and Acquisitions Division (PAS) is responsible for managing the resumption of functions related to acquisitions and procurements; contracts, grants, and agreements; and asset management (i.e., real and personal property). The expectation is that these activities will resume within five (5) working days following agency start-up.

- Contracts and Agreements Guidance:



- Contracts and Agreements under RD authority, and requiring RD support, oversight, assistance, will resume as determined by the appropriate Contracting Officer and Agreements signatory officials.
- Contracting Officers will issue resume work orders (modifications) for those contracts that were suspended/stopped during the furlough.
- Contracting Officers will notify agencies and offices of funding levels needed to resume contracts.
- Agencies and offices will process the required funding for contracts upon the Office of the Chief Financial Officer's release of funding allotments, coordinating with their Contracting Officers.
- Interagency and other agreements will resume under the existing terms of the agreement.
- Asset Management Guidance:
  - Personal property (vehicles, survey equipment, copiers, etc.) owned or leased by RD will be made safe, ready, and available for use by authorized Federal and non-Federal personnel. The use of vehicles by non-Federal partners or other agency personnel may resume according to the terms of existing agreements.
  - Real property (buildings/office space) owned or leased by RD will be made safe and available for use by authorized Federal and non-Federal personnel, and reopened to the public as appropriate.

## **Financial Management**

The Chief Financial Officer (CFO) is responsible for ensuring that funding for agency operations is made available in a timely manner, and for ensuring that agency financial operations are properly resumed, including close-out of the prior fiscal year and completion of the financial audit.

- Financial Management Modernization Initiative (FMMI) Accessibility:
  - The FMMI system is managed by the Department's Office of the Chief Financial Officer. It is anticipated that FMMI will be made available to all USDA agencies within the first business day after operations resume. The interface between FMMI and agency IT systems will be evaluated to ensure that it is functioning properly.
  - Questions about FMMI access should be directed to the Administrative Funds Control Branch at [RD.DCFO.FCB@stl.usda.gov](mailto:RD.DCFO.FCB@stl.usda.gov) for resolution.

- Year-end guidelines for adjustments in Period 13 are still valid and should be followed, if needed.
- Program Funds Control System (PFCS) and Loan/Grant Interfaces:
  - Under normal fiscal year-end processing schedules, PFCS and loan and grant interfaces would be available by the third business day of the new fiscal year.
  - The St. Louis COE and the Budget Division will ensure that new fiscal year subsidy rates and allotments are available.
- Posting prior year Obligations:
  - Valid and signed obligations for the prior year that were not entered into FMFI prior to the close of operations on September 30, can be entered directly by some RD personnel, via Year-end Estimates (YEs), in Period 13. The St. Louis COE will coordinate with NFC to have these obligations posted in FMFI.
  - Valid and signed loan and grant obligations, for the prior fiscal year, which may have been rejected by loan/grant interface, cannot be reprocessed until the new fiscal year. If deemed eligible, they would be processed with an effective date of September 30, XXXX, and reported under the effective fiscal year.
- Financial Audit:
  - RD CFO will work with the auditors and the Office of Inspector General, which oversees the Departmental Financial Statement Audits, to assess how to bring the financial audit to closure for the prior fiscal year.
  - Any outstanding audit samples should be completed and returned to Quality Assurance as soon as possible, following previously established procedures.
- Discretionary funding:
  - New fiscal year discretionary funding made available will be loaded into FMFI and PFCS, reflecting the terms and conditions of the appropriations language and automatic apportionment by the Office of Management and Budget (OMB).
- Mandatory funding (Farm Bill):
  - Mandatory funding will be made available based on terms and conditions of the appropriations language and OMB's automatic apportionment, as applicable.
- New Fiscal Year Allocations:
  - Initial allocations, based on a percentage of the prior fiscal year final allocations, will be provided within five (5) days of resumption of full operation.
  - Initial allocations will support agency operations during pendency of complete allocation process. The level provided will:

- Permit States to begin program operations while maintaining flexibility needed for making final allocations.

## **Centralized Servicing Center**

The Deputy Administrator, Centralized Servicing Center (CSC) is responsible for ensuring that the CSC is operating with a high level of confidence to perform agency business operations. The St. Louis COE is responsible for ensuring that all loan accounting systems are available as necessary. The St. Louis COE is responsible for ensuring that all IT systems are available to support the resumption of operations. Upon restoration of funding for the agency, managers and supervisors must:

- Define backlogs,
- Define and assign priorities,
- Manage resources (employees and processes) to address most critical needs the quickest,
- Meet regularly to assess status of work to be completed, and
- Provide feedback to senior leadership on progress.

