

# Department of the Army



## ADMINISTRATIVE FURLOUGH FREQUENTLY ASKED QUESTIONS (FAQs)

Updated March 8, 2013

# Table of Contents

<b>General</b> .....	<b>3</b>
Sequestration .....	<b>3</b>
Administrative Furlough.....	<b>3</b>
<b>Working During a Furlough</b> .....	<b>3</b>
Telework.....	<b>3</b>
Government-issued Electronics .....	<b>3</b>
<b>Leave and Hours of Work</b> .....	<b>4</b>
Annual and Sick Leave Accrual.....	<b>4</b>
Family and Medical Leave Act (FMLA) .....	<b>4</b>
Holidays.....	<b>6</b>
<b>Adverse Actions</b> .....	<b>6</b>
Impact Furlough has on Suspension .....	<b>6</b>
<b>Alternate Work Schedule (AWS)</b> .....	<b>7</b>
Impact on AWS .....	<b>7</b>
<b>Furlough Roles and Responsibilities</b> .....	<b>7</b>
Proposing, Oral and Replying Officials.....	<b>7</b>
<b>Pay</b> .....	<b>8</b>
Leave and Earnings Statement (LES).....	<b>8</b>
Overseas Allowances.....	<b>8</b>
Travel Expenses.....	<b>9</b>
<b>Benefits</b> .....	<b>9</b>
The Order of Precedence for Withholdings .....	<b>9</b>
Unemployment Information .....	<b>9</b>
Mass Transit Benefits.....	<b>11</b>
Retirement.....	<b>11</b>

## **Administrative Furlough FAQs**

**LINK to OPM's Administrative Furlough Guidance -**

**<http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-administrative-furloughs.pdf>**

**LINK to OPM's Pay and Leave Furlough Guidance:**

**<http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/#url=Administrative-Furlough>**

**LINK to DoD's Furlough Guidance -**

**<http://www.cpmc.osd.mil/Subpage/FurloughGuidance/>**

**General:**

### **Q1. What is sequestration?**

A1. Sequestration is an across-the-board reduction in Federal budgetary resources in all budget accounts that have not been exempted by statute. Under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Control Act of 2011 and the American Taxpayer Relief Act of 2012, across-the board reductions are effective as of March 1, 2013, since legislation was not passed to avoid such reductions. Sequestration reduces each agency's budgetary resources in non-exempt accounts for the remainder of the fiscal year, which runs through September 30, 2013.

### **Q2. What is an administrative furlough?**

A2. An administrative furlough is a planned event by an agency that is designed to absorb reductions necessitated by downsizing, reduced funding, lack of work or any other budget situation other than a lapse in appropriations. Furloughs resulting from sequestration would generally be considered administrative furloughs.

**Working During a Furlough:**

### **Q3. Can employees telework on furlough days?**

A3. No, employees are prohibited from doing any government work on their furlough day.

### **Q4. Can employees use government-issued electronics such as BlackBerrys and laptops for assigned duties on a designated furlough day?**

A4. No, employees may not use government-issued electronic devices to perform assigned duties on furlough days.

## **Leave and Hours of Work:**

### **Q5. Why should furlough days be referred to as hours versus days?**

A5. Furloughs may be referenced and/or expressed in terms of calendar days or hours. However because employees in Army have different work schedules (hours of work, number of workdays, tours of duty) and type of appointments (part-time, full time, etc.), it is best for supervisors to schedule furloughs for all employees in terms of hours for simplicity and consistency.

### **Q6. Does discontinuous furlough of 176 hours (22 days) impact an employee's annual and sick leave accrual?**

A6. Yes, the accumulation of nonpay status hours during a leave year can affect the accrual of annual leave and sick leave.

Example: When a full time employee with an 80-hour biweekly work schedule accumulates a total of 80 hours of nonpay status within a leave year (*either in one pay period or multiple pay periods*), the employee will not earn annual leave or sick leave in the pay period in which that 80-hour accumulation is reached.

If the employee again accumulates 160 hours of nonpay status during the leave year the employee will again not earn annual leave and sick leave in the pay period in which that 160-hour total is reached. Consequently, an employee would lose two pay periods of annual leave and sick leave if he or she is furloughed for 176 hours or 22 days of discontinuous furlough within a leave year.

