



## Benefits During a Shutdown

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Below are Q&A's for Benefits.

- Is furlough or leave without pay (LWOP) considered a break in service?
- To what extent does non-pay status affect Flexible Spending Account (FSA) coverage?
- What is the guidance/coverage for issues with workers' compensation for excepted employees?
- To what extent does non-pay status affect my life insurance?
- To what extent does non-pay status affect my Federal Health Benefit (FEHB)?
- To what extent does non-pay status affect Federal Employees Dental and Vision Insurance Plan (FEDVIP) coverage?
- Will an employee continue to receive coverage under the Federal Employee Health Benefits (FEHB) program if the employing agency is unable to make its premium payments on time?
- To what extent does non-pay status affect Long Term Care (LTC) coverage?
- How do I report the death of a family member or an employee during a government shutdown?
- What happens if an employee terminates his or her Federal Employee Health Benefit (FEHB) coverage while in a non-pay status in order to avoid the expense?
- Can an employee obtain a loan from their Thrift Savings Plan (TSP) account while in a non-pay status?
- How does my non-pay status affect an outstanding TSP Loan?
- Do my transit benefits continue during the shutdown?
- What is the effective date for FEHB changes made during the furlough?
- I am an employee receiving some GI benefits that require submission of information to the U.S. Department of Veterans Affairs (VA). How do I provide this information during the furlough?

### **Is furlough or leave without pay (LWOP) considered a break in service?**

No. Both mean the employee is in a non-pay, nonduty status for those days/hours. However, extended furlough or LWOP may affect the calculation of creditable service for certain purposes.

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### **To what extent does non-pay status affect Flexible Spending Account (FSA) coverage?**

Payroll deductions will cease for any employee that does not receive pay. The employee remains enrolled in FSAFEDS, but the employee will not receive reimbursement for eligible health care claims incurred during a non-pay status until the he or she returns to a pay status which triggers the restart of allotments. The recalculation of remaining allotments occurs over the remaining pay periods to match the participant's election amount.

Eligible dependent care expenses incurred during a non-pay status may be reimbursed up to whatever balance is in the employee's dependent care account, as long as the expense incurred during the non-pay status allows the employee (or spouse if married) to work, look for work or attend school full-time.

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### **What is the guidance/coverage for issues with workers' compensation for excepted employees?**

Excepted employees, working and performing official duties, are covered by workers' compensation.

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### **To what extent does non-pay status affect my life insurance?**

Coverage continues for 12 consecutive months in a non-pay status without cost to the employee or to the agency. Neither the employee nor the agency incurs a debt during this period of non-pay.

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### **To what extent does non-pay status affect my Federal Health Benefit (FEHB)?**

FEHB coverage will continue even if an employing 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.

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### **To what extent does non-pay status affect Federal Employees Dental and Vision Insurance Plan (FEDVIP) coverage?**

FEDVIP coverage will continue for employees who are "excepted" or "furloughed." Payroll deductions will temporarily cease for any employee that does not receive pay.

Employees are entitled to retroactive pay under 31 U.S.C. 1341(c)(2) for excepted work performed during the lapse and for furlough periods at the standard rate of compensation. At the end of the shutdown, the accumulated FEDVIP premium for this period will be withheld from their pay. If FEDVIP premiums are not withheld from retroactive pay, no more than one additional payment will be withheld in each subsequent pay period until all premiums have been paid.

