



## Guidance for Excepted Employees

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Below are Q&A's for Guidance for Excepted Employees.

- If, during a furlough, Federal agencies are operating under a delayed arrival, unscheduled leave, or other emergency operating status policy because of emergency weather conditions, which employees should report for work?
- Will excepted part-time employee be able to continue working on a part-time schedule? Will excepted employees be required to work extra hours/overtime?
- Are excepted employees volunteering their services or are they compelled to come to work? What happens if an excepted employee chooses not to come to work?
- Can excepted employees have intermittent unpaid absences from work during a shutdown furlough?
- If an agency is willing to approve brief or intermittent unpaid absences from work for an excepted employee and use of workplace flexibilities is not appropriate, does the excepted employee have to be in furlough status for these brief or intermittent unpaid absences?
- Can excepted employees telework or use other workplace flexibilities during the furlough?
- Are any personnel actions processed for excepted employees during a period of furlough?
- Can excepted phased retirees work more than 40 hours per pay period during a shutdown furlough?

### **If, during a furlough, Federal agencies are operating under a delayed arrival, unscheduled leave, or other emergency operating status policy because of emergency weather conditions, which employees should report for work?**

Excepted employees designated as "emergency" or "mission-critical" may be required to report, even when the FAA office or facility is closed. See [EMS-11.5, Identifying Essential Supporting Activities and Designating Emergency and Mission-Critical Employees for Emergency Situations](#) ([https://employees.faa.gov/org/staffoffices/ahr/program\\_policies/policy\\_guidance/hr\\_policies/hrpm/ems/ems-11-5/media/EMS-11-5.pdf](https://employees.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/ems/ems-11-5/media/EMS-11-5.pdf)). If you are unsure whether you fall into these categories or whether you need to report in such situations, check with your manager.

Other excepted employees will follow normal emergency operating procedures during the FAA office or facility closure or change in operating status, which may result in placing excepted employees in furlough status for any hours of work not performed. For a lapse in appropriation, these periods of approved absence will count as furlough hours for which the employee will receive retroactive compensation, without charge to his/her leave balances. For other types of furloughs, when an excepted employee is not working or not performing excepted activities in compliance with the Antideficiency Act (31 U.S.C. 1341 et seq.), he or she cannot be in a pay status. That employee must be in a furlough status during any absence from work, and may not be in an excused absence or leave without pay (LWOP) status.

Unless recalled using the normal recall process, furloughed employees will be unaffected if their FAA office or facility is closed, or announces a change in operating status during a shutdown furlough and will remain in furlough status.

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### **Will an excepted employee who is normally part-time be allowed to continue working on a part-time schedule? Will excepted employees be required to work extra hours/overtime?**

Yes. Excepted employees may work part-time and overtime, if approved by management and in accordance with applicable collective bargaining agreements.

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### **Are excepted employees volunteering their services or are they compelled to come to work? What happens if an excepted employee chooses not to come to work?**

In the event of a furlough, excepted employees may be compelled to come to work and the government will incur an obligation to pay them when authorized. Managers will address an excepted employee who refuses to come to work on a case-by-case basis and may place him/her in an Absent Without Leave (AWOL) status subject to disciplinary action.

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### **Can excepted employees have intermittent unpaid absences from work during a shutdown furlough?**

Excepted employees are permitted to use paid leave (e.g., annual or sick leave) during a lapse in appropriations (as authorized under the [Government Fair Employment Fair Treatment Act \(GEFTA\) of 2019](#)) (<https://www.congress.gov/bill/116th-congress/senate-bill/24>), but not during other types of shutdown furloughs. There will be no payment for such leave until after the furlough. Employees should request leave through their manager using normal procedures. However, excepted employees are **not** required to use their paid leave to cover periods of authorized absences from work during a furlough. Instead, the employees may opt to default to a furlough status for any authorized absence during a lapse in appropriations.

An excepted employee may not be charged or substitute other paid time off (i.e., compensatory time off, travel compensatory time, religious compensatory time, credit hours, or time off award hours) for an authorized absence during a lapse in appropriations. In addition, managers may not place excepted employees in leave without pay (LWOP) status.