### **Q7. May an employee take LWOP under the Family and Medical Leave Act (FMLA) during an administrative furlough period?**

A7. Per OPM guidance, an employee may take LWOP under FMLA during a time when administrative furloughs are being conducted for other employees in the same organization, subject to the conditions in 5 U.S.C. 6382. However, if an employee is placed in furlough status during hours that were previously scheduled to be LWOP under FMLA, those furlough hours will no longer be considered to be LWOP under FMLA. Furlough hours will not count toward the employee's 12-week FMLA leave entitlement. An employee may not later substitute paid leave for furlough hours.

Agencies are responsible for determining the extent to which employees with scheduled LWOP (including LWOP under FMLA) are placed in furlough status. If employees are placed in furlough status instead of LWOP under FMLA, all applicable procedural requirements must be met, including a furlough notice. **Updated March 8, 2013.**

**Q8. How should supervisors treat an employee who is on approved leave without pay (LWOP) during an administrative furlough period?**

A8. Per OPM guidance, agencies have discretion in determining whether to furlough employees who are in LWOP status, since both furloughs and LWOP are periods of nonpay status. Employees may already be scheduled for LWOP for a variety of reasons and for various lengths of time on either a continuous or discontinuous basis. An employee's LWOP may or may not fully encompass the period during which administrative furloughs are being conducted for other employees in the same organization. For example, for one employee, a continuous 1-year period of leave without pay to accompany a military spouse overseas may encompass the entire period during which administrative furloughs are being conducted in an employee's organization, while another employee's continuous LWOP may end during that period. Other employees may be scheduled to take LWOP on a regular but discontinuous basis under the FMLA.

Agencies are responsible for determining (1) whether employees already scheduled for LWOP during a period when administrative furloughs are being conducted will be subject to furlough and (2) the hours of furlough required of such employees. If an agency decides to place an employee in furlough status during hours that were originally scheduled to be LWOP, all applicable procedural requirements must be met, including a furlough notice. **Updated March 8, 2013.**

**Q9. Should part-time employees be furloughed for the same hours (176 hrs) as full time employees?**

A9. No, in scheduling furlough hours for part-time employees, management should prorate their furlough hours in the same proportion to those full time employees working 80 hours bi-weekly.

Example: A part-time employee with a work schedule of 20 hours a week and 40 hours per bi-weekly pay period would for one half the hours of a full time employee. If full time employees are furloughed for 16 hours a pay period, a part-time employee would be furloughed for 8 hours a pay period.

**Q10. Could an employee take paid leave or other forms of paid time off (e.g., annual, sick, court leave, earned credit hours, etc.) instead of taking administrative furlough time off?**

A10. No, approved annual, sick, court leave, etc., for a day which is later designated as a furlough day will be recorded as a furlough and the employee will be placed in a nonpay status for the day.

**Q11. How will employees on home leave be affected?**

A11. Employees on home leave will be placed in a furlough status during days designated as furlough. Home leave adjustment is at the discretion of the leave approval official.

**Q12. Should an employee be furloughed on a holiday?**

A12. The Comptroller General has determined that it is not appropriate to furlough an employee on a holiday, unless the furlough is for an extended number of continuous days (e.g. a furlough for 30 calendar days), and a holiday falls within that period. [Note – Employees must work either the day before or the day after the holiday in order to get pay for the holiday.]

**Q13. Will employees returning from deployment during the furlough period be required to be furloughed for 176 hours?**

A13. In most cases the answer is no. Their furlough hours will be prorated upon returning from deployment during the furlough period.

**Q14. If an employee transfers to Army from an agency not subject to furlough, will that employee be subject to the 176 hours furlough requirement?**

A14. In general, employees transferring from an agency not subject to furlough to Army will be subject to furlough; the furlough hours would be prorated depending on their entry on duty date.

**Q15. Can approved annual leave be cancelled during the furlough period?**

A15. Yes, approved leave can be cancelled during the furlough period based on mission considerations and the scheduling of furlough days. Also, because furlough is unpaid, a paid leave day may not be substituted for a furlough day.

**Q16. How is furlough time documented in the time and attendance system?**

A16. Employees must document furlough hours taken each pay period in their time and attendance system or on the appropriate time and attendance form. Supervisors will use their current time and attendance procedures for certifying employee's furlough hours each pay period. The time and attendance code for furlough is "KE."

