



U.S. Small Business
Administration

Shutdown Furlough

Frequently Asked Questions (FAQs)

The shutdown furlough FAQs are specific to SBA. For further information on pay, leave, benefits, or other matters that have not been addressed, please see “OPM Furlough Guidance for Federal Employees” and “Addendum to OPM Guidance for Shutdown Furloughs” at [SBA’s shutdown furlough](#) site under the “[Resources for SBA furloughed employees](#)” section.

General Questions

1. Where can employees find answers to most of their questions about the furlough?

Most employee questions are addressed in the [U.S. Office of Personnel Management’s \(OPM\) Guidance for Shutdown Furloughs](#). Employees can also reference these frequently asked questions on [SBA’s external website](#).

2. What do the terms “excepted” and “non-excepted” employees mean? How will employees be notified of their status as excepted or non-excepted?

“**Excepted**” means the employee’s position is funded through annual appropriations and is an exception to the furlough because the employees perform work, that by law, may continue to be performed during a lapse in appropriations. This includes emergency work involving the safety of human life or protection of property or other excepted work as determined by leadership in consultation with the Office of General Counsel.

In addition to emergency work involving the safety of human life or the protection of property, work performed “by necessary implication” as described in Department of Justice (DOJ) and Office of Management and Budget (OMB) guidance is considered to be excepted work. For example, an employee’s performance of authorized orderly shutdown activities (as described in OMB and DOJ guidance) is considered excepted work. In addition, work necessary to implement a funded function, where the suspension of such work during the lapse would prevent or significantly damage the execution of the terms of the applicable statutory authorization or appropriation. Is considered “excepted work”

(e.g., cutting the checks for a benefit program for which funding remains available during the lapse and from which the law requires payments to be made). (See, e.g., OMB, Frequently Asked Questions During a Lapse in Appropriations (Sept. 28, 2021).

Unless managers change the work schedules or tour of duty, excepted employees will report to work in accordance with their approved work schedule.

“Non-excepted” means the employee’s position is covered by the furlough and except for performing “shutdown activities,” the employee cannot work during the furlough.

All employees will receive notification via their SBA email account of the status of their position during a furlough. If you do not see the email, please check your “Other” and/or “junk” mail box to see if the email is there, and if still not found, contact the Office of Human Resources Solutions (OHRS) at OHRS.FurloughGuidance@sba.gov as soon as possible. Depending on SBA’s furlough mission requirements and with proper Agency approval, an employee’s excepted or non-excepted furlough status may need to be changed. Employees will receive an updated notice if their status must change during the furlough. Employees will be contacted by their manager to explain what actions are required if the employee’s excepted or non-excepted status changes. Please see Section C of [OPM’s Guidance for Shutdown Furloughs](#).

3. What does the term “exempt” mean?

“Exempt” employees are those employees who are not affected by a lapse in appropriations because their positions are not funded by annually appropriated funds. This includes disaster-funded, no -year funded personnel, fee-funded and program offices with multiple year or other funds (e.g., ODR&R, HUBZONE, Advocacy, NWBC, VetCert, ONAA, ARPA and COVID temp/term employees) that are covered by separate appropriations or resources. Exempt employees performing these functions will generally continue to be governed by the normal pay, leave, and other civil service rules and will report to work as usual.

4. What is the status of SBA employees who are detailed to the Office of Disaster Recovery and Resilience (ODR&R) or any other Program Office that is not funded by annually appropriated funds (i.e., multiple year or no year funding) ?

SBA employees who have been detailed to ODR&R or any other office that is not funded by annually appropriated funds in support of disaster recovery relief efforts will be considered **“exempt”** if the detail is reimbursable (i.e., the employee’s salary is being paid for by the office the employee is on a detail to).

If you are not sure, contact your supervisor.

5. How will employees be officially notified of the furlough? Will employees be expected to sign the notice?

Employees will receive a furlough notice in their [sba.gov](https://www.sba.gov) email address no later than the first business day following the shutdown. There is no requirement for the employee to sign acknowledgement of the notice.

6. Are non-excepted employees permitted to perform any SBA-related work during the shutdown from home?

No. After employees conduct their orderly shutdown (beginning around noon local time the day of the shutdown), non-excepted employees will no longer be permitted to utilize SBA email, equipment, or other federal resources except for shutdown related activities. Please know that **use of Federal resources (e.g., computer, phone) while on furlough status is prohibited by law and is considered a *criminal offense*.**

Employees must NOT perform any of their regular duties or represent the Agency in any formal or informal capacity during a furlough; this includes not using personal email accounts or computers to conduct SBA business.

