

OCHR FactSheet

Department of Navy Civilian Employee Furloughs

Audience: All OCHR

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SPECIAL ISSUE

This FactSheet:

- Provides managers and HR professionals background and basic information regarding possible furlough actions
- Explains what happens when there is a lapse in appropriated funds and the impact on DON operations
- Includes information on emergency furloughs and what types of positions may be excepted from a furlough (directed to work)
- Clarifies exceptions for NWCF employees

Background

The potential for lapses in general appropriations frequently occur. The government would be required to limit operations to those under the Antideficiency Act if Congress does not pass an appropriations bill or a Continuing Resolution by 30 September 2016. These lapses in funding are often referred to as a government shutdown. Actual lapses resulting in a shutdown have ranged from several hours to multiple days occurred various times in the 1980s, 1990s, 2010s and most recently in 2015.

(Note: An emergency furlough as a result of a lapse in appropriations differs from the administrative furlough incurred by Department of Defense (DOD) employees in 2013.)

Key Points

- If the DoD does not have an appropriations extension by midnight on 30 September 2016, the Department of the Navy (DON) will be required to limit operations to those identified as excepted
- When the DON limits operations, appropriated fund employees not excepted from furlough must be placed in a non-duty, non-pay status
- Non-excepted (furloughed) employees are not allowed to work on a volunteer basis
- Employees excepted from furlough (directed to work) include those performing excepted functions:
 - Safety of human life or protection of property (national security)
 - Safety of human life or protection of property (includes SAPR)
 - Medical/dental care
 - Acquisition and logistic support (includes contracting)
 - Education and training
 - Legal activities
 - Audit and investigation community
 - Morale welfare and recreation/non-appropriated funds
 - Financial management
 - Working capital fund/revolving funds
 - Activities funded with unobligated, unexpired balances
- Military personnel are not furloughed and may be assigned to perform excepted or non-excepted functions of the DON

Note: Only the minimum number of civilian employees necessary to carry out excepted activities will be excepted from the furlough. Employees that provide direct support to excepted positions may also be excepted if they are critical to performing the excepted activity.

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Important to Note

- Navy Working Capital Fund (NWCF) activities have been determined to be a categorical exception to shutdown furlough due to available funding. Based on this guidance, Echelon III Commanders or his/her designee may authorize leave based upon mission requirements with careful consideration given to conservation of cash reserves. Prudent business decisions and management actions should be taken to sustain operations and minimize operational impact.
- Upon furlough, all scheduled leave (e.g., annual leave, sick leave) is canceled for all excepted and non-excepted employees. Absences during the furlough may not be charged to leave; excepted employees (directed to work) unable to report to duty, due to illness, jury duty, etc., must be placed in a furlough status (i.e. non-duty, non-pay).
- Unlike "excepted" employees, those who are categorically exempted from the furlough (i.e. NWCF, SIOH, etc.) may be granted annual or sick leave subject to supervisory approval based upon mission requirements. Other excepted employees who are not able to report to duty, due to sick leave, jury duty, etc., must be placed in a furlough status (i.e., non-pay, non-duty) until they are able to return to duty.
- Excepted employees are working for delayed pay and will not be compensated until Congress makes appropriated funds available.
- Non-excepted employees on TDY shall return to their home station.
- Excepted employees on TDY performing excepted functions will remain at their TDY location.
- Only excepted (directed to work) employees shall be permitted to work; those non-excepted (furloughed) employees may not volunteer to work during a lapse in funding.
- Heads of activities may require the return to work of furloughed civilian employees in the event of developments that pose an imminent danger to life or property.
- Excepted employees may earn compensatory time off and/or credit hours consistent with appropriate requirements and Command guidelines. Employees will not be permitted to use earned compensatory time off or credit hours during the shutdown period.

What is a shutdown or emergency Furlough?

A furlough is the placing of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. A furlough of 30 calendar days or less is covered under 5 CFR Part 752 and 5 CFR 359. A shutdown furlough (also called an emergency furlough) occurs when there is a lapse in appropriations, and can occur at the beginning of a fiscal year, if no funds have been appropriated for that year, or upon expiration of a continuing resolution, if a new continuing resolution or appropriations law is not passed. In a shutdown furlough, an affected agency would have to shut down any activities funded by annual appropriations that are not excepted by law. Typically, an agency will have very little to no lead time to plan and implement a shutdown furlough.

Where to Find Additional Information?

Additional guidance and information on furloughs is available on the Office of Personnel Management website:

<https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/#url=Overview>

More questions regarding the furlough also are posted at:

www.secnav.navy.mil/donhr/employees/Furlough/Pages/Default.aspx

Still have questions?

Email the DON OCHR at DONhrfaq@navy.mil



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