



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

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Memorandum for Chief Human Capital Officers

From: Veronica E. Hinton
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Workforce Policy and Innovation

Subject: Employee Pay, Leave, Benefits, and Other Human Resources Programs Affected by the Lapse in Appropriations

The President has signed legislation restoring appropriations through January 30, 2026, for most agencies, along with full-year appropriations for others. (See divisions A through D of the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026, enacted on November 12, 2025.) Section 116 of Division A (the Continuing Appropriations Act of 2026) provides retroactive pay pursuant to 31 U.S.C. 1341(c) to Federal employees affected by the lapse in appropriations that began on October 1, 2025. This includes Federal employees who were furloughed, as well as Federal employees who were required to perform excepted work activities during the lapse. The U.S. Office of Personnel Management (OPM) is committed to ensuring that retroactive pay is provided as soon as possible. As a result, we appreciate the support of all human resources offices, payroll providers, and shared service centers in working towards this goal. The attached guidance is intended to assist agencies in administering pay, leave, and benefits for employees affected by the lapse in appropriations and provide guidance on other human resources programs that may have been impacted by the lapse.

The legislation allows all Federal civilian employees who had been affected by the lapse in appropriations that began on October 1, 2025, to return to duty. Agencies should provide direction to their employees on resumption of operations and reporting expectations. For employees who face legitimate circumstances that prevent them from immediately returning to work due to the length of the lapse, agencies may consider the use of appropriate flexibilities (e.g., adjustment of work schedules or approval of personal leave at the employee's request) consistent with agency policies and missions and operational needs.

Additionally, Section 120(e) of the Continuing Appropriations Act of 2026 requires any agencies that issued Reduction in Force (RIF) notices between October 1, 2025 and November 12, 2025 to issue notices to rescind the RIF notices within 5 days. Agencies should issue those notices and confirm to OPM the rescissions have been issued at employ@opm.gov. OPM will provide additional guidance separately.

Additional Information

For additional guidance, agency headquarters-level human resources offices may contact the OPM contacts listed in the attachment. Employees should contact their agency human resources offices for assistance.

cc: Deputy Chief Human Capital Officers and Human Resources Directors

Attachment: Guidance on Employee Pay, Leave, Benefits, and other Human Resources Programs Affected by the Lapse in Appropriations

Note: This guidance applies to employees affected by a lapse in appropriations who were either furloughed or performed excepted work activities and addresses human resources programs affected by the lapse. Unless expressly addressed below, this guidance does not apply to employees and programs designated as “exempt” from furlough (not affected by the lapse in appropriations because there was an other-than-annual source of funds (e.g., supplemental appropriation, carryover) that was used for those functions in the absence of annually appropriated funds).

To facilitate making retroactive payments as quickly as possible, payroll providers may have to make some adjustments. Thus, the initial retroactive pay that an employee receives after the lapse in appropriations has ended may not fully reflect application of all the guidance in this document regarding the treatment of hours for pay, leave, and other purposes. Payroll providers will work with agencies to make any necessary adjustments as soon as practicable. Employees should follow the guidance of their respective agencies and payroll providers for the recording of time and attendance during the lapse of appropriations. Employees may be required to code furlough time as regular duty to ensure that they are paid properly and promptly.

Pay

- Under Section 116 of Division A (the Continuing Appropriations Act of 2026), Federal employees who did not receive pay because of the lapse in appropriations that began on October 1, 2025, must receive retroactive pay at the employee’s standard rate of pay for the lapse period as soon as possible after the lapse ends, pursuant to 31 U.S.C. 1341(c).
- An excepted employee who performed work during the lapse in appropriations must be paid for that work. The “standard rate of pay” for excepted hours of work is the pay the employee is entitled to for actual hours of work under the normally applicable pay rules. For example, if an excepted employee performed additional overtime work beyond the normal requirements for his or her job, he or she would be paid for that actual overtime work to the extent that employee is eligible for such overtime payment. All excepted hours of work are time in a pay status for pay, leave, and benefits purposes.
- For periods of time during which an employee was furloughed during the lapse in appropriations, the “standard rate of pay” is the pay the employee would have received for the furlough hours had the lapse in appropriations not occurred and the employee had performed work.