Upon arrival at work on the first business day of the shutdown, refer to [SBA's Plan for Operating in the Event of a Lapse in Appropriations](#) for a list of permissible activities.

7. What should employees who are teleworking, telework-ready or utilizing their AWS days on the first business day of the furlough do?

Teleworkers and telework ready Non-excepted employees have the flexibility of conducting orderly shutdown activities remotely. Non-excepted employees with an applicable pre-approved reasonable accommodation may also conduct orderly shutdown activities remotely. Non-excepted employees with a day off under the compressed or maxiflex 5/4-9 (under the Master Labor Agreement or the Agency's interim Work Schedules Flexibilities policy) schedules will conduct shutdown activities on their next regularly scheduled workday in the office. Exempt and excepted employees will report to work or telework at their regularly scheduled duty time.

8. How will employees who are on leave on the first day of the furlough receive official furlough notification?

Employees will receive notification about the Agency's operating status from the Emergency Notification System. Supervisors who are aware of an employee out on leave

should make arrangements to notify the employee of their status. Section F, of the [OPM's Guidance for Shutdown Furloughs](#) addresses the treatment of leave and other time off. All leave is cancelled for non-excepted and excepted employees.

9. How will employees be notified to return to work when the furlough ends?

The best source of up-to-date information is [SBA's Shutdown Website](#). Employees may also receive Emergency Notification System announcements, email or telephone contact, or other means of communication. Another good source for the Federal government's operating status is checking the [OPM's Operating Status site](#).

10. Are “experts and consultants” also impacted by the government shutdown?

Yes. An employee hired as an Expert because of the experience to perform difficult and challenging tasks in a particular field beyond the usual range of achievement; or as a Consultant because of their high degree of broad administrative, professional, or technical knowledge or experience generally serve under an appointment in the Federal government. Experts and Consultants who are appointment under 5 U.S.C. 3109 are considered to be Federal civil service employees under 5 U.S.C. 2105. (See 5 CFR 304.101) Supervisors must notify and inform experts and consultants of their exempted, excepted or non-excepted status and treated accordingly.

11. Are contractors permitted to work during a government shutdown?

Contracting officials will not be able to obligate funds unless the contract is for purposes related to the shutdown or funded with “no year” money for an exempt activity. All other contractor activity incurring a new or continuing financial obligation will not be permitted unless the contractual services are related to one of the exceptions. Contracting Officers Representatives must contact the Acquisition Office's Contracting Officers for specific guidance.

Shutdown Activities

12. What shutdown activities are expected of non-excepted employees?

Shutdown activities include:

1. Changing their email and voice mail to include an “out of office” message (see questions #13 and #14);
2. Securing any personal identifying information;

3. Accessing the Emergency Notification System account to ensure the employees' emergency contact information is updated;
4. Discarding any items in refrigerators;
5. Placing trash receptacles in an accessible area; and
6. Assessing SBA's network to retrieve furlough notifications and updates, TSP required documents and their e-OPF, as well as printing a copy of the most recent SF-50 (this document may be needed to file a state unemployment claim, if needed). (It is also a good practice to print out your most two recent Earnings and Leave statements in case proof of salary is needed for personal reasons.)

Managers and supervisors can provide program specific instructions.

13. What are the instructions for setting the “Out of Office” message in Outlook?

To set your out of office message in Outlook:

1. Click on the “File” tab and then click on “Automatic Replies (Out of Office)” located in the center of the page.
2. Click “send automatic replies.”
3. Click on the tab labeled “Inside my organization.”
4. Delete your old message.
5. Type the following message: “Thank you for your email. I am on furlough due to the lapse in appropriations. Therefore, I am not allowed to access my e-mail during this period. I’ll respond to your message as soon as I return to work.”
6. Click on the tab labeled “Outside my organization,” ensure that there is a check next to the text “auto-reply to people outside my organization”.
7. Click in the circle next to the text “anyone outside my organization,” and type the same message as above.
8. Click “OK” to accept the changes and activate your Out-of-Office message.

14. What is the message to be used for voicemail?

The language for your telephone “Out of Office” voicemail message should be:
“Thank you for your call. I am on furlough due to the lapse in appropriations. Therefore, I am not allowed to access my voicemail during this period. I’ll respond to your message as soon as I return to work.”

