



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
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WASHINGTON, DC 20310-0111

SAMR

MAY 17 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Department of the Army Fiscal Year 2013 Administrative Furlough

This memorandum supersedes reference 1.c., below and is issued for planning and execution.

1. References:

- a. Secretary of Defense memorandum, 14 May 2013, subject: Furloughs.
- b. U.S. Office of Personnel Management Guidance for Administrative Furloughs, as amended.
- c. Assistant Secretary of the Army (Manpower and Reserve Affairs) memorandum, 20 March 2013, subject: Department of the Army Administrative Furlough Planning (rescinded).

2. Reference 1.a. announced the Secretary of Defense decision to require an administrative furlough of the Department of Defense (DoD) civilian workforce in Fiscal Year (FY) 2013. An administrative furlough differs from an emergency or government shutdown furlough which occurs when there is a lapse in appropriations. But both types of furlough place employees in a temporary no-pay, non-duty status because of lack of work or funds, or for other non-disciplinary reasons. Administrative furloughs of up to 22 workdays are considered adverse actions. Reference 1.b. provides information about administrative furloughs.

3. This memorandum constitutes the Secretary of the Army's authorization to issue notices of proposed furlough and proceed to execute the furlough in accordance with reference 1.a. and this memorandum. It is the intent of DoD and the Army that all employees be furloughed, with extremely limited exceptions, in order to maximize cost savings. Accordingly, the Army intends to furlough all civilian employees for up to 88 hours, or 11 workdays, prior to the end of FY 2013, unless an employee is excepted from furlough as set forth in: reference 1.a.; paragraphs 4 through 6, below; or as authorized by the Secretary of the Army. Employees who were previously identified as "excepted" or "exempt" from past government shutdown furloughs are not automatically excepted from the current administrative furlough.

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4. Pursuant to my authority under provisions of Title 10, U.S. Code, Section 3016, and at the direction of the Secretary of the Army, I hereby designate: the Commanders of Army Commands, Army Service Component Commands and Direct Reporting Units (DRU); the Commanders of U.S. European Command, U.S. Forces Korea, U.S. Southern Command, U.S. Africa Command and Joint Special Operations Command; and the Administrative Assistant to the Secretary of the Army for Headquarters, Department of the Army (HQDA), as Deciding Officials for purposes of the adverse action process associated with the FY 2013 administrative furlough.

a. For purposes of the adverse action process associated with the FY 2013 administrative furlough and the administration of the restrictions on overtime work set forth in this memorandum, the Administrative Assistant to the Secretary of the Army will exercise authority, direction and control over the personnel of the following organizations as if they were part of HQDA:

- (1) Armed Services Board of Contract Appeals;
- (2) DoD Explosives Safety Board;
- (3) Joint Improvised Explosive Device Defeat Organization;
- (4) Special Inspector General for Iraq Reconstruction;
- (5) Special Inspector General for Afghanistan Reconstruction; and
- (6) Military Entrance Processing Command.

b. Civilian employees of the Office of the Chief, Army Reserve (an HQDA Principal Official), who are associated with Unit Identification Code W0Z4AA, are considered a part of HQDA. By reference 1.a., the Secretary of Defense authorized the Chief, National Guard Bureau to exercise independent furlough authority for personnel of the National Guard Bureau. In accordance with DoD Directive 5105.77, *National Guard Bureau*, paragraph 7.1, the Chief, National Guard Bureau may develop and promulgate publications on National Guard matters, consistent with DoD and Department of the Army policies. Accordingly, the policies set forth in reference 1.a. and this memorandum should be applied in administering the furlough and related matters for Department of the Army civilian employees associated with National Guard Bureau Unit Identification Codes W00QAA, W39LAA, W36VAA and W3G2AA.

c. As authorized by the Secretary of the Army, for purposes of the FY 2013 administrative furlough and the restrictions on overtime work set forth in this memorandum, a DRU led by a civilian employee will be considered an HQDA organization or activity subject to the authority, direction and control of the HQDA Principal Official to whom the DRU reports.