Therefore—

- A furloughed employee is entitled to receive his or her rate of basic pay for the furlough time to the extent that he or she would have been in a basic pay status but for the lapse of appropriations.
- An excepted employee who had intermittent furlough periods is entitled to retroactive pay for that furlough time without being charged paid leave. (However, see the section entitled “Leave and Other Paid Time Off Use and Charge” regarding the possible use by excepted employees of paid leave in place of furlough time.)
- All furlough hours for which retroactive pay is received are treated as time in a pay status for pay, leave, and benefits purposes. For example, for the purpose of applying General Schedule waiting periods associated with within-grade increases, the furlough time during the lapse in appropriations is treated as time in a pay status.
- A furloughed employee who, before the lapse in appropriations, had been regularly scheduled to perform, during the period subsequently covered by the lapse, overtime work or to perform work at night or during a period for which any other form of premium pay would otherwise be payable is entitled to receive overtime pay, night pay, or other premium pay as if the work had been performed.
- Allowances, differentials, and other payments otherwise payable on a regular basis (e.g., administratively uncontrollable overtime pay and law enforcement availability pay) must be paid as if the furloughed employee continued to work.
- All periods of time during which a furloughed employee would, but for the lapse in appropriations, have been in a pay status (including regularly scheduled overtime hours and standby duty) must be considered “hours of work” for pay administration purposes under the Fair Labor Standards Act.
- A furloughed employee is not entitled to retroactive pay for furlough periods if the employee had been previously (before the lapse) scheduled to be in a nonpay status during those periods. For example, an employee may have scheduled leave without pay (LWOP) for an extended period or be in a suspension status (i.e., pay suspended based on adverse action). In effect, those already-in-place periods of nonpay status override the furlough status. The standard rate of pay for previously scheduled periods of nonpay status is zero. In addition, excepted employees placed in absent-without-leave (AWOL) status

for missed assigned work hours, in accordance with agency policy and procedures, will not be paid.

Garnishments

Some paychecks are normally susceptible to garnishment pursuant to a variety of court orders. If a payroll provider is unable to effectuate the garnishment, it should provide a notice to that effect to affected employees and indicate how the provider intends to handle the missed garnishments going forward. Some payroll providers will need to confer with counsel about how much to collect at any given time in any make-up payments.

Leave and Other Paid Time Off Use and Charge

- Under 31 U.S.C. 1341(c)(3), an excepted employee is permitted to use paid leave under 5 U.S.C. chapter 63 (or other applicable law, if the employee is not covered by chapter 63) during a lapse in appropriations—but payment for that leave cannot not be made until after the lapse has ended. Such use of paid leave during a lapse in appropriations is subject to the normally applicable leave request and approval procedures. While excepted employees have the option of requesting paid leave during a lapse, they are not required to use paid leave to cover an absence from duty. The default approach is to treat any authorized absence from duty during a lapse as a furlough period. As explained in the “Pay” section, retroactive pay at the standard rate of pay is provided for furlough periods without charge to leave. Based on the above, if an excepted employee requested and was authorized to use paid leave during the lapse that commenced on October 1, 2025, the employee will be charged for that leave.
- Consistent with the normal leave rules, an excepted employee may not use paid leave under section 1341(c)(3) during periods when the employee was in an AWOL status.
- An employee previously approved to be on advanced annual and/or advanced sick leave during the lapse in appropriations would have been furloughed instead, and the scheduled leave cancelled. Because these employees were furloughed because of the lapse, and otherwise would have been in a pay status during the advanced leave period, they will receive retroactive pay provisions in 31 U.S.C. 1341(c) and will not be charged advanced annual and/or sick leave for that time.
- Just as with other paid leave, any donated leave that is scheduled to be used during a lapse in appropriations must be canceled and converted to furlough status time—unless the employee performs excepted work or is granted leave under 31 U.S.C. 1341(c)(3). If the employee is furloughed during periods when the employee had been scheduled to use donated annual leave, the employee is

entitled to retroactive pay for the furlough periods under 31 U.S.C. 1341(c) and will not be charged the donated leave for that time.

Leave Accrual

- An employee furloughed during the lapse in appropriations must now be considered to have been in a pay status because of entitlement to retroactive pay. Annual and sick leave will accrue in accordance with the normal rules that apply to employees in a pay status.
- Excepted employees earned pay and accrued leave during the periods they performed excepted work activities, even though no payments could be made during the lapse. With the payment of retroactive pay, agencies must properly credit excepted employees' leave accrual.

