

Appendix A: General Administrative Furlough Guidelines and Procedures

1. General. Administrative furloughs differ from emergency furloughs, as outlined in reference 1.b. of the base memorandum. Administrative furloughs of up to 22 workdays are considered adverse actions. Commanders, supervisors and other leaders may find it helpful to review the references listed in paragraph 3, below, and apply them in planning for the furlough.

a. Furloughs will be limited to 176 hours or 22 workdays prior to the end of Fiscal Year (FY) 2013. This limit avoids triggering complex reduction-in-force/adjustment-in-force (RIF/AIF) procedures. DoD guidance indicates that furloughs should be spread over a maximum number of pay periods with regular work schedule employees to be furloughed for *generally* 16 hours (or two days) for each 2-week pay period. At this time, the furlough period is expected to run from 26 April 2013 through 30 September 2013, subject to fulfillment of labor relations obligations as appropriate. See Appendix C: Tentative Furlough Schedule. As authorized, local commanders and supervisors have latitude in scheduling each employee's furlough hours/days consistent with mission requirements, bargaining agreements, fairness and equity and consideration for employee preferences.

b. 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.

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

(2) During the FY 13 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.

(3) 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.

(4) No additional funds will be authorized for overtime work.

c. Furloughs may not be scheduled solely on designated federal holidays. Additionally, they may not be scheduled for a three-day period where the designated holiday falls in the middle of the three days, solely to save three days of pay while losing only two days of work. ***The employee must be in a paid status either the day preceding the holiday or the day after the holiday to receive holiday pay.*** Employees may be furloughed for substantial periods of time that include holidays, but organizations should select furlough days based on factors that are unrelated to the fact that the period includes a holiday.

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d. A furloughed employee may not volunteer to work on a non-pay basis during any hours or days designated as furlough time. Unless otherwise authorized by law, an organization may not accept the voluntary services of an employee during a furlough period.

e. Furloughed employees may not take paid leave or substitute any form of paid time off for any hours or days designated as furlough time.

f. Based on operational needs or due to established use of alternate (compressed and flexible) work schedules, supervisors/managers may need to manage furloughs by hours to ensure that employees are furloughed exactly 176 hours over the period designated for furlough. Alternate work schedules may be modified or temporarily suspended to accommodate employee absences for furlough. Supervisors and managers must be aware, however, that pursuant to Title 5, U.S. Code, Section 6126, termination of an employee's flexible work schedule will obligate the Army to pay the employee for up to 24 hours of accumulated credit hours. Employees should be informed of work schedule changes at least a week in advance of the change. Labor relations obligations will be met before action is taken to change established alternate work schedules.

g. Careful consideration should be given to the timing of furlough hours and days. Some organizations may need to rotate employee furlough time to enable continued operations. Other commands and organizations may be able to furlough all employees during the same period to garner added savings. Commanders and other senior leaders should consider opportunities for cost savings in base operations and utilities by synchronizing employee furlough schedules across an installation. For example, organizations may establish the same day each week to furlough employees in commands and organizations across an installation, thereby reducing both staffing levels and the installation's utility bills.

h. To the extent possible, furlough hours/days should not be scheduled during periods of temporary duty (TDY). If furlough during an employee's TDY appears unavoidable and the employee is not approved for an exception to the furlough, consideration should be given to cancelling the TDY. Either per diem or actual expenses must be provided to an employee whose travel status requires a stay that includes a furlough day (even though the employee is in a no-pay, non-duty status).

i. The furlough hours of part-time employees will be pro-rated. An employee working only 40 hours per pay period, for instance, will be furloughed only 88 hours over the period during which furloughs will occur (one-half of the 176 hours mandated for full-time employees). Similarly, employees who are currently in a furlough-excepted category or position, but who subsequently become subject to furlough, or vice versa, will have their furlough hours pro-rated across the pay periods remaining from the day after a final furlough decision is issued.

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j. Furlough guidance applicable to employees on detail is provided in reference 1.b. Detailed employees remain officially assigned to their permanent positions during the detail. During a furlough, each **parent organization** will determine the status of each of its employees. If furlough is required, the **parent organization** will determine how and when the detailed employee will be affected.

k. If an employee is scheduled to be on Leave Without Pay (LWOP) during the furlough period, the supervisor/manager has discretion whether or not to furlough the employee. If the supervisor/manager decides to place the employee in a furlough status during hours that were originally scheduled for LWOP, all applicable procedural requirements must be met, to include providing a notice of proposed furlough. No proposed furlough notice or notice of final furlough decision is required for employees who are on LWOP and not expected to return to work at all during the period of furlough (e.g., an employee on a one-year period of LWOP to accompany a military spouse on assignment).

l. Newly hired Army employees; employees transferring within Army from a position excepted from furlough to a position subject to furlough; and employees transferring to Army from another DoD Component or from another Federal agency will be provided a 30-day notice of proposed furlough immediately on reporting to the new Army position. The employee's hours of furlough, if furloughed, will be pro-rated across the pay periods remaining from the day after the final furlough decision is issued. Under no circumstance may an individual employee's total furlough hours exceed 176 hours, regardless of where employed.

m. Notification timelines and other requirements identified above are subject to fulfilling statutory and contractual labor relations obligations for bargaining unit employees. Servicing Civilian Personnel Advisory Centers (CPACs) can assist in identifying these obligations and the impacted timelines/requirements.

