



United States Attorneys
Lapse in Appropriations Guidance
Supplemental Frequently Asked Questions (FAQs) – Multiple Sources
As of January 16, 2019
(New or Revised FAQs are Highlighted)

Supplemental JMD FAQs:

Training: We have received questions regarding completing various mandatory training requirements by year-end deadlines. Completing routine training is not an excepted function during a lapse, and furloughed employees will need to complete such training upon their return when offices reopen. Similarly, even employees who are excepted and at work should not spend time on non-excepted tasks such as routine training. However, it is permissible for certain types of law enforcement training, i.e., those training classes necessary for the protection of life or property, to continue. Additional general guidance on training can be found on page 16 of the DOJ FAQs distributed last Friday.

Bar Certifications: Ordinarily, component heads must certify by December 31st that their attorneys have provided evidence of active bar status. **Maintaining active bar status is an individual's professional obligation and that obligation is unaffected by the partial government shutdown.** However, the internal tracking and component certification process is non-excepted work. Accordingly, the deadline for that work will be extended and the component head certifications can be done when offices reopen.

Payroll: The National Finance Center is working and DOJ employees can expect their Pay Period (PP) 25 paycheck deposits this Saturday or Monday (depending on individual bank deposit timing). Remember that PP 25 extended to Saturday, December 22, but due to the funding lapse, paychecks will only include pay through Friday, December 21. For individuals working on December 22, pay for that Saturday is subject retroactive payment provisions once agency funding issues are resolved.

Furlough Letters: Because it appears that the lapse will continue through the New Year's Day holiday, we have been asked if components need to send out a second round of furlough letters to employees. No, a second letter is not required. For Non-Excepted staff, January 1 is a furlough day covered by the first letter. For Excepted staff, the first letter addressed covered holidays, which are furlough days even for excepted employees unless management directs them to work on excepted activities on a holiday. The first excepted staff letters specifically mentioned the Christmas holidays, and some components added language covering January 1. Even without explicit mention of January 1, the first excepted letter provided necessary notice of holiday furlough policies. To the extent a component wishes to remind excepted staff that January 1 is a furlough day, an email would be sufficient (but not required).

Creditor Letters: We have received inquiries about letters that employees can provide to their creditors if paychecks are delayed. As noted above, we expect PP25 pay (absent any December 22 pay) to be paid on time. However, if employees are concerned about creditor situations, the Office of Personnel Management has made available a suggested template federal employees may use for correspondence. See link below:

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

Excepted Status Changes: We understand there may be instances where employees currently furloughed need to be brought into work for excepted business, and then be furloughed again. This is permissible (and was covered by the initial furlough letter), but your offices should keep track of such changes. We also understand individuals who are currently excepted may be furloughed, and someone else brought in to accomplish the excepted work without changing your overall excepted staffing numbers. Again, this is permissible but should be tracked, but if these excepted employees were not already notified they may be furloughed for other than a government holiday, they should be so advised in writing as an addendum to their initial letter. While such small status changes are permissible, please remember no wholesale changes can be made to Contingency Plan levels without notice to OMB through the JMD Budget Staff.

Citibank Credit Card Transition: As a reminder, on February 5, 2019, the Department of Justice is scheduled to transition from JPMorgan Chase to Citibank (Citi) as the servicing bank for our charge card program. During the lapse in appropriations, Citi is continuing to prepare for the February 5th transition date, including issuing new Purchase, Travel and Fleet cards across the Department. Over the next two weeks we anticipate Citi bank will issue more than 100,000 new cards to Department employees. When your employees receive these new cards they should take no further action until after the lapse in appropriations has ended since the transition to a new credit card company is not an excepted activity. The JMD offices responsible for the Purchase, Travel and Fleet programs will be sending additional guidance about the steps your employees will need to take once the lapse in appropriations has ended.

