

## Employee Information during the Federal Government Shutdown

This information is provided to HRSA employees to assist with managing their business affairs during the federal government shutdown. HRSA employees are encouraged to check regularly for updates.

### Information Technology (IT):

- Every effort should be made to avoid doing any business using personal e-mails. If you receive an e-mail on your personal e-mail account to notify you to return to work (either in an on-call status or when the shutdown has ended), do not reply to the e-mail. The e-mail should inform you to call the office or check your work e-mail account for further information.
- Employees are not permitted to log into any HHS systems while in a furlough status or conduct official or personal business using agency IT assets during the furlough.
- Furloughed employees will maintain possession of their BlackBerrys, laptops, or other mobile devices, but should power them down while in a furlough status.

### Resources for HRSA employees during federal government shutdown

- Recognizing that employees have continuing financial obligations, the Department of Health and Human Services offers this [HHS Memo on Letter to Creditors](#).
- [HHS Memo on Letter to Creditors for Commissioned Corp Officers](#)
- [Items to Consider When Writing Sample Letters to Creditors, Mortgage Companies and Landlords](#)
- [OPM Furlough Guidance \(Pay & Leave\)](#)
- [OPM Guidance for Shutdown Furloughs](#)

### Unemployment Insurance Information

It is possible that furloughed employees may become eligible for unemployment compensation. State unemployment compensation requirements differ. Some States require a 1-week waiting period before an individual qualifies for payments. In general, the law of the State in which an employee's last official duty station in Federal civilian service was located will be the State law that determines eligibility for unemployment insurance benefits.

For more information see the Department of Labor website at [Unemployment Compensation for Federal Employees](#). Agencies or employees should submit questions to the appropriate State (or District of Columbia) office. The Department of Labor's website provides links to individual State offices at [Service Locator](#). The Federal Identification Code (FIC) for the Department of Health and Human Services is 460.

### Benefits/Allotments from Paychecks

The following is a memo from the Office of Personnel Management on the Order Of Precedence When Gross Pay Is Not Sufficient To Permit All Deductions. This memo explains which deductions are paid and the order they are paid. [Order of Precedence When Gross Pay is Not Sufficient To Permit All Deductions](#).

**Health Benefits** - Employees will continue to receive health benefits coverage during the furlough period. Health benefits coverage will continue for up to 365 days. The Government contribution continues while employees are in a non-pay status. The Government also is responsible for advancing from salary the employee's share as well. The employee may choose between paying the agency directly on a current basis or having the premiums accumulate and be withheld from his or her pay upon returning to duty. However, if the non-pay status is due to a lapse of appropriations (i.e., a government shutdown furlough), there will be no opportunity for an employee to pay the agency directly. In this instance, the premiums will accumulate and be paid upon the employee's return to duty.

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

**Flexible Spending Account (FSAFEDS)** - 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 nonpay 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 element amount. Eligible dependent care expenses incurred during a nonpay status may be reimbursed up to whatever balance is in the employee's dependent care account, as long as the expense incurred during the nonpay 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. The enrollee should pay premiums directly billed to him/her on a timely basis to ensure continuation of coverage.

**Thrift Savings Plan (TSP)** - Please visit the TSP website at [Thrift Savings Plan](#) for information on the effect of a Government shutdown on your TSP and taking out a TSP loan while on furlough.

For more information about benefits, see page 13 of the [OPM guidance](#) 

## **Back Pay**

The Department is working closely with our payroll provider (DFAS) to determine how quickly excepted employees will receive pay for time worked. We will pass on that information as soon as we receive it. Back pay for furloughed employees has not yet been authorized. In the event that it is authorized, we will work with the Department and DFAS to ensure employees receive back pay.

## **Ethics**

**Outside Activity** - While on furlough, an individual remains an employee of the Federal Government. Therefore, executive branch-wide standards of ethical conduct and rules regarding outside employment continue to apply when an individual is furloughed (specifically, the executive branch-wide standards of ethical conduct (the standards), at 5 CFR part 2635). In addition, there are specific statutes which prohibit certain outside activities, and agency-specific supplemental rules that require prior approval of, and sometimes prohibit, outside employment. Therefore, before engaging in outside employment, employees should review these regulations and then consult their agency ethics official to learn if there are any agency-specific supplemental rules governing the employee.

#### **Ethics FAQs during a federal government shutdown:**

**What outside activities/employment require prior approval?** Regardless of a government shutdown, the following outside activities require prior approval: 1) consultative or professional services, including service as an expert witness; 2) teaching, speaking, writing; or 3) services to a non-Federal entity as an officer, director, or board member, or as a member of a group, such as a planning commission, advisory council, editorial board, or scientific or technical advisory board or panel, which requires the provision of advice, counsel, or consultation.

**Must employees seek review and approval of outside activities/employment that they began during the shutdown?** Yes. Upon their return to work, employees must contact their ethics officials and seek a review and any necessary approvals for their outside activities/employment.

**May employees volunteer to continue to carry out their Department duties during a shutdown?** No. Employees deemed non-excepted may not volunteer their services and continue working on Department business during a government shutdown.

**May employees participate in pro bono legal work?** No, unless it was approved prior to the shutdown. Therefore, attorneys may not take on new pro bono projects during the shutdown. They cannot take a new case or work at a clinic unless they have cleared it before the shutdown.

**Do the gift rules apply during a shutdown?** Yes. All of the ethics rules continue to apply to federal employees during a government shutdown. The general rule concerning gifts from an outside source (versus gifts among employees) is that a federal employee may not accept a gift from a prohibited source or given because of his official position.

**May employees comment/blog about the government shutdown on social media sites?** Generally, yes, employees may comment about the shutdown in their personal capacity. However, be aware that if employees' official titles/positions are listed on the introduction page of their site, they must be careful not to make comments that would appear to be official Department statements. Also, remember that information that is not appropriate for disclosure by employees in work status continues to be inappropriate for disclosure when employees are in shutdown status.

**May employees continue to conduct Department business during a shutdown using their personal email or social media sites?** No. Employees may not continue to work using their personal email or social media sites.

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

EAP services are available to provide support during the federal government shutdown. Call 1-800-222-0364 for assistance 24/7 or visit [Employee Assistance Program](#).

**Download the free OPM Alert App to check the official operating status for federal government offices.**

This app allows you to instantly view the current operating status for federal government offices and sign up for optional push notifications when status changes occur. Check it out at [Free Operating Status App](#).