



CIVILIAN HUMAN RESOURCES AGENCY

2013 Administrative Furlough Implementation Handbook

A Guide for Department of Army Management
and Civilian Personnel Advisory Centers

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Purpose of the 2013 Administrative Furlough Implementation Handbook

The Civilian Human Resources Agency (CHRA) is issuing this 2013 Administrative Furlough Implementation Handbook to provide operational guidance to Civilian Personnel Advisory Centers (CPACs) and civilian human resources (CHR) personnel, Commanders, leaders, managers and supervisors in field activities of the Army Commands, Army Service Component Commands (ASCCs), Direct Reporting Units (DRUs), Combatant Commands (COCOMs) and subordinate organizations in order to ensure the successful implementation of the FY13 Administrative Furlough. Note: Army Commands, ASCCs, DRUs, COCOMs, and subordinate organizations will hereafter in this document be referred to as “Commands”.

Audience

This handbook is designed for CPAC personnel and any Department of Army leader or manager or CHR personnel involved in the implementation and execution of the FY13 Administrative Furlough.

Materials Needed

Leaders, managers and CHR personnel should use this handbook in conjunction with:

- [US. Office of Personnel Management Guidance for Administrative Furloughs, April 25, 2013](#);
- Defense Civilian Personnel Advisory Service Administrative Furlough Questions & Answers 2013, May 2, 2013;
- [Memorandum from the Secretary of Defense, Subject: Preparations for Potential Sequestration on March 1 and Furlough Notifications, February 20, 2013](#);
- [Memorandum from the Secretary of Defense, Subject: Furloughs, May 14, 2013](#)
- [Memorandum from the Assistant Secretary of the Army for Manpower and Reserve Affairs, Subject: Department of the Army Administrative Furlough, May 17, 2013\(ASA \(M&RA\) Memo\)](#);
- Applicable articles contained in local collective bargaining agreement(s);
- Applicable laws in title 5, United States Code (e.g., [5 USC Chapter 75, section 7513](#)); and
- Applicable regulations published in title 5, Code of Federal Regulations (CFR), (e.g., [5 CFR 752](#), Subpart D).

How the Handbook is Organized

CHRA has organized this handbook in a manner that corresponds sequentially with the administrative furlough process, starting with Commands and hiring managers identifying exceptions to furlough, moving to the implementation of adverse action procedures, and finishing with providing support and assistance to employees affected by furlough.

Chapter I: Introduction

The furlough of Army civilian employees has always been considered an action of last resort; however, due to major budgetary shortfalls, the Secretary of Defense has determined that, absent changes to the budgetary outlook, an administrative furlough is required. It is the intent of the DoD and Army that all employees be furloughed, with extremely limited exceptions, in order to maximize the cost savings associated with the furlough.

This administrative furlough of no more than 88 hours or 11 eight-hour workdays is an adverse action covered under 5 USC 7513(b) and 5 CFR Part 752 procedures.

The dates in the [FY13 Administrative Furlough Timeline](#) vary because they are dependent on the completion of union bargaining obligations.

Chapter II: CPAC Roles and Responsibilities

1. Given the broad scope of furlough and number of adverse actions needing to be processed in a short period of time, CPACs will not be able to provide the traditional services associated with furlough as outlined in the [CHR Operation Integrated Definition \(IDEF\) Model Task Listing, dated 23 October 2012](#).

2. However, CPACs will:

- Provide ongoing support to Army Commands during scheduled discussions with union(s). CPACs will participate with their serviced managers to provide assistance as outlined in previously issued guidance.
- Coordinate with local managers to ensure local union notification and that Impact and Implementation (I&I) bargaining requirements are met, using previously issued guidance.
- Assist local managers in implementing Command communication plans at each installation to include assisting with coordinating employee town hall briefings.
- Advise on preparing and issuing delegations for Reply and Deciding Officials.
- Provide assistance as needed to local managers as they prepare Notices of Proposed Furlough for affected employees.
- Provide assistance as needed to Reply Officials.
- Provide assistance as needed to Deciding Officials as they prepare furlough decision notices for affected employees.

