



FURLOUGHED EMPLOYEES HANDBOOK

U.S. Department of State

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Note: GTM/ER staff compiled this document to provide furloughed State Department employees with links to useful resources. It is not legal advice. We hope that you will find it helpful.

Quick Definitions

What are excepted and non-excepted employees?

“Excepted” or “non-excepted” status depends exclusively on the duties of the position. In Department entities that have funds (Chapter 1), both excepted and non-excepted employees will continue working. In entities that do not have available balances (Chapter 2), only excepted employees will continue working.

Pay, Allowances, Benefits, and Allotments Issues

When Will I Be Paid?

The Bureau of the Comptroller and Global Financial Services (CGFS) will process payroll for pay period 24, to be paid on December 16, 2021. CGFS will issue T&A guidance for bureaus and posts for reporting time during any periods of lapse for pay period 25 and any later pay periods.

Employees who are “exempt” from the lapse in appropriations (e.g., because they are not paid from annually appropriated funds) are not impacted, and will receive their pay for pay period 25 on December 30, 2021.

Foreign Service annuitants should receive their November 2021 annuity payments on time, December 1, 2021.

Allowances

Q. What happens to allowances during the furlough period?

The following allowances will continue for all employees ordinarily eligible to receive such allowances, but depending on the availability of a bureau’s residual funding (based on the overall funding account), allowances may not be paid until after the lapse is over:

- Housing and utilities abroad
- Living Quarters Allowance
- Post Allowance (COLA)
- Home Service Transfer Allowance
- Foreign Transfer Allowance
- Temporary Quarters Subsistence Allowance (TQSA)
- Separate Maintenance Allowance
- Subsistence Expense Allowance (paid in the event of an evacuation)
- Extraordinary Quarters Allowance
- Education Allowance
- Educational Travel

- Travel for children of separated families.

Benefits Paid Through Payroll Deductions

Q. What effect does the furlough have on other benefits?

A. The effect of a furlough on benefits that are paid for through payroll deductions varies. For additional information, see OPM's fact sheet on the "Effect of Extended Leave Without Pay (or Other Nonpay Status) on Federal Benefits and Programs" at http://www.opm.gov/oca/leave/HTML/LWOP_eff.asp and <https://www.chcoc.gov/content/pay-and-benefits-employees-affected-lapse-appropriations-1> (note that the second link should update soon)

Further Benefits Questions

Q. What if I have further questions on specific benefits (FLTCIP, FSAFEDS, FEDVIP, etc.)?

A. Please click [here](#) for OPM's information on shutdown furloughs.

Q. Will the Transit Subsidy Program (TRANServ/Metrocheck) continue during the shutdown?

A. Yes, for Department of State employees, the TRANServ program will continue to support those personnel required to work during the shutdown.

Non-expected employees should not use Transit cards.

Payroll Allotments

Q. What effect does the furlough have on payroll allotments?

A. Any required withholdings (i.e., Federal and State taxes and Social Security) are based upon a percentage of actual earnings. Therefore, if an employee is furloughed, his or her withholdings would be reduced in turn. The employee's specific allotments would not change (e.g., credit union loans and others), unless the employee completes a new allotment request increasing or decreasing the amount withheld. Allotments can't be made if you're not receiving pay, so you may want to review your allotments to determine whether you'll need to make alternative arrangements (e.g., if you're using allotments to pay loans, alimony, etc.).

Federal Employee Health Benefits and Life Insurance

Q. Will I still have coverage under the Federal Employee Health Benefits (FEHB) program during the furlough?

A. Yes, an employee's FEHB coverage will continue even if an agency does not make the premium payments on time. Since the employee will be in a non-pay status, the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

For Federal Employee Group Life Insurance (FEGLI), coverage continues for 12 consecutive months in a non-pay status without cost to the employee (5 CFR 870.508(a)) or to the agency (5

CFR 870.404(c)). Please note that premium payments are required if an enrolled employee in non-pay status is receiving workers' compensation (5 CRF 870.508(a)).