Scheduling and Restoration of Use or Lose Annual Leave

Some lapse-affected employees have use-or-lose annual leave—that is, their projected balance of annual leave at the end of the leave year on January 10, 2026 (sum of current balance plus future annual leave accrual during the remainder of the leave year), exceeds the applicable annual leave carryover limit. Use-or-lose annual leave must be used by the end of the leave year to avoid forfeiture of that leave. Some use-or-lose annual leave may have been previously approved but then canceled during the lapse in appropriations. Other use-or-lose annual leave may not be scheduled yet. Lapse-affected employees should make every effort to properly schedule their use-or-lose annual leave in writing (including rescheduling previously approved annual leave that was canceled during the lapse in appropriations) by November 29, 2025, for use by January 10, 2026. As allowed by agency policies and procedures, the “in writing” requirement may be met in various ways, including electronic communications such as email, electronic calendar scheduling, or submissions to a time and attendance system. Supervisors should make every effort to respond to such leave requests. Use-or-lose annual leave that is scheduled in writing by November 29, 2025, but is forfeited because an exigency of the public business prevented use of the scheduled leave, may be restored.

Some employees may have been unable to take leave during the lapse that began on October 1, 2025, either because they could not be excused from excepted work, or because they were placed on furlough, and their previously scheduled leave was cancelled. Because the lapse in appropriations ended well before the November 29 scheduling deadline, there is a reasonable opportunity for an employee to reschedule before the deadline any use-or-lose leave that was canceled during the lapse. Thus, all employees should schedule the entirety of their use-or-lose leave by the November 29 deadline to protect their ability to seek restoration of any annual leave forfeited at the end of the leave year. If the properly scheduled annual leave is forfeited at the end of

the leave year, the employee may seek restoration of forfeited leave under the normal rules. (See 5 CFR 630.305 and 630.308.)

If an agency anticipates that all employees in a given category will generally not be allowed to take annual leave for the remainder of the leave year, in particular to support activities to re-open the government following the lapse, the agency may consider ways to streamline the leave restoration process. Instead of considering each request individually, it may be possible for the agency head (or designee) to issue a memo in January that restores annual leave for all employees whose leave was forfeited because of particular exigency of the public business (as determined by an authorized agency official), as long as the employee properly scheduled the leave by November 29, 2025.

Any previously restored annual leave that was due to expire at the end of the 2025 leave year under 5 CFR 630.306, 630.309, or 630.310 must be used by January 10, 2026, or be permanently forfeited, with no opportunity for restoration.

Preapproved Leave Without Pay (LWOP)

In the case of an employee who was on preapproved LWOP during the lapse in appropriations, the employee must continue to be charged LWOP for all periods of such preapproved LWOP that occurred during the lapse.

Family and Medical Leave Act (FMLA)

Under FMLA, an employee is entitled to 12 weeks of unpaid leave during any 12-month period and may elect to substitute certain types of paid leave (sick leave, annual leave, advanced leave, annual leave donated under the Voluntary Leave Transfer Program or the Voluntary Leave Bank Program, or paid parental leave), consistent with current laws and OPM's regulations. During the lapse in appropriations, affected employees who would otherwise be in a pay status must be (1) furloughed; (2) at work performing excepted activities; or (3) excepted and on paid leave granted under 31 U.S.C. 1341(c)(3). Any previously scheduled paid leave (including paid leave substituted for FMLA LWOP) during a furlough period must be automatically canceled and converted to a furlough period.

Furloughed Federal employees are entitled to their "standard rate of pay" for the entire period of the lapse in appropriations. For employees who were otherwise scheduled to be in nonpay status, the standard rate of pay is zero. Accordingly, an employee on FMLA leave during the furlough period should be treated as follows:

- For any hours during the lapse in appropriations for which an employee was previously scheduled to be in FMLA LWOP, the employee will remain in LWOP status, but the LWOP will not be considered FMLA leave and will not count

against the FMLA 12-week limit. The employee is not entitled to receive retroactive pay.

- For any hours during the lapse in appropriations for which the employee was scheduled to be in paid leave status by substituting paid leave for FMLA LWOP, the employee will be provided retroactive pay and will not be charged paid leave, consistent with the treatment of other employees who had previously scheduled paid leave that was canceled due to the lapse in appropriations. The canceled periods of unpaid leave substitution (converted to furlough time) will not be considered FMLA leave and will not count against the FMLA leave 12-week limit.

