National Oceanic and Atmospheric Administration
2013 Shutdown
Frequently Asked Questions

General

1. If a shutdown occurs and a non-excepted employee decides NOT to come in on Tuesday, October 1st, for their four hours do they leave that day completely blank? Regarding the other three and one-half days of the pay period for the time cards…under "Admin/Excused Absence", there is actually a “Furlough” entry. Should they complete the reset of their timecard with the “Furlough” designation, or simply leave the other three and one-half days of the week blank?

A. Non-excepted employees are allowed to come to work on October 1st, to complete shutdown procedures only. Should an employee choose not to come in, they should be placed in a "Furlough" status beginning October 1st. The remainder of the timecard should be coded with the "Furlough" designation.

2. We are assuming that employee should us the FY14 accounting codes on their T&A forms for the hours worked on October 1st?

A: Yes

3. If we are required to come in on October 1st, for those who use public transportation, will transit benefits be loaded to come in?

A: We have asked this question, however have not received a definitive answer. As soon as information is received updated information will be provided.

4. Regarding the four hours on October 1st, contradicting information has been heard…first, that the government runs of out of money on midnight September 30th, so the only people that are authorized to work for four hours on October 1st are those needed for orderly shutdown; i.e., when people left work on September 30th, they should plan on not coming in on October 1st, unless they were part of those for orderly shutdown. However Dr. Sullivan also said employees were entitled to come in for four hours. Please provide clarification.

A: Employees who are funded through annual appropriations but are not designated as excepted are barred for working during a shutdown, except to perform minimal activities as necessary to execute an orderly suspension of agency operations related to non-excepted activities. Upon arriving to the office on October 1st, employees will be provided with a list of activities that should be completed in an effort to ensure orderly suspension of agency operations.

5. On the four hours for October 1st, given all the different commute times and start times, is NOAA going to direct a period for the shutdown. For example, all shutdown activities must be completed by 1300hrs/1pm? That gets everyone on the same page and sets expectations. (Believe it was2pm)

A: In accordance with guidance established by the Department, all employees must arrive to the office by 9:30am.
6. In terms of the out of office message, DOC GC Assistant GC Barbara Fredericks suggested we add something re whom to call in case of an emergency involving health or property. The text we propose adding is in bold/underlined below:

I am currently unavailable to take e-mails (or phone calls in case of voicemail) because of the shutdown of government operations. If you leave a message, I will be unable to respond until funding has been appropriated and the shutdown ends. **If your matter involves a serious emergency involving health or property, please call the NOAA General Counsel Lois Schiffer (202-482-4627) or Deputy General Counsel Mary Beth Ward (202-482-1588).** I sincerely regret this inconvenience.

**A:** Added an emergency information/point of contact is permissible. Each Line/Staff Office (LO/SO) should take the appropriate steps to ensure information is communicated to their respective employees.

7. WFMO sent a message last Friday about the NOAA WFMO intranet site. Will that site be operational during a shutdown?

**A:** Yes, however new information will not be added.

8. Although not in NOAA GC’s bailiwick, we had a question about how NOAA will handle FOIA deadlines during a shutdown.

**A:** During a shutdown furlough only work that involves the safety of human life or the protection of property can be performed. Given that FOIA requests do not fall into this category, NOAA will not be permitted to complete FOIA request.

**Work Schedules**

1. The contact staff will be responsible for updating Human Resources Policies for NOAA. To accomplish such it is necessary that the necessary research is performed in an effort to ensure regulatory compliance with information released from both the Office of Personnel Management (OPM) and the Department of Commerce’s Office of Human Resources Management.

**A:** This question should be referred to AGO.

2. Our Operations Center (as well as WFOs and RFCs) have administrative shifts built into the schedules of excepted employees and are part of the negotiated schedules within these units. These shifts are meant to allow the employee the opportunity to catch up on training, additional duties, research, etc. Can we still have people pulling admin shifts during a shutdown, or will we have to remove them from the schedule? If we remove these shifts, that would mean a change in working conditions and a change to the fixed schedule in offices (since we’re only 5 days out), which means NWSEO would be involved.
A. During a shutdown furlough only work that involves the safety of human life or the protection of property can be performed. Based on such employees’ work schedules must be changed as administrative work cannot be performed during a shutdown furlough.

3. The Operations Center, as part of their duties and negotiated schedule with NWSEO, works the following shifts: On-site here at HQ in the Ops Center on M-F from 6AM -2PM, with evening shifts (2-10PM) and weekend shifts done via telework. This has worked very well for the past one and one-half years and is their established, negotiated rotation. Can they continue to the non-“business hour” shifts as telework in the event of a shutdown? If not, there will have to be another person present with them here in the Ops Center from 6PM through 10PM and on weekends. It does not have to be a SES/senior leadership position, but due to the same negotiated rule as in WFOs (there will always be two people present for shiftworkers), we would have to completely change their schedule to have a second person present, and this of course presents a significant change in their working conditions.

A. During a shutdown furlough only work that involves the safety of human life or the protection of property can be performed. Provided the employee is performing work functions which involve the safety of human life or the protection of property, the employee can continue their existing schedule.

4. Many WFOs shift schedule is based on an alternative work schedule. I recommend those on AWS schedules be excepted from the shutdown activities as well.

A. Provided the employee is placed in an “Excepted” category, the employee would not be required to complete shutdown procedures and should take their AWS day as scheduled. In the event a “Furloughed” employee ‘s AWS falls on October 1st, and the employee fails to report to work for the purpose of completing shutdown procedures, then the employee’s timecard should be coded as “Furlough”.