Q. What if I have a Qualifying Life Event during the furlough?

A. Generally, new enrollments or changes in enrollment due to a Qualifying Life Event do not take effect until the employee has been back in pay status for any part of the prior pay period. The exception is for a new enrollment or change in enrollment due to the birth or addition of a child, which is effective on the first day of the pay period in which the child is born or becomes an eligible family member. There is no requirement to be in pay status in order for an enrollment or change in enrollment due to birth or addition of a child to become effective.

Injury While on Furlough or LWOP

Q. If employees are injured while on furlough or LWOP, are they eligible for workers' compensation?

A. Generally, no, workers' compensation is paid to employees only if they are injured while performing their duties. Employees on furlough or LWOP are not in a duty status.

Q. If the shutdown furlough lasts more than 30 days, will that cause a Reduction in Force (RIF)?

A. No. OPM guidance specifically states that reductions in force (RIF) furlough regulations and SES competitive furlough requirements are not applicable to emergency shutdown furloughs because the ultimate duration of an emergency shutdown furlough is unknown at the outset and is dependent entirely on Congressional action, rather than agency action. See section P, 5A of the [OPM Guidance for Shutdown Furloughs](#) for more information.

Communications

Access to Official Email

Q. Can I check my state.gov email account while I'm on furlough?

A. Non-excepted employees should only use Department-provided mobile devices to check for new information about the furlough, and excepted personnel should not communicate with non-excepted employees except to convey new information about the furlough.

Q. I have no access to my state.gov email account. Can I receive a copy of the furlough notification through my personal email account?

A. Yes. If you ensure that your personal email address is updated in GEMS through the GEMS Self-Service screen you will receive your furlough notification in your personal email account.

If you did not update your personal email address in GEMS before the furlough, you may contact your bureau's EX office.

Teleworking During a Furlough

Q. I'm a telework-eligible direct hire "excepted" employee with a current and approved telework agreement. Am I able to telework during a furlough?

A. Check with your supervisor. Telework is a decentralized program at the Department of State. Bureau supervisors and managers have discretionary management authority to approve telework applications and requests from their employees who are telework eligible in compliance with 3 FAM 2362.2 (Eligibility). To the extent practicable, bureau supervisors may allow employees who are excepted from furloughs to telework on a core or situational basis, if they are telework-ready (possess a current and approved telework agreement) and this telework arrangement will meet mission and office staffing needs. Telework is not an entitlement. To learn more about Department Telework policy, please refer to 3 FAM 2360 (Telework).

Financial Issues

You may want to contact your financial institution to determine whether it is one of the many offering assistance to federal employees during the shutdown. If it is not, you may also conduct an internet search to identify financial institutions providing assistance to federal employees.

Unemployment Compensation

Q. Are employees entitled to unemployment compensation during the furlough?

A. See the Department of Labor website "Unemployment Benefits" at <https://www.careeronestop.org/LocalHelp/UnemploymentBenefits/unemployment-benefits.aspx>. Furloughed employees (non-excepted) are eligible for unemployment compensation. Excepted employees working on a full-time basis are generally not eligible. State unemployment compensation requirements differ. Some states require a one-week waiting period before an individual qualifies for payments. Agencies or employees should submit questions to the appropriate state or District of Columbia office.

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 law that determines eligibility for unemployment insurance (UI) benefits. The states and the District of Columbia determine the eligibility for benefits and the amounts to be paid to unemployed individuals.

Generally, a furloughed employee may file a claim with the state of their duty station or Washington, D.C., if their duty station is Washington, D.C. Employees with an overseas duty station should file in their state of residency or Washington, D.C., if their residence is Washington, D.C.

All U.S. states accept applications for unemployment insurance via phone or website. No state requires in-person application. During the 2018-2019 furlough, OPM informed the Department that Virginia, Maryland and the District of Columbia agreed that non-excepted employees who

filed for unemployment were **not** subject to the requirement to look for work in order to qualify for unemployment insurance benefits. OPM will provide further guidance.

If you are filing for DC unemployment benefits, you may file over the phone by calling the Customer Navigation Center at 1-877-319-7346 or (202) 478-5937 Monday through Friday from 8:30 am to 6:30 pm or online at <https://www.dcnetworks.org>. The American Job Center Headquarters location will be open from 8:30 am to 6:30 pm for computer access in order to file a claim online, to answer any unemployment insurance inquiries, and for you to provide your required wage documentation.