## Appendix A: Start-Up Committee

The roles and responsibilities of the Start-Up Committee will be as follows:

### **Deputy Under Secretary for Operations and Management:**

- Serve as chair of Committee;
- Guide implementation of start-up and post shutdown plan;
- Ensure coordination across functional areas;
- Ensure Under Secretary is kept informed and elevate issues, challenges, and opportunities, as appropriate;
- Lead the application of lessons learned to normal operations, as appropriate; and
- Ensure communication and coordination in a timely manner with agency leadership.

### **Deputy Administrator for Operations and Management:**

- Serve as chair in absence of Deputy Under Secretary for Operations and Management;
- Ensure coordination within USEC Office and Operations and Management;
- Facilitate communication with ASA, OHRM, OPPM, and other Departmental Offices as necessary;
- Assign resources to address employee questions as a result of being furloughed; and
- Identify issues/opportunities for improvement with State Administrative Officers (SAOs); and
- Ensure coordination across functional areas.

### **RD Chief of Staff:**

- Lead development of any short- and/or long-term assessment of the impacts of shutdown;
- Facilitate communication with RD USEC, OBPA, OCR, other Departmental Offices, and Congressional staff; and
- Identify issues/opportunities for improvement.

### **Chief Financial Officer:**

- Ensure coordination with the Departmental Office of the Chief Financial Officer;

- Provide overarching guidance to the agency related to availability of funding based on approved funding levels;
- Facilitate the coordination of funding or financial system issues/opportunities with State Conservationists and State Budget Officers during the start-up process; and
- Coordinate with RD CIO and Department CIO on IT systems start-up and interoperability.

**Chief Information Officer:**

- Ensure communication with the Departmental Office of the Chief Information Officer;
- Lead the start-up of IT systems, secure PII and sensitive data;
- Coordinate with OCIO–CTS and NITC on the orderly start-up of interdependent and enterprise IT systems, assets and resources;
- Monitor RD IT Systems, tools and website to ensure they are functioning appropriately; and
- Coordinate with other agency leaders on IT systems start-up and interoperability.

**Administrators:**

- Ensure consistent and timely communication with State program areas;
- Ensure consistency in start-up and follow through across States;
- Ensure timely identification of partner issues and consistent handling across regions and States;
- Collect and report to the Committee on lessons learned from a state perspective; and
- Gather needed input for any short- and/or long-term assessments of the impact of the shutdown.

**Deputy Administrators and Assistant Administrators:**

- Ensure coordination and timely handling of programmatic issues;
- Provide assessment, analysis, and reports on the impact of the shutdown on RD programs;
- Coordinate with RD CIO and CFO on programmatic IT systems start-up and interoperability. Coordinate within program areas to assess and report on the impacts of the shutdown on loan and grant programs.

## **Appendix B: Template Letters**

### **Letter to Stakeholder**

We now have an enacted Fiscal Year (FY) XXXX continuing resolution that provides short-term funding for the U.S. Department of Agriculture (USDA), Rural Development (RD). As we begin an orderly start-up of our loan and grant activities for FY XXXX, we thank you for your patience and support during the period in which our services were unavailable.

I know that the funding lapse created difficulties and challenges for many of you and your organizations. We will be taking a proactive and customer-focused approach to prioritizing our activities so that we can resume normal operations as quickly as possible. As Rural Development stakeholders, we will be working closely with you to achieve this goal.

Thank you again for all that you do for rural America and the Nation. I look forward to a great year for Rural Development, made possible through our strong partnership for rural America.

Sincerely,

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Under Secretary/Administrator

## **Letter to Customers**

We now have an enacted Fiscal Year (FY) XXXX continuing resolution that provides short-term funding for the U.S. Department of Agriculture (USDA), Rural Development (RD). As we begin an orderly start-up of our loan and grant activities for FY XXXX, we thank you for your patience and support during the period in which our services were unavailable.

We realize that the temporary lapse in service created a backlog in requests and service delivery needs. This backlog will not be resolved overnight, and we are committed to a proactive and customer-focused approach to prioritizing our work and activities so that we can provide the expected services as quickly as possible. Please contact your local field office if you have any questions or need additional information.

Thank you again for all that you do for rural America and the Nation.