- Advise local managers on how to ensure employees excepted from the furlough in accordance with ASA (M&RA) guidance are not included in the AutoNOA mass processing of furlough personnel actions.
- Provide each local manager the [2013 Administrative Furlough Timekeeping Instructions](#).

Chapter III: *Labor Relations*

1. Labor Relations guidance has been provided under a separate cover to Army Commands and CPACs responsible for executing the furlough. If any supplemental guidance is received, Assistant G-1 for Civilian Personnel (AG1CP) and CHRA will send it out as appropriate.
2. If you have any questions, or anticipate delays in implementing the furlough due to negotiations and/or negotiability issues, CPACs should contact Kathy Bellinder at 785-240-3838 or Kathleen.r.bellinder.civ@mail.mil. Managers and supervisors should contact the servicing CPAC for assistance.

Chapter IV: *Exceptions to the Administrative Furlough*

Section A: *Categorical Exceptions Identified by the Secretary of Defense*

1. In accordance with the [ASA \(M&RA\) Memo](#), the Office of the Secretary of Defense (OSD) has identified categories of employees who will be excepted from furlough. These exceptions are termed “categorical exceptions.” Command officials should study the available categorical exceptions and thoroughly evaluate their workforce to specifically identify each employee within their workforce who falls under a categorical exception. Employees identified for categorical exception will not be subject to furlough, and therefore should not receive a Notice of Proposed Furlough.
2. Individual exceptions. During the adverse action process, a Deciding Official may decide not to furlough an employee or to furlough an employee for less than 88 hours. Such a decision is considered the grant of an individual exception for an employee. These exceptions must be reported through the chain of command to the ASA(M&RA).

Section B: AutoNOA Administrative Furlough Exceptions Website and Process

Commands/managers must **deselect** the employee records of employees granted either full categorical or individual exceptions as described in Chapter IV, section A to exclude them from the mass furlough process in accordance with the processes and procedures described in Chapter IX, *Processing the Furlough Request for Furlough Personnel Action (RPA)*. Records of employees who are identified for a reduced number of hours of furlough will not be deselected. ***Failure to diligently remove excepted employee records from the mass process will require additional corrective action from managers. Although there will be no effect on the employee's pay, every attempt should be made to ensure employees excepted from furlough do not receive a furlough action.***

Section C: Personnel Actions Processed Outside the Mass Furlough Process

Commands/managers will need to submit a furlough RPA to their servicing CPAC for employees who are initially excepted from the furlough and later become subject to furlough. This will happen outside the mass furlough process and it is the responsibility of management to ensure the action is processed.

Chapter V: Identification, Responsibilities and Delegations of Proposing, Reply, and Deciding Officials

Section A: Proposing Official

In accordance with the [ASA \(M&RA\) Memo](#), an employee's first line supervisor generally will serve as his/her Proposing Official. Proposing Officials will prepare individual notices of proposed furlough for each employee to be furloughed using the DoD-approved templates located at [FY13 Administrative Furlough Adverse Action Process](#) site.

Section B: Reply Official (OPTIONAL)

1. In accordance with the [ASA \(M&RA\) Memo](#), Deciding Officials may appoint one or more Reply Official(s) to assist with the timely disposition of proposed furlough actions. See [Sample Designation of Reply Official](#). A Reply Official should consult with his/her servicing CPAC L/MER specialist and local labor counsel and, where employees are in a bargaining unit, review relevant portions of the applicable collective bargaining agreement.