Paychecks for January 12th or 14th: Given no funding agreement has been reached, we anticipate that most DOJ employees will not receive a paycheck deposit on their usual payday of Saturday January 12th, or for some, Monday January 14th. (A limited number of staff working in funded accounts will receive pay as normal). We know the lack of a paycheck will create a hardship for many of you and your families.

FEHB Health Benefits and FEGLI life insurance: Employee FEBH health insurance coverage will continue even if premium deductions are not made on time. The enrollee share of the FEHB premium will accumulate and be withheld from pay when employees return to work. FEGLI life insurance coverage will also continue for 12 consecutive months in a non-pay status.

Dental, Vision, and Long Term Care Coverage: FEDVIP dental and vision insurance coverage will continue for two pay periods without billing to employees even if premium deductions are not made due to the shutdown. Long Term FLTCIP program coverage continues for three pay periods without billing to enrollees. Billings will be caught up when employees return to work.

Justice Federal Credit Union Loans: The Justice Federal Credit Union (JFCU) has announced that it will offer current and potential members special assistance furlough 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>.

Restored Annual Leave: OPM has notified agencies that properly scheduled annual “use or lose” leave must be restored if affected by the shutdown. We will issue additional guidance on this once we reopen. (Please remember that *previously restored* annual leave that expired at the end of the FY 2018 leave year cannot be restored a second time).

OPM Fact Sheet: OPM issued a fact sheet on employee pay and benefits. It can be found at: <https://chcoc.gov/content/fact-sheet-pay-and-benefits-information-employees-affected-lapse-appropriations>

Unemployment Claims: OPM has advised that MD, DC, and VA are suspending the requirement (for furloughed employees) that applicants for unemployment benefits be actively engaged in seeking employment.

External Awards: Components have asked about submitting nominations for external awards programs such as the Arthur S. Flemming and Beatrice Rosenberg awards. Submission of such nominations is not an Excepted activity, however, we have reached out to the sponsoring organizations to request extensions on the current submission deadlines. We will provide an update as soon as possible. In the meantime, components should not submit nominations directly to the sponsoring organizations.

The Combined Federal Campaign: CFC continues to advise that the 2018 CFC solicitation period will not be extended beyond its current date of January 11, 2019. Additional CFC guidance related to the shutdown can be found at: <https://www.opm.gov/combined-federal-campaign/reference-materials/memos/2018-cfc-memos/2018-11.pdf>.

Court Operations: AOUSC updated its contingency plan and expects to maintain operations through at least January 25, 2019. The updated plan is posted at: <https://www.uscourts.gov/news/2019/01/16/judiciary-continue-funded-operations-until-jan-25>

Supplemental EOUSA FAQs:

Onboarding

1. What happens to new employees who are scheduled to report to work for the first time during a shutdown furlough?

Offices will delay the enter-on-duty date for new employees who are scheduled during a lapse in appropriations. This includes new government employees, reassignments between offices and agencies, and reinstatement of former government employees.

2. What happens to detailees, Special Assistant United States Attorneys (SAUSAs), and contractors who are scheduled to report to work for the first time during a shutdown?

Similar to the guidance for employees, offices must delay the enter-on-duty date for new detailees, SAUSAs, and contractors who are scheduled to begin performance during a lapse in appropriations.

Employees Scheduled To Retire During Shutdown

1. What will happen to employees who would have retired during a shutdown furlough?

For employees who, on or before the requested retirement date, submitted some notice of their desire to retire, agencies should, when the lapse in appropriations ends, make the retirement effective as of the date requested. The retirement request may be informal (such as a letter requesting retirement), and can be either mailed or personally submitted to the agency. Any additional required paper work, such as the formal retirement application form, may be

completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of the agency.

- 2. If an employee is scheduled to retire before the end of the leave year with an annual leave balance of over the maximum leave ceiling (e.g., 240, 360, or 720 hours, as applicable) and the furlough prevents the employee's retirement from getting processed until January, does the employee lose his or her annual leave above the maximum leave ceiling?**

No. The employee's retirement would be retroactively applied to a date prior to the end of the leave year, and the employee would receive the full amount of accumulated and accrued annual leave in a lump-sum payment.