Pay, Leave, Holiday, and Benefits Issues

15. Are non-expected employees required to come into the office or connect remotely to the computer to conduct shutdown activities if the furlough is on a holiday?

No. If a holiday occurs during a period of a government shutdown, non-expected employees will not be required to report physically to the office or connect to the SBA network remotely to conduct shutdown activities. Non-expected employees may conduct shutdown activities on the next business day you are originally scheduled to return to work or be in duty status (i.e., telework or remote) after the holiday. Please inform your manager or supervisor by email that you will not be local during the holiday or otherwise able to complete your shutdown activities until you return.

16. Are expected employees required to come into the office or telework to perform expected work on a holiday if there is a furlough?

No. Expected employees are not required to perform expected duties on a holiday that occurs during the furlough period. An expected employee who does not perform work on a holiday must be placed in a furlough status and provided a furlough letter. The reason is because during a lapse in appropriations all affected employees must be at work performing expected activities or furloughed.

17. What happens if I am scheduled to be on leave during the furlough period? What happens to my leave if it was preapproved “use or lose” annual leave?

All leave is cancelled for non-expected and expected employees during a furlough. Exempt employees are not impacted by the furlough and may continue to take and be charged leave during the furlough period.

Under the Government Employee Fair Treatment Act of 2019, 31 U.S. C. § 1341, **expected** employees may request to use preapproved annual leave during the furlough. If an expected employee requests to be on leave, the leave balance will be adjusted when the lapse in appropriations ends, and the employee receives their compensation for work performed during the furlough period. Conversely, the employee will return to their “expected” status when the employees are able to resume performing expected activities remotely or in the office. If an expected employee does not request approval or management terminates their use of previously approved annual leave, the expected employee will continue work on the days the leave was requested. However, if the terminated leave was “use or lose” annual leave, the expected employee should make every effort to reschedule the terminated “use or lose” annual leave before the end of the current leave year. Expected employees with scheduled leave or other time off during the furlough period, should consult with their manager or supervisor for further guidance. **If**

rescheduling leave is not possible due to the furlough, the “use or lose” annual leave may qualify for restoration.

Non-excepted employees in a “use or lose” situation should make every effort to reschedule the annual leave for use before the end of the current leave year **upon reopening of the Federal government**. If this is not possible due to the furlough, your “use or lose” annual leave may qualify for restoration.

For questions or guidance, please email OHR.S.FurloughGuidance@sba.gov.

18. What happens if I am on or was planning to use scheduled leave during the furlough and unavailable to perform my shutdown activities?

All leave is cancelled for non-excepted and excepted employees. If an employee is not in the vicinity of the official worksite or home to telework due to being out of town during the time of the furlough, the non-excepted and excepted employees must perform orderly shutdown activities on the next business day that they are scheduled to work.

Please inform your manager or supervisor by email that you will not be local or otherwise able to complete your shutdown activities until you return from being on leave.

19. What happens if an employee had properly scheduled use of “restored annual leave” that is due to expire at the end of the current leave year (because it is the end of the 2-year restoration period) but that leave is cancelled and lost due to lapse in appropriations. Can SBA restore that previously restored annual leave again?

No. Previously restored leave will be forfeited unless Congress enacts new legislation providing otherwise; unfortunately, existing laws do not allow restored annual leave to be restored a second time for any reason.

20. Will non-excepted and excepted employees be paid for hours already worked during the pay period and for the hours of shutdown activity?

Yes, employees will be paid for time worked. Compensation for work performed during the furlough will be received when the lapse in appropriations ends and government reopens. The Government Employee Fair Treatment Act of 2019, 31 U.S.C. § 1341, provides retroactive pay for Federal employees affected by a lapse in appropriations. This amendment covers employees affected by the current and any future lapse in appropriations. Specifically, new section 1341(c) addresses furloughed **non-excepted** employees and **excepted** employees who are required to perform excepted work activities during a lapse.

21. How will exempt employees be paid?

Employees who are exempt from furlough are not affected by the lapse in appropriations, and they will be paid as normal through the regular pay cycle. This includes other employees who are funded by multiple year and other no-year appropriations.