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d. As Deciding Officials in the context of the adverse action process associated with the FY 2013 administrative furlough, the officials designated as Deciding Officials in paragraph 4, above are hereby empowered to issue final furlough decisions to:

(1) except from furlough any individual employee in the grade of GS-15 (and equivalents) and below; and

(2) limit to less than 88 hours or 11 workdays the number of hours/days that any full-time individual employee in the grade of GS-15 (and equivalents) and below will be furloughed before the end of FY 2013.

e. Deciding Officials are charged with, and are accountable for, making final decisions on furloughs for individual employees based on the efficiency of the Service¹, after carefully considering the employee's reply, if any, and the needs of the Department of the Army. Deciding Officials must also ensure they make final decisions in cases in which an employee does not submit a reply. Deciding Officials will have the authority to execute the full range of options with respect to providing relief in individual employee cases. This authority includes, but is not limited to, reducing the number of hours/days an employee will be furloughed, or granting the individual employee an exception from the furlough altogether.

f. Deciding Officials may recall an employee from furlough (resulting in an overall reduction in the number of FY 2013 furlough hours for that employee) only as necessary to protect the health, safety and security of personnel or property; to ensure the direct and timely provision of services and materiel to deployed units or to units that are preparing to deploy; or to perform similar mission critical functions. No additional funds will be authorized for furlough recall.

5. The officials designated as Deciding Officials in paragraph 4, above, may designate as a Deciding Official(s) for purposes of the adverse action process associated with the FY 2013 administrative furlough, one or more military officers or senior civilians under their supervision in grades no lower than Colonel or GS-15 (or equivalents). Designated individuals may subsequently designate as Deciding Officials other military officers or senior civilians serving under their supervision (also in grades no lower than Colonel/GS-15 (or equivalents)). No person lower than Colonel/GS-15 (or equivalents) may be designated as a Deciding Official. An individual may be designated as a Deciding Official in accordance with this paragraph only when such individuals would be in the best position to determine the fair and equitable application of the furlough to employees. Required as part of the designation of a Deciding Official is a re-delegation to that individual of the authorities enumerated in paragraph 4, above.

¹ 5 U.S.C. § 7513 (a); see *Hatfield v. Department of the Interior*, 28 M.S.P.R. 673, 675 (1985) ("[a]n adverse action promotes the efficiency of the service when the grounds for the action relate to either an employee's ability to accomplish his duties satisfactorily or to some other legitimate government interest.").

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6. Any designation as a Deciding Official and re-delegation of the requisite authorities will take effect only when it is in writing and signed by the designating official. I will hold each of the officials designated as Deciding Officials in paragraph 4, above, responsible for any and all actions he or she takes as a Deciding Official, including the exercise of authorities inherent in such a designation, and for any actions taken by individuals under his/her supervision who are subsequently designated as Deciding Officials. Should conditions warrant, any designating official should suspend or rescind a subordinate's designation as a Deciding Official, as appropriate.

7. This memorandum and its Appendices do not apply to employees managed by the Civilian Senior Leader Management Office (CSLMO). Separate guidance addressing CSLMO-managed employees is forthcoming.

8. Organizations may not transfer any work from Army civilians to contractors or use premium pay (overtime or compensatory time off) to offset federal employee absence due to furlough. Organizations are reminded that furloughed employees are prohibited from working on-site or on a telework basis during furlough hours/days, and furloughed employees may not substitute paid leave or other paid time off for furlough hours/days.

9. Employee overtime work, whether paid or awarded as compensatory time off, is prohibited during the sequester through the end of FY 2013 except as necessary to protect the health, safety and security of personnel or property; to ensure the direct and timely provision of services and materiel to deployed unit or to units that are preparing to deploy; or to perform similar mission critical functions.

a. These provisions concerning overtime work apply equally to all Army employees, to include those excepted from furlough. Overtime work for an employee subject to furlough must be approved by an official designated as the Deciding Official for that employee for purposes of the FY 2013 furlough. Overtime work for employees not subject to furlough must be approved by an official designated as a Deciding Official in paragraph 4, above. The officials designated as Deciding Officials in paragraph 4 may delegate the authority to approve overtime work for employees excepted from furloughed through the chain of command or supervision to an official in a grade no lower than Colonel/GS-15 (or equivalents).

b. Before recommending the approval of overtime work, commanders, supervisors and other management officials must make every effort to meet mission requirements by using the latitude to adjust (in advance) each employee's scheduled furlough hours/days. All other options will be considered before overtime work is authorized; overtime work will be approved only when all other options are impracticable.