2. Reply Official will:

a. Hear, receive and document any verbal or written replies made in reply to notices of proposed furlough;

- b. Receive and respond to employee requests for extension to the reply period allocated in the Notice of Proposed Furlough;
- c. Prepare a written summary of the oral reply, if any, and present the summary to the employee for review and accuracy (see Sample Summary of Oral Reply);
- d. Provide the Deciding Official with a copy of the written reply and supporting documents or information provided by the employee and a summary of any verbal reply provided by the employee; and
- e. Based solely on the information provided in support of the Notice of Proposed Furlough and the employee's reply, if any, recommend to the Deciding Official a decision on the proposed furlough and the rationale for any such recommendation.

Section C: *Deciding Official*

1. Deciding Officials must be identified in writing based on the delegations authorized by the [ASA \(M&RA\) Memo](#). A Deciding Official should consult with his/her servicing CPAC L/MER specialist and local labor counsel and, where employees are in a bargaining unit, review relevant portions of the applicable collective bargaining agreement.
2. Deciding Officials are responsible for deciding whether or not to furlough specific employees, or to reduce the number of hours of furlough, based on the proposal, information relied upon, the employee's replies, and recommendation of the Reply Official, if used. In rendering his/her decision, the Deciding Official is determining whether the proposed furlough is for such cause as will promote the efficiency of the service.
3. Deciding Officials have the authority to:
 - a. except from furlough any individual employee in the grade GS-15 (and equivalents) and below;
 - b. limit to less than 88 hours the number of hours 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; and
 - c. recall an employee from furlough only as necessary to protect the health, safety and security of personnel or property; to ensure the direct and timely provision of services and material to deployed units or to units that are preparing to deploy; or to perform similar mission critical functions.
4. To take effect, all delegations of authority to serve as a Deciding Official must be in writing and signed by the official delegating the authority. See Sample Designation of

Deciding Official. Should conditions warrant, Commanders will suspend the use of and/or rescind re-delegations of these authorities.

Chapter VI: *Preparing/Training Proposing, Reply, and Deciding Officials*

1. As a companion to this 2013 Administrative Furlough Implementation Handbook, a comprehensive training package has been developed by CHRA Headquarters (CHRA HQ), Training Management Division (TMD). The target audience for the training is the Command Supervisors and Managers who may be called upon to be Proposing Officials, Reply Officials, or Deciding Officials. Members of the CPAC team will deliver the training. Ideally, CPAC practitioners who are well versed in furlough, adverse action procedures, and labor relations should present the training. In the event that the training is presented by a CHR practitioner who is not versed in labor and/or management employee relations, a member of the CPAC L/MER team will be in attendance for the training to address questions. The training may be presented via Defense Connect Online (DCO) or Video Teletraining (VTT).

2. The training content is focused on the 2013 Administrative Furlough and provides modules presenting general information about the furlough, detailing the administrative aspects for furlough, discussing the various roles in furlough process and concluding with furlough facts. CPACs are encouraged to tailor the training package with their contact information but will make no other changes to the training without first consulting with CHRA HQ, TMD. CPACs are likewise encouraged to present the training regularly and throughout the furlough event. Audience size is not limited, however, the training is recommended for smaller settings. The training is not recommended for theater or auditorium settings.

3. To access the training, visit [FY13 ADMINISTRATIVE FURLOUGH - TRAINING FOR ARMY MANAGEMENT](#).

Chapter VII: *Furlough Adverse Action Procedures*

Furlough adverse action procedures include issuance of Notices of Proposed Furlough, a period of time for employees to reply, consideration of any replies and an issuance of the Notices of Decision.

NOTE: For information regarding furlough of employees on temporary duty, detail, training, Leave Without Pay (LWOP), etc. refer to the [ASA \(M&RA\) Memo](#).

Section A: *Required Supporting Documentation/Materials*

1. Proposing Officials must consider the reasons they are proposing to furlough a specific employee. The information and materials upon which each decision is based are the materials relied upon in making that decision, and must be maintained and made available to an employee upon request of the employee or employee representative. A compiled set of documents that, when considered together, identify

the lack of funds which underlie the Department of Defense and Department of the Army decision to engage in an administrative furlough is located on CHRA GPS [FY13 Administrative Furlough Adverse Action Process](#) site.