22. How will non-excepted (i.e., furloughed) and excepted employees be paid for the furlough including retroactive pay?

Employees affected by the lapse in appropriations (non-excepted or excepted) will be paid for the furlough period based on all periods of time during which they would have been in a pay status but for the lapse of appropriations. Under the Government Employee Fair Treatment Act of 2019, 31 U.S.C. § 1341(c), employees will receive retroactive payments for pay periods impacted by the furlough provided the employee was scheduled to be in a “pay status.” Employees who were on preapproved Leave Without Pay (LWOP) during the furlough will not receive retroactive pay for the days they were in an approved LWOP status.

23. How are employees affected if, during a shutdown furlough, their federal office is closed or announces a change in operating status due to an emergency, severe weather condition, natural disaster, and other incident causing disruption or agency operations?

Non-excepted employees are not affected if SBA or their office is closed or announces a change in operating status during a shutdown. **Non-excepted** employees remain in their same non-work status as stated in their furlough notice.

Exempt and **excepted** employees must refer to the document entitled “Requirements, Flexibilities, and Resources for Weather and Safety Emergencies” found on [SBA's Shutdown Website](#), and act in accordance with the guidance for the specific Federal closure or change in operating status announced by OPM for the Washington D.C. area. For events affecting SBA offices outside of the Washington, DC, area, **exempt** and **excepted** employees will observe operating status determinations made by the heads of the affected SBA offices based on recommendations of local police, highway authorities, the National Weather Service, and the Federal Executive Board ([FEB](#)) for the geographic area. SBA officials will report any change in operating status to the appropriate leaders in headquarters and notify the affected workforce.

Exempt employees may be required to work remotely (i.e., teleworking) or request to be in a paid or unpaid leave status due to inclement weather.

Excepted employees who are unable to work remotely, may [request to be in a paid or unpaid leave status \(Government Employee Fair Treatment Act, S. 24\)](#), or request to be

excused from duty without being charged leave. An excepted employee who requests to be excused from performing excepted duties without charge to leave, will be treated in the same manner as other furloughed employees and must be placed in a “non-pay” status and will receive a furlough notice as the local emergency situation requires. If an excepted employee request to be on leave, the leave balance will be adjusted when the lapse in appropriations ends, and the employee receives their compensation for work performed during the furlough period. Conversely, the employee will return to their “excepted” status when the employees are able to resume performing excepted activities remotely or in the office.

24. How would health insurance be affected by a furlough?

For all benefits-related questions, including Federal Employee Health Plans (FEHB), Federal Employee Group Life Insurance (FEGLI), Federal Employee Health Benefits (FEHB), Federal Long Term Care Insurance (FELTCI), Federal Employees Dental and Vision Insurance Program (FEDVIP) and Flexible Spending Account (FSAFEDS), please see Section H of [OPM's Guidance for Shutdown Furloughs](#).

25. Can employees take TSP loans during a furlough period?

In the event of a government shutdown, TSP will continue its normal daily operations. Loan eligibility and more information may be found at the [TSP Website](#).

26. What affect, if any, would a furlough have on an employee who has a pending retirement date this year? How would it affect their computation of years of service?

Please see Section L of [OPM's Guidance for Shutdown Furloughs](#).

27. Will SBA’s Transit Benefits Program TranServe credit card or SmarTrip card still be funded if employees are commuting into work for an orderly shutdown or to perform excepted or exempt duties during the furlough period?

Yes. SBA transit benefits on employees’ TranServe credit card and Metro’s SmartTrip cards will not be affected by the shutdown. Depending on the timing and length of a shutdown, there may be sufficient funding available with the U.S. Department of Transportation to fund excepted and exempt employees’ TranServe and SmartTrip benefits during the period of the Shutdown. As a reminder, employees are not to use the SBA funds on the card for personal use. Non-excepted employees must not use their SBA transit benefits during the shutdown unless their furlough status is changed (to excepted or exempt) or when SBA reopens after the shutdown ends. Remember, all SBA Transit Benefits Program participants are required to log onto the U.S. Department of

Transportation’s TranServe system and update their transit benefits funds to reflect their actual use during the furlough. For additional information regarding SBA’s Transit Benefits program, please send your questions to SBA’s Transit Benefits Program Coordinator by emailing HR4U@sba.gov; login your SBA TranServe account: [Login - Transit Benefits System v 3.0 \(dot.gov\)](#) or visit the [TranServe website](#).

28. Will the Employee Assistance Program (EAP) and WorkLife4You programs still be available to employees in the event of a government shutdown?

