

Lapse in Funding FAQs

A. Ethics-Related FAQs

1. Are employees subject to the ethics rules while they are furloughed?

Yes. Regardless of whether an employee has been furloughed or not, employees remain employed by the federal government and, as such, remain subject to all ethics statutes, regulations, and policies, including the Hatch Act.

2. During the lapse in appropriations, are employees still required to seek permission prior to engaging in paid outside employment?

Yes. Any TSA employee seeking to engage in secondary employment or other personal services (with or without compensation) while furloughed must receive advance permission from an ethics official before engaging in the activity. Employees in the field should contact their field counsel for advice. Headquarters employees may e-mail requests for permission to TSAEthics@tsa.dhs.gov.

3. May TSOs accept gifts from passengers at the checkpoint?

No. Pursuant to Security Operations policy, TSA Screening Operations Employees are prohibited from accepting gifts of any value while on duty at a TSA security screening location.

4. May employees take advantage of gifts and free offers, including free meal offers, to furloughed employees from friends, family, or restaurants and other vendors during the furlough?

It depends. Employees continue to be subject to the same gift rules that apply during normal government operating status. Thus, employees are prohibited from receiving gifts from the prohibited sources or offered because of the employee's official position, unless an exception applies. A gift offered to a federal employee because the employee is affected by the lapse in appropriations will be considered a gift "offered because of the employee's official position."

Common exclusions/exceptions that may apply:

- (1) Offers made to all federal government employees.
- (2) Items/discounts with a market value of \$20 or less per source per occasion, so long as all gift received from any one person/entity do not exceed \$50 in one calendar year.
- (3) Offers given by an individual under circumstances which make it clear that the offer was motivated by a familial relationship or close personal friendship rather than the position of the employee.
- (4) Offers by a person who is not a prohibited source to any group or class that is not defined in a manner that specifically discriminates among Government employees

on the basis of type of official responsibility or on a basis that favors those of higher rank or rate of pay.

5. May employees set up Go Fund Me or other online fundraising pages for financial assistance during the lapse in appropriations?

Generally, soliciting friends and family for financial assistance is a permitted personal activity. The ethics rules do not prohibit employees from solicitation messages that do not refer to the employee's official position, such as, "I am currently experiencing an unanticipated financial hardship. Please consider donating to my gas fund so that I can afford to get to work until my next paycheck arrives."

However, the wording of the solicitation of funds, as well as the individuals from whom an employee receives funds, can implicate various ethics rules, including a criminal statute prohibiting the supplementation of a federal employee's salary (See FAQ #6 for a description of the limitations of such solicitations and offers).

6. What restrictions apply to employees who set up Go Fund Me pages for themselves for financial assistance during the lapse in appropriations?

The ethics regulations also prohibit the use of an employee's official position or authority associated with the position for personal gain. Thus, employees may not refer to their federal position or use any DHS or TSA badges, uniforms, or other insignia in their solicitations. The solicitation should not refer to the government shutdown or furlough as such references would indicate that the individual is a federal employee.

Further, employees are prohibited from soliciting or receiving gifts from "prohibited sources" or because of their official position. Prohibited sources include any person or organization that seeks official action by TSA; does business or seeks to do business with TSA, conducts activities regulated by TSA, or has interest that may be substantially affected by the performance or nonperformance of the employee's official duties. Thus, amongst others, employees may not solicit or receive gifts from passengers presented to them for screening, contractors, or employees of airlines, airports, rail companies, or other TSA-regulated entities.

In addition, employees may not receive compensation for their services as TSA employees from sources other than the government. To avoid creating an appearance that an employee is soliciting compensation for his/her services to the government from private individuals during the lapse in appropriations, any solicitation of funds must not include any language that appears to request compensation for lost wages or for work already or anticipated to be completed.

7. May EMGs fundraise in the federal workplace for the benefit of employees who are negatively affected by the status of government operations?

Recognized TSA Employee Morale Groups (EMGs) are not prohibited from fundraising in DHS occupied property among their own members for the benefit of welfare funds for their

members. Thus, permitted fundraising by EMGs is limited to TSA employees for TSA employees. The EMGs may not solicit non-TSA employees.

Although the Combined Federal Campaign (CFC) is the only authorized solicitation of employees in the Federal workplace on behalf of charitable organizations, CFC regulations recognize that heads of departments or agencies may establish policies and procedures applicable to solicitations conducted by organizations composed of civilian employees among their own members for organizational support or for the benefit of welfare funds for their members. 5 C.F.R. § 950.102(a),(d). Pursuant to DHS Directive 112-06, with advance approval (usually from the FSD or head of an office), recognized employee associations, such as TSA Employee Morale Groups (EMGs) may use DHS occupied property for activities, including fundraising activities, if permitted by law, regulation and policy.