c. Any approval of overtime work must be documented in advance of the time and date on which the work is to be performed, signed and dated by the appropriate approving official and must also set forth: the purpose of the overtime work and the rationale for

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concluding that the work meets the above criteria; whether the overtime work will be paid or awarded as compensatory time off; and the number of hours of overtime work authorized.

d. I will hold the officials designated as Deciding Officials in paragraph 4, above, together with individuals under their supervision with the authority to approve overtime work, accountable for managing workload properly and for ensuring that employees are not permitted to work overtime in contravention of this policy.

e. No additional funds will be authorized for overtime work.

10. Reports.

a. The officials designated as Deciding Officials in paragraph 4, above, ***will inform me of each grant of an exception from the FY 2013 furlough; decision to limit or reduce the number of furlough hours/days to which an employee is subject; or decision to recall an employee from furlough that results in an overall reduction in FY 2013 furlough hours for that employee rendered by that official or any subordinate Deciding Official or delegate. Such reports shall be in writing and include a description of the action taken and the underlying rationale. Reports will be forwarded to me concurrent with the decision at issue.*** I will compile and submit corresponding reports to the Secretary of the Army.

b. The officials designated as Deciding Officials in paragraph 4, above, will provide periodic reports to the Assistant G-1 (Civilian Personnel), Office Deputy Chief of Staff, G-1, HQDA as to:

(1) The number of notices of proposed furlough issued to employees;

(2) The number of employees to whom notices of proposed furlough were not issued because the employee was subject to an approved furlough exception.

(3) The number of notices of final furlough decisions issued to employees;

(4) The number of individual furlough exceptions granted through the adverse action process.

The Assistant G-1 (Civilian Personnel) will issue additional guidance and reporting formats under separate cover.

c. Furlough-related actions and the approval of overtime work also will be included in the monthly reports presented at the ASA(M&RA) and ASA(FM&C) Civilian Workforce Shaping Teleconferences. The content and format for submission of these reports will be provided separately.

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11. To the fullest extent practicable, management must engage its unions in pre-decisional discussions regarding the possible actions to be taken with regard to the furlough. Additionally, management must fulfill its statutory and contractual labor relations obligations in implementing actions addressed in this memorandum.

12. Both DoD and the Department of the Army will continue to keep you informed as this situation develops. It is imperative that we continue to communicate with our workforce and labor partners. As we address this difficult and fluid fiscal situation, we want you and your employees to know that your patience, hard work and continued dedication are deeply appreciated. As conditions change or senior leadership decisions provide clarity or modify direction, we will provide you further guidance.

13. Commands and organizations will execute the furlough in accordance with the timelines in Appendix C and with applicable bargaining obligations and agreements. Templates for furlough proposal and decision notices, the use of which is mandatory, have been disseminated through command human resources channels.



THOMAS R. LAMONT
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

4 Appendices

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SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION
MILITARY ENTRANCE PROCESSING COMMAND

Appendix A: General Administrative Furlough Guidelines and Procedures

1. General. Administrative furloughs differ from emergency furloughs, as outlined in reference 1.b. of the base memorandum. Administrative furloughs of up to 22 workdays are considered adverse actions. Commanders, supervisors and other management officials may find it helpful to review the references listed in paragraph 3, below.

a. As a result of major budgetary shortfalls, the Army intends to furlough all civilian employees for up to 88 hours or 11 workdays in Fiscal Year (FY) 2013. At this time, the furlough period is expected to run from 8 July through 30 September 2013, subject to fulfillment of labor relations obligations, as appropriate. As authorized by the officials designated as Deciding Officials in paragraph 4 of the base memorandum, commanders, supervisors and other management officials have latitude in scheduling furlough hours/days for furloughed employees in their chains of command or supervision, consistent with mission requirements, bargaining agreements, fairness, equity and consideration for employee preferences.

b. Furloughs may not be scheduled solely on designated federal holidays. Additionally, furloughs may not be scheduled for a three-day period where the designated holiday falls in the middle of the three days, with the purpose of saving three days of pay while only losing two days of work. *The employee will receive holiday pay if he or she is in a paid status either on the workday preceding the holiday or the workday after the holiday.* Employees may, however, be furloughed for substantial periods of time that include holidays. In all cases, organizations should select furlough days based on factors that are unrelated to the fact that the furlough period includes a holiday.