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**If an agency is willing to approve brief or intermittent unpaid absences from work for an excepted employee and use of workplace flexibilities is not appropriate, does the excepted employee have to be in furlough status for these brief or intermittent unpaid absences?**

Yes. During a lapse in appropriations or authorizations, excepted employees who are absent from the workplace will be placed in a furlough status for the duration of any approved brief or intermittent absences from work. Under GEFTA, the excepted employees will receive retroactive pay for such absences. However, an excepted employee, at his/her election, may during a lapse in appropriation shutdown, substitute leave for those absences rather than placement in a furlough status. Payment of any compensation for approved leave taken during the furlough period will occur after the lapse in appropriations end.

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**Can excepted employees telework or use other workplace flexibilities during the furlough?**

When the excepted employee can effectively and efficiently accomplish the work activity from another location, managers may exercise FAA policy and/or CBA provisions that allow telework or other workplace flexibilities (see FAA Telework policy, [WLB-12.3](#) ([https://employees.faa.gov/org/staffoffices/ahr/program\\_policies/policy\\_guidance/hr\\_policies/hrpm/wl/wl-12-3/](https://employees.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/wl/wl-12-3/)), [Policy Bulletin 112](#) ([https://employees.faa.gov/org/staffoffices/ahr/program\\_policies/policy\\_guidance/hr\\_policies/hrpm/bulletin/bullet112/media/PB\\_112\\_03-23-2020.pdf](https://employees.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/bulletin/bullet112/media/PB_112_03-23-2020.pdf)), and applicable CBA).

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**Are any personnel actions processed for excepted employees during the period of a furlough?**

AHR will process personnel actions for retirement, death, and other separations, as applicable.

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**Can excepted phased retirees work more than 40 hours per pay period during a shutdown furlough?**

No. Authorization for phased retirees to work more than 40 hours per pay period requires a rare and exceptional circumstance that poses an immediate and direct threat to life or property. A Government shutdown, in itself, does not rise to that significant threat level.

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## Messages from Leadership

- [Message from the Assistant Secretary for Administration \(https://my.faa.gov/focus/articles/2023/09/Message\\_from\\_the\\_Ass.html\)](https://my.faa.gov/focus/articles/2023/09/Message_from_the_Ass.html)

## Resources

- [White House FAQs and Contingency Plans \(https://www.whitehouse.gov/omb/information-for-agencies/agency-contingency-plans/\)](https://www.whitehouse.gov/omb/information-for-agencies/agency-contingency-plans/)
- [DOT FAQs \(https://dotnet.dot.gov/payroll-benefits/faqs-lapse-appropriations\)](https://dotnet.dot.gov/payroll-benefits/faqs-lapse-appropriations)
- [ATO Shutdown Furlough Resources \(https://my.faa.gov/go/ATOfurlough\)](https://my.faa.gov/go/ATOfurlough)
- [Employment Verification \(https://my.faa.gov/org/staffoffices/ahr/employment\\_verification.html\)](https://my.faa.gov/org/staffoffices/ahr/employment_verification.html)
- [Procedures for Emergency \(Shutdown\) Furlough and Recalling Furloughed Employees \(https://my.faa.gov/org/staffoffices/ahr/program\\_policies/policy\\_guidance/hr\\_policies/hrpm/emp/emp\\_ref/media/rmshutdownrecallproc.html\)](https://my.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/emp/emp_ref/media/rmshutdownrecallproc.html)
- [EMP-1.27a Shutdown Furlough \(https://my.faa.gov/org/staffoffices/ahr/program\\_policies/policy\\_guidance/hr\\_policies/hrpm/emp/emp-1-27a.html\)](https://my.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/emp/emp-1-27a.html)
- [HRPM Volume 1 - Employment Reference Material \(https://my.faa.gov/org/staffoffices/ahr/program\\_policies/policy\\_guidance/hr\\_policies/hrpm/emp/emp\\_ref/RMQ&ASaveMoneyFurlough.html\)](https://my.faa.gov/org/staffoffices/ahr/program_policies/policy_guidance/hr_policies/hrpm/emp/emp_ref/RMQ&ASaveMoneyFurlough.html)

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