Yes. Employees may contact Federal Occupational Health (FOH) services for addressing the uncertainties caused by a furlough, assistance with financial matters and other issues. Employees may contact the EAP program by calling 1-800-222-0364 (888- 262-7848/TTY) or visiting the [FOH4You Website](#).

Performing Other Work

29. Is it permissible to continue working at SBA during a government shutdown?

Unless the employee is “excepted” or “exempt” from the furlough, the employee must not perform any official duties during the furlough. Beginning at noon local time the day of the shutdown, employees will no longer be permitted to utilize SBA email or other federal resources. Please know that **use of federal resources while on furlough status is prohibited by law and is considered a criminal offense**. Employees must NOT represent the agency in any formal or informal capacity; this includes not using a personal email account to conduct SBA business.

30. Can I work outside of the Federal government while on furlough?

SBA employees are not prohibited from obtaining non-federal employment while on furlough. However, federal ethics laws and the Standards of Ethical Conduct continue to apply to all employees, even those in a furloughed status. Specifically, furloughed employees may not engage in outside employment or be involved in an outside activity that conflicts with the official duties of their positions.

In the context of outside employment while furloughed, activities could conflict with official duties if they:

- Are specifically prohibited by Federal law or regulation; or
- Result in a financial or fiduciary conflict of interest that would require an employee to be disqualified from performing their official duties upon returning to work at SBA.

More detailed guidance on ethical obligations regarding outside employment can be found on the SBA shutdown website, as will information on how to contact an agency ethics official for advice during furlough periods.

Employees with ethics questions regarding outside employment or activities can always seek advice from an Agency ethics official via email at ethics@sba.gov.

31. How will the government shutdown impact our resource partner’s funding (i.e., SBDC, WBC and SCORE)? How are those people who work in our office, but are not paid by the Federal government, impacted?

Beginning at noon on the day of the shutdown, only “excepted” and “exempt” employees will be permitted to utilize SBA email, voice mail, or other Federal resources. Please note, use of Federal resources by anyone other than excepted and exempt employees during a shutdown furlough period is prohibited by law and is considered a *criminal* offense. This means SBDC, WBC, SCORE and other partners would not be able to access SBA facilities, computers, phone lines, etc., during a government shutdown. Additionally, only excepted employees may represent SBA in any formal or informal capacity during this period.

32. Should employees in travel or training status proceed with their plans, even if travel or training extends beyond the lapse of appropriations? What about upcoming travel and training?

If possible, in anticipation of a government shutdown, all travel must be completed by 11:59 p.m. on the last day before the furlough begins. All training and travel associated with training is cancelled during a government shutdown; employees cannot and will not be approved to use any pre-approved combination travel that includes personal time. All travelers must return to their official duty station before the shutdown begins or as soon as practical due to airline or other transportation provider’s schedules require.

If you plan to be out of town or otherwise away from home during any time that you are in a “non-excepted” furlough status, please inform your manager or supervisor by email that you will not be local or otherwise able to complete your shutdown activities until you return home from travel.

This means you will not be required to report to work or remotely complete your shutdown activities if you will be away from home because of your previously approved leave or other paid time off status.

33. Should new employees scheduled to enter on duty during a shutdown still report to SBA?

No. New or transferring employees, transferring to a non-excepted or excepted position, cannot onboard during a shutdown. It cannot be predicted how long a government shutdown will last. In the event the shutdown continues through the onboarding date, OHRS will contact onboarding employees to inform them of the status of their entry. New ODR&R, no-year funded, or other resource funded exempt employees will be able to onboard provided these employees will be performing exempt work during the furlough.

34. Will vacancy announcements on USA Jobs remain open to applicants?

USA Jobs will still be operational during the government shutdown. Any open vacancies at the time of the shutdown will continue to be posted and will close at the announced date. In the event the government shutdown continues past the closing date, the announcement will be processed upon the reopening of the government with notifications, as appropriate, issued to applicants.

Obtaining Additional Information

35. How can employees ask additional questions?

Employees may contact OHRS.FurloughGuidance@sba.gov with questions not covered by either these FAQs or by [OPM's Guidance for Shutdown Furloughs](#).

36. Where can employees go for more information?

Visit [SBA's shutdown and furlough](#) site for the most up-to-date information, periodic updates and additional documentation, and see OPM Furlough Guidance for Federal Employees and Addendum to OPM Guidance for Shutdown Furloughs at the [SBA shutdown furlough](#) site.