**Adverse Actions:**

**Q17. What impact does the furlough have on an employee who is serving, or will start serving, a suspension?**

A17. Guidance will be provided on this at a later time.

## **Alternate Work Schedule (AWS):**

### **Q18. Can a supervisor take employees off of AWS during the furlough period?**

A18. Yes, supervisors may terminate an employee's AWS (e.g., 5/4-9) for operational necessity during the furlough period. Generally, the supervisor must notify the employee one week in advance. For bargaining unit employees, management must fulfill all statutory and contractual labor relations obligations in changing an employee's AWS.

### **Q19. How does furlough impact an AWS?**

A19. Furlough time may impact an employee's regular day off (RDO) if the furlough time is scheduled on the employee's RDO. Supervisors may decide to move the RDO day to a different day in the pay period or change the furlough day, if possible.

## **Furlough Roles and Responsibilities:**

### **Q20. Can the deciding official be the same individual as the proposing official?**

A20. There is no statutory or regulatory prohibition that prevents a proposing and deciding official from being one and the same. However, in keeping with common practice and to minimize litigation risk, we recommend that organizations designate separate proposing and deciding officials and that this be accomplished at the lowest practicable level.

### **Q21. Can the oral reply official be the same as the proposing official?**

A21. We recommend that the proposing official not function as the oral reply official for the above stated reasons. The oral reply official is a management official who can either make or recommend a final decision for the furlough action. Furlough is an adverse action, and a decision should be rendered only after carefully reviewing the facts in the proposed letter and any reply (oral and/or written) from the employee. Having the same individual functioning as the proposing official and oral reply official might give the appearance of a lack of due process.

### **Q22. What are the roles and responsibilities of the proposing official?**

A22. As in all adverse actions, the proposing official is responsible for gathering facts, and meeting with his/her employee to issue the proposed furlough notice. The proposing official will explain to the employee the reason why he or she is receiving the proposed notice for furlough. The proposing official should also go over other information included in the proposed notice such as informing the employee of his/her right to be represented by an attorney or other person, the use of official time to prepare

a response, identify who is the deciding official, as well as address general questions regarding the proposed furlough notice raised by the employee.

**Q23. What are the roles and responsibilities of the deciding official?**

A23. The deciding official is responsible for reviewing the facts in the proposed notice and carefully considering the employee's oral and/or written reply (if received) before making a final decision to the proposed notice. The deciding official shall make a final decision as to whether the employee should be furloughed. If the deciding official does not receive a written and/or oral reply from the employee(s), he/she can make a final decision, based on the facts presented in the proposed notice, after the reply period ends. The deciding official shall document his/her decision in the final decision notice, and should schedule a meeting with the employee(s) to issue the decision notice to the employee(s). During the meeting, the deciding official should issue the notice to the employee(s) and explain his/her rationale for the final decision. The deciding official should point out the employees' avenues of redress identified in the memo and address general questions raised by the employee(s). Employees should be referred to the Civilian Personnel Advisory Center (CPAC) for questions concerning employee appeal rights.

**Q24. What should management do when an employee refuses to sign/acknowledge receipt of a proposed or decision furlough memorandum?**

A24. An employee's signature on a proposal or decision furlough memorandum does not constitute agreement with its contents; it only indicates receipt of the memorandum. An employee's refusal to sign for/acknowledge receipt of a furlough notification does not void the proposal or decision memorandum. Management officials should annotate on the memorandum, on the line reserved for the employee's signature, "Employee was issued the notice on (date) but refused to sign/acknowledge receipt of management's copy."

**Pay:**

**Q25. Where will furlough hours be reflected on an employee's Leave and Earnings Statement (LES)?**

A25. Furlough will appear on its own line in the LEAVE section of the LES. FURLOUGH will appear in the TYPE column and the hours will appear in the USED PAY PD column.

**Q26. What is the impact of furlough on my Living Quarters Allowances?**

A26. Living Quarters Allowance continues, if you continue to make housing payments, for periods of non-pay status that do not exceed 30 days at one time. Other allowances continue for periods of non-pay status that do not exceed 14 days at one time.

**Q27. Must agencies cover travel expenses during a furlough day, if an employee's travel status requires his/her stay to include that furlough day?**

A27. Yes. Agencies must provide per diem or actual expenses to employees whose travel status requires a stay that includes a furlough day.