- 3. I recently retired from Federal service. Will my retirement application be delayed by a government shutdown?**

If your agency or payroll center submitted your retirement application to OPM, you will begin receiving interim annuity payments while OPM Retirement Specialists process your application. Because OPM Retirement Services is funded by the trust fund it manages, OPM Retirement Services employees will still be working normal operating hours during a government furlough. If your agency or payroll center has not yet submitted your retirement application or the application is incomplete, you will likely experience some delay as OPM must wait on other agencies to submit all of the information needed to process your retirement. Some of these agencies may not be operating during a government furlough.

Employee Assistance

- 1. How do USAO/EOUSA employees access Employee Assistance Program (EAP) services during the lapse on appropriations?**

Employees should use the 24 hour toll free number to contact EAP: **888-271-0381**. Due to the lapse in appropriations, EAP services will be limited, however the toll free number will be monitored.

Administrative

- 1. Will the deadlines for Performance Work Plans and Ratings be extended due to the shutdown?**

Yes. Preparing work plans and ratings is not an excepted activity and may not be performed during the shutdown. Additional guidance, including adjusted deadlines, will be provided after funding has been restored.

- 2. Will I receive a W-2 during the lapse in appropriations?**

Yes. The National Finance Center (NFC) is in the process of printing and mailing tax year 2018 W-2s. The mailing process will continue through Thursday, January 31, 2019. The vast majority of W-2's are expected to be available on the Employee Personal Page (EPP) as of Friday, January 25, 2019, and no later than Monday, January 28, 2019.

If an employee's W-2 is not on EPP, the W-2 is in suspense and requires manual intervention by NFC. As the W-2s are released from suspense, they will be mailed and updated to EPP. This process will continue between now and Thursday, January 31, 2019. NFC requests that

Agencies do not contact NFC about W-2s not available on EPP until Monday, February 4, 2019, or later.

Pay & Benefits

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

It is possible that employees may become eligible for unemployment compensation during a lapse in appropriations. However, State unemployment compensation requirements differ. The law of the State in which an employee's official duty station in Federal civilian service is located will be the State law that determines eligibility for unemployment insurance benefits.

In general, furloughed employees should be eligible as long as all other state eligibility factors are met. Employees should submit questions to the appropriate State (or District of Columbia) employment services office. The U.S. Office of Personnel Management has provided additional information (to include a Fact Sheet) on their website: [Unemployment Insurance Resources](#). States may require that the employer provide a Standard Form 8 (SF-8) to the employee seeking Unemployment Insurance. An [SF-8 template](#) has been prepared for district use and is located on [EOUSA's Lapse in Appropriations website](#).

2. Will excepted detailees receive a paycheck during the shutdown?

No. The detailee funding source is lapsed and not available. Therefore, no T&As should be processed for detailees during the shutdown.

Mail Metering

1. Is the mail metering contract transition considered an excepted function while under the shutdown?

No, unfortunately, the mail metering contract transition is not an excepted function while the Government is under a partial shutdown.

2. Can Districts continue to utilize the Metro Techies (FP equipment) contract past December 31, 2018?

No, the Metro Techies contract officially expires on December 31, and can no longer be extended or utilized after that date.

3. In the absence of an available contract vehicle after December 31st, what can Districts do while operating under a lapse for activities normally covered by the mail metering services?

Since the roll-out of a new mail metering service contract would not be an excepted function during the shutdown, Districts will have to use the Post Office for their mail during the lapse. Reminder: Districts should only be mailing items that are related to excepted functions that cannot be delayed until after the lapse has ended.

4. What contract method should be used when mailing from the Post Office?

The Government Purchase Card (GPC) may be used for purchasing postage.

5. Can any employee with a GPC go to the Post Office to send mail?

No, only excepted employees who have a GPC card are able to purchase postage with their GPC.