2. Procedures.

a. Administrative furloughs of no more than 176 hours or 22 eight-hour workdays are covered by adverse action procedures. Each employee, as defined in Title 5, U.S. Code, Section 7511, must receive at least a 30-calendar-day advance notice of proposed furlough, a minimum 7-calendar-day response period and a notice of final decision. The 7-calendar-day response period runs concurrently with the 30-day advance notice. A notice of decision to furlough must be issued whether or not the employee submits a response to the notice of proposed furlough.

b. Key Personnel in the Furlough Process:

(1) An employee's first line supervisor generally will serve as the Furlough Proposing Official. Proposing Officials will issue individual notices of proposed furlough to each employee to be furloughed.

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(2) Deciding Officials will be designated in accordance with paragraphs 5 or 6 of the base memorandum and empowered with all requisite authorities. Deciding Officials are charged with, and accountable for, making and issuing final notices of decision to furlough on the furlough of individual employees, whether or not that employee submits any response to the notice of proposed furlough. In making a final decision on the proposed notice of furlough of each employee, the Deciding Official must carefully review and consider all evidence of record, giving full and fair consideration to any response that may be submitted by an employee to the notice of proposed furlough.

(3) The Deciding Official may appoint one or more designated Reply Official(s). A Reply Official must be appointed in writing and may be either a military officer or a civilian employee. The Reply Official will: (1) serve as the official designated to hear, receive and document any verbal and/or written replies made in response to a notice of proposed furlough by an employee; (2) receive and respond to any requests for an extension to the period allocated for employee reply to a notice of proposed furlough; (3) prepare a written summary of the oral reply, if any, and present the summary to the employee for review for accuracy; (4) provide the Deciding Official with a copy of all documents or information provided by the employee and a summary of any verbal reply provided by the employee; and (5) based solely on the information provided in support of the notice of proposed furlough and the employee's reply, if any, recommend to the Deciding Official a final decision on the proposed furlough of the employee and the rationale for any such recommendation.

c. OSD-approved notices of proposed furlough and final furlough decision templates, the use of which is mandatory, have been disseminated through human resources channels. To the extent possible, management officials will deliver to the receiving employee in person both the notice of proposed furlough and the final notice of decision to furlough rendered by the Deciding Official. Each employee will be asked to sign a copy of the notice of proposed furlough and final notice of furlough decision, acknowledging receipt. Should an employee decline to sign, a management official will annotate a retained copy of the notice and/or decision accordingly. When an employee is absent from the workplace at the time notices or decisions are to be delivered personally, a management official should provide the documents through other reliable means (e.g., regular mail, certified mail, personal delivery to the employee's home) and retain a record documenting the means by which each document was provided to the employee.

d. The servicing CPAC will provide advice and guidance on: (1) Impact and Implementation bargaining; (2) preparation of furlough proposal and final decision notices; (3) processing of Standard Form (SF) 50, *Notification of Personnel Action*; and (4) other questions and issues that may arise during the furlough.

e. The Civilian Human Resources Agency (CHRA) will process a *Notification of Personnel Action* (SF-50) for each employee furloughed. CHRA will provide additional processing guidance, through the servicing CPACs, under separate cover.

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f. Employees and supervisors/managers must document furlough hours/days in the Automated Time Attendance and Production System (ATAAPS) or other approved time and attendance system. Furlough hours/days will be coded as KE.

g. Throughout the process, statutory and contractual labor relations obligations must be met for bargaining unit employees. Servicing CPACs will assist in this effort.

3. Additional Resources. Commanders, supervisors/managers and other leaders are encouraged to review the websites referenced below for assistance in planning for the furlough. Leaders also may find it helpful to refer employees to one or more of the websites below for information.

a. Office of Personnel Management Furlough Guidance at <http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/>

b. Defense Civilian Personnel Administrative Services Furlough Guidance at <http://www.cpms.osd.mil/Subpage/FurloughGuidance/>

c. Army Information, Frequently Asked Questions and Fact Sheets at <http://cpol.army.mil/library/general/2013sequestration/>

d. Thrift Savings Plan information at <https://www.tsp.gov/PDF/formspubs/oc13-7.pdf>