

Frequently Asked Questions: Potential Lapse in Government Funding

1. How would ODNI employees be impacted?

During a lapse in government funding, employees are placed in a temporary non-duty, non-pay status except for those employees designated as excepted services employees.

Excepted employees performing the ODNI functions which are necessary to protect life and property from imminent threat and to discharge the President's constitutional duties will continue during a lapse in government funding.

Not all employees can be recalled, only those necessary to support and perform these excepted functions and those that are funded by other than annual appropriations.

2. Are ODNI employees exempt from a lapse in government funding?

No. As with the rest of the federal government, the ODNI is required by law to identify non-excepted employees if funds are not appropriated or if a continuing resolution is not enacted.

3. Who reports to work during a lapse in funding?

Employees designated as excepted employees must report for duty during a lapse in government funding.

Non-excepted employees are not authorized to report to work during the lapse in funding. If Congress approves funding for non-excepted employees, they will be paid for this period retroactively.

4. How will I know if I am an excepted or non-excepted employee?

Managers will notify employees of their status when they receive authorization from OMB to do so.

5. As an excepted employee, may I work on projects or tasks that are non-excepted?

Excepted employees must spend a majority of their time at work engaged in work related to excepted functions. For periods between tasks, they may engage in non-excepted tasks, but only for brief periods.

6. May an employee who has been brought in to perform a specific excepted task that can be finished in two hours work on non-excepted tasks for the remainder of the work day?

If an employee's excepted work can be performed in less than an entire day, the manager should send the employee home after the work is completed. Excepted employees must spend a majority of their time at work engaged in excepted functions. For periods between excepted tasks, they may engage in non-excepted tasks, but only for brief periods.

7. May active duty military employees detailed to ODNI come to work during the lapse in government funding?

Yes. Active-duty U.S. military detailees assigned to ODNI continue to report to work during a lapse in funding. Military detailees should contact ODNI's Senior Defense Official regarding any changes to his or her duty status.

8. May I volunteer my services and come to work if I am non-excepted?

No. The ODNI may not, by law, accept the voluntary services of an employee during a lapse in funding. Additionally, non-excepted officers may not work from home or use government-issued computers or phones during a lapse in funding.

9. If I am designated as an excepted employee, should I report to my regular building/office?

Yes. ODNI buildings are expected to remain open during a lapse in funding with limited services.

10. What if I am on rotation or detailed to another government agency?

Employees on reimbursable details should follow the excepted/non-excepted decisions of the host agency to which they are currently detailed. The decision will be made by that agency based on the work the employee is performing. For non-reimbursable details, the home agency makes the final determination regarding the excepted/non-excepted status of the employee. However, the home agency should coordinate with the host agency in making that determination and providing guidance to the employee.

11. Can ODNI change the excepted/non-excepted designation after a period of time?

Yes. Managers may switch employees to perform excepted activities. With appropriate approval from CMO and OGC, management may also recall employees on an as-needed basis if a crisis, new development, or extended lapse in funding changes the level of effort required to keep essential activities going.

12. If I do not receive my regular paycheck, can I use my Government Travel Card (GTC) to cover personal expenses?

No. Employees are not authorized to use a GTC for personal expenses. The card should be used only for official travel and travel-related expenses. Employees who use the card for other than official purposes are subject to administrative action enumerated and may be subject to civil penalties or criminal prosecution by the Department of Justice.

13. I am not scheduled to work on the weekend, can I still come in to catch up on things?

Employees who are not designated as excepted, and either scheduled to work on the weekend or called in over the weekend, may not come in to perform any purely discretionary or other non-excepted work on the weekend. Employees may only come in to perform work that is excepted.

14. If designated non-excepted, do I have to report for an orderly shutdown?

If there is a lapse in funding for government operations, all employees except those who are already approved and scheduled to be out of the office should report to work on the first scheduled workday of the lapse to conduct an orderly shutdown.

15. Can I report to a building closer to my home for the orderly shutdown?

Managers may approve an alternate work location on a case-by-case basis.

