

Clarification on Exempt Vs. Excepted Civilian Employees

Exempt Employees:

- Directly paid with a **non-lapsed appropriation**
- They may continue working as usual and will continue to be paid during the normal pay cycle
- RDT&E, WCF and FMS are considered exempt if sufficient funding is available in those accounts & employee is directly funded within one of these accounts (*Note – positions initially supported by lapsed appropriation are not exempt i.e. via reimbursable O&M)

Excepted Employees:

- Paid directly paid out of a **lapsed appropriation** (O&M)
- Excepted employees are eligible to continue to work under shutdown if they meet one of three stated criteria
 - *Statutes which expressly authorize incurring obligations in advance of appropriations*
 - *Emergencies involving the safety of human life or the protection of property*
 - *Functions necessary to discharge the President's constitutional duties*
- Excepted employees may only carry out excepted activities
- Excepted employees will be in a work with deferred pay status

****IMPORTANT****All civilian employees, regardless of furlough status, will receive pay once there is a signed continuing resolution or appropriations bill. Guaranteed pay is authorized by the Government Employee Fair Treatment Act of 2019 which requires retroactive pay and leave accrual for Federal employees affected by furlough as a result of a government shutdown.