Sincerely,

---

Administrator/State Director

## Appendix C: Human Resources Guidance

### Appeals

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

- **Appeal Rights**

- Employees who have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the MSPB. Employees in the excepted service who have veterans preference may appeal to MSPB if they have completed one year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to MSPB if they have completed two years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two years or less.
- Career SES appointees (except reemployed annuitants) who believe the requirements of Title 5, Code of Federal Regulations, Part 359, Subpart H, have not been correctly applied may also appeal to MSPB.

- **Appeal Process**

- If you have the right of appeal to MSPB, and wish to appeal this action, you must file the appeal within 30 calendar days after the effective date of your furlough. If you wish to file an appeal, you may obtain information about the appeals process and a copy of the appeals form from the MSPB website at <http://www.mspb.gov/appeals/appeals.htm>. MSPB requires an appeal to be filed with the MSPB regional or field office serving the area where your duty station was located when the action was taken. MSPB also offers the option of electronic filing at <https://e-appeal.mspb.gov/>. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing.

- **Bargaining Unit Employees**

- Bargaining unit employees may grieve this action in accordance with their applicable negotiated agreement or may appeal to MSPB in accordance with the procedures outlined above, but not both.



## Benefits

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

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

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

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

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

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

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

- Payroll deductions will cease for any employee that does not receive pay. Coverage will continue so long as premiums are paid. If Long Term Care Partners does not receive payment for three consecutive pay periods, they will begin to direct bill the

enrollee. The enrollee should pay premiums directly billed to him/her on a timely basis to ensure continuation of coverage.

- **Federal Dental and Vision (FEDVIP) Program**

- Payroll deductions will cease for any employee that does not receive pay. BENEFEDS will generate a bill to enrollees for premiums when no payment is received for two consecutive pay periods.

- **Thrift Savings Plan (TSP) (contributions, investments, and loan)**

- Please see attached for details related to TSP accounts while in non-pay status. Also, RD employees should refer to the TSP website for more detailed information. Be sure to have your account number or log-in ID and password when accessing your TSP Account on the website. <https://www.tsp.gov/index.shtml>

- **Processing Disability Benefits**

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

- **Processing Court Ordered Benefits**

- OPM employees will continue working to process court ordered benefits. If the application requires additional information from other agencies, delays may occur during a government furlough.

- **High-3 Average Salary**

- Generally there will be no effect on the high-3 average salary unless the furlough causes the employee to be in a non-pay status for more than 6 months during the calendar year.

## **Details**

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

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

*The Sand Creek Employee Assistance Program* can be helpful in providing confidential counseling and coaching. They have experienced, licensed counselors ready to assist all RD employees and RD family members, 24 hours a day/7 days a week at 1-800-632-7643. The EAP

is a free, confidential counseling service that can assist in helping cope with stressful and challenging situations.

Sand Creek offers assistance and guidance on many life and wellness items including health, financial assistance and managing stress. Offerings from the EAP are available online by going to <http://www.sandcreekeap.com/members.aspx> and logging-in under work life wellness:

**Username: USDA Password: employee.**

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

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

## **Retirement**

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

## **Return to Duty after Shutdown**

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

## **Time and Attendance**

During a furlough, all time and attendance must be reported as furlough, even for employees that are considered "excepted" and/or "ad hoc/call-in excepted." Employees must keep track of the number of hours worked while the government is in furlough status.

Steps for coding time in WebTA as furlough are:

1. In the timesheet, click on the "+" in the "Leave Used" section. This will bring up the profile.

2. The “**Changes are for Current Timesheet Only**” radio button should already be selected (default); if not please select it.
3. Scroll down to the “**Timesheet Categories for Leave**” Section and click on the dropdown menu.
4. Select “**Furlough**” and click the “**Add**” radio button.
5. Click “**Save**” at the top.
6. You will be returned to the timesheet.

NOTE: Employees should document furloughed time based on the number of hours they are scheduled to work on the days for which RD is in furlough status. Employees on the alternative work schedule (AWS) schedule/days should not be changed once the agency is in furlough status.

Employees will be paid for hours worked prior to the furlough, if it takes place in the same pay period. However, employees that are considered “excepted or ad hoc/call-in excepted” will not be paid for the hours worked during the furlough status until after Congress passes and the President signs a new appropriation or continuing resolution. Congress will determine whether furloughed employees receive pay for the furlough period. All employees will be notified once this decision is made.

## **Transit Subsidy Program**

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

## Appendix D: Frequently Asked Questions (FAQs)

### General

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

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

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

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

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

**A:** Employees should monitor the news on television, radio, and/or OPM's website. Employees should monitor the same communications media that they would follow on the government's operating status for inclement weather.

