



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111

SAMR

20 MAR 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Department of the Army Administrative Furlough Planning

This memorandum and its appendices are provided for informational and planning purposes only. No action should be taken to issue any notice of proposed furlough without prior approval from the Secretary of the Army, which will be forwarded to you from this office.

1. References:

a. Secretary of Defense memorandum, 20 February 2013, subject: Preparations for Potential Sequestration on March 1 and Furlough Notifications.

b. U.S. Office of Personnel Management Guidance for Administrative Furloughs, March 8, 2013.

2. Reference 1.a. notified employees of the plan for an administrative furlough of the Department of Defense (DoD) civilian workforce. An administrative furlough differs from an emergency or government shutdown furlough which occurs when there is a lapse in appropriations. But both types of furloughs place employees in temporary no-pay, non-duty status because of lack of work or funds, or for other non-disciplinary reasons. Administrative furloughs of up to 22 workdays are considered adverse actions. Reference 1.b. provides information about administrative furloughs.

3. With the sequester in effect, the Secretary of Defense has determined that, absent changes to the budgetary outlook, furloughs likely will be required. It is the intent of DoD and the Army that all employees be furloughed, with extremely limited exceptions, in order to maximize cost savings. Accordingly, the Army intends to furlough all civilian employees for up to 176 hours, or 22 workdays, prior to the end of Fiscal Year (FY) 2013, unless an employee is excepted from furlough in accordance with paragraphs 4 through 6 below. Employees who were previously identified as "excepted" or "exempt" from past government shutdown furloughs are not automatically excepted from the current administrative furlough.

4. The Office of the Secretary of Defense has excepted from furlough the following categories of employees Army-wide:

a. All employees deployed (in a Temporary Duty (TDY) status) or temporarily assigned (to include Temporary Change of Station (TCS)) in a combat zone.

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b. All non-appropriated fund (NAF) employees (regardless of funding source). NAF employees are not covered by the requirements and procedures applicable to furlough of appropriated fund employees under FY 13 sequestration. However, NAF employees may be furloughed under DoD NAF and Army policies and procedures if funded by appropriated funds or for other business-based reasons.

c. All OCONUS foreign national employees.

d. All individuals appointed by the President, with Senate confirmation who are not covered by the leave system in Title 5, U.S. Code, Chapter 63, or an equivalent formal leave system.

e. Civilian personnel funded with National Intelligence Program (NIP), Military Intelligence Program (MIP) and Information Systems Security Program (ISSP) funds who are directly involved in intelligence collection, operations, acquisition, analysis or processing of intelligence information. Furthermore, employees who are on reimbursable detail to the Central Intelligence Agency and the Office of the Director of National Intelligence are exempt from furlough. All other intelligence personnel (whether funded with MIP or NIP funds) will be subject to furloughs at the same level as furloughs of other DoD personnel. Included in the population subject to furlough are all support personnel (e.g., administrative, contracting, system acquisition management, financial management and all other types of support). Those subject to furlough will receive proposal notices from their respective commands and organizations.

f. Foreign Military Sales (FMS) employees whose positions are exclusively funded from FMS administrative and FMS case funds (case number may be required to validate funding source) are excepted from furlough procedures. The FMS case-funded positions funded in whole or part by DoD appropriations (to include pseudo cases) are subject to furlough.

g. Any employee who is not paid directly by DoD (051 function) accounts or funds that are included in the National Defense function (050) of the Budget for FY 2013. For example, this would include employees funded by the Arlington National Cemetery (705 function) and DoD Civil Works (various non-051 functions) programs.

h. Requests to establish additional categorical furlough exceptions must be submitted through channels to the Secretary of the Army for review and action. Army commands and organizations that previously submitted such requests will be informed of the Secretary's decisions by separate memorandum.

5. Pursuant to my authority under provisions of Title 10, U.S. Code, Section 3016, and at the direction of the Secretary of the Army, I hereby designate: the commanders of Army Commands, Army Service Component Commands and Direct Reporting Units (DRU); the Commanders of U.S. European Command, U.S. Forces Korea, U.S. Africa Command and Joint Special Operations Command; and the Administrative Assistant to the Secretary of the Army for Headquarters, Department of the Army (HQDA) [hereinafter referred to as

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“Commanders”] as Deciding Officials for purposes of the adverse action process associated with the FY 2013 administrative furlough. As authorized by the Secretary of the Army, solely for purposes of the FY 2013 administrative furlough, a DRU led by a civilian employee will be considered an HQDA organization or activity subject to the authority, direction and control of the HQDA Principal Official to whom the DRU reports.

a. As Deciding Officials in the context of the adverse action process associated with the FY 2013 administrative furlough, Commanders are hereby empowered to issue final furlough decisions:

(1) excepting from furlough any individual employee in the grade of GS-15 (and equivalents) and below;

(2) limiting to less than 176 hours or 22 workdays the number of hours/days that any full-time individual employee in the grade of GS-15 (and equivalents) and below will be furloughed before the end of FY 2013; and

(3) temporarily or permanently recalling from furlough an employee in an emergency, but only to the extent the individual employee is needed to prevent unacceptable risk or catastrophic gaps in the safety and protection of life and property.

b. Deciding Officials are charged with, and are accountable for, making final decisions on furloughs for individual employees after carefully considering the employee's reply, if any, and the needs of the Department of the Army. Deciding Officials must also ensure they make final decisions in cases in which an employee does not submit a reply. Deciding Officials will have the authority to execute the full range of options with respect to providing relief in individual employee cases. This authority includes, but is not limited to, reducing the number of hours/days an individual employee will be furloughed, or granting the individual employee an exception from the furlough altogether.