c. A furloughed employee may not volunteer to perform his/her duties on a no-pay basis during any hours or days designated as furlough time for that employee. Unless otherwise authorized by law, an organization may not accept the voluntary services of any employee.

d. Furloughed employees may not take paid leave or substitute any form of paid time off for any hours or days designated as the employee's furlough time.

e. Based on operational needs or due to established use of alternate (compressed and flexible) work schedules, supervisors/managers may manage furloughs by hours to ensure that employees are furloughed exactly 88 hours over the period designated for furlough. Alternate work schedules may be modified or temporarily suspended to accommodate employee absences for furlough. Supervisors and managers must be aware, however, that pursuant to Title 5, U.S. Code, Section 6126, termination of an employee's flexible work schedule may obligate the Army to pay the employee for up to 24 hours of accumulated credit hours. Employees should be informed of work schedule changes at least a week in advance of the change. Labor relations obligations will be met before action is taken to change established work schedules.

f. Careful consideration should be given to the timing of furlough hours and days. Some organizations may need to rotate employee furlough time to enable continued operations. Other commands and organizations may be able to furlough all employees during the same period to garner added savings. Commanders, supervisors and other management officials

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should consider opportunities for cost savings in base operations and utilities by synchronizing employee furlough schedules across an installation. For example, organizations may establish the same day each week to furlough employees across an installation, thereby reducing both staffing levels and the installation's utility bills.

g. To the extent possible, furlough hours/days should not be scheduled during periods of temporary duty (TDY). If furlough during an employee's TDY appears unavoidable and the employee is not approved for an exception to the furlough, consideration should be given to cancelling the TDY. Either per diem or actual expenses must be provided to an employee whose travel status requires a stay that includes a furlough day (even though the employee is in a no-pay, non-duty status).

h. The furlough hours of part-time employees will be pro-rated. An employee working only 40 hours per pay period, for instance, will be furloughed only 44 hours over the period during which furloughs will occur (one-half of the 88 hours mandated for full-time employees). Similarly, employees who are currently in a furlough-excepted category or position, but who subsequently become subject to furlough, or vice versa, will have their furlough hours pro-rated across the pay periods remaining in FY 2013 from the day after a notice of final furlough decision is issued or the statutory 30-day notice period expires, whichever is later.

i. Furlough guidance applicable to employees on detail is provided in reference 1.b. of the base memo. Detailed employees remain officially assigned to their permanent positions during the detail. During a furlough, each **parent organization** will determine the status of each of its employees. If furlough is required, the **parent organization** will determine how and when the detailed employee will be affected. Parent organizations are encouraged to work with the detailed organization in scheduling the detailee's furlough days.

j. If an employee is scheduled to be on Leave Without Pay (LWOP) during the furlough period, the supervisor/manager has discretion whether or not to furlough the employee. If the supervisor/manager decides to place the employee in a furlough status during hours that were originally scheduled for LWOP, all applicable procedural requirements must be met, to include providing a notice of proposed furlough. No proposed furlough notice or notice of final furlough decision is required for employees who are on LWOP and not expected to return to work at all during the period of furlough (e.g., an employee on a one-year period of LWOP to accompany a military spouse on assignment). Should an employee who was expected to be on LWOP for the entire period of the furlough return to work during the furlough period, the supervisor/manager should issue a notice of proposed furlough to the employee as soon as possible after the employee's return to duty. The Office of the Deputy Chief of Staff, G-1 will update you should this guidance change.

k. Newly hired Army employees; employees moving within Army from a position excepted from furlough to a position subject to furlough; employees permanently moving from one Army position to another position under a different Deciding Official; and employees moving to Army from another DoD Component or from another Federal agency, will be provided a 30-day notice of proposed furlough immediately on reporting to the new Army position. If furloughed, the employee's hours of furlough will be pro-rated across the pay periods remaining from the

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day after a notice of final furlough decision is issued or the statutory 30-day notice period expires, whichever is later. Under no circumstance may any individual employee exceed 88 total furlough hours in FY 2013, regardless of where employed.

