

West Virginia National Guard Government Shutdown Furlough Frequently Asked Questions

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 Anti-deficiency Act.

2. Does WVNG have an agency shutdown plan?

Yes. The WVNG has a plan in the event that there is a lapse in appropriations, often referred to as a government shutdown.

3. How will the implementation of WVNG’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 WVNG civilian employees are non-excepted, meaning that they are prohibited from working during a shutdown. A very small number of employees are considered excepted.

4. How did WVNG determine which employees are excepted?

In determining whether an employee is classified as excepted, WVNG follows strict DoD guidance. For an employee to be excepted, he or she must fall into one of the following five categories: (1) See Guidance Continuation of Operations During a Lapse of Appropriations PDF (attached)

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

Your supervisor will likely first informally share with you if you are excepted. 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, WVNG cannot distribute furlough notices until the morning of the first workday during a lapse of appropriations.

6. 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. Recalled employees will be compensated for the time it takes them to complete the designated activities once Congress approves appropriations and the government re-opens.

7. How will I be notified of a furlough?

Most employees will be directed to report to work to receive their Notice of Furlough in person and complete the orderly shutdown of operations. Employees who are not available or who have not been directed to report to the office for personal delivery of their furlough notice may receive

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their notice electronically through agency email. If notified by email you'll be asked to acknowledge receipt by a return e-mail or return a copy of the notice with a scanned copy of the signed document. If agency email access is not available or a receipt of an email notice is not received, the notice will be mailed to the employee's home address of record by registered mail with return receipt requested.

8. Can I be furloughed without first receiving a written notice of decision to furlough?

Yes. While you will ultimately receive a written notice of decision to furlough, it is not required that such written notice be given prior to effecting the emergency furlough or in person. Advance written notice (including through e-mail) is preferable, but when prior written notice is not feasible, then any reasonable notice (e.g., telephonic, oral, personal e-mail, or by mail promptly after the furlough) is permissible.

9. What procedures should be followed for orderly shutdown?

Non-excepted employees will be expected to report to work on their next scheduled work day following the lapse in appropriations to carry out orderly shutdown activities. These shutdown activities may include receiving and acknowledging furlough notices, completing any required time and attendance, setting email/voicemail out-of-office notifications, securing files, and other activities necessary to preserve the employee's work. Employees performing these activities will be entitled to compensation. Supervisors must ensure shutdown activities are completed in the most expeditious manner possible; generally such activities may not exceed three to four hours. Supervisors may permit non-excepted employees who are scheduled to telework on their next scheduled work day to perform necessary shutdown activities from their telework location, if an existing telework agreement is in place.

10. Can I be recalled to work as an excepted employee during the furlough?

Yes. If a determination is made by the appropriate official that you should be recalled for all, or a portion of the remaining furlough period, the supervisor/manager can inform you by any reasonable method (e.g., telephonic or personal email). If it is later determined that a recalled employee's services are no longer necessary to engage in an excepted function, the supervisor/manager can notify you by any reasonable method (e.g., telephonic, oral, or personal email) and is not required to issue a new notice of decision to furlough, provided such determination is made during the time period indicated in the original notice of decision to furlough.

11. Am I entitled to unemployment compensation while on furlough?

You 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.

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Shutdown Process

12. If the federal government shuts down at midnight and I am non-excepted, why am I being asked to report to work in the morning?

When a lapse in appropriations occurs, non-excepted employees are required to participate in an orderly shutdown of the government. The next 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.

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

Non-excepted employees will be guaranteed compensation for the actual time it takes them to complete their shutdown activities. Compensation earned by employees conducting shutdown activities will be paid when Congress approves appropriations and the government re-opens.

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

No. If the government shuts down, 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 DoD email. No work hours or comp time may be accrued.

15. Where and at what time should I report to work on the morning after shutdown?

In general, all employees should report to work 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, (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, 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).

16. Can I telecommute on the morning after shutdown 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.

17. What should I do if I am on a compressed work schedule and I would normally not work on the morning after shutdown?

You are required to report to work in the 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.

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18. What if I am sick or on previously scheduled paid leave on the morning after shutdown?

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.

19. What if I am on work-related travel on the morning after shutdown?

During a government shutdown, nearly all travel will be cancelled. At this time, all travel plans previously scheduled to occur on or after shutdown should have been cancelled. Should you have any questions about how any upcoming travel plans should be handled, please consult your manager.

20. Do I need to turn in my WVNG-issued smart phone or other WVNG-issued equipment?

No. Employees do not need to turn in their smart phones or other WVNG-issued equipment. However, except for the time it takes to complete shutdown activities, non-excepted employees should not use their smart phones or other WVNG-issued equipment until the shutdown is over.

21. If a Government shutdown occurs, how will I be informed when it is over?

You should listen to public broadcasts and monitor the OPM website (www.opm.gov) to keep abreast of the latest news regarding the budgetary status of the government.

Access to WVNG Offices During a Shutdown

22. When will WVNG offices close to the general public?

WVNG offices will still be manned and operational with AGR members and a few designated excepted employees. WVNG offices will not close to the general public at midnight on the night the budget expires. Some services, however, will be limited to the general public during the shutdown.

23. Will I have access to WVNG offices after the shutdown begins?

Other than to conduct orderly shutdown activities, non-excepted employees will not be allowed to access WVNG offices after the shutdown begins.

24. How is an employee notified of the end of the furlough?

Employees should listen to public broadcasts and monitor the OPM website (www.opm.gov) to keep abreast of the latest news regarding the budgetary status of the United States Government. Desk-top alerts and the WVNG Facebook page are also highly recommended for news of an appropriation and when to return to work.