Information & Frequently Asked Questions

Administrative Furlough for ≤176 hours (≤ 22 Days)

Department of the Navy

13 March 2013 – updated

THE SECRETARY OF THE NAVY
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MEMORANDUM FOR DEPARTMENT OF THE NAVY CIVILIAN EMPLOYEES

SUBJECT: Potential Sequestration and Possible Furlough

The Department of the Navy's civilian workforce is an incredibly talented and integral part of the Navy and Marine Corps team. Whether you are developing new weaponry for the next generation of warfighter, helping to operate and maintain our far-flung bases and stations, fixing ships or aircraft, pressing forward on auditability targets, helping Wounded Warriors heal and transition, or performing countless other critical tasks, you are vital to our mission. Our Sailors and Marines could not have responded to and sustained the brutal operational tempo of the last decade of war without the support of each and every one of you.

Budget pressures have already imposed a pay freeze on the non-uniformed members of our team, now in its third year, and most recently, a civilian hiring freeze. Now, unless Congress acts, two pending budgetary actions will force the Department to consider the possibility of employee furloughs. The two actions driving these unfortunate circumstances are:

- Sequestration-the implementation of automatic across-the-board budget cuts on 1 March 2013 to meet the statutory topline limits established in the 2012 Budget Control Act; and
- The possibility that the current Continuing Resolution, which funds U.S. government operations only through 27 March 2013, is extended through the end of this fiscal year.

When taken separately, these two actions are problematic enough; together, they create unprecedented and extraordinary budget challenges because the mindless nature of the cuts prevents us from managing to a new budget reality. We remain hopeful an agreement can be reached to avoid across-the-board reductions, pass a Department of Defense (DoD) appropriations bill, and avert this new fiscal crisis. However, given the great uncertainty we now face, simple prudence dictates that we plan for the worst case scenario — that both occur, and with little flexibility to lessen the worst impacts.

Accordingly, the Department of the Navy has taken and will continue to take steps to reach the savings targets associated with current and projected budget reductions by reducing expenditures. However, we cannot fully close the looming budget gap with these efforts alone. As a result, the Secretary of Defense reluctantly sent Congress official notification (as required by law) that we may be forced to furlough our civilian employees. Furloughs, if they occur, would not begin until mid/late April. The Congressional notification is only the first step in the planning process. Under the worst case scenario, furloughs would affect almost all DoD civilian employees and could span 176 hours (approximately 22 work days) over the rest of the fiscal year.

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Let me emphasize that furloughing civilian employees is an action of last resort for the DoD, and one not taken lightly. We remain hopeful that the need for furloughs will ultimately be averted. However, should a Department-wide furlough become inevitable, we will individually notify personnel as required at least 30 days in advance of such action.

The impact of the potential furlough is not lost on me or the rest of the Department's leadership. We recognize that you and your families are already being impacted by the fiscal uncertainty. We will therefore continue to pursue every option to avoid them. In the meantime, we will also continue to communicate with you at every opportunity and at every level to help you understand the likelihood and implications of potential furloughs. We will post information on a dedicated webpage (links from www.donhr.navy.mil).

The days and weeks ahead will be challenging for us all. However, despite the great uncertainty facing us, I ask that you not lose focus on our mission. We remain at war. Our Sailors and Marines depend on each one of you. It is critical that all of us continue to perform our jobs.

With great admiration and appreciation for all you do.

Ray Mabus

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This compilation of frequently asked questions is not intended to replace case law and regulatory requirements. Specific questions should be addressed to Echelon 1 and Echelon 2 Directors of Civilian Human Resources, Command HR offices and DONhrFAQ@navy.mil.

General Administration

1. **Q: What is a furlough?**
   A: A furlough is the placing of an employee in a temporary nonduty, nonpay status because of lack of work or funds or other nondisciplinary reasons. Under the current fiscal circumstances, administrative furloughs may be required due to a reduction in funding.

2. **Q. What is an administrative furlough?**
   A. An administrative furlough is a planned event by an agency that is designed to absorb reductions necessitated by downsizing, reduced funding, lack of work or any other budget situation other than a lapse in appropriations. Furloughs that would potentially result from sequestration would generally be considered administrative furloughs.

3. **Q: What is sequestration?**
   A: Sequestration is an across-the-board reduction in Federal budgetary resources in all budget accounts that have not been exempted by statute. Under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Control Act of 2011 and the American Taxpayer Relief Act of 2012, across-the-board reductions were initiated on March 1, 2013. Sequestration will reduce each agency's budgetary resources in non-exempt accounts for the remainder of the fiscal year (which runs through September 30, 2013).

4. **Q: How soon would furloughs begin?**
   A: Furloughs would begin no earlier than April 26, 2013, and could run through September 2013.

5. **Q: What is the difference between a shutdown furlough and an administrative furlough?**
   A: The difference is that an administrative furlough is planned and a shutdown furlough is unplanned or an emergency. (*Administrative furlough is described above.*) When there is a lapse in appropriations, a "shutdown" furlough may occur. A shutdown furlough is necessary when an agency no longer has the funds necessary to operate and must shut down those activities that are not excepted under the Antideficiency Act. Many Federal employees may be familiar with these types of furloughs from instances in previous years in which the Government has faced a potential shutdown. For additional information on shutdown furloughs see OPM's guidance for shutdown furloughs related to potential lapse in appropriations at **http://www.opm.gov/furlough/index.asp**. Shutdown furloughs are considered emergency furloughs – conversely, administrative furloughs are planned events.

   NOTE: The following questions/answers focus on administrative (planned) furloughs of no more than 22 discontinuous workdays/176 hours. Specific questions on other administrative or shutdown/emergency furloughs may be found at www.opm.gov.

Covered Employees

6. **Q: Which employees may be affected by an administrative furlough?**
   A: During an administrative furlough, virtually all employees are subject to a furlough. Exceptions are minimal and will be limited to civilians deployed in a combat zone; safety of life or property – only to extent needed to protect; non-appropriated fund employees funded 100% through non-appropriated funds; employees exempt by law (individuals appointed by the President with or without Senate confirmation who are not covered by the leave system); foreign nationals; Foreign Military Sales (FMS) employees fully paid with FMS trust funds; civilian employees underway at sea; and medical employees who provide 24-hour inpatient care or emergency service. Please note, the designation of excepted employees for an administrative furlough is different than for an emergency or shutdown furlough. See also Procedures and Labor Management Relations Implications in this document.

7. **Q: What should Commands do about mission critical employees?**
   A: Mission critical employees are subject to the administrative furlough — similar to providing leave or an alternate work schedule. Only where staggering absence is not possible is an exception essential. Thus, if an individual can take leave or participate in a compressed work schedule, they likely can be furloughed – mindful that, unlike a shutdown furlough, during an administrative furlough Commands are operating at an 80 percent capacity.

8. **Q: Are political appointees (such as Executive Schedule officials, noncareer SES and Schedule C appointees) subject to an administrative furlough?**
   A: Political appointees covered by the leave system in 5 USC chapter 63 or an equivalent formal leave system are subject to administrative furlough. Individuals appointed by the President, with or without Senate confirmation, who are not covered by the leave systems are not subject to furlough.

9. **Q: Are NAF employees affected by furloughs implemented by agencies for appropriated fund employees?**
   A: Generally, NAF employees are excepted from the furlough. Most NAF employees are not paid from appropriated funds – rather, they are paid from funds generated by military exchanges and MWR programs. However, if the reduction in appropriated fund resources leads to a curtailment in MWR or exchange business operations, employees not initially affected by a furlough implemented by an agency may be furloughed for other business-based action (BBA). BBAs are used to adjust resources in response to changes in business revenue, budget, workload, organization or mission.

10. **Q: Are Foreign Military Sales (FMS) employees subject to the furlough?**
    A: It depends - FMS employees are excepted if fully funded by the FMS trust fund. If funded by appropriated funds they are subject to furlough.

11. Q: Are furloughed detailees returned to their home agencies following any furlough?
A: Detailed employees remain officially assigned to their permanent positions during the detail. During a furlough, each Major Command and United States Marine Corps (USMC) will determine the status of their employees on detail within the Department of the Navy (DON) or to another agency.

12. Q: Do all detailees follow the furlough policies and procedures of their home agencies if the detail continues? *(updated)*
A: Yes. Because all detailees remain officially employed by the agencies from which they are detailed, if a furlough is required, the home agency will determine if and how the detailed employee is affected.

13. Q: Who are considered deployed civilians and what areas are included in combat zone? *(updated)*
A: DoD has defined deployed civilian as a civilian deployed (TDY) or temporarily assigned (to include TCS) to the following locations, listed as combat zones by Executive Orders 12744, 13119 or 13239 and locations where military are subject to the combat zone tax benefits due to direct support to military operations. Included are: Afghanistan, Albania, Arabian Peninsula areas, Bahrain, Djibouti, Iraq, Jordan, Kosovo, Kuwait, Kyrgyzstan, Oman, Pakistan, Phillipines (only with orders referencing Operation Enduring Freedom), Qatar, Saudi Arabia, Somalia, Tajikistan, United Arab Emirates, Uzbekistan, Yemen, Yugoslavia (Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Montenegro).

14. Q: Are working capital fund employees exempt from the furlough?
A: Unlike emergency or shutdown furloughs, working capital fund employees are subject to administrative furloughs unless they fall into one of the exceptions identified in the UNSECNAV memorandum (see Appendix E of this document). It is important to recognize that working capital fund organizations receive their money from appropriated dollars (appropriated to a "sponsor" who pays a command to do work which pays for salaries and other expenses). Therefore, Sequestration's impact is realized by working capital fund organizations.

15. Q: If I am furloughed, am I separated from service?
A: Employees who are furloughed are not separated from federal service. They are placed in a temporary nonduty, nonpay status.

16. Q: May I volunteer to do my job on a nonpay basis during any hours or days designated as furlough time off?
A: No — unless otherwise authorized by law, the DON may not accept the voluntary services of an employee. (See 31 U.S.C. 1342.)

17. Q: Can I request to be furloughed to reduce the hours that other employees have to be furloughed? ***(updated)***

A: Employees cannot request to be furloughed – furlough is a non-disciplinary adverse action. Employees may voluntarily request leave without pay or LWOP (which places an employee in a nonpay, nonduty status – as with a furlough). However, unlike a furlough action which affords employees due process rights, LWOP does not provide due process rights and approval is subject to the Command's and USMC's policies, procedures and collective bargaining agreement provisions.

While granting LWOP may produce savings for the organization, there are no guarantees that volunteering for LWOP will have enough of an impact to affect the need to furlough employees. It is recommended that employees wishing to request LWOP should discuss the request with their HR offices.

Procedures

18. Q: How are furlough days going to be scheduled?

A: Generally, all administrative furloughs will be limited to 176 hours, approximately 22 workdays. For general planning, furloughs typically will be executed in increments of approximately 16 hours per pay period to mitigate the impact on the mission and employees. The hours/time for the administrative furloughs will be determined by BSO Commanders and shall be dependent upon mission requirements.

BSO Commanders may delegate the coordination and scheduling of furloughs as appropriate for carrying out mission requirements. Plans to deviate from the general planning guidelines will be coordinated with ASN (M&RA) as there are potential ramifications to the employees and commands if modified plans are adopted.

Scheduling of furlough days for employees is subject to local Impact and Implementation (I&I) bargaining requirements.

