

# **Frequently Asked Questions**

## **Furlough – FY 12 Lapse in Appropriations**

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### **Department of the Navy**

15 December 2011





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## General Administration

**1. Q: What is a furlough?**

**A:** In this case, a furlough places appropriated-fund employees in a temporary non-duty, non-pay status due to an absence of appropriations.

**2. Q: When you say furlough, don't you mean shutdown?**

**A:** Furloughs have been referred to as a government shutdown; however, there is a significant difference. A shutdown would be a virtual closure of all essential government activities: e.g., air traffic controllers would cease to control air traffic; VA hospitals would stop caring for patients; and the FBI, DEA and DHS would stop interdicting and investigating criminal and terrorist activities. During a furlough, employees engaged in excepted activities would continue to report for duty.

**3. Q: Why would Department of Navy (DON) employees be furloughed?**

**A:** In the absence of either a Fiscal Year 2012 appropriation or a continuing resolution for the DoD, no further financial obligations may be incurred by the DON, except for those related to the orderly suspension of operations or performance of excepted functions as defined by the Office of Management and Budget.

**4. Q: When would a furlough take effect?**

**A:** If DoD does not have an appropriations extension by midnight, 16 December 2011, the DON will be required to limit operations to only those deemed excepted from a furlough (directed to work). The effective date is the first day of duty following the lapse in appropriations - the uniform time of implementation is 12:01 Eastern Standard Time; however, if the regular duty date is Saturday, 17 December then that is the effective date. For most employees, it will be 19 December 2011.

**5. Q: What is the effective date of the furlough for non-exempt employees assuming that we issue notices on Monday, 19 December and complete an orderly shutdown within 3-4 hours? Will there be timekeeping guidance addressing how to record time on Monday?**

**A:** More information will follow from DFAS on the record/time-keeping process. Written notification to most furloughed employees will be made on Monday, 19 December 2011 (or over the weekend if that is their first duty day). The date of the letter is the effective date of the furlough action, see FAQ 4.

## Excepted Employees

**6. Q: Which employees or positions are excepted from a furlough (directed to work)?**

**A:** An excepted (directed to work) employee refers to employees who are excepted from a furlough by law because they are: (1) performing emergency work involving the safety of human life or the protection of property; (2) involved in the orderly suspension of agency operations; or (3) conducting other functions excepted from the furlough.



**7. Q: How are excepted (directed to work) employees determined?**

**A:** Each major command will identify excepted functions within the command that meet the parameters outlined by DoD and are driven by program requirements.

**8. Q: What is the difference between an emergency essential position and a position excepted from furlough (directed to work)?**

**A:** Emergency essential employees must report in emergency conditions such as severe weather. Employees excepted from furlough (directed to work) perform one of the functions listed in the [appendix](#) at the end of this guide.

**9. Q: Do working capital fund activities continue to operate as normal during a furlough?**

**A:** Guidance directs that revolving fund activities will continue under normal operations supporting customer orders, subject to the availability of sufficient fund balances and, as such, those employees are not subject to furlough actions. Command and activity leadership should execute business decisions (such as granting annual leave requests) which will enable them to optimize the use of available funds, particularly given the current situation of limited resources.

**10. Q: How should we handle our direct hire foreign nationals?**

**A:** Foreign national employees paid with host country funds are exempt from furlough. Additionally, foreign national employees governed by country-to-country agreements that prohibit furloughs are exempt from furlough.

**11. Q: Can I travel during the furlough if I am an excepted employee?**

**A:** Travel to support excepted efforts is subject to specific approval requirements. This authority is delegated to the Secretary of the Navy; any further delegations are forthcoming.

**12. Q: What is the process for placing employees on furlough who were originally exempted, but no longer needed, e.g., the employee's services are no longer justified based on operational requirements?**

**A:** Employee would receive a notification letter identifying the new effective date for the furlough. An RPA would be generated and submitted to the servicing HRSC's furlough inbox in order to generate a Notice of Personal Action (NPA).