16. What will I do during the orderly shutdown?

During an orderly shutdown, non-excepted employees shall:

1. Report to work as normal on the first day following the lapse of appropriations to conduct an orderly shutdown.
2. Obtain a furlough status letter from your component.
3. Update your Locator information so management can contact you if required.
4. Transfer critical tasks to your Supervisor.
5. Complete your timesheet for the current pay period in accordance with instructions from your home agency.
6. Cancel official travel reservations for scheduled TDYs impacted by the furlough.
7. Print the unclassified furlough information and frequently asked questions, so you can take it home with you and reference during the furlough.
8. Advise your supervisor of any plans to leave the area in the coming weeks.
9. Turn on out of office email and voicemail notifications.
10. Log out of all workstations as normal. Do not power down the workstations.
11. Monitor the news and opm.gov for developments regarding the lapse in appropriations.
12. Visit www.dni.gov at any time to review frequently asked questions regarding the lapse in appropriations and the resources available to federal employees.

17. Should non-excepted contractors participate in the orderly shutdown?

Component officers may not give instruction or direction to contractor employees regarding a potential lapse in appropriations. Contractor personnel should contact their Program Manager for direction in the event of a lapse in appropriations.

18. Can travel be initiated during a lapse in funding?

Travel, permanent change of station (PCS), and temporary duty (TDY) that meet the definition of an excepted activity may start or, if already underway, continue during a lapse in appropriations, with CMO approval in consultation with OGC. Travel for non-excepted activities cannot be initiated during a lapse in funding. Employees who have travel planned during a lapse in appropriations should contact their component supervisor for additional guidance.

19. What happens when an employee is deemed non-excepted while in a TDY status?

If an employee is deemed non-excepted during TDY travel that started before and continues during a lapse in funding, the employee will generally enter a non-pay status and must return to his or her point of origin at the earliest practicable opportunity—expected to be three days or less. Employees who have travel planned during a lapse in appropriations should contact their component supervisor for additional guidance.

20. May an employee attend scheduled local, non-TDY training if in a non-excepted status?

If the training has been prepaid and is non-refundable, an employee may choose to attend if the organization does not cancel the training. However, if an employee chooses to attend the training, he or she will not be considered excepted and is not entitled to retroactive pay for the time spent at the training unless Congress subsequently passes legislation authorizing pay for non-excepted employees. Should an employee choose to attend prepaid training while in a non-excepted status, ODNI is not responsible for any damages or injuries incurred in traveling to and from the training.

An employee in a non-excepted status may not attend prepaid training for which the employee would be in a TDY status because ODNI cannot incur travel costs (to include lodging, per diem, and transportation expenses) for non-excepted activities.

21. How are ODNI employees attending a senior service (military or other) school impacted by a furlough?

Determinations will be made on a case-by-case basis. Contact your home component for guidance.

22. Can I use my Government Travel Card (GTC) during a lapse in government funding?

A GTC may only be used for official travel expenses incurred for authorized excepted travel during a lapse in appropriations. All official travel should be in accordance with ODNI guidance issued for conducting travel during a lapse in government funding.

23. When can I expect to receive another paycheck?

The timing and amount of future paychecks will depend on whether a funding lapse occurs and its duration. Excepted personnel will receive pay for time worked during a lapse in funding after Congress passes and the President signs a new appropriation or continuing resolution. In addition, Congress may pass legislation to pay non-excepted personnel retroactively at the conclusion of a lapse in funding. However, there is no guarantee that non-excepted personnel will be paid.

24. Will a lapse in funding affect my future retirement?

No. A total non-pay status of six months in a calendar year is considered creditable service and counts toward retirement eligibility and annuity computation. Retirement system participation continues at no cost to employees while in a non-pay status.

25. What impact does a lapse in funding have on my Thrift Savings Plan (TSP) contribution?

If an employee is considered non-excepted personnel on a periodic basis—for example, three or four days per pay period—TSP contributions are affected as follows:

- If the employee is currently making contributions based on a percentage of basic pay, TSP contributions will decrease in direct proportion to the reduction in basic pay.
- For example, if an employee normally earns \$1,000 of basic pay per pay period, and contributes 10% of it to the TSP, there would be a \$100 TSP contribution every pay period. However, if an employee is deemed non-excepted personnel for two days per pay period, then the base pay would decrease to \$800. The TSP contribution remains 10% of basic pay or \$80 per pay period
- If an employee is currently making TSP contributions based on a dollar amount of pay, that dollar amount will not be automatically decreased with the reduced pay. Employees may want to revisit whether that amount is still appropriate given the expected loss of pay due to the lapse in funding.
- For employees who are Federal Employee Retirement System participants, any reduction in TSP contributions may affect Agency contributions. Regardless of whether the employee is contributing a percentage or a flat dollar amount, the Agency automatic (1%) and Agency matching contributions will decrease proportionally to the decrease in employee compensation.