5. Are Feds (on multi-flex hours) allowed to work longer hours before midnight September 30th, to increase their number of work hours before shutdown?

A: No, Federal employees should work the normal hours that were scheduled before the start of the administrative work schedule.

6. If our NSOF operators (excepted) are working a shift Monday night (&pm to 7am( how should they account for their time on Tuesday (only record four hours or the full seven hours worked)?

A: Excepted employees will continue to work as they are provided services pertaining to the safety of human life or the protection of property, therefore they are not required to complete shutdown activities.

7. Would Boulder non-exempt employees whose normal duty station is the NOAA Skaggs Building, but who have been granted extended telework arrangements in the wake of the floods, still be required to come in to the Skaggs building on Tuesday for 4 hours to be paid or could they be treated like full-time teleworkers whose duty station is their home (for some of these employees washed out roads and bridges means a 2 hrs drive to work).
A: Provided the employee has a telework agreement in place, the employee may be allowed to complete their shutdown procedures via telework. Based on the shutdown procedures each employee is expected to complete, managers are responsible for making such decision.

8. For employees on a maxi-flex schedule, how do we handle work spent last week in excess of a usual 40 hour work week? For now, we’ve advised managers to approve the time if that is typical of how the employee routinely works his/her 80 hour work week, but otherwise, they should not be paid hours in excess of 40 hours for last week, eight hours today, and up to four hours for tomorrow. Please let us know if our approach is correct.

A: Employees should record their time and attendance record with the hours actually approved and worked by the manager prior to the start of their administrative workweek. For instance if the employee was approved to work 50 hours during the first week of the pay period, the appropriate hours should be recorded and the employee will be paid. On Tuesday, October 1st, unless the employee has been deemed “excepted” they will only be allowed to work up to four hours to complete activities that aid in the orderly suspension of agency operations.

9. On telework, we’d been told last week that employees couldn’t telework tomorrow for purposes of an orderly shutdown. We were told this morning that DOC issued its policy on this question, allowing telework for orderly shutdown at the manager’s discretion, so long as orderly shutdown could still be appropriately performed, and so long as the employee has an existing telework agreement in place. Could you please confirm that we are on solid footing to following the DOC policy?

A: Provided the employee has a telework agreement in place, the employee may be allowed to complete their shutdown procedures via telework. Based on the shutdown procedures each employee is expected to complete, managers are responsible for making such decision.

Leave

1. Annual leave for excepted employees? We have a couple of unique situations where folks are either on personal foreign travel or getting married. Do we actually cancel their leave or is the T&A merely modified to reflect something different once government has re-opened (i.e., non-excepted or interim)?

A. All paid time off during a shutdown furlough period must be canceled because the requirement to furlough supersedes leave and other paid time off rights. The Antideficiency Act (31 U.S.C. 1341 et seq.) does not allow authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid time off creates a debt to the Government that is not authorized by the Act.

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 pay status. Excepted employees must be either performing excepted activities or furloughed during any absence from work, which must be documented by a furlough notice. If an excepted employee refuses
to report for work after being ordered to do so, he or she will be considered to be absent without leave (AWOL) and will be subject to any consequences that may follow from being AWOL.

Should an excepted employee need to be changed to a furlough status, the Line/Staff Office Official must notify WFMO, Rebecca Williams at (301) 713-6346.

2. Military leave? Obviously we can’t call someone back from the front lines.

A. No. As with other types of paid leave, paid military leave must be canceled for days covered by the furlough.

For employees on active military duty, their status as Absent-Uniformed Services (formerly Leave Without Pay-Uniformed Service (LWOP-US)) is unchanged by periods of intermittent annual or military leave.

3. Home leave? We have a Pacific Region employee on home leave in Kentucky until November 4th. How do we handle that situation? I recommend they remain on home leave although T&A would need to be modified as well to possibly a non-excepted status.

A. All paid time off during a shutdown furlough period must be canceled because the requirement to furlough supersedes leave and other paid time off rights. The Antideficiency Act (31 U.S.C. 1341 et seq.) does not allow authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid time off creates a debt to the Government that is not authorized by the Act.

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 pay status. Excepted employees must be either performing excepted activities or furloughed during any absence from work, which must be documented by a furlough notice. If an excepted employee refuses to report for work after being ordered to do so, he or she will be considered to be absent without leave (AWOL) and will be subject to any consequences that may follow from being AWOL.

Should an excepted employee need to be changed to a furlough status, the Line/Staff Office Official must notify WFMO, Rebecca Williams at (301) 713-6346.

4. Sick leave for excepted employees? How would that be handled?

A. All paid time off during a shutdown furlough period must be canceled because the requirement to furlough supersedes leave and other paid time off rights. The Antideficiency Act (31 U.S.C. 1341 et seq.) does not allow authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid time off creates a debt to the Government that is not authorized by the Act.

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 pay status. Excepted employees must be
either performing excepted activities or furloughed during any absence from work, which must be documented by a furlough notice. If an excepted employee refuses to report for work after being ordered to do so, he or she will be considered to be absent without leave (AWOL) and will be subject to any consequences that may follow from being AWOL.

Should an excepted employee need to be changed to a furlough status, the Line/Staff Office Official must notify WFMO, Rebecca Williams at (301) 713-6346.

5. I have a few non-excepted people who are currently on extended annual leave and are not supposed to back in the office until October 7th, with one person on her honeymoon in Hawaii. I’m going to assume we can we just transition them from AL through September 30th, with their furlough starting at 12:01AM on October 1st?

A. Such employees should be coded on AL through September 30th. Beginning October 1st until the employee is able to report for work, the timecard should be coded with the "Furlough" designation.