1. Firefighters and other employees serving "uncommon" tours of duty also shall be furloughed for 88 hours, absent an approved exception to the furlough. However, the furlough should not disproportionately impact these employees and care should be taken to ensure that their regular pay is not disproportionately reduced in comparison to other furloughed employees. For instance, if full time employees on a normal work schedule are furloughed for two days per 10-day pay period, the reduction in firefighter regular pay as a result of furlough should not exceed 20% per pay period.

2. Procedures.

a. Administrative furloughs of 22 workdays or less are covered under adverse action procedures. Each employee, as defined in Title 5, U.S. Code, Section 7511, must receive at least a 30-calendar-day advance notice of proposed furlough, a minimum 7-calendar-day response period and a notice of final furlough decision. The 7-calendar-day response period runs concurrently with the 30-day advance notice. A notice of final furlough decision must be issued whether or not the employee submits a response to the notice of proposed furlough.

b. Key Personnel in the Furlough Process:

(1) An employee's first line supervisor generally will serve as the Furlough Proposing Official. Proposing Officials will issue individual notices of proposed furlough to each employee to be furloughed.

(2) Deciding Officials will be designated in accordance with paragraphs 4 through 6 of the base memorandum and empowered with all requisite authorities. Deciding Officials are charged with, and accountable for, making and issuing notices of final furlough decision to each individual employee subject to furlough, whether or not that employee submits any response to the notice of proposed furlough. In making a final decision on the proposed notice of furlough of each employee, the Deciding Official must carefully review and consider all evidence of record, giving full and fair consideration to any response that may be submitted by an employee to the notice of proposed furlough.

(3) The Deciding Official may appoint one or more designated Reply Official(s). A Reply Official must be appointed in writing and may be either a military officer or a civilian employee. The Reply Official will: (1) serve as the official designated to hear, receive and document any verbal and/or written replies made by an employee in response to a notice of proposed furlough; (2) receive and respond to any requests for an extension to the period allocated for employee reply to a notice of proposed furlough; (3) prepare a written summary of an employee's oral reply, if any, and present the summary to the employee for review for accuracy; (4) provide the Deciding Official with a copy of all documents or information provided by the employee and a summary of any verbal reply provided by the employee; and (5) based solely on the information provided in support of the notice of proposed furlough and the

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employee's reply, if any, recommend to the Deciding Official a final decision on the proposed furlough of the employee and the rationale for any such recommendation.

c. OSD-approved notices of proposed furlough and final furlough decision templates, the use of which is mandatory, have been disseminated through human resources channels. To the extent possible, management officials will deliver to the receiving employee in person both the notice of proposed furlough and the notice of final furlough decision rendered by the Deciding Official. Each employee will be asked to sign a copy of the notice of proposed furlough and notice of final furlough decision, acknowledging receipt. A copy of the employee's acknowledgment will be retained in the adverse action file. Should an employee decline to acknowledge receipt, a management official will annotate the delivery and the employee's refusal to sign on a copy of the notice and/or decision and retain that copy in the adverse action file. When an employee is absent from the workplace at the time notices or decisions are to be delivered personally, a management official must mail the notice by certified mail with return receipt to the employee's current mailing address. It is recommended, however, that supervisors/managers send notices to the employee by both first class mail and certified mail with return receipt. Supervisors/managers also may undertake personal delivery to the employee's home. Although not the preferred method, the officials designated as Deciding Officials in paragraph 4 of the base memorandum may permit their subordinate Proposing and Deciding Officials to issue furlough-related notices by email. Additional guidance on the use of email will be published through human resources channels. In each case, the Proposing and Deciding Officials must retain a record documenting the means by which each furlough-related document was provided to the employee and proof of employee receipt.

d. Other:

(1) The servicing Civilian Personnel Advisory Center (CPAC) will provide advice and guidance on: (1) Impact and Implementation bargaining; (2) preparation of notices of proposed furlough and final furlough decision; (3) processing of Standard Form (SF)-50, *Notification of Personnel Action*; and (4) other questions and issues that may arise during the furlough.

(2) The Civilian Human Resources Agency (CHRA) will process a *Notification of Personnel Action* (SF-50) for each employee furloughed. CHRA will provide additional processing guidance and guidance on records retention and maintenance, through the servicing CPACs, under separate cover.