2. Proposing Officials should also consider any command specific information and materials in deciding whether to propose a specific employee's furlough. In addition, depending on the specific employee and his or her potential inclusion in a categorical exception, a Proposing Official may need to consider employee specific materials in deciding whether to propose the employee's furlough. For example, a Proposing Official may need to consult an individual employee's SF-50 and position description to determine whether an employee fits within one of the Secretary of Defense categorical exceptions.

3. Commands must retain copies of all documentation used to support the proposal and decision notices. Commands must also ensure that a copy of the same documents is included in the official adverse action file of each employee at the conclusion of the adverse action process. Commands should also ensure availability of the information to affected employees during their reply period as required by [5 CFR 752.404](#).

Section B: Proposal.

1. Proposal period. In accordance with the requirements of [5 CFR 752](#), all employees affected by furlough will be notified at least 30 calendar days prior to executing the furlough. The notice period begins the day after the date an employee receives a written proposal of an adverse action and which ends on the effective date of the action, if effected. NOTE: a collective bargaining unit agreement (CBA) may require a longer notification period.

2. Preparation of Notice of Proposed Furlough.

a. Prior to signing and issuing any FY13 furlough proposal notifications, Proposing Officials should identify and read all documentation to be used in support of a proposed furlough adverse action as described in Chapter VII, Section A, paragraph 1 and 2.

b. The written notice must include all of the information required for non-disciplinary adverse action proposal notifications under [5 CFR Part 752](#) procedures, including but not limited to, statements of employee rights, the date that the proposed action would take effect, the basis for selecting the particular employee, as well as the reasons for furlough.

c. DoD has provided template notices to be used in conjunction with any identified supporting documentation to form the foundation of all Notices of Proposed Furlough. CPACs will provide direct support and assistance to Commands and Proposing Officials in tailoring the templates. Every Notice of Proposed Furlough must

be signed by the Proposing Official. Templates and instructions for use are found at [FY13 Administrative Furlough Adverse Action Process](#) site.

3. Delivery of Notice of Proposed Furlough.

a. The Proposing Official is responsible for issuing the notice of proposed furlough to each employee who has been identified for a proposed furlough action by personal hand delivery or other reliable means (e.g., First Class and certified mail, or personal delivery to the employee's workplace). To accomplish timely and sufficient delivery, personal delivery (securing an acknowledgement of receipt from the employee) is the preferred method. Notices should be personalized with an employee's name, current mailing address, and e-mail address. In each case, the Proposing Official must retain a record documenting the means by which the proposal notice was provided to the employee and proof of employee receipt.

b. Personal Delivery: When delivering notices in person, Proposing Officials shall obtain employee acknowledgement of receipt and retain a copy for the adverse action file. If an employee is not at his/her duty station during the notification period, supervisors/managers may also undertake delivery to the employee's home. If an employee refuses to acknowledge receipt, the Proposing Official should then annotate the delivery and employee's refusal to sign.

c. E-mail Delivery: When e-mail is used, the body of the electronic correspondence should inform the employee to send an e-mail acknowledging receipt of the notice. Digital signatures may also be used to demonstrate receipt. If a personal acknowledgment is not received within a reasonable amount of time (for example, two business days), a Proposing Official must immediately follow-up e-mail delivery with a one-on-one meeting to obtain the employee's signed acknowledgement (or annotate employee's refusal to acknowledge). When in-person follow-up is not possible, or employee acknowledgment has not been received, Proposing Officials should follow the first class and certified mail procedures described below.

d. First Class and Certified Mail: When an employee is otherwise unavailable for personal delivery (for example, an employee is located in a remote location, in a leave status, or has not acknowledged receipt of e-mailed furlough notification), the Proposing Official must mail the notice by certified mail with return receipt to the employee's current mailing address. It is recommended, however, that Proposing Officials send notices by both first class mail and certified mail with return receipt. Should an employee refuse to accept delivery of the certified mail, the first class mail option will also provide a legally acceptable proof of delivery.

