

# Department of the Army



## ADMINISTRATIVE FURLOUGH FREQUENTLY ASKED QUESTIONS (FAQs)

Updated June 26, 2013

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## Administrative Furlough FAQs

LINK to DoD's Furlough Guidance -

<http://www.cpms.osd.mil/Subpage/FurloughGuidance/>

LINK to Army's Furlough Guidance:

<http://cpol.army.mil/library/general/2013sequestration/index.html#memo>

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>

**General:**

**Q1. What is an administrative furlough?**

A1. An administrative furlough is a planned event by an agency that is designed to absorb reductions necessitated by 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:**

**Q2. Can employees telework on furlough days?**

A2. No, employees are prohibited from doing any government work on their furlough days.

**Q3. Can an employee use government-issued electronics such as a Blackberrys or a laptop for assigned duties on a designated furlough day?**

A3. No, employees may not use government-issued electronic devices to perform assigned duties on furlough days or during hours of furlough.

**Leave and Hours of Work:**

**Q4. Why are furlough days occasionally referred in terms of hours rather than days?**

A4. 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 types of appointments (part-time, full time, etc.), it is best for supervisors to schedule furloughs for all employees in terms of hours.

**Q5. Does discontinuous furlough of 88 hours (11 days) impact an employee's annual and sick leave accrual?**

A5. Yes, the accumulation of nonpay status hours during a leave year may 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 then accumulates a total of 160 hours of nonpaid time 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.

**Q6. How should supervisors treat an employee who is on approved leave without pay (LWOP) to include FMLA and Absent-Uniformed Service Leave (A-US) during an administrative furlough period?**

A6. Employees who are in LWOP status during an administrative furlough will receive credit for their time in that status towards any remaining scheduled furlough hours. For example, if an employee is on FMLA LWOP for 40 hours during the furlough period, the employee will receive credit for this time towards the 88 furlough hours. The employee will be required to take the remaining 48 hours during the furlough period if he/she returns to work during this time. Note that, before an employee can be furloughed, all applicable adverse action procedures must be met. Updated June 5, 2013.

**Q7. Should part-time employees be furloughed for the same hours (88 hrs) as full time employees?**

A7. 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 be furloughed 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 in the above example would be furloughed for 8 hours a pay period.

**Q8. 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?**

A8. 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.

**Q9. How will employees on home leave be affected?**

A9. 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.

**Q10. Should an employee be furloughed on a holiday?**

A10. 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.

**Q11. Will employees returning from deployment during the furlough period be required to be furloughed for 88 hours?**

A11. Their furlough hours will be prorated upon return from deployment and 30 days after the employee receives the requisite furlough notice.

**Q12. If an employee transfers to Army from an agency not subject to furlough, will that employee be subject to the 88 hours furlough requirement?**

A12. In general, employees transferring to Army from an agency not subject to furlough will be subject to furlough during FY 2013; the furlough hours would be prorated depending on the employee's entry on duty date and the necessary 30 day notice period.

**Q13. Can approved annual leave be cancelled during the furlough period?**

A13. Yes, approved leave can be cancelled during the furlough period based on mission considerations and the scheduling of furlough days.

**Q14. How is furlough time documented in the time and attendance system?**

A14. 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:**

**Q15. What impact does the furlough have on an employee who is serving, or will start serving, a suspension?**

A15. Days in a suspension status are not counted as furlough days. Therefore, an employee serving a suspension during the furlough period will still be required to be furloughed the same number of hours/days as other similarly situated Army employees. Supervisors have the discretion to determine when a suspension should be taken. Effective dates may be established either during or after the furlough period. Management should give careful consideration about when to effect a suspension during a furlough period. Supervisors should obtain advice from the servicing Civilian Personnel Advisory Center to determine the most appropriate action.

The proposal and decision notices for long suspensions may be issued during the furlough period and may or may not inform the employee that the effective dates will be established after the furlough period ends.

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

#### **Q16. Can a supervisor eliminate AWS during the furlough period?**

A16. Yes, supervisors may terminate an employee AWS 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.

#### **Q17. How does furlough impact a compressed work schedule (CWS)?**

A17. 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:**

#### **Q18. Can the deciding official be the same individual as the proposing official?**

A18. 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. Additional information concerning the designation of deciding officials can be found in M&RA Memorandum dated 17 May 2013, SUBJECT: Department of the Army Fiscal Year 2013 Administrative Furlough).

#### **Q19. Can the oral reply official be the same as the proposing official?**

A19. We recommend that the proposing official not function as the oral reply official. The oral reply official is a management official who can recommend a final decision for the furlough action. Having the same individual functioning as the proposing official and oral reply official may give the appearance of a lack of due process.

**Q20. What are the roles and responsibilities of the proposing official?**

A20. As in all adverse actions, the proposing official is responsible for gathering facts, and meeting with his/her employee to issue the furlough proposal notice. The proposing official will explain to the employee the reason why he or she is receiving the proposal notice. The proposing official should also go over other information included in the proposal 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, is the identity of the deciding official, and general questions regarding the proposal notice.

**Q21. What are the roles and responsibilities of the deciding official?**

A21. As in any adverse action, the deciding official is responsible for reviewing the facts and the basis for the proposal and carefully considering the employee's oral and/or written reply before making a final decision. The deciding official will 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 and the material relied upon in the proposal 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). 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. Employees should be referred to the Civilian Personnel Advisory Center (CPAC) for additional questions concerning employee appeal rights.

**Q22. What should management do when an employee refuses to sign/acknowledge receipt of a proposal or decision notice?**

A22. An employee's signature on a proposal or decision notice 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 stop the proposal or decision process. 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:**

**Q23. Where will furlough hours be reflected on an employee's Leave and Earnings Statement (LES)?**

A23. 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.

**Q24. What is the impact of furlough on my Living Quarters Allowances?**

A24. Living Quarters Allowance continues, if the employee continues to make housing payments, for periods of non-pay status that do not exceed 30 consecutive days. Other allowances continue for periods of non-pay status that do not exceed 14 days at one time.

**Q25. Must agencies cover travel expenses during a furlough day, if an employee's travel status requires his/her stay to include that furlough day?**

A25. Yes. Agencies must provide per diem or actual expenses to employees whose duty 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.*

**Q26. When an employee's pay is insufficient to permit all deductions to be made, what is the order of precedence for withholdings?**

A26. According to OPM guidance 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>

**Q27. What do individual states require before processing a claim for unemployment because of a furlough?**

A27. The list below provides websites or instructions for each state for eligibility and filing of an initial claim for unemployment.

**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/>  
**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/uicclaim.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>

For 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>

#### **Q28. Will furlough impact Mass Transit Benefits?**

A28. 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 is entitled to use mass transportation under the program, reimbursement will be for days of actual use.

#### **Q29. Will employees planning to retire before the end of the fiscal year be furloughed?**

A29. 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 Departments of Defense and Army that all employees be furloughed to achieve maximum savings and ensure equal treatment to the extent possible.

#### **Q30. How does a furlough affect an employee's high 3 for retirement annuity benefits?**

A30. 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> )

**Q31. How will a furlough affect my Thrift Savings Program (TSP) contributions?**

A31. 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>