Alternative Work Schedules

There are two types of alternative work schedules (AWS)—a flexible work schedule and a compressed work schedule. Normally, once a compressed work schedule is established, the days and hours are fixed and cannot be changed; however, changes in an employee's flexible work schedule may be made under agency policies and collective bargaining obligations (if applicable). For example, in appropriate circumstances, the AWS day off for an employee with a flexible work schedule may be changed to a different day in the same biweekly pay period.

Once a lapse in appropriations begins, a furloughed employee is not permitted to reschedule an AWS day off under a flexible work schedule that was scheduled to occur during the lapse—except when rescheduling is related directly to the timing of the employee's orderly shutdown activities. Thus, since the lapse has ended in the middle of a pay period, a furloughed employee may not move an AWS day off that was scheduled to occur during the portion of the pay period covered by the lapse. Retroactive pay at the standard rate of pay is based on each employee's established (standard) schedule. No retroactive pay is provided for an AWS day off. An employee cannot move an AWS day off to obtain retroactive pay for a normal day off under the employee's established schedule.

However, if a furloughed employee's AWS day off was scheduled to occur during the portion of the pay period that falls after the lapse in appropriations has ended, it may be possible for the employee to move the AWS day off to a later date in that same pay period. For example, an employee may want to move an AWS day off scheduled to occur after the lapse has ended to a later date because the employee needs more time to reestablish child-care arrangements. Any changes to an employee's AWS day off are subject to agency policies and collective bargaining agreements, as applicable.

Compensatory Time Off “in-lieu-of” Overtime Premium Pay

While there is no authority to extend the 26-pay-period time limit for using compensatory time off earned for overtime work, payment for the unused

compensatory time off must be made (at the overtime rate in effect when earned) in the following circumstances:

- For FLSA-exempt (i.e., not covered) employees, under 5 CFR 550.114(d)(2), payment must be made if an exigency of the service beyond the employee's control prevented the employee from using the compensatory time off within the regulatory time limits. OPM considers a lapse in appropriations an exigency of the service for purposes of compensatory time off. Thus, if an agency determines that the lapse prevented the employee from using the compensatory time off that would otherwise be forfeited, the agency must provide payment for the unused compensatory time off.
- For FLSA-nonexempt (i.e., covered) employees, under 5 CFR 551.531(d), if, for any reason, earned compensatory time off is not taken within 26 pay periods during which it was earned, the employee must be paid for overtime work.

Compensatory Time Off for Travel

If an employee fails to use his or her accrued compensatory time off for travel before the end of the 26th pay period after the pay period during which it was earned due to an exigency of the service beyond the employee's control under 5 CFR 550.1407(e), the head of an agency, at his or her sole and exclusive discretion, may extend the time limit for using compensatory time off for travel for up to an additional 26 pay periods.

OPM considers a lapse in appropriations to be an exigency of the service beyond the employee's control for purposes of compensatory time off for travel. Thus, an agency may extend the time limit for using such compensatory time off for lapse-affected employees.

Time Off Awards

If an employee fails to use a time-off award before the expiration date established by their agency policy due to the lapse in appropriations, the agency may extend the expiration date. OPM does not set governmentwide limits on the amount of time off an employee may receive or timeframes within which employees must use an award. However, a time-off award may not be converted to cash (5 CFR 451.104(f)).

Military Leave

- An employee who had previously scheduled military leave under any of the provisions under 5 U.S.C. 6323 for absences from October 1, 2025, until the end of the lapse in appropriations would have been in a pay status but for the lapse in appropriations. Accordingly, an employee is entitled to receive retroactive pay at the employee's "standard rate of pay." This may include the day before or after the holiday(s) occurring during the lapse.

- Employees may not retroactively substitute military leave for LWOP during the furlough period because furloughed employees generally may not use any form of paid leave (i.e., annual leave, sick leave, or other paid leave), compensatory time off in lieu of overtime, compensatory time off for travel, religious compensatory time off, or credit hours under a flexible work schedule during the furlough period. This would mean that, unless they were previously scheduled to use military leave on a day before or after a holiday, employees cannot retroactively substitute military leave for LWOP to receive pay for a holiday.
- As a result of the cancelation of scheduled military leave during the lapse in appropriations, agencies must recredit an employee's military leave account. This recredited military leave may be used after the end of the lapse in appropriations.

