



## UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Friday, February 16, 2018  
CPM 2018-05

### MEMORANDUM FOR: CHIEF HUMAN CAPITAL OFFICERS

FROM: KATHLEEN M. McGETTIGAN  
ACTING DIRECTOR

Subject: Pay for Employees Affected by the Lapse in Appropriations and  
Continued Pay Freeze for Certain Senior Political Officials

The President has signed legislation restoring appropriations through March 23, 2018, or the date of enactment of specified appropriations legislation, and further amending the Continuing Appropriations Act, 2018. (See section 20101 of subdivision 3 of division B of the Bipartisan Budget Act of 2018 (Public Law 115-123), and the Continuing Appropriations Amendments Act, 2018 (Public Law 115-124). Both laws were enacted on February 9, 2018.) This memorandum provides guidance on the effect of this legislation on pay for certain Federal employees.

#### Pay for Employees Affected by the Lapse in Appropriations

The Bipartisan Budget Act of 2018 allowed all Federal civilian employees who had been affected by the lapse in appropriations that began on or about February 9, 2018, to return to duty. The Continuing Appropriations Amendments Act, 2018, provides retroactive compensation for furloughed Federal employees covering the period of the lapse in appropriations. The purpose of this portion of the legislation is to make furloughed Federal employees whole by ensuring that they receive their “standard rate of compensation” for the entire period of the lapse in appropriations as soon as practicable after the lapse in appropriations ends. For further information on pay and leave for employees affected by a lapse in appropriations, please see CPM 2018-03 at <https://www.chcoc.gov/content/pay-and-leave-employees-affected-lapse-appropriations-and-continued-pay-freeze-certain>. The guidance attached to that memorandum is generally applicable to the February 9th lapse, except that the referenced dates of January 20-22 should be replaced with the date of February 9.

The lapse in appropriations began at the beginning of Friday, February 9, and ended when the President signed Public Law 115-123 later that morning. For many employees, the lapse in appropriations ended during their daily tour of duty. These employees had a portion of their tour during the lapse and a portion of their tour after the lapse ended. The retroactive pay provision in Public Law 115-124 applies to the hours during the lapse in appropriations. Within the bounds of law, regulation, and agency policies, employing agencies have some flexibility to determine employees’ pay and leave status during the portion of their tour that occurred after the lapse ended. In exercising that flexibility, agencies should take into account the facts and circumstances applicable to an individual employee or group of employees, including the

directions or lack of directions given by the employing agency and the reasonableness of the actions taken by the employee. Use of excused absence may be appropriate in the given set of circumstances.

### **Continued Pay Freeze for Certain Senior Political Officials**

The Bipartisan Budget Act of 2018 amended the Continuing Appropriations Act, 2018, division D of Public Law 115-56. Under section 101(a) of that Act, the authority and conditions provided in FY 2017 appropriations laws continue to apply during the period specified in the Act, as amended. This language means that the freeze on the payable pay rates for the Vice President and certain senior political appointees at 2013 levels—as provided in section 738 of division E of the Consolidated Appropriations Act, 2017, Public Law 115-31, May 5, 2017—continues through March 23, 2018, or the date of enactment of new appropriations legislation. Future Congressional action will determine whether the pay freeze continues beyond March 23, 2018. In the meantime, the OPM guidance on the 2017 pay freeze for certain senior political officials is generally applicable in applying the pay freeze in 2018. (See OPM guidance memoranda CPM 2017-05 at <https://www.chcoc.gov/content/continued-pay-freeze-certain-senior-political-officials>, CPM 2018-02 at <https://www.chcoc.gov/content/continued-pay-freeze-certain-senior-political-officials-1>, and CPM 2018-03 at <https://www.chcoc.gov/content/pay-and-leave-employees-affected-lapse-appropriations-and-continued-pay-freeze-certain>.)

### **Questions**

Agency headquarters-level human resources offices may contact OPM at [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov). Employees should contact their agency human resources offices for assistance.

cc: Human Resources Directors