EMG activities occur on personal time. Thus, any employee engaging in this activity would not be on-duty. As such, neither an employee's furlough status, nor the government operating status affect the outcome of the analysis. However, if management were to find such fundraising to be disruptive or otherwise inconsistent with TSA operations at any time, management has the authority to deny the EMG's use of DHS property for the fundraising activities.

For additional guidance on ethics matters, please field employees should contact their local field counsel and headquarters employees may contact TSAEthics@tsa.dhs.gov.

B. Other FAQs

The following FAQs are re-printed from other government resources, such as OPM and TSA HRAccess.

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

It is possible that furloughed employees may become eligible for unemployment compensation. State unemployment compensation requirements differ. Some States require a 1-week waiting period before an individual qualifies for payments. 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 State law that determines eligibility for unemployment insurance benefits. (See the Department of Labor website "Unemployment Compensation for Federal Employees" at <http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp>) Agencies or employees should submit questions to the appropriate State (or District of Columbia) office.

The Department of Labor's website provides links to individual State offices at <http://www.servicelocator.org/OWSLinks.asp>. A list of Federal Identification Codes(FIC) needed for unemployment compensation applications can be found here:

<https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/#url=Unemployment-Insurance-Resources>.

2. Are there any available resources for financial support?

Employees may have a difficult time managing financial obligations during this furlough period. Employees are reminded of two helpful resources that are available for use by employees and their families - Worklife4you and the Employee Assistance Program (EAP). Both services are available 24-hours a day, 365 days a year at no cost or co-pay.

Worklife4you is a work/life research and referral service and their specialists can make personalized referrals for an employee to resources in the community, such as legal/financial support, alternate child and senior care options, community services, assistance programs (food, utilities, transportation etc.), etc. Please note that worklife4you does not provide financial assistance/aid – however, they have a team of experts who can do the research for an employee. The worklife4you website also offers online tools on topics such as guidance for hard times, budgeting and saving, credit and debt, etc. On its website, you may also access an online discount center, LifeMart,SM that contains special offers and discounts on various products and services. To access worklife4you services an employee can call: 1-866-888-9803 (TTY 800-873-1322) toll free or log into www.Worklife4you.com – NOTE: new users are required to register. To register, follow the “New Users Sign Up” link and use Registration Code: tsa. If an employee has trouble logging in, the Help Desk may be contacted at: 1-888-604-9565.

Employee Assistance Program (EAP) provides professional, personal and confidential assistance with all the issues that matter most to employees and their families. Please note, the EAP does not provide financial assistance; however, the professional counselors are available for support and can help an employee cope with life’s challenges and stressors. To access the EAP services: Call 1-800-222-0364 (TTY 1-888-262-7848) or visiting www.FOH4you.com

3. When will TSOs get paid?

PP25 (December 9, 2018 through December 22, 2018) will be paid out by the regularly scheduled official pay date of January 3, 2019. For TSOs who worked on Saturday, December 22, 2018, the last day of the PP25, the amount of their pay would be impacted by the shutdown. For the hours worked on December 22 through the remainder of the furlough period, TSOs will be paid retroactively once the furlough ends.

4. May I use leave?

No. Exempt employees must be either performing exempt activities (in compliance with the Antideficiency Act) or furloughed during any absence from work. If an exempt employee refuses to report for work after being ordered to do so, he or she will be considered to be absent without leave (AWOL) and will be subject to any consequences that may follow from being AWOL.

5. Is it too late to make a TSP allotment change for pay period 25?

No. Employees who may be considering making a change to a current TSP allotment for PP25 (December 9 through December 22, 2018), must make the allotment change by NOON EASTERN TIME ON THURSDAY, DECEMBER 27, 2018. If no changes are made to a TSP allotment, the allotment will continue to be withheld at the current percentage rate or the dollar amount an employee has elected to be withheld. An allotment based on a percentage of pay is based on the amount of gross pay. However, an allotment based on a dollar amount will not fluctuate. TSP allotment changes must be made through the Employee Personal Page (EPP).

6. Does the fact that TSA is in a shutdown furlough and I am not receiving pay excuse me from meeting any of my financial obligations?

No. All employees are still responsible for payment for any debt they incur. Although TSA cannot release an employee from any financial obligations, the DHS letter to creditors may be used to inform a creditor of TSA's current shutdown status due to a lapse in appropriations and that TSA employees are in a non-pay status.

Additional information can be found at:

<https://hraccess.tsa.dhs.gov/hraccess/furloughinformation.html>