### Non-Excepted Employees

**13. Q: If I am a non-excepted employee, can I volunteer to do my job on a non-pay basis during a furlough period?**

**A:** No. DON may not accept the voluntary services of an individual.



**14. Q: I am not an excepted employee, but I don't want to get behind in my work. Can I come to work even if I know I won't get paid?**

**A:** No, you would not be able to work. The DON is not allowed to accept non-excepted (furloughed) employees on a volunteer basis. This includes volunteer work performed from remote locations (i.e., telework).

**15. Q: What happens with non-excepted employees who telework?**

**A:** If there is a lapse in appropriation and a subsequent furlough, employees teleworking need to come in on Monday, 19 December 2011, or their next regular duty day, for an orderly shutdown and to secure PII.

**16. Q: If I am a non-excepted employee, can I telework?**

**A:** No.

**17. Q: If I am furloughed, can I use my blackberry or government-issued computer to keep up with my emails?**

**A:** Furloughed (non-excepted) employees are not permitted to check emails on government-issued equipment, such as blackberries or computers, or via OWA Outlook as long as they are in a non-pay, non-duty status.

**18. Q: Can I take another job outside the federal government while on furlough?**

**A:** Perhaps; while on furlough, an individual remains an employee of the government, and other employment must be approved by the agency's ethics counselor and consistent with the Executive Branch standards of ethical conduct.

**19. Q: Can furloughed employees be recalled to duty during the furlough?**

**A:** Commands/Activities may recall non-excepted (furloughed) employees based on mission requirements. They may be required to return to work to perform excepted functions.

**20. Q: What is the process for returning employees to duty from furlough before an appropriations or continuing resolution is passed, e.g., how do we bring back individual employees to duty in support of emergent requirements or operations?**

**A:** Commands/Activities may require civilian employees to return to work to perform excepted functions. Commands should maintain contact information of employees in the event that they need to be called back to duty. An RPA (request for personnel action) would be generated and submitted to the servicing HRSC's furlough inbox to generate an NPA (notification of personnel action).

### Conducting an Orderly Shutdown

**21. Q: I am an excepted employee, what am I expected to do if a shutdown happens?**

**A:** If there is no extension for DoD appropriations, the DON will be required to execute contingency plans for a lapse in appropriations and limit operations to excepted functions

ONLY (commonly referred to as a government shutdown). If this occurs, the expectation is for the entire workforce to return to duty on the next regular duty day and be prepared to implement an orderly shutdown. This includes those who telework and those with Monday as their regular day off (RDO) as part of an alternative or compressed work schedule (AWS or CWS). An orderly shutdown should take approximately 3-4 hours. If you are not an excepted employee, you will receive a letter notifying you of the decision to furlough you due to the absence of available appropriations. A checklist of shutdown procedures is available for furloughed employees.

**22. Q: For those employees whose regular tour of duty includes Saturday or Sunday, what guidance do we give in regard to reporting to work after 16 December 2011?**

**A:** The orderly shutdown begins on the first duty day and supervisors should issue notification letters on the first duty day (people who work on Saturday, should be provided those letters on Saturday).

**23. Q: What happens if I am on TDY while furloughed?**

**A:** All non-excepted (furloughed) civilian employees on TDY during a lapse in FY2012 appropriations will return to their home station as part of the DoD orderly shutdown process using the government-issued credit card. Excepted employees on TDY performing excepted functions will remain at their TDY location.

**24. Q: I am on official travel status in the United Kingdom, have already booked flights returning to the states on Saturday and Sunday and have been told to return home. However, I cannot get booked flights back on Friday, so I must use my previously booked flights on Saturday and Sunday. Is this okay?**

**A:** Employees should return to their home station using the first available flight out.

**25. Q: I am on official travel in Europe and had planned leave following the official trip. I will not be excepted from the furlough, but want to stay in Europe to finish my vacation without coming back to the states. Do you see any problem with this if arrangements can be made to receive my letter digitally and send a digital signed copy back.**

**A:** Notification may be delivered electronically, return receipt required; however, if the government is bearing the cost of a return flight from official business, they must return on the first available flight following the lapse in appropriations.