Under the Government Employee Fair Treatment Act of 2019, employees will be compensated for the period of the lapse. Employees will be required to pay back unemployment compensation to the State from which they received unemployment benefits or to Washington, D.C.

Q. May I look for a job during the furlough if that is required to apply for unemployment compensation in my State?

A. A career furloughed employee may seek employment without advanced authorization and can provide to the unemployment office any evidence that he or she is in fact seeking employment. Some States require claimants be engaged in an active search for work to be eligible for unemployment compensation. However, employees are reminded that even though furloughed, they are still subject to all ethics rules and regulations, including those that address conflicts of interest, salary supplementation, gifts and the rules prohibiting an employee from representing an individual or organization before other back to a U.S. Court or agency. More specific information on these rules is provided in the Ethics Considerations section below. Employees are encouraged to review [11 FAM 600](#) as well. Even during the furlough, particular ethics questions related to issues that are triggered by the furlough may be directed to the EthicsAttorneyMailbox@state.gov.

To assist your State with processing your claim, you may need to provide one or more of the following. Check the specific State requirements to gather the documentation you need.

- Earnings & Leave Statements (ELS) for the past 12 months (available on [Employee Express](#)) (Please access pre-shutdown to avoid issues or resolve issues with PIV card access.)
 - If you cannot log into Employee Express, email payhelp@state.gov or call 1-877-865-0760 for assistance.
- Official Name and Address of Employing Federal Agency (U.S. Department of State, 2201 C St., NW, Washington, DC 20520)
- Official Name and Address of Component or Employing Department, if different
- A copy of your most recent SF-50 or equivalent form
 - A copy of your most recent W2.

- If you don't have a copy of your most recent SF-50, submit your unemployment application to the State or D.C. unemployment office with a completed copy of the SF-5113 you received with your furlough notice; the unemployment office will review and send a request for the SF-50 and payroll information to the Department.
- Federal Agency's Identification Code (FIC) (DOS = 405)
- Your Last Official Duty Station

Q. What is my Duty Station?

A. OPM has provided the following guidance on determining your duty station:

- Duty station is the city/town, county, and State in which the employee works. For most employees, this will be the location of the employee's work site.
- Work site of the employee is the place where he or she works, or at which the employee's activities are based, as determined by the employing agency.

Determining Location of Work Site:

- The location of an employee's work site is the location of the employee's desk or the place where the employee normally performs his or her duties.
- For those employees with no fixed work site, the duty station will be determined by the employing agency. For example, the duty station of an investigator who works in the field may be the location of the office from which assignments are normally made. For an inspector, whose agency may require him or her to be on-site at many places, it may be his or her home.
- Agencies will also designate the duty stations of employees who work at installations, such as military bases, whose boundaries cross county or state lines.

Please keep in mind that the process to apply for unemployment insurance varies from state to state. The intent of this checklist is to provide a baseline of documentation that might assist you in completing an application.

The U.S. Department of Labor (DOL) has provided the additional UI guidance below for employees and agencies.

Unemployment Insurance Information for Federal Workers

- [Unemployment Insurance Questions and Answers for Federal Workers \(December 2018\)](#)
- [Unemployment Compensation for Federal Employees Fact Sheet \(December 2018\)](#)
- [Map of State Unemployment Insurance Websites](#)
- [Federal Identification Code \(FIC\) Chart \(December 2018\)](#)
- [Unemployment Compensation for Federal Employees Webpage](#)

Ethics Considerations

Q. Am I still subject to all of the ethics rules while I am furloughed, and if so, how does that affect seeking other employment or raising money to support myself?

A. The federal ethics rules continue to apply to employees while in furlough status, including restrictions on outside employment with non-federal entities. Also, ethics regulations concerning the acceptance of gifts may affect how you may raise money in a personal capacity. Employees are encouraged to review [11 FAM 600](#) in addition to this guidance, and ethics questions related to the furlough may be directed to the EthicsAttorneyMailbox@state.gov.