In *AFGE, Local 32 and OPM*, 22 FLRA 307 (1986), the Federal Labor Relations Authority held that a proposal giving the furloughed employee the right to determine whether his/her furlough was to be continuous or discontinuous is a negotiable 5 U.S.C. 7106(b)(3) "appropriate arrangement."

19. Q: How are employees notified of a furlough?

A: Employees will first receive a written notice of a proposal to furlough consistent with applicable laws, regulations and collective bargaining agreements. Generally, employees will be provided at least 30 days notification for an administrative furlough (some agreements require 45 days' notification).

20. Q: May an agency provide an employee electronic notice of a furlough action? ***(updated)***

A. Major Commands and the USMC should consult with their respective General Counsels to ensure each step of the process is consistent with regulatory and legal requirements. If Commands and USMC decide to electronically notify affected employees of a furlough action, OPM recommends that the agency include each employee's name, address, and/or e-mail address on both the proposal and decision notifications so that it is clear that an employee is receiving personal notification. Agencies should also consider including in the body of the electronic correspondence, the requirement that the employee provide an email acknowledgement of receipt. If an agency doesn't receive a requested acknowledgement of receipt of an e-mail notification, it should consider delivering a paper copy of the proposal and/or decision notifications to the employee at his or her home address by registered mail with a return receipt requested. Similarly, agencies must deliver hard copy furlough notices to those employees without agency email access.

Finally, Major Commands and USMC are reminded that they must provide notice and opportunity to bargain over negotiable procedures and appropriate arrangements to any unions representing their employees.

21. Q: How will the furlough be documented?

A: Notifications of Personnel Actions (SF-50s) will be documented to provide scheduling flexibility. Notifications will identify start date, end date, maximum of 176 furlough hours, and requirement for supervisors to schedule furlough hours prior to the start of a pay period.

22. Q: Will a furlough code be created in SLDCADA or other time-keeping system for use?

A: DoD has indicated that all furlough time taken will be coded as KE in the applicable time keeping system used by the BSO. The KE code already is offered in SLDCADA. BSO Commanders using other time-keeping systems must ensure that the system is updated to include the KE code. Regardless of which system is used, BSO Commandars are accountable for documenting, administering and tracking scheduling decisions.

23. Q: How will the furlough schedule be applied to part-time employees?

A: If you are a part-time employee and subject to the furlough, furlough time off will be prorated, based on the work schedule. For example: an employee works 20 hours per week part-time; during the furlough period, the employee would be furloughed ~4 hours per week/~8 hours per pay period.

24. Q: What is the period of deployment and how should deployed civilians be notified of the furlough? ***(updated)***

A: The period of deployment will include attendance at mandatory deployment training as well as mandatory post-deployment requirements. Employees returning from deployment who were not previously notified of the furlough will receive the required written notice upon return and prior to any furlough and the number of furlough days will be pro-rated.

25. Q: How should Major Commands and the USMC schedule administrative furlough time off for employees on flexible or compressed work schedules (CWS) under an alternative work schedule (AWS) program? ***(updated)***

A: BSO Commanders may adjust or cancel CWS or AWS programs in scheduling furloughs appropriate to meeting mission requirements but must negotiate the substance of the decision to terminate or suspend CWS or AWS for bargaining unit employees unless termination or suspension procedures are already provided for in the collective bargaining agreement. Department of State, Passport Services, 104 LRP 39880, 60 FLRA 141 (FLRA 2004). Alternatively, BSO Commanders must decide the days/hours of furlough for each employee within the 16 hours per pay period guideline. BSO Commanders may delegate the coordination and scheduling of the furloughs as appropriate for carrying out the mission requirements.

26. Q: Will employees on telework be furloughed?

A: During an administrative furlough, virtually all employees are subject to the furlough unless excepted by the DON and/or DoD. BSO Commanders may make adjustments or cancel telework agreements (subject to I & I bargaining) based on mission requirements.

27. Q: Do Commands have the authority to recall employees from furlough in the event of an emergency?

A: Yes – BSO Commands may recall employees from furlough status in the event of an emergency. In the event of short-term recalls, employee furlough hours may be deferred to the pay period following the end of the recall.

28. Q: How should Major Commands and the USMC schedule administrative furlough time off for employees who do not work a standard work schedule (e.g., part time or uncommon tour of duty)? ***(updated)***

A: Agencies must enact furloughs in a manner that reduces operation risks and minimizes impacts on agency core mission in service of the American people, but should strive to impact employees in an equitable manner regardless of work schedule. Furloughs of part-time or uncommon tour of duty employees must comply with the procedures of 5 CFR part 752 or part 351, as applicable, if the employees are otherwise covered.

In determining furloughs for part-time employees, agencies should consider whether or not to prorate furlough hours requirements based on the number of scheduled part-time work hours relative to a full-time work schedule of 80 hours in a biweekly pay period to achieve the same percentage pay reduction for both full-time and part-time employees. For example, a part-time work schedule of 64 hours per biweekly pay period would equate to 64/80 of a full-time work schedule, or 80 percent. This percent could then be multiplied by the number of hours that a full-time employee is furloughed to derive the appropriate number of furlough hours for the part-time employee. Thus, if a full-time employee were required to be furloughed for 40 hours, a part-time employee with a 64-hour biweekly tour could be furloughed for 32 hours (40 x .80 = 32).

In the case of employees with an uncommon tour of duty, such as firefighters and paramedics, agencies should consider the impact that a furlough has on regular pay (in percentage terms), rather than the impact on hours (in percentage terms). An uncommon tour of duty is a tour of duty in excess of 80 hours in a biweekly pay period that is established for the purpose of charging leave. Thus, it includes overtime hours for which an employee receives regular overtime pay or standby duty premium pay. (See definition of "uncommon tour of duty" in 5 CFR 630.201 and 630.210.) Generally, for employees on an uncommon tour of duty, furlough hours will reduce regular pay by a greater percentage than the percentage reduction in hours. In connection with the furlough of employees with an uncommon tour of duty, agencies should consider whether or not the number of furlough hours should be set in a manner that achieves the same percentage pay reduction experienced by full-time employees with an 80-hour biweekly tour of duty who are covered by the same furlough policy.

29. **Q: How should Major Commands and the USMC schedule administrative furlough time off for employees who work on a seasonal or intermittent basis?**
A. Seasonal employees are recalled to duty at identified periods of the year in accordance with pre-established conditions. Intermittent employees are non-full-time employees without a regularly scheduled tour of duty. If an employee who is on a seasonal or intermittent work schedule is in a non-pay status during the furlough, no further action is necessary. Whether either group is called for work during an administrative furlough is discretionary with Major Commands and the USMC.

30. **Q: If furlough is effective and your Work Schedule changes from FT to PT, will there be SF50s, Notification of Personnel Actions processed for the period of time you are on Furlough?**
A: The employee remains a full-time employee even though he or she may be placed on a non-pay status for a certain number of hours in a pay period due to a furlough. All employees will get an SF-50 placing them on furlough.

31. **Q: If a discontinuous administrative furlough extends for more than 30 calendar days, is it a furlough covered by adverse action procedures in 5 CFR part 752, or is it covered by the reduction in force (RIF) procedures of 5 CFR part 351?**
A: A discontinuous furlough of 22 workdays or less is covered by adverse action procedures (5 CFR part 742), while a furlough of more than 22 workdays is covered by the RIF procedures (5 CFR part 351). OPM determined that 22 workdays equates to 30 calendar days for adverse action purposes for employees (based on the definition of "day" as "calendar day" 5 CFR 210.102 and 752.402).

32. **Q: What procedural rights apply for an administrative furlough of 30 calendar days or less for employees covered under 5 CFR part 752?**
A: For a short furlough of a covered employee, the law (5 U.S.C. 7513) gives a covered employee the following rights:

- At least 30 calendar days advance written notice by the agency stating the specific reasons for the proposed action. (Typically, the reasons for the action would involve a lack of work or funds.) The 30 calendar day period begins upon an employee's *receipt* of the written notice. Therefore, Major Commands and the USMC should plan to allow time for mailing the notice when hand-delivery is not possible.
- At least seven calendar days for the employee to answer orally and in writing to the proposal notice and to furnish documentary evidence in support of his or her answer. (A summary of any oral answer must be made and maintained by the agency.)
- The *right of* the employee to be represented by an attorney or other representative.
- A written decision by the agency with the specific reasons for its action at the earliest time practicable.
- The right to appeal the agency's action to the Merit Systems Protection Board.

In addition, OPM's regulations (5 CFR 752.404) require that the agency inform the employee of the right to review the material it relied on to support the reasons for its action. The agency must designate an oral reply official who can either make or recommend a decision, and must issue its decision at or before the effective date of the action. The regulations (5 CFR 752.405) also provide that where applicable, the affected employee may elect to grieve under a negotiated grievance procedure (NGP) or appeal to the Merit Systems Protection Board, but not both.

NOTE: *Under 5 CFR 752.404(b)(2), if the Major Commands and the USMC is furloughing some, but not all, employees in a competitive level, the notice of proposal must state the basis for selecting the particular employee as well as the reasons for the furlough. Where bargaining unit employees are concerned, additional procedural rights may be provided by their negotiated agreement.*

33. Q: What procedures are applicable to members of the Senior Executive Service affected by an administrative furlough of 30 calendar days or less?

A: All employees are subject to an administrative furlough, including SES and SL/STs (Scientific & Senior Leader positions). Adverse action procedures in 5 CFR part 752, subpart F, covering Senior Executive Service (SES) career appointees and certain SES limited term or emergency employees do not apply to short furloughs because those procedures provide only for removal from the civil service or suspension for more than 14 days based upon misconduct, neglect of duty, malfeasance or failure to accept a directed reassignment or to accompany a position in a transfer of function.

Under SES furlough regulations (5 CFR part 359, subpart H), Major Commands and the USMC need not use competitive procedures in selecting SES appointees to be furloughed for 30 calendar days or less, or for 22 workdays or less if the furlough does not cover consecutive days; however, the agency must provide career SES appointees (other than reemployed annuitants) a 30-day advance written notice of a furlough of any length.

The written notice must tell the SES appointee the reason for the furlough; the expected duration of the furlough and the effective dates; the basis for selecting the appointee when some but not all SES appointees in a given organizational unit are being furloughed; the location where the appointee may inspect the regulations and records pertinent to the action; the reason, if the notice period is less than 30 calendar days; and the appointee's appeal rights to the Merit Systems Protection Board. For a probationer, the notice should also explain the effect (if any) on the duration of the probationary period. However, the full notice period may be shortened, or waived, in the event of unforeseeable circumstances, such as sudden emergencies requiring immediate curtailment of activities. This regulation does not require that appointees be afforded an opportunity to respond or that agencies issue a separate decision notice. A career appointee (other than a reemployed annuitant) who has been furloughed and believes 5 CFR part 359, subpart H, or the agency's procedures have not been correctly applied may appeal to the Merit Systems Protection Board under provisions of the Board's regulations.

SES noncareer, limited term and limited emergency appointees and reemployed annuitants holding career SES appointments are not covered by 5 CFR part 359, subpart H, and may be furloughed under agency designated procedures, which need not include a 30-day advance written notice, an opportunity to respond, or a separate decision notice.