**26. Q: Are we correct to assume that the "Deciding Official" who will sign the furlough letters is at the Command's discretion?**

**A:** The Deciding Official signing the letter should reflect the line management (within the chain of command) making the decision as to whom is identified as excepted and non-excepted.

**27. Q: What if an employee refuses to acknowledge (sign) receipt of letter?**

**A:** If employees refuse to sign the notification letter, supervisors/managers should note on the letter that the furloughed employee was notified and declined to sign receipt of the letter.



**28. Q: In many areas we have employees who have a significant commute - is it imperative that they arrive at work on Monday morning to receive a furlough letter?**

**A:** Yes, employees are expected to report to duty and, in the event of a furlough, complete an orderly shutdown.

**29. Q: What if someone is legitimately sick on Monday and cannot get their letter?**

**A:** Options are as follows, if your employees are not on-site. Keep in mind that these actions need to be executed on the first day the employee would report to duty following the lapse in appropriation.

-- Send the letter, certified, return receipt requested

-- Send a scanned copy of the signed letter via email with a read and delivery receipt

**30. Q: For our remote employees, can we scan & email or send via USPS? What is the due date for delivery?**

**A:** Options are as follows, if your employees are not on-site. Keep in mind that these actions need to be executed on the first day the employee would report to duty following the lapse in appropriation.

-- Send the letter, certified, return receipt requested

-- Send a scanned copy of the signed letter via email with a read and delivery receipt

**31. Q: On the employee checklist, whose name, phone and email are to be identified? The employee or the supervisor?**

**A:** The placeholder is available for employees to use as a source of information at the office, should an emergency ensue and provide a means to support the workforce. The checklist may be modified by Commands and use as they see appropriate.

**32. Q: What address and three-digit code needs to be provided on the SF8 – the Unemployment Compensation Form for federal employees?**

**A:** The address on the SF8 should be the address for the Civilian Personnel office or HRO – the FIC for DoD is 421 and 423 for the Department of the Navy.

## Leave

**33. Q: How does leave work during a shutdown?**

**A:** 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).



**34. Q: Can I take leave to go to the doctor if I am excepted from the furlough?**

**A:** Employees excepted from furlough (directed to work) may go to the doctor and they will be placed in a furlough status (i.e. non-pay, non-duty) until they are able to return to duty. Excepted employees unable to report to duty, due to illness, jury duty, etc., must be placed in a furlough status (non-pay, non duty).

**35. Q: Instead of not getting paid, can I take annual leave for the time I'm furloughed?**

**A:** No, during a furlough paid leave (e.g., annual leave, sick leave) must be canceled for all employees—to include those excepted from furlough (directed to work).

**36. Q: A deployed civilian in a duty status is exempt. If the deployed civilian is on leave, are they furloughed?**

**A:** 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).

### Scheduled Leave

**37. Q: What happens if I had leave scheduled during a furlough?**

**A:** Upon furlough, all scheduled leave (e.g., annual leave, sick leave) is canceled for all excepted (directed to work) and non-excepted (furloughed) 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.

### Other Leave

**38. Q: Will employees get paid for a holiday that occurs during a shutdown furlough?**

**A:** No. An employee (included excepted employees) who does not work on a holiday will not receive pay for a holiday that occurs during a shutdown furlough.