Q. May I look for outside work during the furlough?

A. Yes, but please keep the following considerations in mind. Outside work that is related to your Department position can pose a challenge once the furlough is over. A Department employee cannot maintain an outside position that poses a conflict of interest for his or her State Department duties. In addition, an employee would need to recuse from any matter involving an individual or organization for which the employee has performed services within the previous year. Accordingly, even short-term work during the furlough gives rise to continuing recusal obligations once the furlough is over. That recusal obligation could be a problem if the short-term work was with an entity that has business before the employee's office at the Department.

In addition, under Title 18 of the United States Code, sections [203](#) and [205](#), a Department employee may not represent an individual or organization before any federal agency or department, and in many cases may not represent someone before a federal court. This prohibition applies even to representing parties before agencies other than the Department of State and with regard to matters that are totally unrelated to the employee's duties with the Department. For example, a furloughed employee may not contact a federal government agency or court that is open during a lapse in appropriations in order to sell a company's products or services. The prohibition covers any contacts with executive branch officials, and contact with or representations before a court in a case which the USG is a party or has a direct and substantial interest. These provisions additionally prohibit an employee from sharing in the proceeds of income derived from these sorts of representational activities regardless of whether the employee was personally involved in the representation.

Q. May I consult for a foreign government during the furlough?

A. No. The Emoluments Clause of the U.S. Constitution prohibits any employee who holds an office of profit or trust from accepting an emolument from a foreign government.

Q. Are there special rules for work that involves receiving compensation for teaching, speaking, or writing?

A. Yes. If an outside activity will involve teaching, speaking, or writing, there may be limitations on the ability to receive compensation for that activity. For instance, an employee interested in speaking, writing, or teaching on a subject matter related to the employee's official duties or that relies in substantial part on an ongoing or announced program or policy of the Department, generally will not be permitted to receive compensation. An employee interested in receiving compensation for teaching, writing or speaking should refer to [11 FAM 614.5](#) and contact the EthicsAttorneyMailbox@state.gov for guidance.

Q. Are there any special rules for presidential appointees to full-time, noncareer positions or other covered noncareer employees?

A. Yes. Presidential appointees and “covered noncareer employees” (e.g., appointed noncareer SES, noncareer SFS and certain Schedule C employees) have outside earned income limitations, and these limitations remain in force even during a furlough. Presidential appointees to Senate-confirmed positions are prohibited from receiving any outside earned income. Other covered noncareer employees may not realize outside earned income that exceeds 15 percent of the annual rate of basic pay for Level II of the Executive Schedule. In calendar year 2021, 15 percent of the basic pay for Level II of the Executive Schedule was \$29,895. Please also note that certain noncareer employees who have signed a pledge in accordance with Executive Order 13989 (January 20, 2021) have additional outside employment restrictions.

Q. If I file a Public Financial Disclosure Report, do I need to report new employment anywhere?

A. Yes. An employee who files a Public Financial Disclosure Report (OGE 278e) must file a recusal notice at negotiationnotice@state.gov within three days of beginning negotiations for employment or entering into an agreement for employment.

Q. May I accept or solicit donations from outside sources in order to support myself?

A. It depends. Ethics rules concerning gifts continue to apply even during a furlough. Generally, an employee may not accept a gift from an outside source that is given either (1) because of the employee’s official position or (2) from a prohibited source. A gift is given because of an employee’s official position if it would not have been given had the employee not held the status, authority, or duties associated with the federal position. A prohibited source is any person, entity or company that is seeking action from the Department; does business with the Department; conducts activities regulated by the Department; or has interests that may be affected by the performance or nonperformance of your official duties. There are some specific exceptions to this prohibition, some of which may be located at [11 FAM 613](#).

Q. May I, or someone on my behalf, start a crowdsourcing campaign to raise funds because I am in non-pay status?

A. Generally, no. An employee (or a person acting on the employee’s behalf, such as a spouse), may not solicit a gift based on the employee’s federal employment. Therefore, the name of the Department, your title or status as a federal employee on furlough should not be used in any such solicitation. Additionally, an employee cannot generally accept gifts from prohibited sources. Therefore, an employee would need to be able to identify and reject any donations made through the crowdsourcing platform that were from a prohibited source, which would include any entity that has business before the Department. However, an employee may accept donations from friends or relatives when it is clear that any donations accepted are based on the friendship or family relationship.