Section C: *Review/Reply Period.*

1. Official Time: An employee who is subject to a furlough is entitled to up to four hours of duty time to review the material relied upon in making the decision to propose the adverse action or to prepare his/her response to the proposal. The supervisor

makes the determination on a case-by-case basis as to what is reasonable and must take into consideration mission requirements and the employee's needs, as well as compliance with any related collective bargaining agreement. Commands are strongly encouraged to contact the servicing CPAC(s) and local labor counselors/Staff Judge Advocate (SJA) when evaluating how much official time to approve/disapprove in individual situations.

2. **Employee Representatives:** Employees have the right to be represented by an attorney or other representative (at no cost to the government) during the adverse action process. An agency may disallow as an employee's representative an individual whose activities as representative would cause a conflict of interest or position or an employee of the agency whose release from his or her official position would give rise to unreasonable costs or whose priority work assignments preclude his or her release. This right may also be subject to local labor obligations, so Commands are strongly encouraged to contact the servicing CPAC(s) and local labor counselors/SJA before objecting to employee representative designations.

3. Employee Reply.

- a. **Reply period.** Employees and/or their representatives have 7-calendar days to review the material relied upon to support Notice of Proposed Furlough and reply to the proposal unless an applicable CBA provides a longer reply period or the Reply Official or Deciding Official grants an extension to the reply period. Employee reply periods run concurrently with the 30-day advance notice.
- b. **Written Replies.** Employees may provide written replies, including any supporting documents, during the reply period as described in the Notice of Proposed Furlough.
- c. **Oral Replies.** An oral reply should only be at the request of an employee or his/her representative. Normally, the only persons in attendance at an oral reply are the Reply Official, a management representative, the employee, and the employee's designated representative, if any. An oral reply is not a hearing in which the employee is entitled to call or cross-examine witnesses. Rather, it is an opportunity for the employee to make any plea he/she believes may influence the decision in his/her favor. To ensure accuracy, a copy of the summary of the oral reply should be provided to the employee or his/her designated representative by the Reply Official, or the Deciding Official if a Reply Official is not used, for verification or comment prior to it being considered in a recommendation or decision. The employee's receipt of that document should be appropriately recorded.

Consideration of Employee Replies.

- d. Reply Officials (if used) will read and review the Notice of Proposed Furlough and supporting documentation, hear and summarize in writing the oral reply received from the employee and/or representative and provide the summary to the employee for any corrections or comments, read and review the written reply received from the employee and/or representative, and make a written recommendation to the Deciding Official on how to decide the proposal to furlough the employee.
- e. Deciding Officials will read and review the Notice of Proposed Furlough and supporting documentation, read and review the reply received from the employee and/or representative, and read and review the written recommendation of the Reply Official (if used). NOTE: Deciding Officials should not consider the Douglas Factors in making their decision.

Section D: *Decision.*

1. Final Decisions. Deciding Officials will provide employees with a written decision before the furlough is effected for the employee. Final decisions should be made based on the efficiency of the service, and the needs of the Department of the Army after careful consideration of the employee's reply, if any.
2. Preparing Notice of Decision to Furlough. The written decision will include the effective date of the action, specific reasons for the action taken and the employee's potential appeal rights. DoD has provided template notices for mandatory use in documenting the final decision. CPACs will provide direct support and assistance to Commands and Deciding Officials in tailoring the templates. Every notice of decision to furlough must be signed by the Deciding Official. The templates and instructions for use are found at the [FY13 Administrative Furlough Adverse Action Process](#) site.
3. Delivery of Notice of Decision to Furlough. Refer to delivery requirements in Chapter VII, Section B, paragraph 3.
4. Reporting Approved Exceptions. A Deciding Official must report all decisions to grant an exception to the ASA (M&RA) IAW the ASA(M&RA) Memo. ASA (M&RA) will compile routine reports on granted exceptions to the Secretary of the Army.
5. Records Retention. See Chapter XI.

