

Here are some highlights from OPM:

Q: Who are Excepted Employees?

A: In the context of shutdown furloughs, the term "excepted employees" is used to refer to employees who are funded through annual appropriations who are nonetheless excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. "Excepted employees" include employees who are (1) performing emergency work involving the safety of human life or the protection of property, (2) performing minimal activities as necessary to execute an orderly suspension of agency operations related to non-excepted activities, or (3) performing certain other types of excepted work. Agency legal counsels, working with senior agency managers, are determining which employees are designated to be handling "excepted" and "non-excepted" functions.

Q: May an employee not excepted from the furlough take previously approved paid leave (e.g., annual, sick, court, military leave, or leave for bone marrow or organ donation) during a shutdown furlough?

A. No. All paid leave during a shutdown furlough period must be canceled because the requirement to furlough supersedes leave 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 leave creates a debt to the Government that is not authorized by the Act. Therefore, agencies are instructed that during a shutdown furlough, all paid leave must be canceled.

Q: May an excepted employee take previously approved paid leave or be granted new requests for paid leave during a shutdown furlough?

A. No. 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 paid leave status. Excepted employees must be either performing excepted activities or furloughed during any absence from work. The furlough 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 in an absence without leave (AWOL) and will be subject to any consequences that may follow from being AWOL.