34. Q: What procedures and appeal rights are applicable for probationers, employees under temporary appointments of one year or less in the competitive service, employees who are nonpreference eligible employees in the excepted service with less than 2 years of continuous service, Schedule C employees, and others not covered by 5 U.S.C. chapter 75 but also affected by an administrative furlough?
A: There are no mandatory procedures; however, agencies should ensure that all administrative procedures required by negotiated agreements or internal personnel policies are followed, subject to any exceptions to those procedures that would apply in the event of an administrative furlough.

35. Q: If an employee decides to challenge a discontinuous administrative furlough, from what point would the time for appeal to the Merit Systems Protection Board run?
A: Employees must file an appeal within 30 days after the effective date of their first furlough day, or 30 days after the date of their receipt of the decision notice, whichever is later.

Working During Furlough

36. Q: May an employee work during a period designated as a furlough day to earn credit hours under a flexible work schedule?
A: No — employees may not work during furlough days. Employees are also prohibited from working to earn credit hours during hours and/or days designated as furlough time off.

37. Q: May Federal agencies require employees who are placed on administrative furlough for all or part of their basic workweek to work hours outside the basic workweek?
A: Yes – agencies may assign work during hours outside the employee's basic workweek, subject to any agency policies or collective bargaining agreements.

38. Q: How are employees compensated when they are required to work hours outside a basic workweek in which they have been furloughed?
A: Employees who are required to work hours outside of a basic workweek during which they have been furloughed are compensated with their rate of basic pay if overtime thresholds have not been met, and/or with overtime pay or compensatory time off in lieu of overtime pay, as appropriate, once the thresholds have been met. Normally applicable overtime rules apply. Most employees are subject to a 40-hour weekly overtime threshold and an 8-hour daily overtime threshold. Leave without pay hours (such as furlough hours) do not count as hours of work in applying overtime thresholds. (*See Appendix B for further guidance and examples*)

39. Q: May an employee on a flexible work schedule earn credit hours by working during a week or on a day when the employee is furloughed?
A: During a week or on a day when an employee is furloughed during certain basic work requirement hours, employees may earn credit hours by electing to work in excess of his or her basic work requirement. However, employees may **not** earn credit hours by working during designated furlough hours and/or days. Also, employees may **not** used previously earned credit hours during furlough hours.

40. Q: May an employee work during a period designated as furlough days to accumulate religious compensatory time off hours for religious observances?
A: No. An employee may not work during furlough days. This prohibition includes working during furlough days, even to accrue religious compensatory time.

41. Q: May employees take other jobs while on furlough?
A: It depends – while on furlough, an individual remains an employee of the federal government. The general rule is that federal employees may take outside employment as long as it does not conflict with their federal position. Therefore, executive branch-wide standards of ethical conduct and rules regarding outside employment (specifically, the executive branch-wide standards of ethical conduct (the standards) at 5 CFR part 2635) continue to apply when an individual is furloughed. In addition, there are specific statutes that prohibit certain outside activities, and agency-specific supplemental rules that require prior approval of, and sometimes prohibit, outside employment. Employees should seek written permission from their ethics counselor before beginning the work. Of note, if the furlough ends or if the employees are called in to work for any reason, then they need to make themselves available notwithstanding his second job.

42. Q: Can employees on TDY be furloughed?
A: Yes – BSO Commanders (or their designee) may furlough "in place" employees on TDY or, if on short-term TDY, may adjust/defer furlough hours from one pay period to another.

43. Q: Do employees receive per-diem while in a furlough status if on long-term TDY?
Yes – employees who are TDY and placed in a furlough (nonpay status) must receive per diem entitlements. Exceptions are: when the furlough day is in conjunction with leave (an employee is not authorized per diem for a non-workday when leave is taken for the entire workday before and the entire workday following the furlough day. An employee is authorized per diem for not more than two non workdays if leave is taken for all workdays between the non-workdays. Employees returning to their Permanent Duty Station while in furlough status end their entitlement to per diem — an employee who returns home on a furlough day from TDY will not receive per diem that day, but will be reimbursed for travel (note: travel should occur during duty status days.)

Designation of Furlough Days

44. Q: Can I choose to take my furlough days all at once or spread them out?
A: Generally, all administrative furloughs will be limited to 176 hours, approximately 22 workdays. For general planning, furloughs typically will be executed in increments of approximately 16 hours per pay period to mitigate the impact on the mission and employees. The hours/time for the administrative furloughs will be determined by BSO Commanders and shall be dependent upon mission requirements.

BSO Commanders may delegate the coordination and scheduling of furloughs as appropriate for carrying out mission requirements. Plans to deviate from the general planning guidelines will be coordinated with ASN (M&RA) as there are potential ramifications to the employees and commands if modified plans are adopted.

Scheduling of furlough days for employees is subject to local Impact and Implementation (I&I) bargaining requirements.

45. Q: Can employees be furloughed for half days?
A: BSO Commanders have the discretion to schedule an administrative furlough in a variety of ways to execute furlough schedules based upon mission requirements.

46. Q: Can employees choose furlough days/times that are convenient to their schedule (i.e., one furlough day per week; or 2 hours less per day for 8 days)?
A: For general planning, furloughs typically will be executed in increments of approximately 16 hours per pay period to mitigate the impact on the mission and employees. The hours/time for the administrative furloughs will be determined by BSO Commanders and shall be

dependent upon mission requirements. BSO Commanders may delegate the coordination and scheduling of furloughs as appropriate for carrying out mission requirements.

47. Q: What is the first day for executing the furlough?
A: Furloughs may not be executed before April 26, 2013 (during the pay period beginning April 21, 2013). Congress was notified of a proposed furlough February 20, 2013.

Compensation

48. Q: Are furloughed employees entitled to severance pay?
A: No. Because furloughed employees are not separated from Federal service, they are not entitled to severance pay.

49. Q: Are employees entitled to unemployment compensation while on furlough?
A: It is possible that furloughed employees may become eligible for unemployment compensation. State unemployment compensation requirements differ. Some States require a 1-week waiting period before an individual qualifies for payments. In general, the law of the State in which an employee's last official duty station in Federal civilian service was located will be the State law that determines eligibility for unemployment insurance benefits. Agencies or employees should submit questions to the appropriate State (or District of Columbia, Puerto Rico or Virgin Islands) office. (*See Appendix C for a state listing and web addresses* - the Department of Labor's website provides links to individual State offices at **http://www.servicelocator.org/OWSLinks.asp**. Additional information on Unemployment Compensation for Federal Employees is also available at http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp.,)

50. Q: Are HR offices required to provide furloughed federal employees with an SF-8 – Notice to Federal Employee about Unemployment Insurance?
A: It depends — HR offices are required to provide employees with the SF-8 Notice to Federal Employee about Unemployment Insurance if they will be in a non-duty status for 7 or more consecutive days. Additionally, HR offices may provide the SF-8 upon employee request.

51. What address should the HR office provide on the SF-8? What is the Federal Identification Code (FIC)?
A: The address on the SF-8 should be the address of the HR office; the FIC is 423 for the Department of the Navy.

52. Q: When an employee's pay is insufficient to permit all deductions to be made because furlough time off occurs in the middle of a pay period and the employee receives a partial paycheck, what is the order of withholding precedence?
A: The below Order of Precedence for civilian Federal employees applies **only** when gross pay is not sufficient to permit all deductions; it will be used to determine the order in which authorized deductions from an employee's pay will be processed.

1. Retirement – Deductions for Defined Benefit Plan (including Civil Service Retirement System/Federal Employees Retirement System (CSRS/FERS)
2. Social Security (OASDI) Tax
3. Medicare Tax
4. Federal Income Tax
5. Federal Employees Health Benefits (FEHB) premium (pre-tax or post-tax)
6. Basic Federal Employees' Group Life Insurance (FEGLI) premium
7. State Income Tax
8. Local Income Tax
9. Collection of Debts Owed to the U.S. Government (e.g., tax debt, salary overpayment, failure to withhold proper amount of deductions, advance of salary or travel expenses, etc.; debts which may or may not be delinquent; debts which may be collected through the Treasury Offset Program, an automated centralized debt collection program for collecting Federal debt from Federal payments)
10. Court-Ordered Collection/Debt (Child Support, Alimony, Bankruptcy, Commercial Garnishments)
11. Optional Benefits Premiums (Health care Flexible Spending Accounts (FAS), Dental, Vision, Health Savings Accounts (HAS). Optional FEGLI, Long Term Care, Dependent FSA, TSP (loans, basic and catch-up contributions, then other optional benefits)
12. Other Voluntary Deductions/Allotments (Military Service Deposits, Professional Assoc., Union Dues, Charities, Bonds, personal allotments, additional voluntary deductions)
13. IRS Paper Levies

Additional guidance can be found at the Chief Human Capital Officers Council web page.

53. Q: May Major Commands and the USMC deny or delay within-grade or step increases for General Schedule and Federal Wage System employees during a furlough?

A: It depends on the length of the furlough. Within-grade or step increases for General Schedule (GS) and Federal Wage System employees are awarded on the basis of length of service and individual performance. Such increases may not be denied or delayed solely because of lack of funds. However, extended periods of nonpay status (e.g., because of a furlough for lack of funds) may affect the timing of such increases. For example, a GS employee in steps 1, 2, or 3 of a grade who is furloughed an aggregate of more than 2 workweeks during the waiting period would have his or her within-grade increase delayed by at least a full pay period. (See 5 CFR 531.406(b).)

54. Q: What issues arise with the furloughing of employees who would otherwise reach the biweekly cap on premium pay?

A: Under 5 U.S.C. 5547, premium pay may not normally be paid to the extent the payment would cause the sum of the employee's basic pay plus premium pay received in a biweekly pay period to exceed the higher of (1) the biweekly rate for level V of the Executive Schedule (EX-V) or (2) the biweekly rate of basic pay for GS-15, step 10 (including any application locality payment or special rate supplement). (Note: In all locality pay areas within the United States, the applicable GS-15, step 10, rate is higher than the EX-V rate.) Certain employees regularly receive a recurring type of premium pay that causes them to

reach the premium pay cap each biweekly pay period. For example, certain employees regularly receive law enforcement availability pay (LEAP), administratively uncontrollable overtime (AUO) pay, standby duty premium pay, or regularly scheduled firefighter overtime pay.

The biweekly premium pay cap limits premium pay based on the aggregate sum of basic pay plus premium pay in a biweekly pay period. Thus, if a furlough causes basic pay to be reduced, it may result in an increased payment of premium pay that had been limited by the premium pay cap.

If an employee is furloughed, he/she will not receive basic pay or premium pay during the furlough period. If the furlough is for a full pay period, then the employee will not receive any pay for the pay period and the biweekly premium pay cap is not an issue.
However, there are issues if an employee who normally reaches the premium pay cap is furloughed for part of a pay period. The employee's total basic pay will be reduced and, as a result, the *uncapped* amount of premium pay for the pay period will be reduced. ("Uncapped" refers to the amount of premium pay that would be payable if the biweekly premium pay cap did not apply.) If the employee was reaching the premium pay cap in a normal pay period and receiving less than the full amount of premium pay available under the given premium pay provision, the reduction of basic pay could allow otherwise blocked premium pay to become payable—even if the uncapped amount of premium pay is reduced. In fact, the employee could receive the same capped total pay while working less hours. In this case, a furlough would not save money and would actually reduce productivity.

Injury Compensation

55. Q: If an employee was in receipt of Federal Employees' Compensation Act (FECA) wage-loss compensation and was then furloughed, what effect would the furlough have on his/her compensation?
A: None. FECA wage-loss compensation is not considered wages and, therefore, is not affected by a lack of funding at the employing agency.

