

OCHR FactSheet

Department of Navy Appropriated Fund Civilian Employee Furloughs

Issued: December 2011

SPECIAL ISSUE

This Fact Sheet:

- 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)
- Addresses several FAQs regarding furloughs and provides additional reference resources

Background

When the Department of Navy (DON) lacks appropriated funds, we must limit operations and furlough non-excepted employees under the Antideficiency Act. The potential for general appropriations lapses occurs periodically. These lapses are often referred to as a government shutdown.

Actual lapses ranging from several hours to three days occurred in 1981, 1982, 1983, 1984, 1986, 1987 and 1990. In 1995 the Department of Defense (DoD) experienced a five-day furlough between 13-19 November. Other federal agencies experienced a second furlough of 21 days between 15 December 1995 and 6 January 1996.

Key Points

- If the DoD does not have an appropriations extension by midnight on 16 December 2011, the 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 whose duties involve:
 - National security
 - Performance of contract obligations under no-year, multi-year or other funds remaining available for those purposes, e.g., working capital funds
 - Activities that protect life and property, such as
 - Medical care of inpatients and emergency outpatients
 - Public health and safety
 - Border and coastal protection, protection of federal lands, buildings, research property, waterways, and equipment
 - Prisoners and other persons in the custody of the United States
 - Emergency and disaster assistance
 - Power and maintenance of the power distribution systems
 - Support services necessary for those employees to continue performing the functions above
- Military personnel are not furloughed and may be assigned to perform excepted or non-excepted functions of the DON.



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Frequently Asked Questions

When you say furlough, don't you mean shutdown?

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.

I don't want to get behind in my work. Can I come to work even if I know I won't get paid?

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).

Instead of not getting paid, can I take annual leave for the time I'm furloughed?

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).

Can I take leave to go to the doctor if I am excepted from the furlough (directed to work)?

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).

Once I go back to work, will I get paid retroactively for the time spent on furlough?

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

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

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 on page one of this fact sheet.

What happens if I am on TDY?

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.

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

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.

What is a 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.

An emergency furlough occurs when an agency no longer has the funds to operate. Agencies may have very little lead time to plan for an emergency furlough.

Still Need Assistance?

Email the DON OCHR at DONhrfaq@navy.mil.

Where to Find Additional Information

Additional guidance and information on furloughs may be found at the DoD CPMS website at www.cpms.osd.mil/ or the Office of Personnel Management at www.opm.gov/furlough/furlough.asp. More questions regarding the furlough also are posted at www.public.navy.mil/DONhr.



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