If no employees who have a GPC card are in an excepted status and the mailing requirements are for excepted activities that cannot be delayed until the following week, offices should consider placing the GPC cardholder in an intermittent excepted status for the purpose of purchasing the amount of postage they estimate necessary for the immediate future. When estimating, offices should use methods similar to the consideration of limited bulk supply orders that are urgently needed while operating under a lapse for excepted activities.

6. Will the UFMS USA-3 form still need to be completed during the lapse?

Yes, offices should continue to complete the required UFMS USA-3 forms in order to account for the activity that occurs during the lapse and ensure proper compliance with segregation of duties/policies. For the fund certification, please refer to EOUSA's Fund Certification FAQ.

7. Can Districts accept/receive the new mail metering equipment from Pitney Bowes during the partial Government shutdown?

Yes, as Pitney Bowes had already shipped some machines before the partial shutdown and prior to receiving their stop work notice. No new shipments should have been executed after receipt of the notice. On that basis, it is okay to accept the equipment, but training and installation must not occur until after the shutdown ends. Please note that this guidance is unique to these circumstances, and as a general practice deliveries during a shutdown should be delayed until after the lapse has ended.

Fund Certification

1. Must Districts certify funds during a lapse in appropriation?

The answer to this question is not a typical yes or no. As you are aware, the lapse in resources all but eliminates the ability of Funds Certifying Officers to perform their financial analysis in the usual manner, since lapsed resources are no longer available. However, the roles typically performed by the individuals who are listed as Funds Certifying Officers on their OBD-234s include more than just the signature affirming that resources are available. Often, they are also responsible for confirming the correct accounting; that the particular funding source can be used for the requested purpose (technically, a role also required of the Authorizing Official); and, ensuring that all requests are tracked and recorded properly in the financial systems.

That said, since their ability to sign that resources are available is directly affected by a lapse, some offices do not have any Funds Certifying Officers in an excepted status, yet still have a need to request goods and/or services for excepted activities during a shutdown. Therefore, the following scenarios provide guidance on how offices should address the funds certification requirement on requests processed during a lapse in appropriations. It is preferable that this task be performed by the Funds Certifying Officers if they are already in an excepted status.

However, in the event that no Funds Certifying Officers are in an excepted status, other individuals with OBD-234 authority (i.e., authorities other than Fund Certifying Officer only) can insert the statements below, provided that the individuals possess detailed knowledge about the District's lapsed and non-lapsed resources, the proper use of different resources, and request/commitment/obligation tracking procedures and requirements.

Regardless of who is inserting the below funding certification statements into requests, it is recommended that the documentation for obligations incurred for excepted functions or for non-lapsed appropriations be consolidated in one location, tracked, and held until the obligations can

be fund certified and recorded in the financial management system after normal government operations resume.

- **Fund certification for Non-lapsed Resources (including, but not limited to, the FEW, TPF, AFF, and HCFAC funds)** - Since the certification of funds activity is non-excepted during a lapse in appropriation, offices should include the following language in lieu of the funding certification (assuming that the Funds Certifying Officer is paid out of a lapsed resource): “Although these goods and/or services are funded by non-lapsed resources; funding cannot be certified available at this time, as the certification of funds is not an excepted activity during a lapse in appropriation.” The actual funding certification will occur when normal government operations resume.
- **Fund certification for Lapsed Resources** - funding cannot be certified available under the lapsed appropriation (i.e., the Direct or OCDEFB budgets). When funding cannot be certified available but obligations must be incurred for excepted activities, offices should include the following statement in lieu of the funding certification: “These goods and/or services are required to support excepted activities during a lapse in appropriations; funding cannot be certified available due to a lapse in appropriations.” The actual funding certification must be deferred until an appropriation or CR is enacted.

As a reminder, the guidance above is only permissible during a lapse in appropriations. On the date the lapse has ended, the normal fund certification policies and procedures will be required.