56. Q: Are employees who are injured while on furlough or LWOP eligible to receive workers compensation?
A: No. Workers compensation is paid to employees only if they are injured while performing their duties. Employees on furlough or LWOP are not in a duty status for this purpose. An employee who is receiving workers' compensation payments will continue to receive workers' compensation payments during a furlough and will continue to be charged LWOP.

Leave and Other Time Off

57. Q: How will furlough time off affect an employee's leave accrual and benefits?
A: Generally, furlough time off is treated like regular leave without pay (LWOP) for leave accrual and benefit purposes. The accumulation of nonpay status hours during a leave year

can affect the accrual of annual leave and sick leave. (See 5 CFR 630.208(a).) For example, when a full-time employee with an 80-hour biweekly tour of duty accumulates a total of 80 hours of nonpay status from the beginning of the leave year (either in one pay period, or over the course of several pay periods), the employee will not earn annual and sick leave in the pay period in which that 80-hour accumulation is reached. If the employee again accumulates 80 hours of nonpay status, he or she will again not earn leave in the pay period in which that new 80-hour total is reached. (See the Service Credit section of this document.) for information on the effect of extended LWOP or other nonpay status on federal benefits and programs.

58. Q: If an employee who received a furlough notice had previously scheduled annual or sick leave on a furlough day, what happens to the scheduled leave?
A: Absences on a scheduled furlough day may not be charged to leave and leave may not be used to offset the furlough day.

59. Q: May an employee take paid leave or other forms of paid time off (e.g., annual, sick, court, or military leave, leave for bone marrow or organ donor leave, credit hours earned, any compensatory time off earned, or time off awards) instead of taking administrative furlough time off?
A: No - during an administrative furlough, an employee may not substitute paid leave or other forms of paid time off for any hours or days designated as furlough time off.

60. Q: Can agencies furlough employees who are on approved leave without pay (LWOP) during a time when administrative furloughs are being scheduled for other employees?
A: Agencies have discretion in determining whether to furlough employees who are in LWOP status, since both furloughs and LWOP are periods of nonpay status. Employees may already be scheduled for LWOP for a variety of reasons and for various lengths of time on either a continuous or discontinuous basis. An employee's LWOP may or may not fully encompass the period during which administrative furloughs are being conducted for other employees in the same organization. For example, for one employee, a continuous 1-year 2 period of leave without pay to accompany a military spouse overseas may encompass the entire period during which administrative furloughs are being conducted in an employee's organization, while another employee's continuous LWOP may end during that period. Other employees may be scheduled to take LWOP on a regular but discontinuous basis under the Family and Medical Leave Act.

Major Commands and USMC are responsible for determining (1) whether employees already scheduled for LWOP during a period when administrative furloughs are being conducted will be subject to furlough and (2) the hours of furlough required of such employees. If Major Commands and USMC decides to place an employee in furlough status during hours that were originally scheduled to be LWOP, all applicable procedural requirements must be met, including a furlough notice.

61. Q: May an employee take LWOP under the Family and Medical Leave Act (FMLA) during an administrative furlough period?

A: Yes - an employee may take LWOP under FMLA during the designated administrative furlough period for other employees in the same organization (subject to conditions in 5 USC 632). However, if an employee is placed in furlough status during hours that were previously scheduled to be LWOP under FMLA, those furlough hours will no longer be considered to be LWOP under FMLA. Furlough hours will not count toward the employee's 12-week FMLA leave entitlement. An employee may not later substitute paid leave for furlough hours.

Major Commands and the USMC are not required to provide an employee with a furlough notice if the employee is not expected to work during the furlough period (e.g., an employee who has just given birth and has requested 12 weeks of unpaid leave (LWOP) under the FMLA). If the employee is scheduled to return to work from LWOP during the furlough period, the employee should be provided with a furlough notice (effective on the date of scheduled return).

62. Q: How will employees on home leave be affected?

A: Employees on home leave will be placed in a furlough status on scheduled furlough days.

Holidays

63. Q: May employees be administratively furloughed on a holiday?

A: Employees may be furloughed for periods of time that include holidays. However, Major Commands and the USMC should select the furlough days off on programmatic, mission and administrative grounds that are unrelated to the fact that the period includes a holiday. For example, Major Commands and the USMC may not properly furlough employees for a three-day period, the middle of which is a holiday, for the sole purpose of saving three days' pay while losing only two days of work. (See Comptroller General opinion B-224619, August 17, 1987.) It also would not be proper to furlough an employee solely on a holiday. (See Comptroller General opinion B-222836, May 8, 1986.)

64. Q: If employees have a designated administrative furlough day off on the last workday before a holiday or the first workday after a holiday (but not on both days), will they be paid for the holiday?

A: Yes - the general rule is that an employee is entitled to pay for a holiday so long as he or she is in a pay status on either the workday preceding a holiday **or** the workday following a holiday. The employee is paid for the holiday based on the presumption that, but for the holiday, the employee would have worked. (*Note: A holiday should not be the first or last day of the period covered by a furlough and the holiday should not be immediately in between two furlough days*).

65. Q: If employees have a designated administrative furlough day off on the last workday before a holiday and the first workday after a holiday, will they be paid for the holiday?
A: No - if a furlough includes both the last workday before the holiday and the first workday after the holiday, the employee is not entitled to pay for the holiday because there is no longer a presumption that, but for the holiday, the employee would have worked on that day (*holidays may not be immediately in between two furlough days)*. (See Comptroller General opinion B-224619, August 17, 1987.)

Service Credit for Various Purposes

66. Q: To what extent does nonpay status affect federal employee benefits and programs?
A: The effects of a nonpay status (which includes furlough, leave without pay, absence without leave, and suspension) on federal employee benefits and programs vary based on current law and regulation. (*For more information on benefits impact, see Benefits section.)*

67. Q: If an employee is planning on retiring, will a time in furlough status have an effect on the employee's high-3 average?
A: Generally there will be no effect on the high three average pay unless the furlough causes the employee to be in a nonpay status for more than six months during the calendar year. (*For more detailed information, see related FAQ.)*

68. Q: What impact does nonpay status have on Probationary Periods (Initial Appointment and Supervisory/Managerial), Career Tenure, Leave Earnings, Service Computation Dates (SCD)?
The impact will vary and employees should consult with their HR offices. Information may also be found at www.opm.gov/oca/leave/HTML/LWOP_eff.asp.

Determination	**Number of Days/Hours in Nonpay Status Allowed Without Penalty (See Note below)**
Initial Appointment Probationary Period Supervisory/Managerial Probationary Period	Any nonpay time in excess of 22 *workdays* extends the probationary period by that number of days.
Career Tenure	Any nonpay time in excess of 30 *calendar* days for each period of absence extends the service date for career tenure by that number of days.
Leave Earnings	If an employee is in nonpay status for an entire pay period, no annual or sick leave is earned for that pay period. If nonpay time occurs during part of one or more of a full-time employee's pay periods, the employee continues to earn leave until the nonpay time totals 80 hours. Then leave is reduced by the amount the employee earns during a pay period. *For example*, when a full-time employee with an 80-hour biweekly tour of duty accumulates a total of 80

	hours of nonpay status from the beginning of the leave year, the employee will not earn annual and sick leave in the pay period in which that 80-hour accumulation is reached. If the employee again accumulates 80 hours of nonpay status, he or she will again not earn leave in the pay period in which that new 80-hour total is reached. (This means that a full-time employee who is in the 6-hour annual leave accrual category and who has accumulated 80 hours of nonpay status in the last pay period of the year will debited 10 hours of leave accrual in that pay period.) At the end of the leave year, any accumulation of nonpay status hours of less than 80 hours is zeroed out so that any accumulation for the next leave year is not carried over. For part-time employees, leave accrual is prorated based on hours in a pay status in each pay period; thus, time in nonpay status reduces leave accrual in each pay period containing such time.
Service Computation Dates	6 months of nonpay time is creditable. The employee's service computation date must be adjusted by the amount of nonpay time in excess of 6 months in one calendar year. (Excess time is added to employee's service computation date.)

Benefits

Generally, nonpay due to furlough is treated like regular leave without pay for benefit purposes. The effects of a nonpay status on Federal employee benefit programs vary based on current law and regulation. If the employee's pay is insufficient to permit all deductions to be made, payroll offices will follow the guidance on the Order of Precedence of this guide for applying deductions from the employee's pay.

69. **Q: Will an employee continue to be covered under the Federal Employees Health Benefits (FEHB) Program during the furlough?**
    A: Yes. The employee's FEHB coverage continues.

70. **Q: How are FEHB premiums handled during the furlough?** ***(updated)***
    A. If the employee's pay is sufficient, premiums are withheld from the employee's pay as usual. If the employee's pay is insufficient, the employee can continue FEHB enrollment and agree to pay the premium or incur a debt in the amount of the unpaid premiums or elect to terminate FEHB enrollment.

71. **Q: Can an employee terminate FEHB coverage during the furlough and re-enroll at a later date?** ***(updated)***
    A: Most employees pay FEHB premiums on a before-tax basis so opportunities to cancel FEHB are limited to Benefits Open Season or in conjunction with a qualifying life event

(visit http://www.opm.gov/healthcare-insurance/healthcare/reference-materials/reference/federal-employees-receiving-premium-conversion-tax-benefits/). Unlike other types of nonpay status, during an administrative furlough employees do not have the opportunity to terminate or cancel FEHB coverage.

72. Q: Will an employee continue to be covered under the Federal Flexible Spending Account (FSAFEDS) Program during the furlough?
A: Yes. The employee remains enrolled in FSAFEDS, but eligible health care claims incurred during a nonpay status will not be reimbursed until the employee returns to a pay status and allotments are successfully restarted. Eligible dependent care expenses incurred during a nonpay status may be reimbursed up to whatever balance is in the employee's dependent care account - as long as the expense incurred during the nonpay status allows the employee (or spouse if married) to work, look for work or attend school full-time.

73. Q: How are FSAFEDS allotments handled during the furlough?
A. If the employee's pay is sufficient, allotments are withheld from the employee's pay as usual. If the employee's pay is insufficient, allotments are not withheld. When the employee's pay becomes sufficient to make withholdings, the remaining allotments are recalculated over the remaining pay periods to match the employee's election amount.

74. Q: Can an employee terminate FSAFEDS participation during the furlough and re-enroll at a later date?
A. No. Furlough is not a qualifying life event that allows changes to an FSAFEDS election. (visit https://www.fsafeds.com/forms/qscfact.pdf)

75. Q: Will an employee continue to be covered under the Federal Employees' Group Life Insurance (FEGLI) Program during the furlough?
A: Yes. The employee's FEGLI coverage continues for up to 12 consecutive months in a nonpay status.

76. Q: How are FEGLI premiums handled during the furlough? *(updated)*
A. If the employee's pay is sufficient, premiums are withheld from the employee's pay as usual. OPM is reviewing the rules on how FEGLI is handled when an employee's pay is insufficient.

77. Q: Can an employee terminate FEGLI coverage during the furlough and re-enroll at a later date?
A. An employee can cancel FEGLI coverage at any time but can reenroll in FEGLI only:
- In conjunction with a qualifying life event
- By providing medical documentation
- If designated as emergency essential.
- During an open season (the last open season was in 2004; no future FEGLI open season has been announced)

Employees are reminded about the requirement to be enrolled in FEGLI for the five years immediately preceding retirement to be eligible to continue the coverage as an annuitant.