Holidays

- Except as provided below, an employee affected by the lapse in appropriations will receive his or her regular pay for a holiday that occurred during the lapse in appropriations. If an employee was regularly scheduled to work on these holidays and was instead furloughed, the employee is now entitled to holiday premium pay, as discussed in the "Pay" section above. An excepted employee who performed work on a holiday will be paid according to the normal rules governing pay for work on a holiday. For example, under 5 U.S.C. 5546(b), a covered employee would receive his or her rate of basic pay, plus holiday premium pay at a rate equal to the employee's rate of basic pay. In addition, if such an employee performs officially ordered or approved overtime work on a holiday (i.e., work in excess of his or her basic non-overtime work requirement for that day), the employee would receive overtime pay (or compensatory time off) for that work. Please note that holiday premium pay and overtime pay are subject to applicable premium pay caps and are not available to certain employees, such as heads of agencies and members of the Senior Executive Service.
- If an employee was on preapproved LWOP during the lapse in appropriations, he or she must continue to be charged LWOP for the duration of the period approved as LWOP, including holidays.

Other Delayed Payments

- During the lapse, some agencies may have paused the processing of severance payments for eligible employees who were involuntarily separated from Federal service. Processing of those payments may resume, and severance payments owed to former employees must now be paid.

- Voluntary Separation Incentive Payments (VSIPs) for lapse-affected employees who separated from Federal service on or after October 1, 2025, must now be paid. (For employees who were eligible for VSIPs based on a separation before October 1, 2025, agencies were authorized to make those payments during the lapse in appropriations using FY 2025 funds.)
- Annual leave lump-sum payments for lapse-affected employees who separated from Federal service on or after October 1, 2025, must now be paid. (For employees who were eligible for annual leave lump-sum payments based on a separation before October 1, 2025, agencies were authorized to make those payments during the lapse in appropriations using FY 2025 funds.)

Retirement Actions and Deductions

- For employees who, on or before the requested retirement date, submitted some notice of their desire to retire, agencies should make the retirement effective as of the date requested. The retirement request may be informal (such as a letter requesting retirement) and can be either mailed or personally submitted to the agency. No time spent by the retiree on such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of the agency.
- Retirement deductions under the Civil Service Retirement System or the Federal Employees Retirement System must be deducted from the employee's retroactive basic pay for the lapse in appropriations. The employing agency must also contribute to the Retirement Fund its corresponding share for the retroactive payment. The total retirement deductions and agency contributions for each employee should equal the amount that would have been withheld and contributed had the employee not been affected by the lapse in appropriations. The amounts should be remitted to OPM using the normal procedures for retroactive adjustments.
- A furlough period for which retroactive pay is received is fully creditable for retirement purposes and is not considered LWOP.
- If any retirement application has been delayed because of the lapse in appropriations, it should be quickly processed and submitted to OPM so that OPM will be able to begin annuity payments as soon as possible.

Voluntary Separations – Employee Requests to Change Effective Date

The effective date of a voluntary separation (e.g., retirement, resignation) is determined by the employee. An agency may permit an employee to withdraw his or her voluntary separation at any time before it has become effective, but the agency is

not obligated to accept changes after the effective date has passed (see 5 CFR 715.202 and the [CSRS and FERS Handbook](#)).

Unemployment Compensation for Federal Employees

- The UCFE Instructions to Federal Agencies advise that, whenever a retroactive payment is made, the Federal agency must check the agency file of Forms ES-931 received to determine if the recipient of the retroactive payment filed a claim for unemployment benefits within the last 52 weeks and, if so, the agency should inform the state unemployment insurance (UI) agency of the amount and period covered by the retroactive payment.
- The state UI agency will determine whether an overpayment exists. Generally, the recovery of the UCFE overpayment is a matter for state action under state law; however, some state UI laws require the employer to recover such overpayment by collecting the overpayment amount from the employee. Federal and state agencies will need to coordinate to determine the required action in accordance with the individual state UI law. Federal agencies are encouraged to develop lists or spreadsheets that can be provided to the state(s) containing the employees' names, social security numbers, and the amounts and periods of time covered by the retroactive payment.

Open Season

- The Federal Benefits Open Season is November 10-December 8. Following the lapse in appropriations, OPM encourages agencies to prioritize communicating Open Season information with employees using available channels, including email and intranet. Agencies should place special emphasis on promptly notifying employees who are impacted by plan changes detailed in [Benefits Administration Letter 25-401, 2025 Federal Benefits Open Season: Significant Plan Changes—FEHB and FEDVIP](#).
- OPM is not adjusting Open Season dates at this time. Open Season runs from November 10 to December 8. OPM will provide notice should it determine that modifications to Open Season dates are necessary. OPM encourages agencies to use their belated enrollment authority to accept requests for enrollment or change in enrollment if the employee is unable to make the request before Open Season ends.

