

DATE: January 11, 2019

TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, TA Directors, SNAP Directors, MA Directors, Staff Development Coordinators, Financial Directors, Adult Services Directors, Employment Coordinators

FROM: Jeffrey Gaskell, Assistant Deputy Commissioner
Employment and Income Support Programs

SUBJECT: Temporary Assistance Program Policies Regarding Federal Government Employees Effected by the Partial Federal Government Shutdown

EFFECTIVE DATE: Immediately

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I. Purpose

This GIS is being issued to address Social Services Districts (districts) questions about Temporary Assistance (TA) program policies in regards to the treatment of the federal government employees who will not be receiving paychecks as of Friday, January 11, 2019 as a result of the partial government shutdown.

II. Background

Congress has not yet passed appropriations to fund the activities and programs of several federal agencies and programs for the entirety of Federal Fiscal Year (FFY) 2019, which began on Thursday, October 1, 2018. A continuing resolution that had extended the funding for these programs expired on December 21, 2018, resulting in a partial shutdown of the federal government beginning on December 22, 2018.

According to the United States Office of Personnel Management, "Guidance for Shutdown Furloughs," in the context of shutdown furloughs, employees are either: 1) exempted, 2) excepted, or 3) furloughed.

- 1) *Exempted: still working, and still being paid.* Employees are "exempt" from furlough if they are not affected by a lapse in appropriations. This includes employees who are not funded by annually appropriated funds. Employees performing those functions will generally continue to work and be paid under normal civil service rules.

- 2) *Excepted: still working, but not currently being paid.* The term “excepted” is used to refer to employees who are funded through annual appropriations who are nonetheless excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. Excepted employees include employees who are performing emergency work involving the safety of human life or the protection of property or performing certain other types of excepted work. Federal agencies will incur obligations to pay for services performed by excepted employees during a lapse in appropriations, and those employees will be paid after Congress passes, and the President signs, a new appropriation or continuing resolution.
- 3) *Furloughed: not working, and not currently being paid.* Employees who are funded through annual appropriations but are not designated as excepted are barred from working during a shutdown, except to perform minimal activities as necessary to execute an orderly suspension of agency operations related to non-excepted activities. These employees will be “furloughed.” Congress will determine whether furloughed employees receive pay for the furlough period.

According to the American Federation of Government Employees, an estimated 800,000 federal workers that are either “excepted” or “furloughed” will miss their first paychecks as of Friday January 11, 2019.

III. Program Implications

There may be federal employees that apply for ongoing TA and emergency assistance such as, Emergency Assistance to Families (EAF), Emergency Assistance for Adults (EAA), and Emergency Safety Net Assistance (ESNA). Excepted and furloughed federal employees have the right to apply for TA and receive benefits in accordance with established TA rules and regulations.

TA Emergency Programs and the Utilization of Income and Resources:

Only available income and immediately accessible resources are counted in determining eligibility for emergency assistance. If federal government employees are not currently receiving a paycheck due to the partial government shutdown, then that income would not be considered available.

TA emergency programs are intended to be used to meet the emergency or immediate needs of households that do not have available income or resources to reduce or meet their need for such assistance. Excepted or furloughed federal government employees, like other TA applicants or recipients, must use all of their available income and resources to reduce or meet their emergency and immediate needs.

Pursuant to [02 ADM-02](#), income and resources that are credibly earmarked to meet specific basic essential items or needs, food or other items of need identified in 18 NYCRR 352 must be considered unavailable to meet the emergency need. For example, if the applicant states that his/her next paycheck or bank funds are going to be used to pay an imminent mortgage payment, the district must consider the income or resource as earmarked and unavailable to meet the current emergency.

Employment Requirements:

For individuals applying for TA emergency assistance programs:

- Consistent with current policy, employment requirements would not be applicable.

For individuals applying for ongoing assistance:

- For Excepted employees (those furloughed employees working without pay): Even though the individual may not be receiving a pay check during the furlough, the district may count the number of hours the individual is working toward his/her work requirement. The district should conduct an employment assessment with the applicant, consistent with current requirements, and determine the number of hours the individual must participate in work activities. If the number of work hours do not meet the individual's required minimum hours in a core work activity, the district should assign the him/her to additional activities as necessary.
- For those furloughed employees not working and not being paid: Existing TA employment requirements apply.
- Any information that we receive from the NYS Department of Labor concerning Unemployment Insurance benefits will be shared with districts under a separate cover.