78. Q: Will an employee continue to be covered under the Federal Dental and Vision Insurance Program (FEDVIP) during the furlough?
A: Yes. The employee's FEDVIP coverage continues.

79. Q: How are FEDVIP premiums handled during the furlough?
A. If the employee's pay is sufficient, premiums are withheld from the employee's pay as usual. If the employee's pay is insufficient, BENEFEDS will generate a bill to the employee for premiums when no payment is received for two consecutive pay periods. The employee should pay premiums directly billed to him/her on a timely basis to ensure continuation of coverage.

80. Q: Can an employee terminate FEDVIP coverage during the furlough and re-enroll at a later date?
A. No. Opportunities to cancel FEDVIP are limited to Benefits Open Season or in conjunction with a qualifying life event (visit https://www.benefeds.com/benefedhelp/fedvip/qualifying_life_events.htm) .

81. Q: Will an employee continue to be covered under the Federal Long Term Care Insurance Program (FLTCIP) during the furlough?
A: Yes. The employee's FLTCIP coverage continues.

82. Q: How are FLTCIP premiums handled during the furlough?
A. If FLTCIP does not receive premiums for two or fewer pay periods, they will adjust future premium deductions, increasing by no more than $50 per pay period to recover the missed premiums. If there are three consecutive pay periods of missed premiums, FLTCIP will bill the employee directly. Coverage will terminate if premiums are not paid.

The employee also has the option to change to direct billing or to payment via electronic funds transfer. If premiums are not collected or a final bill is not paid within a 30 day grace period, FLTCIP will send a termination letter. The employee has 35 days from the date of the letter to pay the premium; otherwise the employee will be disenrolled retroactively to the last pay period in which premium was paid.

83. Q: Can an employee terminate FLTCIP coverage during the furlough and re-enroll at a later date?
A. The employee can terminate enrollment in the FLTCIP at any time, but if the employee wants to reenroll in the future, he/she would be required to submit an application following full underwriting procedures.

84. Q: How are Thrift Savings Plan (TSP) contributions handled during the furlough?

A: Affect upon the different types of contributions:
Employee Contributions:
- If the employee elected to contribute a percentage of pay, contributions are calculated using the reduced basic pay earned.
- If the employee elected to contribute a fixed dollar amount, contributions will be withheld if the employee's pay is sufficient, but if the dollar amount elected exceeds the employee's basic pay no employee contribution will be withheld.
- Federal Employees Retirement System Employees (FERS) Agency Automatic (1%) Contributions will be calculated using reduced basic pay earned.
- FERS Agency Matching Contributions depend upon the amount of the employee's contributions.

Refer to the TSP Fact Sheet for further information. It is available at www.public.navy.mil/donhr/Documents/TSP%20Fact%20Sheet%20-%20Sequestration.pdf.

85. Q: Can an employee take a TSP loan while on furlough?

A: If the furlough is expected to last 30 days or less - yes but if the furlough is expected to last more than 30 days - no. Employees who expect to be furloughed on a periodic basis (for example, one day per pay period) can take a TSP loan but will be responsible for keeping the loan payments up-to-date if pay is not sufficient for the required loan payment to be deducted from pay. See TSP Fact Sheet https://www.tsp.gov/PDF/formspubs/oc95-4.pdf for additional information.

86. Q: How are existing TSP loans handled during a furlough?

A: If salary is sufficient, the loan will be withheld from pay. If pay is not sufficient, the loan payment will not be withheld since payroll offices are not permitted to submit partial loan payments. Employees must submit loan payments with Form TSP-26, Loan Payment Coupon directly to TSP (visit https://www.tsp.gov/pdf/formspubs/tsp-26.shtml). The TSP will notify employees who have missed more than 2½ loan payments at the end of any calendar quarter. The notice will provide the amount needed to bring the loan up-to-date (the "cure" amount). If this amount is not submitted by the required date, the unpaid balance (including any accrued interest) will be declared a taxable distribution. This means the TSP must report to the Internal Revenue Service any outstanding loan balance and interest as income to the employee, and the employee will be required to pay taxes (and potentially a 10% early withdrawal penalty) on the amount. Visit https://www.tsp.gov/PDF/formspubs/oc95-4.pdf for additional information.

87. Q: Can an employee terminate TSP participation during the furlough and re-enroll at a later date?

A. Yes. Employees can make changes (enroll, cancel or change amount) any time, but since TSP is an important part of an employee's financial plan, changes to TSP should be carefully considered.

TSP participation for FERS employees is especially important since it is a large part of total retirement benefits. FERS employees receive matching contributions on the first 5% of pay

contributed each pay period but these matching contributions stop if the employee stops making regular employee contributions.

88. Q: Can the employee retire during a furlough?
A: Yes, employees may retire during a furlough if they meet the age and length of service requirements.

89. Q: How does a furlough affect the calculation of retirement annuity benefits?
A: Generally, furloughs will not affect an annuity benefit under the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS).

The amount of a CSRS or FERS annuity paid by the Office of Personnel Management (OPM) is based primarily on the amount of creditable service an employee performs and the employee's high-3 average salary. Both CSRS and FERS allow service credit for up to 6 months of nonpay status in any calendar year. If a furlough period does not cause an employee to be in a nonpay status for more than 6 months in a calendar year, the furlough period will be included as creditable service in determining the employee's total creditable service used in the annuity computation. If the total amount of time an employee spends in a nonpay status in a calendar year exceeds 6 months, the amount of nonpay status in excess of 6 months in the calendar year will not be creditable for retirement purposes.

The high-3 average salary used to compute CSRS and FERS annuities is the largest annual rate resulting from averaging an employee's *rates of basic pay* in effect over any period of 3 consecutive years of creditable civilian service, with each *rate* weighted by the length of time it was in effect. If a period of nonpay status (such as a furlough) that is creditable for retirement occurs during the 3-year period used to compute the high-3 average salary, the loss of actual pay during that nonpay status period generally would have no effect on the high-3 computation. The basic pay rate in effect during that nonpay status period would be used in the high-3 average salary calculation. For example, if an employee whose annual rate of basic pay is $85,000 is placed in a furlough status for two weeks and that 2-week period falls in the employee's average salary period, that 2-week furlough period will be credited in the high-3 average salary calculation using the $85,000 annual rate of basic pay that was in effect during the furlough period. In this example, the loss of actual pay (or earnings) during that period is not material in the high-3 average salary calculation.

Basic pay for retirement includes locality pay and certain types of additional pay, such as law enforcement availability pay (LEAP), administratively uncontrollable overtime (AUO) pay, standby duty pay, firefighter pay (annualized salary), and market pay for physicians. These types of additional pay are included in the basic pay used to calculate the high-3 average 3 salary during periods of creditable nonpay status as long as the authorization for the payments remains in effect.

Other additional types of basic pay, however, including night shift differential and environmental differential for wage grade employees, and certain overtime pay for customs officers are included in the average salary computation only when an employee has received

90. Q: What happens to mass transit benefits during a furlough (DC metropolitan area)?
A: The monthly maximum that a participant may claim for mass transit subsidy/benefits will remain at $245; since participants may claim only the days for which mass transit was used, furloughed participants - commuting fewer days in a month - will claim fewer days.

Labor Management Relations Implications

91. Q: When an agency is required to affect an administrative furlough, what is the agency's obligation to bargain?
A: The decisions whether to furlough employees and which activities to except from a furlough are management rights that are not subject to bargaining. See 5 U.S.C. 7106(a). However, when the agency determines that an administrative furlough is necessary, Major Commands and the USMC have a duty to notify their exclusive representatives, if any, prior to initiating and implementing any furlough actions. Upon request, Major Commands and the USMC must bargain over any negotiable impact and implementation proposals the union may submit, unless the matter of furloughs is already "covered by" a collective bargaining agreement.

Major Commands and the USMC should be aware that their collective bargaining agreements may also contain provisions with respect to the time frame within which to provide the labor organization notice of a change in conditions of employment. It is advisable to check the Major Commands and the USMC individual labor agreements for applicable notice provisions, and for Major Commands and the USMC to comply with those provisions.

Major Commands and the USMC contracts may also contain provisions regarding "adverse actions" and "reductions in force" (RIF) with which agencies must comply in giving notice to bargaining unit employees of pending furloughs. It is advisable to check the Major Commands' and the USMC's individual labor agreements for applicable "adverse action" and "reduction in force" notice provisions, and to comply with those provisions.

However, in the event that the DON is required to absorb unexpected substantial budget cuts during a short term continuing resolution or because of the limited time remaining in the fiscal year to absorb these unexpected budget cuts, then the DON might be required to furlough without delay because the cuts must be absorbed during the term of the continuing resolution or remainder of the fiscal year and cannot be deferred until later in the year or into a new budget year. In this event, OPM regulation 5 CFR 752.404(d)(2) states that written notice of furlough to individual employees and opportunity to be heard are not required because of unforeseeable circumstances. Unforeseeable circumstances could include unexpected cuts by the Congress to an agency's budget late in the fiscal year. This regulation does not apply to the statutory requirement that agencies provide appropriate notice to labor organizations of changes in conditions of employment.

92. Q: Must agencies complete collective bargaining prior to issuing any furlough notices to bargaining unit employees?

A: To the extent required by law, Major Commands and USMC must satisfy applicable collective bargaining obligations prior to issuing any furlough notices to bargaining unit employees. Issuance of a furlough notice itself has been found to constitute a change in employees' conditions of employment, which means that unless the matter is already "covered by" a collective bargaining agreement, an agency must provide a union with advance notice of the proposed change (e.g. furlough notices being sent to employees) and an opportunity to bargain over any aspects of the change that are negotiable.

93. Q: While no decision has been made to administratively furlough employees, our union has submitted a midterm bargaining request on furlough procedures regarding any possible future administrative furlough. Our collective bargaining agreement is silent on furlough procedures and the union is invoking its right to initiate mid-term bargaining on matters not covered by the agreement. Do we have an obligation to bargain when no decision has been made to furlough employees?

A: Even though no decision has been made to furlough employees, it is possible you have a duty to bargain regarding the union initiated mid-term bargaining request, assuming the matter is not already covered by your collective bargaining agreement. The law requires an agency to bargain during the term of a collective bargaining agreement on negotiable union-initiated proposals concerning matters that are not expressly contained in, or otherwise covered by, the collective bargaining agreement, unless the union has waived its right to bargain about the subject matter involved. With this in mind, you will have to evaluate the circumstances of your situation to determine whether you have a duty to bargain on furlough procedures.

94. Q: What if the union submits proposals to address the possibility of a furlough before any actual decision to furlough has been made? Can we refuse to act on the proposal until management makes a decision to furlough?

A: If your union submits a proposal to bargain a matter not already covered in the collective bargaining agreement (e.g. furlough), management cannot refuse to bargain a union-initiated proposal. To do so would be an unfair labor practice. Additionally, with the tight timeframe for completing the bargaining process if sequestration were to occur, it would be in management's best interest to complete bargaining as soon as possible regardless of the source of the initial proposal.

95. Q: Along with a bargaining request on furloughs, our union has submitted an information request under 5 U.S.C. 7114 seeking information such as the agency administrative furlough plan and a list of employees expected to be furloughed, and whether or not the furloughs are planned to be continuous or discontinuous. Do we have to provide this information?