**Benefits:**

*Note: Information concerning the impact of an administrative furlough and employee benefits can be found in the OPM Guidance for Administrative Furloughs (Feb 2013, pages 9-10). The link to this OPM Guidance is provided on the first page of this document.*

**Q28. When an employee's pay is insufficient to permit all deductions to be made, what is the order of precedence for withholdings?**

A28. The order of precedence for civilian Federal employees applies only when gross pay is not sufficient to permit all deductions; it will be used to determine the order in which authorized deductions from an employee's pay will be processed. Additional information may be found at OPM Memorandum, PPM-2008-01; Order Of Precedence When Gross Pay Is Not Sufficient To Permit All Deductions:  
<http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=1477>

The order of precedence for the top eight deductions is:

1. Retirement
2. Social Security (OASDI) Tax
3. Medicare Tax
4. Federal Income Tax
5. Basic Health Insurance Premium
6. Basic Life Insurance Premium
7. State Income Tax
8. Local Income Tax

**Q29. Is information available as to what the states require before processing a claim for unemployment because of a furlough?**

A29. Yes. The list below provides websites or instructions for each state when filing an initial claim for unemployment; different procedures often apply when filing claims for additional benefits.

**Alabama** – <http://dir.alabama.gov/uc>

**Alaska** – [http://www.labor.state.ak.us/esd\\_unemployment\\_insurance/biff-splash.htm](http://www.labor.state.ak.us/esd_unemployment_insurance/biff-splash.htm)

**Arizona** – <https://www.azdes.gov/landing.aspx?id=4211>

**Arkansas** - <http://www.arkansas.gov/esd/UI/index.htm>

**California** – <https://eapply4ui.edd.ca.gov/>

**Colorado** – <https://www.coworkforce.com/ucontinuedclaims/default.asp?ci=0&ps=0&er=0&li=e>

**Connecticut** – <http://www.ctdol.state.ct.us/progsupt/unemplt/unemployment.htm>

**Delaware** – <http://www.delawareworks.com/Unemployment/welcome.shtml>

**District of Columbia** – <https://does.dcnetworks.org/InitialClaims/>

**Florida** – <https://www2.myflorida.com/apps/uc/fluid/>

**Georgia** – <http://www.dol.state.ga.us/>

**Hawaii** – <http://hawaii.gov/labor/ui>

**Idaho** – <http://fileforunemployment.org/2011/07/28/idaho-unemployment/>

**Illinois** – <http://www.ides.state.il.us/individual/certify/default.asp>

**Indiana** – <http://www.in.gov/dwd/>

**Iowa** – <http://www.iowaworkforce.org/ui/file1.htm#1>.

**Kansas** – <http://www.getkansasbenefits.gov/>

**Kentucky** – <http://www.kewes.ky.gov/>

**Louisiana** – [https://laors.laworks.net/laclaims/Web site/](https://laors.laworks.net/laclaims/Web%20site/)

**Maine** – <http://www.maine.gov/labor/>

**Maryland** – electronic filing not permitted if employee worked for the Federal Government in the past 18 months. File by phone at 410-949-0022 in the Baltimore area, or 1-800-827-4839 outside the Baltimore area. Information is at <http://www.dllr.state.md.us/employment/unemployment.shtml>

**Massachusetts** – initial claim by phone or in person only. File by phone at 1-877-626-6800 from Massachusetts, 617-626-6800 outside Massachusetts. Information is at <http://www.mass.gov/?pageID=dlwdconstituent&L=2&L0=Home&L1=Claimants&sid=Edwd>

**Michigan** – <http://www.michigan.gov/uia/0,1607,7-118--77962--,00.html>

**Minnesota** – <http://www.uimn.org/>

**Mississippi** – <http://mdes.ms.gov> - form must then be brought in person to a Mississippi Job Center

**Missouri** – <http://www.labor.mo.gov/DES/Claims/>

**Montana** – <https://app.mt.gov/ui4u/index>

**Nebraska** – <https://uibenefits.nwd.ne.gov/BPSWeb/jsp/BPSClaimantWelcome.jsp>

**Nevada** – [http://www.ui.nvdetr.org/UI\\_Agreement.html](http://www.ui.nvdetr.org/UI_Agreement.html)

**New Hampshire** – <http://www.nh.gov/nhes/>

**New Jersey** – [http://lwd.dol.state.nj.us/labor/ui/ui\\_index.html](http://lwd.dol.state.nj.us/labor/ui/ui_index.html)