Section E: *Furlough Adverse Action Procedures for Special Situations*

ASA (M&RA) has identified special situations (e.g., employees on Leave Without Pay, newly hired employees, redeploying civilian employees) where Commands may need to issue furlough notices outside of the time frame initially scheduled (see [ASA \(M&RA\) Memo](#)). Adverse action procedures for civilian employees who fall in these categories

should be followed as described in Chapter VII of this handbook, within the time frames identified for the special situation by the ASA (M&RA) guidance.

More detailed information on processing furlough actions or identifying exceptions to furlough for specially situated employees can be found at [FY13 Administrative Furlough Specially Situated Employees](#) site.

Section F: *Tracking Furlough Adverse Actions*

1. Commands are responsible for ensuring that each civilian employee within the Command is either excepted from furlough or that the appropriate adverse action procedures related to the furlough are followed (i.e., delivery of written notice of proposed furlough, an opportunity to reply, and issuance of a written decision as to whether or not the employee will be furloughed). This includes identifying all of the civilian employees within a Command who should receive Notices of Proposed Furlough and developing tracking systems to ensure 100 percent accountability for every employee on the employment rolls during the FY13 administrative furlough. Further, Commands are responsible for determining individual employee furlough schedules and ensuring that all employee furlough hours are appropriately documented in the timekeeping system.

2. CHRA will provide a [Furlough Adverse Action Checklist](#) identifying all furlough documents that must be retained in an employee's adverse action file for recordkeeping purposes.

Chapter VIII: *Providing Advance Notice of Furlough Schedule*

In accordance with DoD guidance, all employees affected by furlough will be advised in advance of the number of furlough hours required. This could be accomplished either at the beginning of each pay period or at beginning of the entire period of furlough.

Chapter IX: *Processing Furlough Requests for Personnel Action (RPA)*

Management will not have to initiate furlough RPAs (with some exceptions). In order to streamline the initiation and processing of RPAs required to document Army civilian furlough actions, the CHRA Automation Innovations Center (CAIC) has created an AutoNOA website which will capture the data necessary to mass produce furlough Notifications of Personnel Action (NPAs). NOTE: See Chapter IX, Section B for actions processed outside the mass process.

Section A: *Mass Furlough Action Process*

1. **All Army civilian employees are scheduled to have a furlough personnel action processed unless their management intervenes to stop the consummation of the action.** Managers must exclude employees with approved furlough exceptions from the mass action process by deselecting them from an employee list provided on the CHRA

AutoNOA Furlough Exceptions website no later than **1500 CST, 8 JULY 2013** unless delayed by labor relations obligations. The website is designed for managers to view their assigned employees based upon their Customer Support Unit (CSU) responsibility account permissions.

2. To prevent unauthorized exceptions from being entered, each time an employee is deselected from the mass process, the website will send an auto-generated email to a designated Command POC asking him/her to validate that the employee is truly an approved exception to the furlough. Note that the Command POC does not have the authority to override the decision of the Deciding Official or render a decision on any proposed adverse action; instead, the Command POC is solely responsible for verifying that the information entered in the AutoNOA Furlough Exceptions website accurately reflects Command determinations regarding which employees fall within categorical exceptions and Deciding Official decisions. For detailed instructions on how furlough exceptions are identified and validated during the mass furlough action process, please see the [CHRA AutoNOA Furlough Website Instructions](#).