A: It depends. An agency is required to provide data that is normally maintained, reasonably available, and necessary to perform the representational duties of a union. A union requesting information must establish a particularized need for the information by articulating, with

specificity, why it needs the requested information, including the uses to which the union will put the information and the connection between those uses and the union's representational responsibilities under the statute. The union must establish that the requested information is required in order for the union to adequately represent its members. An agency denying a request for information must assert and establish any countervailing anti-disclosure interests. An agency may not satisfy its burden by making conclusory or bare assertions; its burden extends beyond simply saying "no." With this in mind, you will have to evaluate the circumstances of your situation to determine whether you should provide the requested information.

96. Q: If a bargaining unit employee decides to challenge a discontinuous administrative furlough, what is the timeframe for the employee to file a grievance under the negotiated grievance procedure (NGP)?
A: The time limits and other procedures applicable to bargaining unit employees are spelled out in applicable provisions of negotiated agreements.

97. Q: In the event of a furlough, what kind of topics may a union bargain over?
A: Generally, a union will wish to negotiate the procedures management will follow when implementing a furlough. For example, a union may wish to negotiate over how employees will be notified of the furlough (e.g., personal delivery, letter, email, etc.), how employees will be selected for furlough (e.g., by seniority, volunteers first, etc.), the content of the employee notice itself, as well as the timing and length of the notice.

A union may also wish to negotiate appropriate arrangements for those bargaining unit employees who sustain an adverse impact as a result of management's actions. For example, a union may wish to negotiate over how the days of the furlough are implemented (e.g., all at once or over a period of time) or prescribing the criteria management will consider in furloughing employees (e.g. use of retention list and release employees using RIF procedures).

98. Q: May a manager or supervisor have a meeting with employees in a bargaining unit to discuss an administrative furlough without a union representative present?
A: The law grants a union the right to be represented at certain meetings between managers and one or more bargaining unit employees if the meeting concerns issues such as personnel policies or practices or other general conditions of employment. Under the law, this meeting is referred to as a "formal discussion." With this in mind, Commands will have to evaluate the circumstances of their situation to determine whether the meeting constitutes a formal discussion. If Commands have determined the meeting is a formal discussion, advance notice of the meeting must be provided to the union. See 5 U.S.C. 7114(a)(2)(A). Activities and Commands are advised in the strongest possible terms to err on the side of caution in such circumstances and invite the union to be represented.

Federal Employees on Military Duty

99. Q: Will employees continue to receive a reservist differential payment (5 U.S.C. 5538) if they are affected by an administrative furlough from their Federal civilian position while on active duty?

A: It depends. In computing a reservist differential, the DON must compare the employee's projected civilian basic pay to the allocated military pay and allowances for each civilian pay period. If an employee is affected by a furlough from his or her Federal position while on active duty, the DON must reduce the employee's projected civilian basic pay during any pay period in which furlough time off occurs. If the allocated military pay and allowances are greater than or equal to the projected civilian basic pay adjusted for furlough time off, no reservist differential is payable for that pay period. If the projected civilian basic pay (as reduced to account for furlough time off) is greater than the allocated military pay and allowances, the difference represents the unadjusted reservist differential.

100. Q: Will there be an impact on an employee's General Schedule or Federal Wage System within-grade increases (WGI) waiting period if the employee is affected by an administrative furlough while in an Absent – Uniformed Service status?

A: No. A furlough has no impact on an employee's General Schedule or Federal Wage System WGI waiting period if the employee is affected by a furlough while in an Absent – Uniformed Service status (i.e., Nature of Action Code 473, which is used when the employee has restoration rights). An absence for the purpose of engaging in military service is creditable service in the computation of waiting periods for successive WGIs when an employee returns to a pay status through the exercise of a restoration right provided by law, Executive order, or regulation. (See 5 CFR 531.406(c)(1)(i) and 5 CFR 532.417(c)(4).)

Priority Placement Program (PPP)

101. Q: Are employees eligible to register in the PPP if they are furloughed?

A: Unless an employee is furloughed for six months consecutively, employees are not eligible to register in the PPP on the basis of furlough alone. There may be other qualifying events which would change your PPP eligibility.

102. Q: Are employees registered in PPP still considered for positions during the furlough period?

A: Yes; the PPP remains in effect for positions being recruited during the furlough period.

103. Q: A PPP registrant was selected and has an established EOD date. The gaining activity says the employee will be furloughed upon EOD. The PPP registrant is in a duty status at the losing activity. Can the losing and gaining activities agree to delay the EOD date?

A: Yes; however, the registrant's separation date should be taken into account. If they are scheduled to separate prior to the end of the furlough period, registrants may be allowed to choose between delaying the EOD and being processed on the gaining activity's rolls and immediately placed on furlough.

104. Q: A PPP registrant will be reporting to an activity (in a work status) during the furlough period. The gaining activity has been told that the tour of duty cannot include an Alternate Work Schedule (AWS) until after the furlough period. The employee's PPP offer had an AWS. If the offer still valid?

A: Yes, it remains a valid offer – the employee also would be subject to furlough and loss of AWS – and because it is a valid offer, if the employee turns it down, they come out of PPP.

Other Programs/Areas

105. If the furlough impacts my ability to meet my financial obligations (e.g., mortgage or rent payments), will this impact my security clearance?

A: A furlough is a circumstance beyond your control. The Federal Adjudicative Guidelines specify that the adjudicative process is the careful weighing of a number of variables known as the whole person concept. Mitigating factors may include: the conditions that resulted in the concern were largely beyond the person's control and whether (or not) the individual acted responsibly under the circumstances As a proactive measure, you may wish to contact your local Employee Assistance Program (EAP) to see if financial planning is available.

106. Q: Beyond working with creditors, documenting the situation, and keeping the security office informed, what else can an employee do to protect a security clearance?

A: Candidates for security clearance are evaluated to assess judgment, reliability, trustworthiness, and being an overall good security risk. If you consistently act in ways that reflect your good judgment your security clearance should not be at risk. In addition to the actions listed above, you should ensure that any financial problems do not adversely impact other areas of your life. Financial hardships can be very stressful and lead to a person making bad decisions in other areas. If you start to encounter financial problems, credit counseling may be a useful tool; the National Foundation for Credit Counseling (http://www.nfcc.org/) is a nonprofit organization offering help for individuals experiencing financial problems.

107. Q: What kinds of financial hardships should be reported if they occur?

A: Employees should notify their security officer or supervisor in writing if, because of furlough, they: (1) face bankruptcy, (2) are unable to pay Federal, state or other taxes required by law or ordinance, (3) require credit counseling, (4) become delinquent on alimony or child support payments, (5) have a judgment entered against you for failure to meet financial obligations, (6) have liens placed against you, (7) become delinquent on a Federal debt, (8) have possessions or property repossessed, (9) default on loans, (10) have accounts turned over to a collection agency, (11) have credit accounts suspended, charged off, or cancelled for failure to pay as agreed, (12) are evicted for non-payment, (13) have wages garnished in order to satisfy a financial obligation, or (14) become over 120 days delinquent on a debt. Providing notification demonstrates responsibility which can mitigate any security concerns about the debts themselves.

108. Q: Are there other avenues to refer employees who need someone to talk to if times get too tough?

A: Support is available 24/7 through Navy 311 (Chaplain Care) – contact info posted at www.chaplaincare.navy.mil/ . Military Family Life Consultants also provide support — Duty Cells: 571-581-8016 and 703-414-9883.

109.* Q: Is the Living Quarters Allowance (LQA) reduced during an administrative furlough? *(updated)

A: No – generally, LQA is not impacted by an administrative furlough of 176 hours or fewer as long as an employee continues to make housing payments and periods of non-pay status do not exceed 30 days at one time. Other allowances (including post allowance), except danger pay and post differential, continue for periods of non-pay status that do not exceed 14 days at one time. Payment of post differential and danger pay allowance is suspended while an employee is in non-pay status.

110. Q: Will administrative furloughs impact PCS entitlements?

A: Generally no – PCS entitlements would not be impacted unless a furlough day is scheduled on the scheduled report for duty day. HR and supervisors should be mindful when providing furlough dates for employees who are in a PCS status. For example, if an employee is expected to report (entrance on duty - EOD) on Monday, he or she should not be furloughed for that day in lieu of administrative leave.

111. Q: Can an employee attend previously scheduled work-related training on a furlough day?

A: No. The employee may want to consult with their supervisor to explore other options in scheduling either the training or the furlough day. Please remember, an employee cannot work in any capacity, including training assignments, on a furlough day.

112. Q: What are employees who are in a long-term developmental assignment or activity allowed to do on furlough day(s)?

A: Employees cannot attend any developmental activities on a furlough day, nor work on any developmental assignments on the furlough day. In general, developmental program managers are aware of the furlough and will, to the extent possible, synchronize furlough days with the DON to mitigate the furlough's impact on participants. Employees should consult with their Command training program manager for more information.

113. Q: Are furloughed detailees returned to their home agencies following any furlough?

A: Detailed employees remain officially assigned to their permanent positions during the detail. During a furlough, each agency will determine the status of their employees on detail within the agency or to another agency.

114. Q: Do all detailees follow the furlough policies and procedures of their home agencies if the detail continues?

A: Yes, because all detailees remain officially employed by the agencies from which detailed. If furlough is required, the home agency will determine if and how the detailed employee is affected.

115. Q: Are cash awards impacted by the furlough?

A: Consistent with DoD guidance in response to the Office of Management and Budget (OMB) February 27 guidance memorandum, the DON will not issue discretionary monetary awards to civilian employees (except those which are legally required).

Where to Go for Additional Information

For additional information, the following resources are available:

- See the DON Office of Civilian Human Resources webpage on the furlough at **http://www.public.navy.mil/donhr/Pages/furloughGuidanceIssued.aspx**
- Email **DONhrFAQ@navy.mil**

Appendix A - Premium Pay Sample Calculation

For example, consider a GS-15, step 10, criminal investigator in Washington, DC. Criminal investigators are entitled to LEAP equal to 25% of the investigator's basic pay, subject to the biweekly premium pay cap, which can reduce or eliminate the LEAP payment. Normally, A GS-15, step 10, investigator would receive 0% LEAP since his/her adjusted rate of basic pay is already at the cap.

- Assume the investigator is entitled to a GS-15, step 10, locality rate of $155,500 (EX-IV locality rate cap). The hourly rate is $74.51 and the biweekly rate is $5,960.80. Let's say this investigator is furloughed for 2 workdays. The investigator's basic pay would be reduced to $4,768.64 (80-16=64 hours, 64 hours x $74.51 = $4,768.64).
- Uncapped LEAP for 80 hours of basic pay = 25% x $5,960.80 = $1,490.20
- Uncapped LEAP for 64 hours of basic pay = 25% x $4,768.64 = $1,192.16.
- Basic pay + uncapped LEAP = $4,768.64 + $1,192.16 = $5,960.80, which equals the premium pay cap. So, the investigator receives the full 25% LEAP.
- In this example, the investigator's hours were reduced by 16 hours out of 80 (20%), leaving basic pay at 80% of the normal amount. 25% LEAP x 80% of normal basic pay = 20% of normal basic pay for an 80-hour biweekly pay period (which would have applied but for the furlough). Thus, the LEAP replaced the lost basic pay exactly.
    - Uncapped LEAP decreased from $1,490.20 to $1,192.16.
- Capped LEAP increased from $0 to $1,192.16.
- Basic pay decreased from $5,960.80 to $4,768.64, a reduction of $1,192.16.
- Capped LEAP increase = Basic pay decrease.