(3) Employees and supervisors/managers must document furlough hours/days in the Automated Time Attendance and Production System (ATAAPS) or other approved time and attendance system. Furlough hours/days will be coded as KE.

(4) Throughout the process, statutory and contractual labor relations obligations must be met for bargaining unit employees. Servicing CPACs will assist in this effort.

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3. **Additional Resources.** Commanders, supervisors/managers and other leaders are encouraged to review the websites referenced below for assistance in planning for the furlough. Leaders also may find it helpful to refer employees to one or more of the websites below for information.

a. Office of Personnel Management Furlough Guidance at <http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/>

b. Defense Civilian Personnel Administrative Services Furlough Guidance at <http://www.cpms.osd.mil/Subpage/FurloughGuidance/>

c. Army Information, Frequently Asked Questions and Fact Sheets at <http://cpol.army.mil/library/general/2013sequestration/>

d. Thrift Savings Plan information at <https://www.tsp.gov/PDF/formspubs/oc13-7.pdf>

Appendix B: Administrative Furlough Guidance – Civilian Training

1. General. Administrative furloughs differ from emergency or government shutdown furloughs, as outlined in reference 1.b. of the base memorandum. Organizations should review and apply that reference and the guidance below in planning for the Fiscal Year (FY) 2013 administrative furlough.

a. The Army will continue to support mission critical functional and leader development training within available funding. Career Program (CP) Managers and commands must continue to spend every training dollar wisely, considering mission essential training, career program and command priorities, together with revised funding levels. The Army encourages all commands and organizations to continue to support CP and other centrally funded training (Senior Leader Seminar, Army Civilian Education System, DoD Leader Development Programs, etc.), but will also support a commander's/supervisor's decision to impose travel and training restrictions on their employees.

b. Reference 1.b. states: "In the event that scheduled training occurs during a furlough period, affected employees must be placed in a furlough status and ordered **NOT** to attend the scheduled training on the day of their scheduled furlough." The following guidance is provided with regard to Army Civilians participating in long- and short-term training during the furlough period.

(1) Long-Term training is defined in AR 350-1 as continuous, full-time training for more than 120 calendar days and is most applicable to the military Senior Service Colleges (SSCs) (i.e., Army War College, Air War College, Naval War College, Dwight D. Eisenhower School for National Security and Resource Strategy, etc.). Civilian students and employees of the military SSCs are not exempt from furlough.

(2) Army Civilian employees attending civilian-managed college or university long-term training (i.e., Comptroller Career Program employees attending the fourteen-month Defense Comptrollership Program at Syracuse University—a civilian-managed university) or attending long-term developmental assignments (internal or external to Army) will be furloughed in accordance with the procedures implemented by the employee's **parent organization**. Parent organizations may give consideration to adjusting the employee's/student's furlough schedule to accommodate course work and educational requirements while still meeting the mandated 88 hours of furlough before the end of FY 2013.

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(3) **Short Term Training:** Short-term training is defined as training for less than 120 days. An employee attending short term Civilian training will be furloughed in accordance with the procedures implemented by the employee's **parent organization**. This includes students attending the Army's Civilian Education System program as well as civilian-managed college and university courses. Parent organizations may give consideration to adjusting the employee's/student's furlough schedule to accommodate course work and educational requirements while still meeting the mandated 88 hours of furlough before the end of FY 2013.

c. **Travel and per diem in a training context:** In reference 1.b., OPM states: "Agencies must provide per diem or actual expenses to employees whose travel status requires a stay that includes a furlough day" (even though the employee is in a no-pay, non-duty status). This guidance applies to all travel, whether centrally funded or command funded.

2. Additional guidance as it relates to Civilian employee training during the administrative furlough will be provided as it becomes available.

FURLOUGH SCHEDULE*

- Notices of proposed furlough served on employees
 - 28 May through 5 June
- Employee reply period
 - 7 days after receipt of notice of proposed furlough
- Notice of final furlough decision issued to employees
 - 5 June through 5 July, but in any case, only after the reply period has passed
- Furlough period
 - No earlier than 8 July through 30 September

*Timelines for bargaining unit employees are subject to fulfillment of labor relations obligations