### Pay

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

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

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

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

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

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

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

12. Other Voluntary Deductions/Allotments

- a) Military Service Deposits
- b) Professional Associations
- c) Union Dues
- d) Charities
- e) Bonds
- f) Personal Account Allotments
- g) Additional Voluntary Deductions

13. IRS Paper Levies

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

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

## **Benefits**

### **1. Q: To what extent does non-pay status affect civil service benefits and programs?**

**A:** Non-pay status (furlough) is credited as follows:

- **Federal Employee Health Benefits (FEHB)**  
Enrollment continues for no more than 365 days in a non-pay status. The non-pay status may be continuous or broken by period of less than four consecutive months in a pay status [(5 CFR 890.303(e)]. The government contribution continues while employees are in a non-pay status. The employee will incur a debt for their premium and will be required to pay it upon return to duty. Visit <http://www.opm.gov/insure> for more information.
- **Federal Employee Dental and Vision Insurance Plan (FEDVIP)**  
Deductions cease when the employee is placed in a non-pay status and there are insufficient funds to cover the premium(s). In order for employees to continue FEDVIP coverage, the employee must make payments while in a non-pay status. Visit the FEDVIP website, <https://www.benefeds.com>, for more information.
- **Flexible Spending Account (FSA)**  
Deductions will cease for periods of non-pay status where there is insufficient funds to cover the Flexible Spending Account (FSA) premium(s). If the employee is in a non-pay status and has not pre-paid the FSA allotment, their FSA account will be frozen and the employee will not be eligible for reimbursement of any health care expenses incurred during that period until he/she returns to a pay status and allotments are successfully restarted. However, if the employee has a Dependent Care Flexible Spending Account (DCFSA), dependent care expenses incurred during the period in a non-pay status which meet IRS guidelines for eligible expenses (i.e., the employee must incur the expenses in order to allow the employee and his/her spouse to work or attend school) may be reimbursed up to the FSA account balance. When the employee returns to a pay status, allotments will be recalculated based on the number of pay dates remaining in the Benefit Period. Visit the TSP website, [www.fsafeds.com](http://www.fsafeds.com) for more information.

### **Federal Employees Group Life Insurance (FEGLI)**

Coverage continues for 12 consecutive months in a non-pay status without cost to the employees (5 CFR 870.401(c)) or to the agency (5 CFR 870.401(d)). The non-pay status may be continuous or it may be broken by a return to duty for



periods of less than four consecutive months. Visit <http://www.opm.gov/insure> for more information.

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

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

- **Within-Grade Increases**

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

- **Retirement**

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

- **Thrift Savings Plan (TSP)**

While you are in a non-pay status you will not be able to contribute to the TSP because employee contributions must be made through payroll deductions. FERS employees will not receive agency matching contributions (which are based on your employee contributions). FERS employees will not receive agency automatic (1%) Contributions, which are calculated on basic pay earned each pay period. All employees can continue to manage their TSP account with interfund transfers. You can also make contribution allocation changes that will take effect when you are once again in pay status, or when you make future loan payments to your account. You can transfer or roll over funds into your TSP account from traditional IRAs, SIMPLE IRAs, and eligible employer plans. You can request financial hardship or age-based service withdrawals if you are eligible. You are not eligible to request a new TSP loan. If you already have a TSP loan when you

are placed in a non-pay status, a period without pay may result in a missed payment because TSP loan payments are made through payroll deductions (unless you make payments directly from your own funds). If you go into an approved non-pay status, the Internal Revenue Code (IRC) allows you to suspend TSP loan payments for up to one year of the non-pay period. A suspension of loan payments is not automatic. To suspend your payments, you (or your agency or service) **must** provide the TSP with proper documentation of your non-pay status. For more information, refer to the TSP Fact Sheet- Effect of Non-pay Status on TSP Participation. The fact sheet can be found at <https://www.tsp.gov/PDF/formspubs/oc95-4.pdf>.

- **Career Tenure**

The first 30 calendar days of each non-pay period are creditable service.

- **Probationary Period**

An aggregate of 22 workdays in a non-pay status is creditable service.

- **Qualification Standards:**

There is no requirement to extend qualifying periods by the amount of non-pay status. However, agencies may require such extensions in order to meet training requirements or ability to perform.