Commitments, Obligations & Payments

1. If I had a balance in UFMS within my Direct funding source from the previous Continuing Resolutions (CRs) when the lapse began, are those balances still available to fund certify, or process other activity?

No. During a lapse in appropriations, available balances, and existing funds on commitments and/or obligations **are no longer** available (i.e., conceptually, it is as if the fiscal year ended on December 21st). Additionally, the processing of activity in UFMS would not be considered an excepted function, and therefore cannot be performed by employees paid out of lapsed resources (even if they are reporting to work in an excepted status).

2. Can I process payments against open obligations in UFMS for non-lapsed resources?

No. Even though those resources have not lapsed, typically, that activity requires the work of individuals who are paid out of lapsed appropriation, whether those individuals are in the USAO, at EOUSA, or at the Department (all of whom play a role in the process). Since payment processing is not an excepted function, it cannot be performed by employees paid out of lapsed resources (even if they are reporting to work in an excepted status).

Transit Subsidy

1. Will the government shutdown affect the receipt of transit benefits?

The Department of Transportation (DOT) has confirmed that TRANServe transit benefits for February will be loaded on their normal schedule (i.e., January 10th). As a reminder, only those excepted employees who are reporting to work are authorized to use transit subsidy benefits, and only for their commute to and from work.

Government Travel/Purchase Cards

1. Is the Department of Justice's transition to a new charge card provider delayed as a result of the shutdown?

No, the transition from JPMorgan Chase to Citibank (Citi) as the servicing bank for our charge card program will still be effective February 5, 2019.

2. Some employees, both excepted and non-excepted, have reported that they have received their new Citibank travel, fleet and/or purchase cards. Is there any action they should take while operating under a shutdown?

In order to prepare for the card transition, over the next two weeks, Citibank will distribute approximately 100,000 cards to Department employees. Employees who receive cards should only store the cards in a secure location for the time being. No further action should be taken until after the lapse has ended, as the transition to a new credit card provider is not an excepted activity and the cards must not be used prior to February 5, 2018. Once normal operations resume, further guidance will be issued regarding the transition and actions that employees will need to take.

3. Can I still use my JP Morgan travel card during the shutdown?

During the lapse in appropriations, only excepted employees may use their travel cards for excepted official travel expenses.

4. Will JP Morgan's 1-800 customer service call center continue to operate?

Yes. If you need to reach the bank during the shutdown, please call the 1-800 number on the back of your travel card.

5. Do I still have to pay my individually billed travel card bill?

Yes. Employees, whether excepted or non-excepted, remain obligated to pay their government travel card accounts on-time. Employees who have balances on their credit cards must carefully monitor their government travel card statements from the bank and make any minimum payments required (whether or not they have an outstanding voucher and have not yet been reimbursed). This is to prevent suspensions due to delinquencies, which the bank will generally continue to do during a shutdown.

Cardholders need to contact the travel card bank to address their financial hardships or delinquencies associated with the lapse in appropriations, as needed. JP Morgan will address individual cardholders on a case-by-case basis. Standard processes, including account aging, and assessment of late fees and finance charges would remain in force unless it is otherwise determined by the bank.

6. What if my travel card is already delinquent; will I be given more time to pay?

No. Payment is due to JP Morgan Chase bank per the statement due date. If your account is delinquent prior to the shutdown, it will continue to be considered to be delinquent until full payment is made to the contractor bank. The time elapsed after payment is due does not stop accruing in the event of a government shutdown.

Travel Authorizations & Vouchers/E2 Solutions

1. Can travel authorizations and vouchers be uploaded/processed during the shutdown?

No. Processing travel authorizations and vouchers, even if travel took place prior to the shutdown, is not considered an excepted activity. Excepted upcoming travel may be arranged, and an authorization initiated, but it must not be uploaded into UFMS. Also, no payments can be processed while operating under a lapse in appropriations, regardless of when the submissions occurred.

