

OCHR FACTSHEET

Civilian Employee Furloughs

Issued: January 2013

FURLOUGH

This Fact Sheet outlines:

- Different types of furloughs
- Laws and regulations governing furloughs
- Differences in furlough procedures

Background

In uncertain fiscal climates, the Department of Defense (DoD) and the Department of the Navy (DON) may have to turn to cost-reduction methods with the workforce to absorb budget reductions. Furloughs and reductions in force (RIF) are the options of last resort when faced with budgetary shortfall or lack of work issues. A furlough is the placing of an employee in a temporary non-duty, non-pay status when the activity intends to recall the employee to the position within one year.

Types of Furlough

1. Planned (Administrative) Furlough

When reductions are necessary due to downsizing, reduced funding, lack of work, or any other budget situation other than a lapse of appropriations, employees are placed in a non-duty, non-pay status.

- Employees are notified 30-60 days in advance of the furlough (see back of this fact sheet for specifics)
- Furlough days may be consecutive or “rolling,” (i.e. 1 day a pay period or 1 week a month); furloughs that result from sequestration will likely be administrative furloughs

2. Unplanned (Shutdown or Emergency) Furlough

When funds are not available through a lapse of appropriations or continuing resolution – an unplanned furlough occurs

- OMB determines the method and timing of an unplanned furlough
- Employee notification in advance is not required
- Employees must report for duty to conduct an orderly shutdown and receive communication on the furlough
- Employees who are excepted from furlough will initially not be compensated for work performed but will be paid when Congress passes and the President signs a new appropriation or continuing resolution

NOTE: RIF procedures must be followed in handling furloughs of more than 22 workdays or more than 30 calendar days

Laws and Regulations governing furlough of personnel

- Title 10 United States Code (USC), Section 1597
- Title 5 USC, Chapter 75
- Title 5 Code of Federal Regulations (CFR), 351
- DoD Instruction 1400.25, Vol. 351, 19 Jan 2011
- SECNAV Instruction 12351.5G, 3 Jan 2012

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	Planned (Administrative) Furlough		Unplanned (Shutdown or Emergency) Furlough
	≤ 22 Work Days ≤ 30 Calendar Days (e.g., Sequestration)	> 22 Work Days > 30 Calendar Days	≤ 22 Work Days ≤ 30 Days Calendar Days (e.g., CR expires)
Congressional Notification Required? Yes/No # of Days	Y *Minimum 45 days	Y *Minimum 45 days	Y As soon as possible once decision is made
Employee Notification Required? Yes/No # of Days	Y Minimum 30 days	Y **Minimum 60 days	Y
Employees Exempted from Furlough? Yes/No	N See note below	N See note below	Y – See note below Employees not funded by annual appropriations (e.g. Working Capital, some NAF, and foreign national employees paid with host country funds or governed by country to country agreements that prohibit furloughs; exempt employees remain in pay status)
Employees Exempted from Furlough? Yes/No	Y Commands determine employees excepted from furlough based on mission needs	Y Commands determine employees excepted from furlough based on mission needs	Y – See note below Employees performing emergency work involving the safety of human life or protection of property
Union Notification Required? Yes/No	Y Advanced union notification required and opportunity to bargain—typically 30 days	Y Advanced union notification required and opportunity to bargain—typically 30 days	Y But may have limited time to bargain
Type of Action Processed	Adverse Action Procedures	Reduction in Force Procedures	Adverse Action Procedures
Appeal Rights	Y Appeal must be filed within 30 calendar days after the effective date of the furlough***	Y Appeal must be filed within 30 calendar days after the effective date of the furlough***	Y Appeal must be filed within 30 calendar days after the effective date of the furlough***

*Must follow timelines required by SECNAVINST 12351.5G. Notification must be submitted through the chain of command in time to meet the 45-day Congressional requirement.

**The Office of Personnel Management (OPM) may grant an exception to a 30-day notice vs. 60-day notice.

***Employees may be covered by a negotiated grievance procedure

Important to Note (related only to unplanned/shutdown furlough)

- Employees may be "exempt" from furlough if they are not affected by a lapse in appropriations. This includes employees who are not funded by annually appropriated funds. Employees performing those functions will generally continue to be governed by the normal pay, leave, and other civil service rules.

- In the context of shutdown (unplanned) furloughs, the term "excepted" is used to refer to employees who are funded through annual appropriations who are nonetheless "excepted" from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations.

Visit www.donhr.navy.mil for additional information.

Questions may be sent to DONhrFAQ@navy.mil



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