- **Time-In-Grade Requirements**

Non-pay status is creditable service

- **Military Duty or Workers' Compensation**

Non-pay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.

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

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

## **Leave**

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

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

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

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

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

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

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

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

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

**A:** Yes. Each agency is responsible for determining which excepted activities must

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

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

**A:** The federal government will be obligated to pay an excepted employee who performs work on a holiday according to the normal rules governing pay for work on a holiday. Under these rules, an excepted employee would receive his or her rate of basic pay, plus holiday premium pay at a rate equal to the employee's rate of basic pay. In addition, if such an employee performs officially ordered or approved overtime work on a holiday (i.e., work in excess of his or her basic non-overtime work requirement for that day), the employee would receive overtime pay (or compensatory time off) for that work. Of course, an employee cannot be paid for working on a holiday until an appropriation or a continuing resolution is enacted.

**7. Q: If an employee has properly scheduled “use-or-lose” annual leave before the start of the third biweekly pay period prior to the end of the leave year, but is unable to use some or all of the scheduled leave because of the furlough, does the furlough constitute an “exigency of the public business” that would permit an agency to restore the leave after the beginning of the new leave year?**

**A.** Employees in this situation should make every effort to reschedule “use-or-lose” annual leave for use before the end of the current leave year. However, if this is not possible due to a lapse in appropriations, agency heads (or their designees) are encouraged to use their discretionary authority to restore any lost annual leave by determining that the employee was prevented from using his or her leave because of an exigency of the public business—namely, the need to furlough employees because of the lapse in appropriations.

**8. Q: If an employee has properly scheduled use of “restored annual leave” that is due to expire at the end of the leave year (because it is the end of the 2-year restoration period) but that leave is canceled and lost due to lapse of appropriations, may the employing agency restore that leave again?**

**A.** Unfortunately, no—unless Congress enacts legislation providing otherwise. There is nothing in existing law or regulation that allows restored annual leave to be restored a second time. In fact, the Comptroller General has determined that unused restored annual leave may not be restored after expiration of the 2-year period. (See B-188993, December 12, 1977.)

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

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

### **Time and Attendance**

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

**A:** In WebTA, select "furlough" from the drop down "leave" menu, and code your timesheet accordingly.

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

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

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

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

## **Travel**

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

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

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

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

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

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

## **Retirement**

- 1. Q: What will happen to employees who would have retired while their agencies were shutdown?**

**A:** For employees who, on or before the requested retirement date, submitted some notice of their desire to retire, agencies should, when the lapse in appropriations ends, make the retirement effective as of the date requested. The retirement request may have been informal (such as a letter requesting retirement), and either mailed or

personally submitted to the agency. Any additional required paperwork, such as the formal retirement application, may be completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of the agency.

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

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

**Performance Management**

**1. Q: Should a lapse in appropriations occur, will prior year performance appraisals and new fiscal year performance plans still be due by October 31, XXXX?**

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

**Thrift Savings Plan**

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

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

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

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

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

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

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

**A:** Yes. By law, a TSP participant may take a TSP loan any time before separation. The TSP has adopted an administrative rule that provides that TSP participants must be in

a pay status in order to take a TSP loan. The TSP adopted this rule because it generally requires TSP participants to agree to repay their loans through payroll deduction. The first payment is due on or before the 60th day following the loan issue date.

Because shutdowns are rare occurrences and are typically of short duration, the TSP's Executive Director has determined that it is in the best interest of TSP participants to interpret the requirement that participants be in a pay status to mean that a break in pay due to a government shutdown does not disqualify one from TSP loan eligibility. A short-term break in pay status would still allow participants to commence payment by payroll deduction within the required 60 days of the loan issue date. If a shutdown were to extend beyond 60 days, participants would still be responsible for making loan payments.

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

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

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

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

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

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

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

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

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



## **Time-Limited and Term Appointments**

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

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

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

**A:** No, unless the furlough extends beyond an aggregate of 22 workdays, or the employee has an aggregate of more than 22 workdays of furlough time as well as other non-pay status time. Otherwise, the 22 workdays of non-pay time counts as creditable service.

## **Appeals**

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

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

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

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

## **Appendix E: Case File Note**

(see next page)

## NOTE TO FILE

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

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

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

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

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

This case file was delayed due to the October 1, XXXX, Federal government shutdown due to the lapse in appropriation. At the time of shutdown, this file was at \_\_\_\_\_ (add current step and status in process) \_\_\_\_\_. All work resumed as soon as possible after start-up operations resumed.

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

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

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