2. Can E2 or PaymentNet profiles be transferred during the shutdown?

No. Transferring profiles is not considered an excepted activity during a lapse in appropriations. If an employee has transferred to your office or to another office, they can make arrangements using the online booking engine or contact CWTSato by phone without creating an authorization. Once the government resumes normal operations, submit an email to the RMP Travel Staff to transfer the profile. The authorization should be initiated in E2 Solutions after the profile is transferred.

USA-5 Reporting

1. How should processing of USA-5 data occur during the government shutdown?

Once the shutdown has ended, the USA-5 application will be adjusted to allow both excepted and furloughed employees an opportunity to enter their time past the usual due dates following the end of the previous month.

Therefore, while operating under a lapse in appropriations, employees paid out of lapsed appropriations can disregard the automated email reminders to complete their data entry. Employees who postpone their data entry should maintain thorough records of how their duty hours were spent to ensure that the quality of data entered into USA-5 is not diminished as a result of the delay.

That said, once employees resume entering their hours into USA-5, they should enter their time in the substantive area worked for hours performed in an excepted status. For any time spent in a non-excepted (i.e., furloughed) status, employees should enter time using the “FURL – FURLOUGH LEAVE” code. As a reminder, employees who were paid out of lapsed appropriations and were not working during any holidays that occurred during the shutdown should also mark that time using the using the “FURL – FURLOUGH LEAVE” code.

Employees who are paid out of non-lapsed resources should continue to record their hours based on normal schedules and procedures.

Information Technology

1. The current due date for IRB submission is January 16, 2019. Will the deadline date for submissions be extended?

Yes, a new date will be selected after the lapse is over and communicated to the districts.

Security

1. Are covered employees still required to meet the enhanced reporting requirements in iReports during the shutdown?

Yes, excepted employees who are in national security positions, and therefore covered by the enhanced security reporting requirements issued last year, must continue all required reporting in iReports. iReports can be accessed here:

<https://jstars.eshp.doj.gov/jstars/page.request.do?page=page.public.incident.report>.

There are excepted staff on duty to provide the necessary approvals. For Furloughed Employees who do not have remote access to the DOJ network to file the iReport, please ensure that you file the report as soon as the furlough has lifted. For Excepted Foreign Travel: If you do not have access to the iReport – please completed [DOJ Form 504](#).

2. My Personnel Identity Verification (PIV) Card is expiring. What should I do?

For USAOs: Excepted individuals with expiring cards or certification dates should contact their District Office Security Manager. If further assistance is needed please contact the HSPD-12 Help Desk at HSPD12Helpdesk@usdoj.gov.

For EOUSA: Excepted individuals with expiring cards or certification dates should contact the HSPD12 Help Desk at HSPD12Helpdesk@usdoj.gov. The HSPD-12 Help Desk office is located on the 2d Floor, 3CON. The Main Justice ID office is open with limited staff.

Victim Notification

1. Are victim notifications required during the shutdown?

Yes, despite the funding lapse, the provisions of the Crime Victims' Rights Act, 18 USC §3771, including victim notification, remain applicable throughout the criminal proceeding and are excepted activity. Offices should first and foremost continue to generate the notifications in the Victim Notification System (VNS), which will in turn make information available to the victim using all methods of notification (letter; email if the victim has an email address; toll free call center and Internet). Understanding that the majority of victims still expect letters, once notifications have been generated in VNS, offices can prioritize accordingly the actual mailing of the letters (such as those notifications for upcoming hearings where sufficient runway exists to mail the letters at a future date).

2. Are we permitted to purchase postage for victim notification letters during the shutdown?

Yes, if the postage meter is not available for the VNS letters, Districts will have to use the Post Office for their VNS mailings. Please refer to Mail Metering questions 3-6 above for additional details regarding that process.

3. Information docketed in CaseView is required for VNS. Is CaseView docketing an excepted function during the funding lapse?

Yes, as an ancillary function necessary to support victim notification, docketing in CaseView is permitted to the extent necessary for victim notification. General docketing in CaseView is not an excepted activity.