Q. May I accept free meals or discounts offered to all federal workers or the general public?

A. Yes. Many restaurants and other businesses extend offers of free meals or discounts to support federal workers during a government shutdown. As long as the offer is extended to all federal employees, it may be accepted as a benefit available to a class consisting of all Government employees or all uniformed military personnel, even if the offer is restricted by

geography. For example, if a restaurant were to offer a discount or a free meal to anyone in the Washington D.C, metro area, an employee may accept that discount or free meal. Additionally, an employee may ask for and accept assistance from organizations that provide aid to members of the general public, such as food banks or religious institutions.

Q. May I accept a low or no interest loan from a bank or credit union?

A. Yes, provided the loan from the bank or financial institution is on terms available to the general public, or to all federal employees, whether or not restricted by geographic considerations.

Q. May I offer or accept financial assistance from co-workers?

A. It depends. The limitations on gifts between employees remain in effect even during the furlough. Generally, employees may not give, donate to, or solicit contributions for an official supervisor, and may not accept gifts from employees receiving less pay. However, employees may accept the following from subordinates or employees receiving less pay: (1) non-cash gifts with a value of \$10 or less; (2) gifts of personal hospitality of a type and value customarily provided; or (3) food and refreshments to be shared in the office.

If you have any more specific ethics questions about the gift rules and how they apply during the furlough, you may seek guidance from the EthicsAttorneyMailbox@state.gov.

Student Loan Repayment Program (SLRP)

Q. I'm an SLRP recipient. I will contact my loan servicer during the furlough to have my loans put into forbearance status, because I can't afford to make payments toward my student loan debt without receiving my salary. Will this action disqualify me for future SLRP incentives?

A. No, it will not disqualify you as long as you place your loan(s) back into a repayment status immediately after the lapse of appropriations has ended and continue to make your regular monthly payments. GTM/ER will require a payment history showing your regularly scheduled payments for the periods before and after the lapse of appropriations to verify that you complied with your Service Agreement.

Thrift Savings Plan and FERS

Q. What is the effect of a shutdown furlough on Thrift Savings Plan (TSP) contributions, investments, and loans?

A. Employees should refer to the [TSP website](#).

TSP Loan

Q. Can an employee obtain a loan from his/her TSP account based on anticipated financial hardship resulting from the furlough?

A. Employees should refer to the [TSP website](#).

TSP Contributions

Q. Can I make contributions to my TSP account while I am in non-pay status (i.e., furlough)?

A. No. Because employee contributions to TSP accounts must be made as deductions from payroll, you cannot contribute to your TSP account while you are in non-pay status for one or more full pay periods.

FERS

Q. If I am a FERS participant, will I receive Department of State's automatic (1%) and matching contributions to my TSP account while I am in non-pay status?

A. No. Agency automatic (1%) contributions are calculated on basic pay earned during each pay period, and Agency matching contributions are calculated based on employee contributions from that basic pay. Therefore, if you are in non-pay status and do not earn basic pay for a particular pay period, you will not receive either type of Agency contribution for that pay period until funds are appropriated to cover that pay period.

Leave

Q. I'm non-excepted. What happens to my annual and sick leave?

A. You won't accrue annual and sick leave during the furlough once you've been in a non-pay status for 80 hours (for employees with a regular 80-hour biweekly tour of duty). Under the Government Employee Fair Treatment Act of 2019, we expect such employees' leave accounts to be recredited for any lost accrual of annual and sick leave due to being in a non-pay status. Crediting of accrued annual and sick leave may be delayed.

Q. I'm excepted. What happens to my annual and sick leave?

A. You will continue to accrue leave, but accrued leave will not be available for use until funding is provided.

The Department will provide further specific guidance on the submission of requests to restore leave after the furlough ends.