The TSP will remain open for business and can be reached 1-877-968-3778 in the event of a lapse in funding, as it is not funded through federal appropriations.

26. What effect does a lapse in funding have on my TSP loan?

Under the TSP loan program, payments are made by payroll deduction. If—because of a lapse in funding—an employee does not earn enough money per pay period for his or her full loan payment to be deducted, the employee will be responsible for keeping loan payments up-to-date so that he or she does not risk a taxable distribution. If a loan goes into a taxable distribution, the balance on the loan will be added to taxable income for the year, and the employee will be ineligible to take out another TSP loan for 12 months from the date of distribution. The employee may be eligible to re-amortize his or her loan, lowering payments and extending the length of time to repay the loan. Employees may re-amortize only if the loan is not already at the maximum term limit, which is five years for a general purpose loan and 15 years for a residential loan.

Employees may re-amortize loans by visiting tsp.gov on the open Internet and logging into “My Account” or by calling the Thrift Line at 1-877-968-3778. TSP’s Executive Director has determined that a break in pay due to a government lapse in funding is typically of short duration and would not disqualify one from TSP loan eligibility. The 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.

27. Will health benefits continue during a lapse in funding?

Yes, health benefits continue for up to 365 days in a non-pay status. Government contributions continue while employees are in a non-pay status, and employee portions will be collected once employees return to a pay status.

28. Will my primary life insurance coverage continue during a lapse in funding?

Yes, life insurance coverage from the Federal Employees Group Life Insurance will continue for 12 months in a non-pay status without cost to the employee or to the agency. Employees should direct questions regarding supplemental life insurance (e.g., New York Life Insurance, UBLIC, 20/20 Benevolent Foundation, or Government Employees Benefit Association) to their provider.

29. Will my Federal Employees Dental and Vision Program (FEDVIP) coverage continue?

Yes, coverage will continue. BENEFEDS will bill employees in the event that premiums cannot be withheld for two consecutive pay periods.

30. Will my Federal Flexible Spending Account (FSAFEDS) enrollment continue?

Yes, enrollment will continue in FSAFEDS for Health Care FSA and/or Dependent Care FSA, though contributions will not be taken if an employee’s pay is insufficient to cover the deductions. Upon return to pay status, the employee contribution election amount will be recalculated over the remainder of the year.

31. Will my Federal Long-term Care Insurance enrollment continue during a lapse in funding?

Yes, enrollment will continue during a lapse in funding. If Long-Term Care Partners does not receive payment for three consecutive pay periods, they will begin to bill employees directly.

32. What impact will the lapse in funding have if I am in a Leave Without Pay (LWOP) status?

Employees in LWOP status are considered non-excepted, may not report to work, and remain in a non-pay status. If an employee is scheduled to return from LWOP during the lapse in funding, he or she will need to delay return until after the lapse in funding has ended.

33. Can I use accrued leave or take annual leave during a lapse in funding?

In most cases, no. During a lapse in funding, non-expected personnel may not take leave, including annual, sick, compensatory, home leave, administrative leave, or medical leave bank (MLB). Previously approved leave is rescinded if it falls during the lapse in funding period. Excepted personnel may not take annual, compensatory, home leave, or administrative leave. However, if they are sick, they move to a non-pay status and are considered non-expected for the days they miss due to illness.

34. What if my planned retirement date occurs during the lapse in funding?

Retirement Branch personnel will not be expected personnel during this lapse. Upon return to work, employees will still be processed for their retirements effective the date they originally chose; however, annuity payments could be delayed because a lapse in funding also impacts the Office of Personnel Management, which processes retirements.

Unless an officer chooses to change his/her retirement date, they can still retire effective a date, however the Retirement branch personnel's processing of those retirement actions will not take place until the hiatus has ended.

Note: ODNI is using the terms "excepted" and "non-expected" rather than "emergency" and "non-emergency" to reflect terminology more commonly used throughout the U.S. Government when discussing activities related to a lapse in government funding.

Note: Employees detailed to ODNI from another government agency should consult their home agency's human resources office for information regarding pay and benefits.