**39. Q: If an employee has properly scheduled "use-or-lose" annual leave before the start of the third biweekly pay period prior to the end of the leave year, but is unable to use some or all of the scheduled leave because of the furlough, does the furlough constitute an "exigency of the public business" that would permit an agency to restore the leave after the beginning of the new leave year?**

**A:** Employees in this situation should make every effort to reschedule "use-or-lose" annual leave for use before the end of the current leave year. However, if this is not possible due to a lapse in appropriations, agency heads (or their designees) are encouraged to use their discretionary authority to restore any lost annual leave by determining that the employee was prevented from using his or her leave because of an exigency of the public business - namely, the need to furlough employees because of the lapse in appropriations.

**40. Q: If an employee has properly scheduled use of "restored annual leave" that is due to expire at the end of the leave year (because it is the end of the 2-year restoration period) but that leave is canceled and lost due to lapse of appropriations, may the employing agency restore that leave again?**

**A:** Unfortunately, no - unless Congress enacts legislation providing otherwise. There is nothing in existing law or regulation that allows restored annual leave to be restored a second time. In fact, the Comptroller General has determined that unused restored annual leave may not be restored after expiration of the 2-year period.

**41. Q: If an employee is on leave under the Family and Medical Leave Act of 1993 (FMLA) during the furlough, does the leave count towards the 12-week entitlement to FMLA?**

**A:** An employee who is on approved LWOP under the FMLA on days that coincide with the period of furlough will continue to be charged LWOP. Consistent with law and regulations, the LWOP taken under the FMLA is part of the 12-week entitlement. However, an employee who was scheduled during the furlough to take paid leave under the FMLA (i.e., an employee chooses to substitute annual leave or sick leave, as appropriate, for unpaid leave under the FMLA) must be placed on furlough instead. Since the paid leave was canceled, the period of absence may not be used to reduce the 12-week entitlement to FMLA leave.

**42. 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.

**43. Q: I am out on worker's compensation and I am being furloughed. Will I get paid?**

**A:** Yes. FECA wage-loss compensation (worker's compensation) is not considered wages; therefore, it is not impacted by the lapse in appropriations.

## Compensation

**44. Q: If furloughed, will we get paid on time on 23 December?**

**A:** Yes. The furlough will not disrupt the payroll processing already executed for 23 December.

**45. Q: Once I go back to work, will I get paid retroactively for the time spent on furlough?**

**A:** The answer depends on the final language and effective date of the approved appropriations bill, but there is no guarantee of retroactive pay.



**46. Q: When an employee's pay is insufficient to permit all deductions to be made because a shutdown furlough occurs in the middle of a pay period and the employee receives a partial paycheck, what is the order of withholding precedence?**

**A:** Agencies will follow the guidance on the order of precedence for applying deductions from the pay of its civilian employees when gross pay is insufficient to cover all authorized deductions found at

[www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=1477](http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=1477).

**47. Q: May agencies deny or delay within-grade or step increases for General Schedule and Federal Wage System employees during a shutdown furlough?**

**A:** It depends on how long the shutdown furlough lasts. Within-grade and 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 the 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).)

**48. Q: What effect does a furlough have on time-limited appointments or promotions?**

**A:** Furloughs do not extend the not-to-exceed date of time-limited appointments or promotions. Agencies have the option to separate temporary employees rather than including them in the furlough.

### Effect on Service Credit

**49. Q: I'm planning on retiring within the next three years. Will time in a furlough status have an effect on my high-3 average?**

**A:** Generally there will be no effect on the high-3 average unless the furlough causes the employee to be in a non-pay status for more than six months per calendar year.

**50. Q: If an employee is planning on retiring at the end of December, will a shutdown furlough affect the employee's retirement date?**

**A:** If the employee provides notice to the employing agency on or before the requested retirement date, the shutdown furlough will not affect the retirement date.

**51. Q: If an employee is scheduled to retire before the end of the leave year with an annual leave balance of over the maximum leave ceiling (e.g., 240, 360, or 720 hours, as applicable) and the furlough prevents the employee's retirement from getting processed until January, does the employee lose his or her annual leave above the maximum leave ceiling?**



**A:** No. The employee's retirement would be retroactively applied to a date prior to the end of the leave year, and the employee would receive the full amount of accumulated and accrued annual leave in a lump-sum payment.