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### **Will an employee continue to receive coverage under the Federal Employee Health Benefits (FEHB) program if the employing agency is unable to make its premium payments on time?**

Yes, FEHB coverage continues during a lapse in appropriations. The employee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

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### **To what extent does non-pay status affect Long Term Care Insurance Program (FLTCIP) coverage?**

FLTCIP coverage will continue for enrollees who are furloughed or excepted from furlough and working without pay during a shutdown furlough based on a lapse in appropriations. In addition, FLTCIP coverage may not be canceled as a result of nonpayment of premiums or other periodic charges due to a lapse in appropriations. (See 5 CFR 875.302.) Employees paying premiums via Direct Bill or Automatic Bank Withdrawal will continue to be billed, but the insurer will not terminate for nonpayment of premium during the lapse in appropriations. Regarding claims eligibility requests for FLTCIP during a shutdown furlough, claim benefits will not be reimbursed to the enrollee until all past due premiums are paid. At the end of the shutdown, FLTCIP premiums will be paid from retroactive pay provided under 31 U.S.C. 1341(c)(2) or may be paid back from another source (i.e., automatic bank withdrawal) for FLTCIP enrollees who elected to make payments directly to the Carrier. If missed premium payments are unable to be collected via automatic bank withdrawal or deductions from the enrollee's payroll or annuity/pension, enrollees will be billed directly for the premium amount due. After the shutdown, if the enrollee elected to pay their premium via automatic bank withdrawal, past due premiums will be collected by withdrawing up to two months of premiums from the enrollee's bank account each month until it is current. For enrollees who did not elect to make payment directly, FLTCIP premiums will be paid to the Carrier from enrollees' retroactive pay made available as soon as practicable upon the end of the lapse.

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### **How do I report the death of a family member or an employee during a government shutdown?**

FAA employees or surviving family members of FAA employees may contact the Benefits Operations Center at 1-855-322-2363 to report the death of a family member or the death of an employee. The BOC will be providing limited services during a government shutdown and will provide assistance for a family member death or death of an employee.

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### **What happens if an employee terminates his or her FEHB coverage while in a non-pay status in order to avoid the expense?**

Unlike other types of non-pay status, employees in a non-pay status due to a lapse of appropriations (shutdown furlough) or authorization will not have the opportunity to terminate or cancel FEHB coverage. The employee will remain covered; the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

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### **Can an employee obtain a loan from their Thrift Savings Plan (TSP) account while in a non-pay status?**

Employees should refer to [The Thrift Savings Plan \(TSP\) website \(https://www.tsp.gov/\)](https://www.tsp.gov/) or contact TSP at 1-877-968-3778 for information.

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## How does my non-pay status affect an outstanding TSP Loan?

The [TSP \(https://www.tsp.gov/\)](https://www.tsp.gov/) provides guidance for special loan eligibility rules and loan suspension procedures for participants who are either:

1. On shutdown furlough (i.e., not allowed to work but entitled to retroactive pay under the Government Employee Fair Treatment Act of 2019), or
2. "Excepted" from shutdown furlough (i.e., continuing to work and earn pay, but their pay is delayed until appropriations are authorized).

You can learn more on the effect of non-pay status on your TSP account [here \(https://www.tsp.gov/\)](https://www.tsp.gov/) or contact TSP at 1-877-968-3778.

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## Do my transit benefits continue during the shutdown?

The FAA reimburses regional employees after incurring transit expenses. Employees who did not commute to work during the furlough, will not have eligible expenses for reimbursement. Excepted employees who continue to commute to work are eligible for reimbursement once the lapse in funding has ended. In some situations, transit benefits are coordinated as part of a negotiated contract, such as for FAA HQ employees, benefits continue per a negotiated agreement with WMATA. Check with your Transit Benefits Coordinator for more information.

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## What is the effective date for FEHB changes made during a furlough?

Changes made during Open Season are effective at the beginning of the first day of the first full pay period after January 1st .

During a furlough, qualifying life, event changes, are effective on the first day of the first pay period after the change is made.

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## I am an employee receiving some GI benefits that require submission of information to the U.S. Department of Veterans Affairs (VA). How do I provide this information during the furlough?

If an employee is entitled to any benefits administered/provided by a 3rd party, such as the VA, which require the employee or agency to provide the 3rd party with information (e.g, certified hours of work/training), that information must be provided as part of the orderly shutdown. The need to submit this information is not a reason for recall in accordance with the Antideficiency Act.

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Page Last Modified: 09/29/23 13:25 EDT

## 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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