

CHR FACTSHEET

Department of Navy Civilian Employee Shutdown (Emergency) Furlough

Issued: September 2019

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
- Identifies functions that are excepted from a furlough
- Clarifies exceptions for Navy Working Capital Fund (NWCF) employees

Background

A shutdown furlough is an unplanned or emergency event when there is a lapse in appropriations (funding). If Congress does not pass an appropriations bill or a Continuing Resolution by midnight on September 30, 2019, the government is required to limit operations under the Antideficiency Act. During a shutdown furlough, the Department of the Navy (DON) would have to shut down any activities funded by annual appropriations that are not excepted by law. Actual lapses resulting in a shutdown have ranged from several hours to multiple days.

Key Points

- If the DoD does not have an appropriations extension by midnight on September 30, 2019, 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, even 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 and 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

- 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.
- Upon furlough, all scheduled leave (e.g., annual leave, sick leave) is canceled for furloughed employees.
- Both furloughed and excepted employees will be paid retroactively for the furloughed period after the lapse in appropriations ends.
- Excepted employees (directed to work) may request leave, but cannot be paid for the leave until after funding is available. Excepted employees are not required to use leave to cover periods of authorized absence from work and may instead default to furlough status, for which the employee will receive retroactive compensation, without charge to his/her leave balances.
- Excepted employees will not be compensated until Congress passes an appropriations bill or continuing resolution.
- Excepted employees on TDY performing excepted functions will remain at their TDY location.
- Non-excepted employees on TDY are encouraged to return home sooner than planned wherever reasonable and practicable, based on the length of the assignment and the time required for return travel, compared to the anticipated length of the lapse, so as to minimize the burdens of doing so.
- 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.
- 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.

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?

Employees should address questions to their servicing HRO.

HROs should address questions to their DCHR.

DCHR should address questions to the OCHR Program Manager.



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