

October 3, 2013

Note this document is subject to revision and employees should regularly monitor for updated information.

Shutdown FAQs for HUD Employees

1. What is a shutdown furlough and why is a shutdown furlough necessary?

In the event that funds are not available through an appropriations law or continuing resolution, a “shutdown” furlough occurs. A shutdown furlough is necessary when an agency no longer has the necessary funds to operate and must shut down those activities that are not excepted pursuant to the Antideficiency Act.

2. Does HUD have an agency shutdown plan?

Yes. Like all federal agencies, HUD is required to develop a plan in case there is a lapse in appropriations, often referred to as a government shutdown. Now that it appears a shutdown is increasingly possible, we are beginning to implement that plan. The plan is publicly available document and is posted on HUD’s website:

<http://portal.hud.gov/hudportal/documents/huddoc?id=hudcontingencyplanfinal.pdf>.

3. What is in HUD’s shutdown plan?

HUD’s plan explains how a government shutdown will affect the agency’s operations and how it will impact employees. As for the agency’s operations, most of the agency’s functions would cease unless they are legally excepted activities. Please see HUD’s 2013 Contingency Plan for specific programmatic information about the effect of the shutdown.

4. How will the implementation of HUD’s shutdown plan affect me?

If there is a shutdown, there will be two categories of employees excepted and non-excepted. The vast majority of HUD employees are non-excepted, meaning that they are prohibited from working during a shutdown. A very small number of employees are considered excepted.

5. How did HUD determine which employees are excepted?

In determining whether an employee is classified as excepted, the agency follows strict OMB guidance. For an employee to be excepted, he or she must fall into one of the following five categories: (1) Employees who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property; (2) Employees who perform functions that are funded through fees or under multi-year (as opposed to annual) appropriations; (3) Employees who perform functions that are related to express authorizations to contract or borrow an appropriation; (4) Employees necessary to meet the obligations necessary to the discharge of the President’s constitutional

duties and powers. This is understood to be employees necessary to interpret statutes, such as the Antideficiency Act, to avoid significant constitutional issues, or (5) Employees who are required for the orderly termination of agency functions.

6. How will I know if I am excepted or non-excepted?

Your manager will likely first informally share with you if you are excepted. On Monday, you will receive a formal communication confirming your status as either excepted or non-excepted. Please note, notification that you are non-excepted is not the same as receiving a furlough notice. By law, HUD cannot distribute furlough notices until Tuesday morning.

7. If I am a non-excepted employee, can I be called to report for work during a shutdown?

Yes. Some non-excepted employees may at times be designated as intermittent employees – meaning they may be asked to report to work to complete a specific task on a temporary basis during a shutdown. If this is necessary, you will be notified to report to work to perform a specific, excepted task – which may not require a full day of work. Intermittent employees will be compensated for the time it takes them to complete the designated activities once Congress approves appropriations and the government re-opens.

Shutdown Process

8. If the federal government shuts down on Monday night at midnight and I am non-excepted, why am I being asked to report to work on Tuesday morning?

When a lapse in appropriations occurs, non-excepted employees are required to participate in an orderly shutdown of the government. Tuesday morning is when those activities will occur. Employees will have up to four hours to complete the required set of activities. During this time, employees will only be able to work on shutdown-related activities. If employees complete the required activities in fewer than four hours and their supervisors or managers approve, they may leave.

9. If I am a non-excepted employee, will I be paid for the time I work on Tuesday morning?

Non-excepted employees will be compensated for the actual time it takes them to complete their shutdown activities up to a maximum of four hours. For example, if a non-excepted employee completes her or his shutdown activities in thirty minutes, the employee will be compensated for thirty minutes of time. Compensation earned by employees conducting shutdown activities will be paid when Congress approves appropriations and the government re-opens.

10. Will I be able to work and earn comp time as a non-excepted employee?

No. If the government shuts down Monday night at midnight, and you are not an excepted employee, you are prohibited from doing any work until the enactment of appropriations. You

are also prohibited from using your government-issued technology-Blackberries, computers, cell phones, etc. – or checking your HUD email. No work hours or comp time may be accrued.

11. Where and at what time should I report to work on Tuesday?

In general, all HUD employees should report to work on Tuesday at the same time and place as they normally would, unless otherwise instructed by their managers. For example, if you work under a regular telework schedule basis on Tuesday, (unless your supervisor or manager directs otherwise) you should report in for telework at your normally scheduled time. If you normally report to an office on Tuesday, you should report to the office at your normally scheduled time. The first thing you should do is to check your email to receive your Furlough Notice and other important documents that will include instructions on how to complete the required shutdown activities (e.g. setting out of office messages on your email and voicemail).

12. Can I telecommute on Tuesday under my already approved telework agreement for situational telework?

Yes, if you have an already approved telecommuting agreement and your supervisor or manager does not have a need for you to be in the office to complete shutdown responsibilities. Please discuss your situational telework request with your supervisor or manager as soon as possible.

13. What should I do if I am on a compressed work schedule and I would normally not work on Tuesday?

You are required to report to work on Tuesday morning and participate in whatever activities are necessary to effectuate the orderly shutdown of government. You will be compensated at your normal pay rate for the actual time spent completing the required shutdown activities. Compensation earned by employees conducting shutdown activities will be paid when Congress approves appropriations and the government re-opens.

14. What if I am sick or on previously scheduled paid leave on Tuesday morning?

During a government shutdown, all sick and previously scheduled paid leave is cancelled. However, as soon as possible please contact with your manager and remotely complete the required shutdown activities.