Section B: *Processing Actions for Special Situations*

Some employees may require different management processing action from the procedures found in this handbook. These special situations occur for employees who require a furlough period with a start date other than **8 JULY 2013**, or when situations prevent the employee from being addressed as part of the mass process procedures, regardless of start date. Please note that, regardless of the required management processing action, each employee subject to furlough shall receive the adverse action procedures described in Chapter VII of this handbook.

Examples of when an employee would begin a furlough period after **8 JULY 2013**, include (but are not limited to):

- Employees who are members of bargaining units, and bargaining requirements are either incomplete or delayed effecting furlough actions on **8 JULY 2013**;
- Employees placed into Army civilian positions after following the end of the general furlough notice period through hire, transfer, reassignment, promotion or changes to lower grade;
- Employees returning to duty from a non-pay status or coming off of workers' compensation rolls;
- Redeploying employees; or
- Employees who are currently serving or will be serving a disciplinary suspension during the furlough.

Additional categories of specially situated employees will be addressed as they are identified.

Additional information on processing furlough actions or identifying exceptions to furlough for specially situated employees can be found at [FY13 Administrative Furlough Specially Situated Employees](#) site.

Section C: *Issuance of the Furlough Notification of Personnel Action (NPA) to Employee*

1. After DD-MON-YYYY, employees can retrieve copies of their Furlough Notification of Personnel Action (SF-50) from the Civilian Personnel Online (CPOL) Portal by following the [“My SF-50” Instructions](#).
2. Employees without computer access should obtain their SF-50 in accordance with normal procedures (e.g., obtaining from administrative office, Command HR office or servicing CPAC).

Chapter X: *Timekeeping Instructions*

1. Processing the Furlough NPA alone will not stop an employee’s pay on furlough days. Organization timekeepers must ensure that the employee’s furlough time is accounted for in the appropriate timekeeping system.
 - a. Furlough time will be coded on timecard in hours, not days.
 - b. The Furlough hours will be accounted for by coding the Leave Hours-NonPaid as "KE".
 - c. The Time and Attendance (T&A) code "KE" is now active in the Defense Civilian Pay System (DCPS), Automatic Time & Attendance Production System (ATAAPS) and Command-specific time and attendance systems, e.g., Corps of Engineers Financial Management System (CEFMS).
2. For more detailed guidance on entering furlough time into DCPS, visit the [DCPS Manuals](#).
3. For more detailed guidance on entering furlough time into ATAAPS, visit the [ATAAPS 2013 Administrative Furlough Timekeeping Instructions](#).

Chapter XI: *Recordkeeping Instructions*

Managers will be responsible for tracking the issuance of both the proposal notice and decision notice for each of their employees.

1. Managers must maintain a furlough adverse action file for each employee who is provided a Notice of Proposed Furlough and a Notice of Decision to Furlough. A

[checklist](#) of the documents required to be retained in each employee's file will be provided.

2. CHRA is assessing the use of automated methods to assist managers with record retention and the accountability of the notice issuances to their employees.
3. Additional information on the timing and process to retain these files will be provided in the future.

Chapter XII: *Communication*

1. Many Commands have developed multi-faceted furlough communication plans which contain various methods of communication for providing employees with pertinent information on furlough procedures, programs available to assist furloughed employees, and information on the effects of furlough on pay and benefits, e.g., retirement, health benefits, and life insurance.

2. *Communication Tips:*

a. Communicate early and often to employees. As soon as a decision is made to implement a furlough, organizations should meet with employees face-to-face and follow up with online messages, subject to labor obligations. Do not wait to have all the information to make the announcement, and do not withhold information, such as how a furlough may affect employee pay or benefits.

b. For candidates or selectees for positions that are not subject to the hiring freeze, explain the potential impacts of furlough during the interview, tentative job offer, final job offer and onboarding/orientation processes. At this time, no information regarding furloughs should be put on job opportunity announcements. See [SAMPLE Furlough Talking Points for New Employees](#).

3. Other sample briefings and talking points will be made available in the [FY13 Administrative Furlough Communications Toolkit](#).