Health Benefits, including the Federal Employees Health Benefits (FEHB) Program and the Postal Service Health Benefits (PSHB) Program

- FEHB and PSHB coverage continues through a lapse in appropriations even if premium payments are not made during the lapse. Following the lapse, each employee who returns to pay status will repay their share of FEHB premiums

that accumulated during the lapse through payroll withholding. If FEHB premiums are not withheld from retroactive pay, one additional payment in addition to the current pay period amount will be withheld in each subsequent pay period until the employee's accumulated share of premiums has been paid. These amounts should be remitted to OPM using the normal procedures for any retroactive adjustments as necessary.

- Employees can make health benefits enrollment changes due to a qualifying life event during a lapse in appropriations even if excepted or furloughed. However, if the 60-day period for an employee to submit an enrollment or change in enrollment ended during the period from October 1, 2025, until the end of the lapse in appropriations, agencies may use their belated enrollment authority to extend the period for the employee to submit the request for enrollment or change in enrollment.

Federal Employees Dental and Vision Insurance Program (FEDVIP), Federal Long Term Care Insurance Program (FLTCIP), and Federal Flexible Spending Account (FSAFEDS) Program

- Since the lapse in appropriation has ended, FEDVIP premiums will be paid from retroactive 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.
- Since the lapse in appropriations has ended, FLTCIP premiums will be paid from retroactive pay 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. After the shutdown ends, if the enrollee elected to pay his or her 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.
- Agencies should process deductions for FEDVIP and FLTCIP and allotments for FSAFEDS in accordance with the billing file and instructions received from BENEFEDS and Long Term Care Partners.
- FSAFEDS will resume processing claims for eligible health care expenses incurred during nonpay status. Claims based on dates of service prior to the start of nonpay status will be paid up to the balance of the employee's annual election.
- Upon return to pay status, the remaining FSAFEDS allotments for the year will be recalculated over the remaining pay periods to match the participant's annual election amount. Allotments will not be deducted from retroactive pay.

- Employees who have questions may obtain more information at:
 - www.BENEFEDS.gov (for FEDVIP deductions and FSAFEDS allotments)
 - www.LTCFEDS.gov (for FLTCIP)
 - www.FSAFEDS.gov (for FSAFEDS claims)

Federal Employees' Group Life Insurance (FEGLI) Program

Since the lapse has ended, FEGLI premiums may be withheld from retroactive pay. If FEGLI premiums are not withheld from retroactive pay, up to one additional payment will be withheld in each subsequent pay period until all premiums have been paid.

Executive Resources

Full executive resources functions, to include operation of the Senior Executive Service (SES) Qualifications Review Board (QRB), are resumed. Additional guidance on open executive resources deliverables will be addressed separately to the executive resources community. For general executive resources questions, headquarters-level executive resources staff may email: SEERS@opm.gov.

Performance Management

- Agencies should adjust timelines to ensure timely completion of FY 2025 performance close out activities.
- For agencies whose Senior Executive Service (SES) and Senior Professional (SP) Performance Appraisal System certification expired during the lapse period, OPM grants an extension of 90 days from the date of this guidance to allow agencies time to fully prepare and submit certification packages.
- Agencies must confirm implementation of their new SES and SP performance management system within 30 days from the date of this guidance.
- For agency-specific questions, please email: performance-management@opm.gov.

Performance-based Actions under 5 CFR Part 432

Agencies who have taken an action for unacceptable performance are limited to extending the 30-calendar day advance notice period by an additional 30 calendar days due to a lapse in appropriations under 5 CFR 432.105(a)(4)(i)(B). Under normal circumstances, agencies would need to request additional extensions from OPM under 5 CFR 432.105(a)(4)(i)(C). However, OPM is authorizing agencies impacted by the lapse in appropriations to extend the advance notice period up to 30 calendar days beginning on the first business day after the end of the shutdown. Agencies seeking additional time beyond this period may request an additional extension by email at employeeaccountability@opm.gov.

Probationary and Trial Periods

Normally, when an employee in a probationary or trial period has more than a total of 22 workdays of absence in nonpay status (other than for compensable injury or military duty) the time in a nonpay status will extend the probationary period. The furlough time for which retroactive pay is received does not extend the probationary or trial period.

