



United States Department of the Interior

OFFICE OF THE SECRETARY

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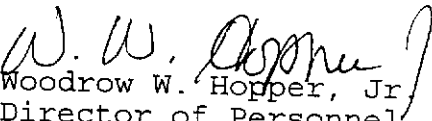
AUG 22 1995

HUMAN RESOURCES MANAGEMENT LETTER NO. 95-9 (920)

SUBJECT: Furlough in the Senior Executive Service

Attached is the revised Departmental policy for furlough in the Senior Executive Service. This plan replaces the plan contained in the Departmental Manual (370 DM 920, Subchapter 8; issued May 1983).

This revised furlough policy for the SES is effective immediately.


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Attachment

U.S. DEPARTMENT OF THE INTERIOR

PLAN
for
FURLOUGH IN THE SENIOR EXECUTIVE SERVICE

1. Definition

A furlough is the act of placing employees in a temporary status without duties and pay because of lack of work or funds, or for other nondisciplinary reasons. There are two types of furloughs -- emergency and planned

An emergency furlough is implemented in situations when the Department no longer has the necessary funds to operate and by law must shut down all activities which are not excepted by standards issued by the Office of Management and Budget. The Department usually will have very little lead time to plan for an emergency furlough, and therefore may be unable to provide advance notice or to determine how many furlough days will be required. An example of a situation which warrants an emergency furlough is when there is neither appropriations legislation nor a continuing resolution in place at the beginning of a fiscal year to fund activities.

A planned furlough is a planned event designed to absorb reductions necessitated by downsizing, reduced funding, lack of work, or any other event which requires the Department to save money. A planned furlough differs from an emergency furlough in that the Department has sufficient time to give adequate notice of its specific furlough plan and how many furlough days will be required. An example of a situation which warrants a planned furlough is if, as a result of Congressional budget decisions, the Department is required to absorb spending reductions over the course of a fiscal year.

2. Policy

The Department will implement a furlough in the career Senior Executive Service only when immediate cost savings are imperative and when a reduction in force is neither necessary nor warranted.

Further, the Department will implement a furlough in the career SES only when circumstances indicate that the affected executives can be recalled at the end of the furlough and that the furlough will last less than one year. Otherwise, the Department will implement reduction in force procedures.

3. Coverage

The Department's SES furlough policy applies to all SES career appointees, including career appointees serving in a probationary period, in all Offices and Bureaus within the Department, with the exception of the Office of the Inspector General.

Noncareer, limited term, and limited emergency SES appointees, as well as reemployed annuitants, may be furloughed without regard to these provisions.

4. Responsibilities for implementing a furlough in the SES

The Executive Resources Board has the responsibility to approve the implementation of a furlough in the SES.

The ERB will make the decision to implement an emergency furlough and will direct the Office of Personnel to manage the emergency furlough procedures Departmentwide.

Assistant Secretaries or equivalent officials will request ERB approval to conduct a planned furlough within their organizations. Such proposals will be supported by a furlough plan, which will include:

- (1) a statement indicating the reasons for the proposed furlough, a rationale supporting why a furlough is the best mechanism to resolve the situation, and an accounting of the savings to be accrued;
- (2) the organization units to be involved in the planned furlough;
- (3) the names, position titles, and ES pay rates of the career SES appointees proposed for furlough;
- (4) the length of the proposed furlough;
- (5) the beginning and ending dates of the proposed furlough; and
- (6) a draft notice to executives who would be affected by the proposed furlough.

5. Competition for Furlough

Furloughs which last more than 30 calendar days, or more than 22 work days if the furlough does not cover consecutive calendar days, must be conducted under the competitive procedures established for reduction in force in the SES. This guidance is found in Human Resources Letter 95-8 (920), issued July 11, 1995. The competitive procedures are used to identify which executives will be furloughed.

Furloughs lasting less than 30 calendar days (or less than 22 work days) may be conducted without competitive procedures. Heads of Bureaus and Offices, with the concurrence of the cognizant Assistant Secretary or equivalent official and the approval of the ERB, have authority to determine which career SES appointees will be affected by furloughs of less than 30 calendar days.

6. Length of furlough

A furlough may not last for more than one year. Reduction in force procedures will be implemented when curtailment of work or lack of funds is expected to last for more than one year.

7. Notice

Career SES appointees identified for furlough will receive a written advance notice at least 30 days prior to the action. In the case of a planned furlough, the advance notice will be provided by the appropriate Assistant Secretary or equivalent official. In the case of an emergency furlough, the notice will be provided by the Director of Personnel, acting on behalf of the Executive Resources Board.

The advance notice period may be shortened or waived, as necessitated by unforeseeable circumstances or sudden emergencies which require immediate curtailment of activities and create the need for an emergency furlough.

The written advance notice will include:

- (1) the reason for the furlough action;
- (2) the expected duration of the furlough and the effective dates;

- (3) the basis for selecting the executive for furlough (when some but not all career SES appointees in the organizational unit are being affected);
- (4) the reason if the notice period is less than 30 days;
- (5) the place where the executive may inspect the regulations and the records pertinent to the action; and
- (6) the executive's appeal rights, including the time limit for the appeal and the location of the Merit Systems Protection Board office to which the appeal should be sent.

8. Appeals

A career SES appointee who has been furloughed and who believes that the provisions of this policy have not been correctly applied may appeal to the Merit Systems Protection Board under provisions of the Board's regulations.

9. Records

Bureau/Office servicing personnel offices will maintain copies of all regulations and records pertinent to an SES furlough in their organizations.

The Department's Office of Personnel will maintain all records relating to SES furlough actions for at least one year from the effective dates of the actions.