Retirement

Q. What effect does the furlough have on my retirement deductions?

A. No retirement deductions will be made if you're not receiving pay. Generally, a period of non-pay status will have no effect on your retirement-creditable service or high-3 average pay unless the non-pay status is for more than six months during the calendar year.

Q. I applied to retire in December/January. Will my retirement still be processed?

A. OPM's Retirement Services office is not directly impacted by the lapse in funding. Civil Service retirement applications are being processed and Customer Service Specialists are answering calls at its call center.

Foreign Service Retirement applications are processed and adjudicated by GTM/RET. Applications for employees retiring in December are being prioritized, but the office is short-staffed during the furlough.

Staff may continue to retire during the lapse and the retirement date will be the actual date the employee chose to retire, not the date the government re-opens. Retirement applications should be submitted at least 90 days prior to the requested retirement date. New retirement packages for those who request a retirement date will be processed retroactive to the selected retirement date. However, FS annuity payments may be delayed as a result of the shutdown.

Q. Will I receive my November FS annuity payment in early December 2021, as expected?

A. Yes.

Mental Health Resources

MED's Employee Consultation Services (ECS) office remains open with reduced staffing during the furlough. You can reach ECS at 703-812-2257 or email MEDECS@state.gov

WorkLife4You

[WorkLife4You](#) (WL4Y) is a comprehensive and confidential resource and referral for employees. WL4Y specialists are accessible 24/7 by phone (1-866-552-4748) and [online](#) to provide expert guidance and referrals for a wide variety of services to help employees balance the demands of their professional and personal lives. Employees can view the services by logging into the website, <https://www.worklife4you.com/index.html>, with the Screen name: statedepartment and Password: infoquest. Employees will need to register individually to use the services.

Emergency Visitation Travel/Elder Care

Emergency Visitation Travel: Emergency Visitation Travel (EVT) is considered "All other travel." During a lapse in appropriations, EVT travel to assist in the care of a parent(s) may be approved on a case by case basis where the excepted function standard is met. Please contact GTM Employee Relations at EmergencyVisitationTravel@state.gov prior to traveling to confirm if the travel may be approved during the lapse. Once the lapse in appropriations is over, EVT will be generally approved if it meets the criteria in [3 FAM 3740](#).

Medical Evacuations

New medical evacuations and ongoing medevacs are considered excepted activities and will continue during the furlough.

Training

Some training at the Foreign Service Institute (FSI) may be cancelled. Please check FSI's website for information on specific courses. Training at other locations previously scheduled, funded, and implemented by other Department entities operating under Chapter 1 may continue as planned. However, new training should not be scheduled.

Q. I have to take mandatory Distance Learning Training before a certain deadline. Will there be an extension to the deadline?

A. Yes. If you are a non-excepted employee, all required training should be completed as soon as possible after the furlough is lifted.

Q. I'm assigned to long-term training (NDU, War Colleges). Am I excepted?

A. Department of State employees (faculty and students) on detail to the National Defense University and the War Colleges who are conducting training or participating in training do not occupy positions that meet the definition of 'excepted.' During a lapse in appropriations, these employees must be furloughed.

Furlough Effect on Security Clearance

Q. Will my security clearance or security certification be negatively affected if any late payments or financial instability attributed to the lapse in funding results in negative credit reports?

A: The U.S. Government's Security Executive Agent Directive (SEAD 4) National Security Adjudicative Guidelines is used by all agencies to make adjudicative decisions for access to National Security Information. Specifically, *Guideline F: Financial Considerations*, addresses security concerns regarding financial considerations. In addition to the "conditions that raise a security concern" in this guideline, this guideline also includes (as do all the guidelines) "conditions that could mitigate security concerns." Among these mitigating conditions is (b) the conditions that resulted in the financial problems were largely beyond the person's control (e.g. loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft) and the individual acted responsibly under the circumstances."

In all security clearance adjudications, DS reviews the whole person to make an adjudicative determination. Consistent with SEAD-4, the whole person concept is "a careful weighing of a number of variables of an individual's life to make an affirmative determination that the individual is an acceptable security risk." Each case is judged on its own merits. It is unlikely that financial problems solely as the result of the current government shutdown will lead to a negative adjudicative determination without any other security concerns being present.