6. Commanders may designate as a Deciding Official(s) for purposes of the adverse action process associated with the FY 2013 administrative furlough, one or more officials under their supervision, as follows:

a. an installation senior commander/senior manager (as defined in Army Regulation 600-20, *Army Command Policy*), who may subsequently designate as a Deciding Official(s) other military officers or senior civilian serving under his supervision in grades no lower than Colonel/GS-15 (or equivalents), who would be in the best position to determine the fair and equitable application of the furlough to an employee, without the power to further designate; or

b. other military officers or senior civilians serving in grades no lower than Colonel/GS-15 (or equivalents), who would be in the best position to determine the fair and equitable application of the furlough to an employee, without the power to further designate.

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Required as part of designation as a Deciding Official is a re-delegation of all authorities enumerated in paragraph 5, above.

7. Any designation as a Deciding Official and re-delegation of the requisite authorities will take effect only when it is in writing and signed by the authorizing official. I will hold Commanders responsible for any and all actions they take pursuant to their designation as a Deciding Official, including the exercise of authorities inherent in such a designation, and for any actions taken by officials under their supervision who may be designated as Deciding Officials and to whom the requisite authorities were re-delegated. Should conditions warrant, Commanders should suspend or rescind Deciding Official designations and the re-delegations of authorities associated with such a designation, as appropriate.

8. ***Concurrent with each grant of exception from furlough, decision to limit the number of furlough hours/days to which an employee is subject or recall of an employee from furlough, Commanders (and those officials under their supervision who may be designated as Deciding Officials, if any) will inform me in writing, of the action taken and the underlying rationale.*** I will compile and submit routine reports to the Secretary of the Army.

9. This memorandum and its Appendices do not apply to employees managed by the Civilian Senior Leader Management Office (CSLMO). Separate guidance addressing CSLMO-managed employees is forthcoming.

10. To the fullest extent practicable, management must engage its unions in pre-decisional discussions regarding the possible actions to be taken with regard to the furlough. Additionally, management must notify the unions of the proposed furlough and fulfill its statutory and contractual labor relations obligations in the implementation of the furlough.

11. Organizations may not transfer any work from Army civilians to contractors or use premium pay (overtime or compensatory time off) to offset federal employee absence due to furlough. Organizations are reminded that furloughed employees are prohibited from working on-site or on a telework basis on furlough days, and furloughed employees may not substitute paid leave or other time off for furlough time.

12. Employee overtime work, whether it would be paid or awarded as compensatory time off, will be prohibited during sequester through the end of this FY, except as necessary to protect the health, safety and security of personnel or property; to ensure the direct and timely provision of services and materiel to deployed units or to units that are preparing to deploy; or to perform similar mission critical functions.

a. Labor relations obligations will be met before action is taken to change existing conditions of employment, to include terminating or curtailing overtime work.

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b. During the FY 2013 administrative furlough, Commanders may approve overtime work that meets the above criteria. Any approval of overtime work must be documented in advance of the time and date on which the work is to be performed, in writing, signed and dated by the approval authority that also sets forth: the purpose of the overtime work and the rationale for concluding that the work meets the criteria set forth above; whether the overtime work will be paid or awarded as compensatory time off; and the number of hours of overtime work authorized.

c. I will hold Commanders accountable for managing workload properly and for ensuring that employees are not permitted to work overtime in contravention of this policy.

d. No additional funds will be authorized for overtime work.

13. Furlough actions, as well as any exception thereto, taken in accordance with this memorandum will be included in the monthly reports presented at the ASA(M&RA) and ASA(FM&C) Civilian Workforce Shaping Teleconferences. The format for submission of these reports will be provided separately.

14. Both DoD and the Department of the Army will continue to keep you informed as the situation develops. It is imperative that we continue to communicate with our workforce and labor partners. As we address this difficult and fluid fiscal situation, we want you and your employees to know that your patience, hard work and continued dedication are deeply appreciated. As conditions change or senior leadership decisions provide clarity or modify direction, we will provide you further guidance.

15. This memorandum and its appendices are provided for informational and planning purposes only. No action should be taken to issue any notice of proposed furlough without prior approval from the Secretary of the Army, which will be forwarded to you from this office. Commands should make plans for execution in accordance with the timelines specified in Appendix C, or in accordance with bargaining obligations and agreements. Templates for furlough proposal and decision notices, the use of which is mandatory have been disseminated through human resources channels.



THOMAS R. LAMONT
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

4 Appendices

- A. General Administrative Furlough Guidelines and Procedures
- B. Civilian Training
- C. Tentative Furlough Schedule
- D. Combat Zones

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COMMANDER, U.S. ARMY CYBER COMMAND

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OFFICE OF THE GENERAL COUNSEL, ATTN: SAGC (MS. JOHNSON)

OFFICE OF THE JUDGE ADVOCATE GENERAL, ATTN: DAJA-LE (MS. NUGENT)