Appendix B – Overtime Pay Guidance & Credit Hour Examples

As provided by 5 CFR 550.112(d)(1), an employee's hours of work outside of his or her basic workweek, but occurring in the same administrative workweek as furlough hours, must be substituted for furlough hours in pay computations, as long as the hours of work outside the basic workweek do not qualify for an overtime rate on the basis of exceeding 40 hours in a workweek. (*Note: For hours that qualify for an overtime rate on the basis of exceeding 8 hours of work in a day, this substitution rule does not apply.*) Those substituted hours are paid for at the rate applicable to hours in the employee's basic workweek. After all furlough hours during the employee's basic workweek are substituted for, any remaining hours of work are overtime hours on the basis of exceeding 40 hours in a workweek.

Similarly, as provided by 5 CFR 550.112(d)(2), an employee's hours of work outside of his or daily tour of duty, but in the same workday as furlough hours, must be substituted for such furlough hours in pay computations. Those hours are paid for at the rate applicable to the employee's daily tour of duty. After all furlough hours during the employee's daily tour of duty are substituted for, any remaining hours of work are overtime hours on the basis of exceeding 8 hours in a workday (for employees subject to the 8-hour daily overtime threshold).

The substitution rule in 5 CFR 550.112(d) does not change an employee's basic workweek or daily tour of duty. The hours worked outside the employee's basic workweek or daily tour of duty are substituted for the purpose of pay computations. Under the rule, substituted hours are paid at the rate "applicable to" hours in the basic workweek or daily tour of duty, even though the hours were worked outside those periods. This rule simply recognizes that leave without pay hours (such as furlough hours) do not count toward weekly and daily overtime thresholds.

Examples

For purposes of these examples, an employee with a Monday–Friday, 8-hour per day work schedule is required to work overtime in a workweek during which he or she also has 1 day (8 hours) of designated furlough time off. (As described in Question L.1., agencies have discretion to implement an administrative furlough to best absorb budget reductions over the course of the fiscal year and do not need to follow the same procedures.)

- Example A. An employee is furloughed for 8 hours on Monday, works 8 hours per day on Tuesday–Friday, and is required to work 4 hours on Saturday.

  The 4 hours of work on Saturday are substituted for 4 of the furlough hours on Monday and paid at the rate applicable to the employee's basic workweek (i.e., basic rate), consistent with 5 CFR 550.112(d)(1). The employee cannot receive overtime pay, or compensatory time off in lieu of overtime pay, for the 4 hours of work on Saturday.

- Example B. An employee is furloughed for 8 hours on Monday, works 8 hours per day on Tuesday–Friday, and is required to work 4 additional hours on Friday evening after completing his 8-hour daily tour of duty.

  The additional 4 hours of work on Friday evening are beyond the 8-hour daily overtime pay threshold and the employee is entitled to an overtime rate for those hours based on 5 U.S.C. 5542(a). The substitution rule in 5 CFR 550.112(d)(1) bars paying an overtime rate for substitutable hours outside the basic workweek "on the basis of exceeding 40 hours in a workweek." However, the 40-hour overtime pay threshold is not the basis for paying an overtime rate for the 4 additional hours of work on Friday evening. Since the 8-hour overtime pay threshold is being used, those 4 hours are not substituted for the Monday furlough hours in pay computations; thus, an overtime rate applies. If appropriate, the employee may receive compensatory time off in lieu of overtime pay for the 4 additional Friday hours under the normal rules governing compensatory time off.

- Example C. An employee is furloughed for 8 hours on Monday and works 8 hours per day on Tuesday–Friday. The employee is required to work 4 hours on Monday evening during hours outside of his daily tour of duty.

  For purposes of pay computations, the 4 hours of work on Monday evening are substituted for 4 hours of furlough time off taken during the employee's daily tour of duty on Monday and paid for at the rate applicable to the employee's daily tour of duty (i.e., basic rate), consistent with 5 CFR 550.112(d)(2). The employee cannot receive overtime pay, or compensatory time off in lieu of overtime pay, for the 4 hours worked on Monday evening because the hours are not overtime hours.

Note 1: The above scenarios assume the employee's administrative workweek and workdays are based on calendar days. The administrative workweek can be based on any 24-hour period. (See 5 CFR 610.102.) That would affect application of 5 CFR 550.112(d), which is based on the applicable "administrative workweek" and "workday."

Note 2: For employees on flexible or compressed work schedules, the "basic work requirement" is generally equivalent to the "basic workweek." However, no hour within the basic work requirement can be an overtime hour, even if those basic work requirement hours exceed 8 hours of work in a day or 40 hours of work in a week.

For example, if an employee on a flexible or compressed work schedule has a 9-hour basic work requirement on a given day, only hours of work outside the 9-hour basic work requirement could be overtime hours. In other words, while hours of work (including any paid time off but excluding hours in nonpay status) within the basic work requirement count as hours of work in applying the 8-hour daily and 40-hour weekly overtime thresholds, only hours of work outside the basic work requirement may receive an overtime rate. Hours outside the daily or weekly basic work requirement are substituted, as appropriate, for furlough hours under the rules in 5 CFR 550.112(d).

For example, if an employee is placed in furlough status during a 9-hour daily basic work requirement and works 4 hours outside the basic work requirement on that same day, those 4 hours would be substituted and paid at the rate for basic work requirement hours. An employee on a

flexible work schedule may have the option to earn credit hours by working hours outside the basic work requirement. The rules governing credit hours remain applicable in the context of an administrative furlough.

Appendix C – Unemployment Offices by State

The list below gives websites or instructions for each state when filing an initial claim for unemployment; different procedures often apply when filing claims for additional benefits. Kentucky has a website – at http://www.oet.ky.gov/des/ui/staterefguide.asp - that lists state websites, plus telephone numbers, for about 40 states.

Alabama – http://dir.alabama.gov/uc
Alaska – http://www.labor.state.ak.us/esd_unemployment_insurance/biff-splash.htm
Arizona – https://www.azdes.gov/landing.aspx?id=4211
Arkansas - http://www.arkansas.gov/esd/UI/index.htm
California – https://eapply4ui.edd.ca.gov/
Colorado –
https://wwws.coworkforce.com/ucontinuedclaims/default.asp?ci=0&ps=0&er=0&li=e
Connecticut –http://www.ctdol.state.ct.us/progsupt/unemplt/M1A/LogInIntro.htm
Delaware – http://www.delawareworks.com/Unemployment/welcome.shtml
District of Columbia – https://does.dcnetworks.org/InitialClaims/
Florida –
http://www.floridajobs.org/job-seekers-community-services/reemployment-assistance-center/file-a-claim
Georgia - http://www.dol.state.ga.us/
Hawaii – http://hawaii.gov/labor/ui
Idaho – http://labor.idaho.gov/dnn/Default.aspx?alias=labor.idaho.gov/dnn/idl
Illinois – http://www.ides.state.il.us/individual/certify/default.asp
Indiana – http://www.in.gov/dwd/
Iowa – http://www.iowaworkforce.org/ui/file1.htm#1.
Kansas – www.getkansasbenefits.gov
Kentucky – http://www.kewes.ky.gov/
Louisiana – https://laors.laworks.net/laclaims/Web site/
Maine – https://gateway.maine.gov/DOL/mics/BasePage.aspx
Maryland – electronic filing not permitted if employee worked for the Federal Government in the past 18 months. File by phone at 410-949-0022 in the Baltimore area, or 1-800-827-4839 outside the Baltimore area. Information is at http://www.dllr.state.md.us/employment/unemployment.shtml
Massachusetts – initial claim by phone or in person only. File by phone at 1-877-626-6800 from Massachusetts, 617-626-6800 outside Massachusetts. Information is at http://www.mass.gov/?pageID=dlwdconstituent&L=2&L0=Home&L1=Claimants&sid=Edwd
Michigan – http://www.michigan.gov/uia/0,1607,7-118--77962--,00.html
Minnesota – http://www.uimn.org/
Mississippi http://mdes.ms.gov/unemployment-claims/
form must then be brought in person to a Mississippi Job Center

Missouri – http://www.labor.mo.gov/DES/Claims/
Montana – https://app.mt.gov/ui4u/index
Nebraska – https://uibenefits.nwd.ne.gov/BPSWeb/jsp/BPSClaimantWelcome.jsp
Nevada – http://www.ui.nvdetr.org/UI_Agreement.html
New Hampshire – http://www.nh.gov/nhes/
New Jersey – http://lwd.dol.state.nj.us/labor/ui/ui_index.html
New Mexico – http://www.dws.state.nm.us/
New York – https://ui.labor.state.ny.us/UBC/home.do?FF_LOCALE=1
North Carolina – https://www.ncesc.com/individual/webInitialClaims/applyBegin.asp
North Dakota – https://secure.apps.state.nd.us/jsnd/uiiaclaims/login.htm
Ohio – http://unemployment.ohio.gov/
Oklahoma – https://unemployment.state.ok.us/instructions.asp?x=n
Oregon – http://findit.emp.state.or.us/ocs
Pennsylvania – https://www.paclaims.state.pa.us/UCEN/
Puerto Rico - http://www.trabajo.pr.gov/
Rhode Island – https://uiclaims.state.ri.us/RI-ICS/Intro/index.aspx?AC=yes
South Carolina – http://dew.sc.gov/
South Dakota – http://dlr.sd.gov/ui/default.aspx
Tennessee – http://www.state.tn.us/labor-wfd/esdiv.html
Texas – http://www.twc.state.tx.us/ui/uiclaim.html
Utah – http://jobs.utah.gov/ui/WebInitialCubs/Welcome.aspx
Vermont – file by phone only, by calling 1-877-214-3330. Information is at http://www.labor.vermont.gov/Unemployed/tabid/109/Default.aspx
Virginia – http://www.vec.virginia.gov/vecportal/seeker/jslogin.cfm
Virgin Islands – file in person only; contact information is listed at http://www.vidol.gov/OP/Contact.htm
Washington – http://www.esd.wa.gov/uibenefits/index.php
West Virginia – http://www.wvuc.org/
Wisconsin – https://ucclaim-wi.org/InternetInitialClaims/InfoBasicRequirements.asp
Wyoming - https://doe.state.wy.us/InetClaims/

Appendix D – SECDEF Letter to Employees

SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

FEB 20 2013

MEMORANDUM FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES

SUBJECT: Preparations for Potential Sequestration on March 1 and Furlough Notifications

For more than a year and a half, the President, the Joint Chiefs of Staff, and I have repeatedly voiced our deep concerns over the half a trillion dollars in automatic across-the-board cuts that would be imposed under sequestration and the severe damage that it would do to both this Department and our national defense.

The Administration continues to work with Congress to reach agreement on a balanced deficit reduction plan to avoid these cuts. Meanwhile, because another trigger for sequestration is approaching on March 1st, the Department's leadership has begun extensive planning on how to implement the required spending reductions. These cuts will be magnified because the Department has been forced to operate under a six-month continuing resolution that has already compelled us to take steps to reduce spending.

In the event of sequestration, we will do everything we can to continue to perform our core mission of providing for the security of the United States, but there is no mistaking that the rigid nature and scale of the cuts forced upon this Department will result in a serious erosion of readiness across the force.