**52. Q: Is furlough or leave without pay (LWOP) considered a break in service?**

**A:** No, both mean the employee is in a non-pay, non-duty status for those days/hours. Remember, even while on furlough, an individual is an employee of the government.

**53. Q: What are the effects of a furlough on service credit?**

**A:** Time spent in a non-pay status (including furlough) is credited as follows:

- **Career tenure:** The first 30 calendar days of each non-pay period is creditable.
- **Probationary period:** An aggregate of 22 workdays in a non-pay status is creditable.
- **Qualification standards:** There is no requirement to extend qualifying periods by the amount of time spent in a non-pay status. However, activities may require a corresponding time in a pay status to meet training requirements or ability to perform.
- **Time-in-Grade:** Non-pay status is creditable service.
- **Impact on Leave (Service Computation Date):** While employees in a non-pay status do not accrue additional leave, up to 6 months spent in a non-pay status is creditable service (i.e. counts toward the rate of leave accrual)

### Unemployment Compensation

**54. Q: Am I entitled to unemployment compensation while on furlough?**

**A:** It is possible that furloughed employees may be eligible for unemployment compensation. State unemployment compensation requirements differ. Employees should submit their questions to the appropriate state office. Furloughed employees will receive the SF8, the form needed by federal employees to file for unemployment compensation.

**55. Q: Is unemployment compensation based on the state where you live, or the state where you work?**

**A:** Unemployment compensation is based on the state in which the work was performed. This does not include overseas employees.

**56. Q: Can excepted (directed to work) employees file for unemployment, since they are not getting paid?**

**A:** No, excepted employees cannot file an unemployment claim, since they are not unemployed.

## Benefits

### Open Enrollment

**57. Q: How does the furlough affect the processing of my Open Season Benefit changes?**



**A:** Furlough does not impact the processing of your benefit elections as the changes are automatically processed to update your payroll record. Employees can expect their newly elected coverage and premiums to take effect 1 January 2012.

### Health Insurance

**58. Q: How does being furloughed affect my health insurance coverage?**

**A:** Federal Employee Health Benefit (FEHB) enrollment continues up to 365 days in a non-pay status. The government contribution continues while employees are in a non-pay status. The employee can choose between paying the agency directly while in a non-pay status or having the premiums accumulate and withheld from pay upon returning to duty.

**59. Q: What happens if an employee wants to terminate Federal Employee Health Benefits (FEHB) coverage while in a nonpay status in order to avoid the expense?**

**A:** Unlike other types of non-pay status, employees in a non-pay status due to a lapse of appropriations (shutdown furlough) will not have the opportunity to terminate or cancel FEHB coverage. The employee will remain covered; the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

### Federal Employees Group Life Insurance (FEGLI)

**60. Q: To what extent does non-pay status affect FEGLI coverage?**

**A:** Life insurance coverage continues for 12 consecutive months while in non-pay status without cost to the employee or the agency. The non-pay status may be continuous or it may be broken by a return to duty for periods less than four consecutive months.



## Federal Employees Dental & Vision Insurance Program (FEDVIP)

**61. Q: To what extent does non-pay status affect Federal Employees Dental and Vision Insurance Plan (FEDVIP) coverage?**

**A:** FEDVIP deductions cease when an employee is placed in a non-pay status and there are insufficient funds to cover the premium(s). In order for FEDVIP coverage to continue, employees must make payment while in a non-pay status. If premiums are not paid, coverage will be terminated at the end of the pay period in which premiums were last paid. To avoid termination of FEDVIP benefits, an employee can be moved to a direct bill payment plan, by request. With this option, an employee would receive a statement by postal delivery and the invoice must be paid by check. Employees are required to pay all direct bills IN FULL to avoid the cancellation of their coverage/plan. If a full payment is not received by the due date, the coverage will be cancelled.