15. What if I am on work-related travel on Tuesday morning?

During a government shutdown, nearly all travel will be cancelled. At this time, all travel plans previously scheduled to occur between Monday at midnight and Tuesday at midnight should have been cancelled – as have some travel plans scheduled to occur Wednesday. Should you have any questions about how any upcoming travel plans should be handled, please consult your manager.

16. Do I need to turn in my HUD-issued Blackberry or other HUD-issued equipment?

No. HUD employees do not need to turn in their Blackberries or other HUD-issued equipment. However, except for the time it takes to complete shutdown activities on Tuesday morning, non-excepted employees should not use their Blackberries or other HUD-issued equipment until the shutdown is over.

Access to HUD Offices During a Shutdown

17. When will HUD offices close to the general public?

HUD offices will close to the general public at midnight on Monday, September 30.

18. Will I have access to HUD offices after the shutdown Monday at midnight?

Non-excepted employees will not be allowed to access HUD offices after Monday night at midnight, other than to conduct up to four hours of shutdown activities on Tuesday morning.

19. What other facilities at HUD Headquarters will be open during the shutdown?

The Children's Center will be open during the shutdown. However, the following facilities will be closed:

- Credit Union
- The Credit Union will have alternate sites available in the Washington Metro Area. Log on to www.cuservicecenters.com or call (800) 919-2872.
- Dunkin Donuts, Urban Cafe
- Occupational Health Center
- Fitness Center

Field staff and headquarters staff who work out of a building other than the Weaver Building should consult their managers to determine what facilities in their buildings may or may not be open during a shutdown.

During a Government Shutdown

20. Who should I call if I have questions regarding time and attendance issues?

If you have questions regarding time and attendance matters or the webTA system, please contact the Office of the Chief Human Capital Officer's Time and Leave Administration Branch at (202)-402-3153, 402-3123, 402-3015 or 402-3017.

21. Who should I call if I have questions regarding retirement, insurance, or other benefits questions that I may have during the shutdown furlough?

Please contact the Office of the Chief Human Capital Officer's Pay, Benefits, and Retirement Division at (202) 402-7492, and please leave a message if you are not able to reach an individual immediately.

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

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

23. Are employees entitled to unemployment compensation while on furlough?

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. (See the Department of Labor website "Unemployment Compensation for Federal Employees" at:

<http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp>.) Employees should submit questions to the appropriate State (or District of Columbia) office. The Department of Labor's website provides links to individual State offices at:

<http://www.servicelocator.org/OWSLinks.asp>. **HUD's agency code for unemployment compensation purposes is: 465.**

24. May employees take other jobs while on furlough?

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. Additional information

on outside activities is available on the web at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/general_counsel/ethics. Therefore, before engaging in outside employment, employees should review this information and then consult their agency ethics official to learn if there are any agency- specific supplemental rules governing the employee.

25. If I am a non-excepted employee, can I work as a volunteer for HUD?

No. Non-excepted employees are prohibited from working during the shutdown on official government business during the shutdown, even as a volunteer.

26. During a shutdown, will I still be able to obtain assistance from the Employee Assistance Program?

Yes. The EAP Health and Wellness Division is aware of the uncertainty and stress that can be caused by a government shutdown. We would like to remind all employees that we care; so therefore, counselors from the EAP will remain available to provide support to all HUD employees and their families. Employees may contact the program 24 hours a day, 7 days a week by calling 1-800-222-0364 (888-262-7848/TTY) or visiting www.FOH4You.com where they will find information and resources to assist them through this and any other challenging time.

27. How will I know when the shutdown is over?

You should pay close attention to media reports to ascertain when the federal government will re-open. You may also visit the Office of Personnel Management's website: (<http://www.opm.gov>) to check the latest status on the government shutdown or to sign-up to receive email updates (please remember to sign-up using your personal email). When you hear that an FY 2014 appropriation has been approved, you will be expected to return to work on your next workday.

HUD has also established a toll-free hotline number for employees to obtain operational status information about the Department. The hotline will be operational Monday through Friday from 9:00 am to 5:00 pm ET. The telephone number is 1-866-463-6483. In the DC metro area employees may also call 202-708-1960.

28. May a non-excepted employee take previously approved paid leave (e.g. annual, sick, court, military leave, or leave for bone marrow or organ donation) during a shutdown furlough?

No. The Antideficiency Act does not allow authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid leave creates a debt to the Government that is not authorized by the Act. Therefore, agencies are instructed that during a government shutdown all paid leave must be cancelled. For additional questions and answers on military leave, please visit: <http://www.opm.gov/faqs/topic/payleave>.

29. May an excepted employee take previously approved paid leave or be granted new requests for paid leave during a shutdown furlough?

No. When an excepted employee is not working or not performing excepted activities in compliance with the Antideficiency Act, he or she cannot be in a paid leave status. If an excepted employee refuses to report for work after being ordered to do so, he or she will be considered in an absence without leave (AWOL) and will be subject to any consequences that may follow from being AWOL. We are awaiting additional guidance from OPM regarding how this question should be answered for excepted employees funded by multi-year funding.

30. How will I be reached if I am needed to perform a task as an intermittent employee?

Should your supervisor need to contact you during the possible shutdown, we need to have your correct personal telephone number and email address. Please take the time to log into HIRTS to update your contact (personal) information not later than the end of the day on Monday. Should you have any problems, please call the help desk for assistance at 1-888-297-8689 (option 9).