I have also been deeply concerned about the potential direct impact of sequestration on you and your families. We are doing everything possible to limit the worst effects on DoD personnel – but I regret that our flexibility within the law is extremely limited. The President has used his legal authority to exempt military personnel funding from sequestration, but we have no legal authority to exempt civilian personnel funding from reductions. As a result, should sequestration occur and continue for a substantial period, DoD will be forced to place the vast majority of its civilian workforce on administrative furlough.

Today, I notified Congress that furloughs could occur under sequestration. I can assure you that, if we have to implement furloughs, all affected employees will be provided at least 30 days' notice prior to executing a furlough and your benefits will be protected to the maximum extent possible. We will work to ensure that furloughs are executed in a consistent and appropriate manner, and we will also continue to engage in discussions with employee unions as appropriate. More information and answers to frequently asked questions regarding furloughs can be found at www.opm.gov/furlough, under the "administrative furlough" section.

OSD001644-13

Working with your component heads and supervisors, the Department's leaders will continue to keep you informed. As we deal with these difficult issues, I want to thank you for your patience, hard work, and continued dedication to our mission of protecting the country.

Our most important asset in the Department is our world-class personnel. You are fighting every day to keep our country strong and secure, and rest assured that the leaders of this Department will continue to fight with you and for you.

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Appendix E – Under Secretary of the Navy – Memo on Planning Guidance

THE UNDER SECRETARY OF THE NAVY
WASHINGTON DC 20350-1000

FEB 21 2013

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Planning Guidance for Potential Civilian Furloughs

References: (a) Letter from Secretary of Defense Leon Panetta to the Honorable Joseph R. Biden, Jr., President of the Senate, dated 20 February 2013
(b) DoD Fact Sheet: Year-Long Sequestration and Continuing Resolution
(c) Secretary of Defense Memorandum for Department of Defense Civilian Employees, subject: Preparations for Potential Sequestration on 1 March 2013 and Furlough Notifications, dated 20 February 2013
(d) DoD Fact Sheet: Furlough Planning

1. On 20 February 2013, as required by statute, Secretary of Defense Leon Panetta notified the President of the Senate, Speaker of House, and other Congressional leaders of the possibility that the Department of Defense may be forced to furlough members of its civilian workforce (see reference (a)). These furloughs could result from the budgetary impacts of a year-long Continuing Resolution coupled with the across-the-board Federal spending cuts required by the Budget Control Act of 2011, commonly referred to as "sequestration" (see reference (b)).

2. As outlined in reference (c), the Administration is working closely with Congress to reach an agreement on a balanced deficit reduction plan that would avoid sequestration. In the event these efforts fail, then civilian furloughs could result. To prepare our people for this possibility, DoD published some general facts about the mechanics of implementing furloughs (see reference (d)). This memorandum provides commanders and budget submitting officers with further Department of the Navy (DON) guidance to plan for furloughs if they become necessary.

3. The impact of furloughs on our civilian workforce is not lost on DON leadership, and we hope to avert them if possible. However, simple prudence dictates that we plan for the worst and prepare our people for the possibility that furloughs may indeed occur. The following guidance reflects a consistent DoD-wide approach that will impact the entire Department in a similar manner.

SUBJECT: Planning for Potential Civilian Furloughs

4. If sequestration triggers, all appropriated fund employees, regardless of the funding source, would be subject to administrative furlough. Few, if any, exceptions will be granted, and any exception must come from one of the following six categories:

a. Civilians deployed in a combat zone or civilian mariners deployed onboard ships at sea (Military Sealift Command ships in a maintenance status overseas are subject to furlough of civilian mariners);

b. Civilians directly responsible for safety of life or property – only to the extent needed to prevent unacceptable risk or catastrophic gaps in the safety and protection of life or property;

c. Civilian employees paid with non-appropriated funds;

d. Employees exempt by law (i.e., employees appointed by the President with the advice and consent of the Senate – (PAS));

e. Foreign nationals;

f. All medical service civilian employees are subject to furlough except those that provide 24-hour inpatient care or emergency service, and personnel providing ancillary services directly supporting the 24-hour inpatient care and emergency services.

5. To prepare for the administrative furlough, all employees will initially be defaulted to furlough status. Absent approval from the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) and the Secretary of the Navy, BSO Commanders are limited to identifying those civilian employees who meet the stringent exception requirements outlined subparagraphs (a) through (f) above. Exceptions previously identified during shutdown or emergency (unplanned) events do not apply to administrative furlough exceptions — mission critical employees, while still identified as such, are not excepted during an administrative (planned) furlough. Any additional DON requests for exceptions will be submitted for consideration to the Office of the Secretary of Defense (Personnel & Readiness).

6. Any requests for exceptions must be submitted to the ASN (M&RA) by 27 February 2013 for consideration and approval by the Secretary of the Navy. Requests for exceptions should be submitted via the Director, Office of Civilian Human Resources in the format found in enclosure (1). This form will provide us with details on requested furlough exemptions as well as an estimate of lost furlough labor savings accompanying the requested exemptions.

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SUBJECT: Planning for Potential Civilian Furloughs

7. All administrative furloughs will be limited to 176 hours, approximately 22 workdays. For general planning, furloughs typically will be executed in increments of approximately 16 hours per pay period to mitigate the impact on the mission and employees. The hours/time for the administrative furloughs will be determined by Budget Submitting Office (BSO) Commanders and shall be dependent upon mission requirements. Plans to deviate from the general planning guidelines will be coordinated with ASN (M&RA) as there are potential ramifications to the employees and commands if modified plans are adopted. BSO Commanders may delegate the coordination and scheduling of the furloughs as appropriate for carrying out the mission requirements. (Note: Scheduling of furlough days for employees is subject to local bargaining requirements.)

8. During the furlough, DON leaders and managers must control leave and absences for the military and civilian workforce in order to mitigate the impact of the furlough on mission and readiness. Major Commands and the United States Marine Corps may not use contract funding or premium pay (e.g., compensatory time or overtime) to offset lost time under the furlough. Further, where employees are excepted from the administrative furlough, managers may deny paid personal leave if mission requirements are jeopardized.

9. We recognize that over the course of the furlough, DON's civilian workforce capability will be reduced by approximately 20 percent. Our Sailors and Marines will not be expected to replace that capacity and services will be negatively impacted. Additionally, the DON cannot transfer inherently governmental work to the contractor workforce. Finally, our furloughed civilians are prohibited by law from working from home or on-site (officially or unofficially) during their furlough days — employees and their supervisors will be subject to Anti-Deficiency Act violations and may be subject to disciplinary action.

10. We will continue to work with DoD to mitigate the impacts of the fiscal uncertainty on our workforce and our mission. I appreciate your dedication and ongoing service against the backdrop of the unprecedented challenges we face.

Robert O. Work

Enclosure: 1. Department of the Navy Civilian Personnel Furlough Exception Request

Distribution:
Echelon 1 and 2 Activities
Budget Submitting Office

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Appendix F – Message from Commandant of Marine Corps

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:
12351
CL
FEB 15 2013

From: Commandant of the Marine Corps
To: My Civilian Marines

Subj: SEQUESTRATION IMPACTS; POSSIBLE FURLOUGHS

1. Civilian Marines are critical to the Marine Corps' role in protecting our Nation. I appreciate that you have already sacrificed through a decade of high tempo deployments and combat operations. You have remained by our side during nearly three years of pay freezes and increasing work. Thank you for all that you do and have done for our Corps and country. Unfortunately, I may have to ask you to do even more.

2. As you are aware, there has been much speculation about our current fiscal situation. This is my first opportunity to address the matter with you. Our Nation's political leaders are working hard to resolve these issues. One issue involves what is referred to as "sequestration"—or across the board budget reductions-which could take effect on March 1, 2013, absent further legislation. The President has expressed his intention to exempt military personnel funding from these cuts. The law does not, however, permit similar civilian funding protections.

3. There is no shortage of examples of Civilian Marine dedication. In the past year, 66 employees crossed the 40 year service milestone; another 1,300 employees have 30 years of service. One of those with 40 years has been a mainstay at Headquarters Marine Corps, faithfully serving through the 9/11 attacks and the following decade of war. Our civilians are interwoven throughout, contributing to our entire organization. Our nearly 450 Family Readiness Officers directly support the operating forces, allowing our operators to focus on the mission at hand. A group of 36 Civilian Marines in the Marine Corps Facility Services Directorate are universally recognized for enabling operators to conduct realistic training and effectively execute their missions. These Civilian Marines typify the remarkable performance of over 20,000 Civilian Marines serving our Corps.

4. Every civilian in our organization is important to me, just as is every Marine. I want to ensure that all Civilian Marines, as well as the Marines and Sailors within our ranks, understand that

I intend to do my utmost to ensure that the Marine Corps continues to accomplish its missions, while keeping faith with you.

5. The current situation requires tough decisions. With or without sequestration, challenging fiscal times lie ahead. In addition to our active duty force reductions of 20,000 Marines, I anticipate reductions in programs and other areas. The Marine Corps, like the rest of our Armed Forces, will have to find ways to accomplish missions within reduced budgets. Some form of reduction in civilian personnel accounts over the coming year is likely unavoidable. As a result, there may be administrative furloughs. Potential actions will only occur after a careful examination of other viable cost-reduction options.

6. Our continued success will be built on a team approach, one in which everyone involved is kept fully informed to the extent possible. Your expertise and insights will add value to the effort. While I know that it's difficult, our situation requires patience so that we can properly analyze our options. No matter what happens, we will work together to minimize any adverse impacts on the mission, and reduce as much as possible any adverse effects on you and your family.

7. I greatly appreciate the importance of what our Civilian Marines do each and every day, the sacrifices you make on behalf of our Nation, and the value you add to our Corps. You have all contributed through your service to our organization; unfortunately, this situation may require me to ask you to sacrifice yet again. We are one Marine Corps family, and we will continue as such. Regardless of what may lie ahead, I know that as a team we can successfully weather any challenge. In its truest sense, I remain…

Semper Fidelis

JAMES F. AMOS

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Appendix G – Message from Chief of Naval Operations

DEPARTMENT OF THE NAVY
CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-1000

12300
Ser N00/100015
20 Feb 13

From: Chief of Naval Operations
To: Navy Civilian Employees

Subj: IMPORTANCE OF CIVILIANS TO NAVY MISSION

1. Navy civilians are essential to what we do as a Navy. You repair and maintain our ships, aircraft, and combat systems; plan and manage our budgets; and design and engineer our future force. Your efforts remain absolutely essential to our ability to be ready to fight and win today while preparing for tomorrow's challenges.

2. Today, 186,000 Navy Civilians serve in every state and 20 countries overseas. I have seen firsthand your dedication, pride, and unwavering commitment, and I appreciate your steadfastness through this challenging time.

3. As we prepare for potential budget shortfalls, I remain focused on supporting our Sailors, Civilians, and their Families and funding our most important missions. Today, the Defense Department notified Congress that it plans to furlough Civilian personnel if sequestration goes into effect. If sequestration begins 1 March, furloughs would begin in late April. Information on the furlough process and your rights and benefits is at: www.navy.mil/docs/CivilianFurloughsInfoImpacts_19FEB13.ppt. I will do everything possible to keep you informed and direct you to resources available to you and your families.

4. The Navy will remain on the front line of our Nation's efforts in war and peace. Navy Civilians will continue to play a critical role in those efforts, even in the face of budget uncertainty and fiscal challenges. Thank you for the incredible work you do each and every day, and for carrying forward our more than two-century tradition of warfighting excellence and resilience.

Jonathan W. Greenert
JONATHAN W. GREENERT