## Thrift Savings Plan (TSP)

**62. Q: Can I take a TSP loan while I'm furloughed?**

**A:** Yes. By law, a TSP participant may take a TSP loan any time before separation. The TSP has adopted an administrative rule that provides that TSP participants must be in a pay status in order to take a TSP loan. The TSP adopted this rule because it generally requires TSP participants to agree to repay their loans through payroll deduction. The first payment is due on or before the 60th day following the loan issue date. Since shutdowns are rare occurrences and are typically of short duration, the TSP's Executive Director has determined that it is in the best interest of TSP participants to interpret the requirement that participants be in a pay status to mean that a break in pay due to a Government shutdown does not disqualify one from TSP loan eligibility. A short-term break in pay status would still allow participants to commence payment by payroll deduction within the required 60 days of the loan issue date. If a shutdown were to extend beyond 60 days, participants would still be responsible for making loan payments. For further information, visit the TSP website at [www.tsp.gov/](http://www.tsp.gov/). Employees should refer to the TSP Fact Sheet - [Impact of a Government Shutdown](#) on the Thrift Savings Plan.

## Long-Term Care

**63. Q: To what extent does non-pay status affect Long-Term Care (LTC) coverage?**

**A:** Deductions cease when the employee is placed in a non-pay status and there are insufficient funds to cover the premium(s). In order to continue LTC coverage, the employee must make payments while in a non-pay status. Visit the LTC website, [www.ltcfeds.com/documents](http://www.ltcfeds.com/documents), for more information.

## Returning to Work

**64. Q: How do I know when to report to work again after the furlough is over?**

**A:** Employees should monitor media reports, including checking official websites such as the Office of Personnel Management site, for news about the approval of a continuing resolution or an FY 2012 appropriation for the Department of Defense. When either the continuing resolution or the appropriation has been approved, employees will be expected to return to work as soon as practicable but not later than your next regular duty day.

**65. Q: Can furloughed employees be recalled to duty during the furlough?**

**A:** Commands/Activities may recall non-excepted (furloughed) employees based on mission requirements to perform excepted functions.

**66. Q: What is the process for returning employees to duty from furlough before an appropriations or continuing resolution is passed, e.g., how do we bring back individual employees to duty in support of emergent requirements or operations?**

**A:** Commands/Activities may require civilian employees to return to work to perform excepted functions. Commands should maintain contact information of employees in the event that they need to be called back to duty. An RPA would be generated and submitted to the servicing HRSC's furlough inbox for the generation of an NPA.

**67. Q: Once I go back to work, will I get paid retroactively for the time spent on furlough?**

**A:** The answer depends on the final language and effective date of the approved appropriations bill, but there is no guarantee of retroactive pay.

## 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](mailto:DONhrFAQ@navy.mil)



### **Appendix: Excepted Functions**

Following is a listing of the high-level categories used in identifying missions and functions in DoD that may continue in the absence of available appropriations. A more detailed description of the categories is available via the DoD guidance on the continuation of operations in the absence of appropriations.

Activities that are determined not to be excepted and which cannot be performed by utilizing military personnel in place of furloughed civilian employees will be suspended when the appropriated funds expire. Each major command will identify excepted functions within the command that meet the parameters outlined by DoD and driven by program requirements. DoD categories include:

- Protection of life and property, national security
- Safety of persons and protection of property
- Medical/dental care
- Acquisition and logistic support
- Contracting activities
- Education and training necessary to participate in or support excepted activities; DoDEA educational activities, to the extent required by law
- Legal activities
- Audit and investigation community
- Morale welfare and recreation/non-appropriated funds
- Financial management in support of excepted activities and management of working capital funds
- Working capital fund/other revolving funds
- Trust/special funds
- Support services necessary to continue performing the excepted functions above