There may be instances where an agency extended the duration of a probationary or trial period and the individual gained adverse action appeal rights under 5 U.S.C. 7511(a)(1)(A)-(C). Retroactive pay does not divest these employees of such adverse action appeal rights.

Agencies are required to certify that finalizing a probationary or trial employee's appointment advances the public interest. Such certification must be made during the 30-day period prior to the last day of the probationary or trial period; otherwise, the employee's service terminates at the end of his or her scheduled tour of duty on the last workday of the probationary or trial period unless the individual meets the definition of "employee" under 5 U.S.C. 7511(a)(1)(A)-(C). If an agency fails to make a certification under Civil Service Rule 11 due to administrative error, the agency head may petition the Director of OPM within 30 days from the date of termination to reinstate the employee. If the petition is approved, the employee will be reinstated retroactively. The deadlines for issuing a certification, effecting a termination, or submitting a petition as described above are not affected by a lapse in appropriations.

Career Tenure

The lapse in appropriations will not have an impact on a furloughed employee's completion of requirements for career tenure because furloughed employees will be deemed, retroactively, to have been placed into a pay status as of the beginning of the lapse in appropriations.

Career Ladder Promotions

As a general matter, a career ladder promotion must be approved by an authorized management official prior to its effective date. Absent a specific agency policy or lawful collective bargaining agreement on setting promotion effective dates, a career ladder promotion may not be retroactively authorized (see Comptroller General decisions 3 Comp. Gen. 559 and 9 Comp. Gen. 20 (A-27284)). However, if an HR office was prevented from processing a properly authorized career ladder promotion in a timely manner, the HR office is required to process the action retroactively to honor its authorized effective date. To the extent that applicable collective bargaining agreements address career ladder promotions, please consult with your labor relations office and agency general counsel.

Time-in-Grade

The time an individual spends in furlough status counts towards time-in-grade requirements for purposes of promotion.

Extensions of Time-Limited Appointments

An agency cannot extend a temporary or term appointment that was scheduled to expire during the furlough. This is because the duration of temporary or term appointments is based on calendar time, so there is no basis to extend such appointments if they expired during the lapse period.

Pathways Programs

Pathways Interns:

There are no provisions for an agency to extend the 180-day conversion period for a participant in the Pathways Internship program due to a lapse in appropriations. However, OPM will consider requests from agencies for a variation that would allow the conversion to occur. Please contact employ@opm.gov for more information.

Pathways Recent Graduates:

If an agency chooses to noncompetitively convert a recent graduate who otherwise meets all requirements, the conversion is effective on the date the service requirement is met. To the extent that the furlough period prevented a recent graduate from meeting a requirement in the agency's Recent Graduates Program, the agency may, at its discretion, choose to extend the program/appointment for up to 120 days.

Documentation of Personnel Actions

Prior to the lapse in appropriations, agencies were instructed not to prepare an SF-50 "Notification of Personnel Action" (or a List Form of Notice for a group of employees who were to be furloughed on the same day or days each pay period) at the outset of the furlough. OPM advised agencies that further instructions on the appropriateness of preparing an SF-50 would be provided once appropriations were signed. Accordingly, agencies do not have to process an SF-50 to document the shutdown furlough, nor should the furlough be recorded with any document designated for long-term filing in the Official Personnel Folder. If SF-50s were processed in error documenting the furlough, such SF-50s must be canceled citing 001/Cancellation with legal authority ATM/5 U.S.C. 301.

Additional Information

For additional guidance, agency headquarters-level human resources offices may contact the OPM contacts listed below. Employees should contact their agency human resources offices for assistance.

- Pay: PayPolicy@opm.gov
- Leave: LeavePolicy@opm.gov
- Labor Relations and Adverse Action Furlough Procedures: awr@opm.gov
- Executive Resources: SERS@opm.gov
- Performance Management: performance-management@opm.gov
- Hiring: employ@opm.gov
- Documentation of Personnel Actions: OPMDataHelpDesk@opm.gov
- Retirement: benefits@opm.gov
- Federal Employees' Group Life Insurance Program: fegli@opm.gov
- Federal Employees Health Benefits Program: fehb@opm.gov
- Federal Long Term Care Insurance Program: ltc@opm.gov
- Flexible Spending Accounts for Federal Employees: fsa@opm.gov
- Federal Employees Dental and Vision Insurance Program: fedvip@opm.gov