

Lapse in Appropriations

Information for Employees - January 25, 2019

Improved Link for Employee Information on DOJ Website: when employees at home access the DOJ website, the DOJ Contingency Plan link had been prominently displayed, but not the link for Employee Information. The links have now been modified to show the Employee Information link prominently on the banner of the home page. The change is in effect today.

Government Employee Fair Treatment Act of 2019/Options to take Approved Leave during Shutdown: the new legislation allows Excepted employees to take annual or sick leave during shutdown as they would during regular operations, or, they can ask their supervisors to place them in furlough status for any *approved absence* during the shutdown. The latter option results in no charge to personal leave balances. More detailed [DOJ guidance](#) is attached, as well as [OPM's guidance](#) on this subject.

Acceptance of Gifts by Furloughed and Unpaid Excepted Employees: during the shutdown, many businesses, local governments, and community groups have offered free meals, gift cards, and other items to furloughed and unpaid excepted federal employees. While ethics rules still apply during the shutdown, the gift rules do allow employees to accept these widely offered gifts of food and other items. Employees may accept: 1. Food or other items with market value less than \$20 (but not cash itself and not more than \$50 worth of gifts from a given source this year); 2. Special offers being made to furloughed employees (favorable rates and commercial discounts that are offered to all federal employees are not even considered gifts); and 3. Any gift given by a family member or personal (not work-related) friend. Staff should keep in mind that gifts should generally not be accepted from a prohibited source (someone having business before the Department). For more rules on gifts, go to <https://www.justice.gov/jmd/gifts-and-entertainment>.

Outside Employment: in general, furloughed employees may find outside employment during the shutdown, without a need to check with ethics officials, as long as the employment does not conflict with his or her official duties (that is, would require recusals from his or her official duties when he or she returns to work). In addition, employees must obtain approval from their component head if their outside employment would involve (1) the paid practice of law, or (2) a subject matter, policy, or program that is in the employee's component's area of responsibility. Employees should check with their ethics officials when there are questions regarding any potential conflict with one's official duties or the need for prior approval.

Justice Federal Credit Union Loan Update: the Justice Federal Credit Union (JFCU) has announced that it will offer current and potential members assistance during the shutdown with loans. JFCU members, and non-members interested in becoming members, should contact the credit union directly to learn more about eligibility and qualifications. The website is: <https://www.jfcu.org>. Existing members may be eligible for the special furlough related

loans. Approved newly applying members may be eligible for other loan products *without any waiting requirement*.

Army Emergency Relief (AER) Financial Assistance: AER is offering financial assistance during the Government Shutdown for Furloughed Federal Employees who are also Army Reserve Soldiers. Assistance may be provided up to \$600 in the form of an interest-free loan to meet basic living expenses. For additional information, eligible Army Reserve Soldiers should contact the AER office at the Army installation closest to them.

Court Operations: AOUSC has updated its contingency plan and indicates that courts will be open at least until January 31, and perhaps until February 1. AOUSC indicates no further extensions beyond February 1 will be possible. The AOUSC contingency plan is posted at <https://www.uscourts.gov/news/2018/12/22/judiciary-operating-during-shutdown> The courts have been encouraged to work with their district's U.S. Attorney, U.S. Marshal, and Federal Protective Service staff to discuss service levels and impacts.

Employee Health and Other Benefits: despite employees missing January 26/28 paycheck, FEHB Health Benefits and FEGLI life insurance will continue in force without any employee direct-billing impact. With regard to Dental and Vision (FEDVIP) insurance, OPM has negotiated an additional (third) pay period before employees receive direct billing for FEDVIP Dental and Vision coverage. Long Term Care (LTC) Coverage billing could begin if another PP is missed. We understand OPM is working on possible further extensions with the insurers.