**New Mexico** – <http://www.dws.state.nm.us/>

**New York** – [https://ui.labor.state.ny.us/UBC/home.do?FF\\_LOCALE=1](https://ui.labor.state.ny.us/UBC/home.do?FF_LOCALE=1)

**North Carolina** – <http://www.ncesc1.com/individual/default.asp>

**North Dakota** – <https://secure.apps.state.nd.us/jsnd/uiiaclaims/login.htm>

**Ohio** – <http://unemployment.ohio.gov/>

**Oklahoma** – <https://unemployment.state.ok.us/instructions.asp?x=n>

**Oregon** – <http://findit.emp.state.or.us/ocs>

**Pennsylvania** – <https://www.paclaims.state.pa.us/UCEN/>

**Puerto Rico** – file by phone only, by calling 1-888-238-8889

**Rhode Island** – <https://uiclaims.state.ri.us/RI-ICS/Intro/index.aspx?AC=yes>

**South Carolina** – <http://dew.sc.gov/>

**South Dakota** – <http://dlr.sd.gov/ui/uibenefits.aspx>

**Tennessee** – <http://www.tn.gov/labor-wfd/unemployment.html>

**Texas** – <http://www.twc.state.tx.us/ui/uiclaim.html>

**Utah** – <http://jobs.utah.gov/ui/WebInitialCubs/Welcome.aspx>

**Vermont** – file by phone only, by calling 1-877-214-3330. Information is at

<http://www.labor.vermont.gov/Unemployed/tabid/109/Default.aspx>

**Virginia** – <http://www.vec.virginia.gov/vecportal/seeker/jslogin.cfm>

**Virgin Islands** – file in person only; contact information is listed at

<http://www.vidol.gov/OP/Contact.htm>

**Washington** – <http://www.esd.wa.gov/>

**West Virginia** – <http://www.wvuc.org/>

**Wisconsin** – <https://ucclaim-wi.org/InternetInitialClaims/InfoBasicRequirements.asp>

**Wyoming** – <http://wyomingworkforce.org/job-seekers-and-workers/unemployment-insurance/Pages/default.aspx>

Additional information on Unemployment Compensation for Federal Employees (UCFE), see DOL's UCFE webpage at <http://www.servicelocator.org/OWSLinks.asp>

UCFE Fact Sheet: <http://www.dol.gov/sequestration/ucfe.pdf>

UCFE FAQs: <http://www.dol.gov/sequestration/ucfe-faqs.pdf>

### **Q30. Will furlough impact Mass Transit Benefits?**

A30. The monthly maximum claim an employee in the Mass Transit Program may claim will remain the same. However, employees may only make claims based on the number of days mass transit is used. If furlough reduces the number of days that an employee uses mass transportation under the program, reimbursement will be for days of actual use.

### **Q31. Will employees planning to retire before the end of the fiscal year be furloughed?**

A31. Yes, employees planning to retire before the end of the fiscal year will be furloughed unless they are in a position that has been excluded from furlough. It is the intent of the Department of Defense and Army that all employees be furloughed to achieve maximum savings and ensure equal treatment to the extent possible.

### **Q32. How does a furlough affect an employee's high 3 for retirement annuity benefits?**

A32. The amount of a CSRS or FERS annuity is based primarily on the amount of creditable service an employee performs and the employee's high-3 average salary. Both CSRS and FERS allow service credit for up to 6 months of non-pay status in any calendar year. If a furlough period does not cause an employee to be in a non-pay status for more than 6 months in a calendar year, the furlough period will be included as creditable service in determining the employee's total creditable service used in the

annuity computation. (More detail is available at <http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/addendum-2-leave-accrual-and-retirement-annuity-benefits-for-employees-affected-by-an-administrative-furlough-022613.pdf> )

**Q33. How will a furlough affect my Thrift Savings Program (TSP) contributions?**

A33. There will be a reduction in your contributions unless you choose a set dollar amount instead of a percentage of pay. Additional information regarding TSP contributions is available at <https://www.tsp.gov/PDF/formspubs/oc13-7.pdf>