

## **Furlough All Employee Association Conference Call**

**January 22, 2019**

### **Administrator Fordyce Opening Comments**

- At 3:00 EST the Secretary announced he would be recalling FSA employees
- All HDQ and STO staff will be called in tomorrow (01/23/2019)
- All COF staff on Thursday (01/24/2019)
- Wednesday will be used by HDQ and STO's to prepare for when county offices open to the public on Thursday
- County Offices will be open the timeframes listed below. At the end of the established work period, USDA will re-evaluate the need to come back into work.
  - week of January 21<sup>st</sup>, two days (24<sup>th</sup> & 25<sup>th</sup>)
  - week of January 28<sup>th</sup>, five days
  - week of February 4<sup>th</sup>, five days
  - week of February 11<sup>th</sup>, three days (12<sup>th</sup>, 13<sup>th</sup> & 14<sup>th</sup>)
  - week of February 18<sup>th</sup>, three days (19<sup>th</sup>, 20<sup>th</sup> & 21<sup>st</sup>)

### **Question and Answers**

- Q: Need for COC's
  - A: FSA doesn't have complete clear guidance if COC's can come in and organize for the year. FSA does understand and value the role of the COC. They are temporary intermittent employees, which causes issues with bringing them on into an "excepted" status. FSA will go across the street to USDA headquarters to see if bringing them on is a possibility. The national office is looking at bringing the COC in first and foremost, but if they cannot then they will look at other options.
  - Dennis Ray, NASCOE President: voiced concerns over many documents that need COC approval to move forward with work operations. COC's are needed for supervision and program requirements.
  - Craig Turner, National Association of Farmer Elected Committees: voiced concerns about COC authority being taken away.
  - A: a couple problems that need to be overcome in order to bring the COC back: 1) finalizing the election and 2) details on how to get them back since they are counted as "temporary" employees.
- Q: Unemployment and Contacts with the Department of Labor- has USDA reached out to the Labor Department as of yet?
  - A: USDA has not had specific conversations about that issue today. FSA has sent some correspondence to USDA regarding this matter.
  - A: There are some calls tomorrow with the several Departments and the Department of Labor to discuss this issue.

- A: The Secretary's Office is aware of this issue of employees who are "excepted" without pay not being eligible for unemployment. The other detail to remember is that State Governments set the eligibility for unemployment in the respective states.
- Q: When we do get back pay, will it come in one lump sum, or will it be separated out in pay-periods?
  - A: FSA doesn't know, they will have to ask FMD.
  - A: FSA did notice in the bill authorizing back pay, it will be made as soon as possible and not have to wait for the next pay-period.
- Q: What do we do with employees who are "on leave" when they are called back? How do we handle those situations?
  - A: it depends on the reason why the employee cannot arrive on time at work. Local management needs to be flexible with employees on individual issues. Technically, leave is not taken during this timeframe (furlough). The key is that there needs to be office coverage between 8:00 am and 4:30 pm. Some examples of the need to be flexible with work attendance could be appointments, childcare etc. Again, the main two goals in the workplace are: 1) office open to customers and 2) managing the workload.
  - A: the key here is "excepted on call". This really provides maximum flexibility to managers, with no leave needed to be charged. The on-call status leaves offices with no set work schedule, which means employees have a flat 8 hour schedule.
  - A: credit hours, comp time and travel comp time can be accrued but only by working on associated activities authorized by this authority within reason.
  - A: employees cannot go into web TA. This will need to be recorded manually.
- Q: What is the status of revised program deadlines?
  - A: FSA will release new deadlines tomorrow (01/23/2019)
- Q: What is the status of Gov Delivery use in COF's?
  - A: No announcements about office openings and furlough can be released by COF's. The national office will do this activity.
  - A: Once COFs are open to the public, they can begin using Gov Delivery only as associated with authorized programs.
- Q: What is the status of 10% of employees who have not been paid?
  - A: FSA is hearing positive responses from HRD on this and they are almost done paying employees who had not been paid yet. If employee associations have any follow-up questions on specific cases, please send those to DAFO through their respective Employee Organizations.

- Q: What is the status of processing retirement paperwork?
  - A: when government opens back up, then processing retirement paperwork will resume.
  
- Q: Will finance Office staff in the Business Center be pulled back in to help facilitate payments?
  - A: yes, they are necessary Business Center staff which are needed to facilitate payments
  
- Q: What will DD's need to be doing since they are mostly administrative and oversight oriented?
  - A: DD's are safe to proceed with activities as long as travel is associated with programs that are acceptable to work on. Travel is covered for these activities. DD's also need to be monitoring how workflow is handled at COF's.
  
- Statement from NACS: We are all collectively FSA, and we want to do everything we can to make good to serve our lenders and customers, and we want to make them whole. Right now, calling us back without pay, we are making it un-whole. Employees have expenses.
  - Statement from Administrator: FSA has had many hours of conversations about this subject matter. There are some resource tools that are on the "be prepared website". Some SED's have been contacting FSA with new ideas to try and help. FSA is as concerned about this as the employee organizations are at this point. FSA will do what they can if they come across new ideas. The "excepted on call" should be helpful in being flexible for local managers.
  
- Q: Will our local IT support be on hand to help us?
  - A: not necessarily. They are increasing the number of Business Center staff, but FSA cannot guarantee that we will have local folks.
  - A: Issues should be noted by complete online help tickets.
  
- Statement by Steve Peterson: One letter was sent to all employee's e-mail inboxes this morning. The wording in the letter is somewhat prescriptive to the programs. This language will change over time as the initial prescriptions are re-analyzed (e.g. CRP may be able to be handled at some point, as well as other programs). Number one, above all, we need to take care of our customers. The local manager will need to make decisions as to who stays and who goes, while keeping in mind flexibilities which are provided in this authorization.
  
- Q: our status changed to "excepted on call", what was that based on?
  - A: conversations have been had about how to support our producers. The decision to call employees back comes down to OMB's guidance on how to interpret program administration during shut down. OMB also looked at statutory

requirements of programs with available funding. They looked at if there will there will be potential negative effects on the programs themselves by not administering the programs. By keeping programs administered in real time/current time, the programs maintain integrity and effectiveness. This is a new interpretation when compared to previous interpretations. The Secretary is very supportive of OMB's new interpretation. There will be future discussions on how to refine these interpretations as well.

- Statement from Mr. Fordyce: FSA will forward the Secretary's press release to the employee associations. We need to work through this together.

*NOTE: these notes are not official agency policy/directive, but rather taken from handwritten contemporaneous notes created by a participant on the referenced call.*