Unemployment claims: Unemployment benefits may give furloughed employees a measure of relief during the shutdown. OPM has posted resources for federal employees about unemployment insurance: <https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/#url=Unemployment-Insurance-Resources>. Furloughed employees are entitled to file for unemployment benefits, but excepted employees working on a full-time basis generally are not eligible (although some jurisdictions have indicated they are looking at that eligibility requirement). Employees may file unemployment applications with the state unemployment insurance agency where the employee's duty station is located. Initial applications can usually be filed on-line, supplemented with additional documentation submitted later. In general, employees will need to provide copies of W-2s and/or Earnings and Leave Statements that can be accessed from the NFC Employee Personal

Page: <https://www.nfc.usda.gov/epps/eplogin.aspx>. In addition, employees may need to provide a pdf copy of the furlough letter issued to them by management and a Form SF-50, accessible from eOPF: <https://eopf.opm.gov/doj/>. Specific requirements vary by state. There is usually a one-week waiting period after an employee files an application before the employee is eligible to receive benefits. When employees receive retroactive federal pay, however, state agencies require that employees repay any unemployment benefits.

W-2 Update: the National Finance Center reports that W-2s are available to employees via the Employee Personal Page (EPP). NFC will issue official notification later this week once all W-2s are posted. W-2s and 1099s should begin to arrive in hard copy beginning January 26th, and

no later than the 31st. ***Employees may wish to check for their online W-2, as it may be acceptable documentation in support of an application for unemployment benefits.***

Travel Cards: we are aware staff are concerned with their travel card balances going delinquent while travel vouchers are not being paid. As noted above, DOJ is now able to restart travel payment operations and pay the vouchers currently in the queue for travel concluded by December 21st. Meanwhile, JMD Finance Staff has had discussions with JP Morgan Chase regarding delinquencies associated with the shutdown. Card balances do not reach the credit bureau reporting stage until an account has been delinquent for at least 151 days or more. Prior to any reporting to credit bureaus, the employee and the component will be contacted by the travel card company. Employees must still promptly pay any outstanding charges for travel that has already been reimbursed to them.

Impact of Outstanding Debts on Security Clearances: security clearances will not be impacted during the lapse in appropriations for a failure to satisfy debts. Employees who hold security clearances and/or occupy national security positions should work with creditors to establish deferred payment plans as appropriate to avoid adverse delinquency situations. Excepted employees with security clearances are still required to report debts 120 days past due via [iReport](#), and those who are furloughed must report promptly when the government reopens. It is important to maintain all documentation regarding payment plans for submission in iReport. Generally, shutdown-related situations will not be held against employees as long as debts are made current promptly once the shutdown ends.

iReport: reporting requirements for employees in national security positions continue to apply. Employees who are not excepted will need to report matters that occurred while they were in a furlough status once the Department returns to normal operations. Excepted employees should report in the [iReport](#) system. Excepted security staff are on duty to process iReport submissions.

Suspension of February Transit Benefits: OMB has advised agencies that because of the lapse in funding, unfunded organizations cannot pay for February transit benefits. This means no February transit benefits for either Excepted employees who are working (without pay), and no benefits for furloughed employees. However, ***funded offices may continue transit benefits for their staff.*** Please let your staff know that when we reopen, staff who incurred February expenses will be able to submit OF1164 or other component claim forms to get reimbursed for their February fares in accordance with their component policy. Staff should keep track of their expenses for documentation purposes. Note that the Maryland Transit Administration has decided to waive fares for all federal employees commuting to work during the government shutdown. Workers who show their federal ID can board the state's bus, commuter trains and light-rail lines for free. We also understand that the Fairfax Connector is offering free bus rides to federal employees commuting to work.

Creditor Letters: for employees who want to correspond with their banks or other creditors, the Office of Personnel Management correspondence template for use with creditors is here:

<https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/sample-letters-for-creditors-mortgage-companies-and-landlords.doc>

We hope this information is helpful, and again appreciate everyone's support as we work together during the lapse period.