Chapter XIII: *Employee Appeals, Negotiated Grievances, or Complaints*

Employees have different avenues of redress with respect to the furlough action, based on such factors as career status and/or bargaining unit affiliation, or if he/she believes the furlough was effected in a discriminatory manner.

Section A: *Appeals to the Merit Systems Protection Board (MSPB)*

1. Pursuant to the provisions of [5 USC 7513\(d\)](#), an employee (as defined in [5 CFR 752.401\(c\)](#)) against whom an adverse action is taken under [5 CFR Part 752](#), Subpart D procedures (includes an administrative furlough) is entitled to appeal to the MSPB. Where the affected employee is also covered under the negotiated grievance

procedures of a collective bargaining agreement that does not exclude grievances for furlough/adverse action, he/she may elect to file a grievance challenging the action **or** to file an appeal with the MSPB – but not both. If appealing to the MSPB, employees must file an appeal within 30 days after the effective date of their first furlough day, or 30 days after the date of their receipt of the decision notice, whichever is later.

2. Employees may also file a complaint with the MSPB or the Office of Special Counsel where they believe that the furlough action was taken as reprisal for whistleblowing.

3. Once notified of an employee appeal to a furlough action, the notified agency representative (i.e., the MSPB Acknowledgment Order point of contact identified in the employee's notice of decision letter) will coordinate with the servicing CPAC, local labor counsel and Management Officials to ensure a timely response to the employee's MSPB appeal. Management, the servicing CPAC and local labor counsel should manage the appeal and develop a response in the same way that they have traditionally managed other MSPB appeals of agency adverse actions.

Section B: *Negotiated Grievance Procedures*

1. Federal regulations provide that, where an adverse action taken under [5 CFR Part 752](#), Subpart D procedures (e.g., an administrative furlough) also falls within the coverage of a negotiated grievance procedure that does not exclude grievances regarding furlough, an employee may elect to file a grievance under that procedure **or** appeal to the Merit Systems Protection Board (MSPB) under [5 USC 7701](#). An employee may not pursue both a grievance and an appeal to the MSPB. A bargaining unit employee's time to file a grievance should be calculated and identified based on the language of his/her collective bargaining agreement.

2. As with any other grievance filed under a negotiated grievance procedure, once received by a Management Official, employee grievances filed in objection to a decision to furlough should be answered via a coordinated effort between management, their servicing CPAC, and local labor counsel.

Section C: *Complaints Filed with the Equal Employment Opportunity Commission (EEOC)*

Employees also retain the right to file a complaint with a local Equal Employment Opportunity office and then the EEOC where they believe that the furlough was effected in a discriminatory manner. Some local collective bargaining agreements do not exclude discrimination allegations from their negotiated grievance procedure. If covered, employees may use either the EEO complaint process or the negotiated grievance procedure, but not both. Where a Management Official receives notice that an employee has filed an EEO complaint, he/she should coordinate with their servicing CPAC, local EEO office and local labor counsel to ensure appropriate response to the complaint.

Chapter XIV: *Unemployment Compensation*

1. *Employee Requests for Unemployment Compensation*: Instructions in [20 CFR 609.20](#), direct the agency to furnish the Standard Form SF-8, NOTICE TO FEDERAL EMPLOYEE ABOUT UNEMPLOYMENT INSURANCE to an employee who is in nonpay status for seven consecutive days or more. For cases of discontinuous furlough resulting in nonpay status of less than seven consecutive days, an SF 8 need not be issued. However, because eligibility criteria for unemployment benefits vary from state to state, some employees affected by discontinuous furlough may be eligible for unemployment benefits. Employees who wish to file for benefits under the Unemployment Compensation for Federal Employees (UCFE) may use the following agency information when filing a claim with the State Employment Security Agencies:

Federal Agency Code: 422.

Federal Agency Address for UCFE:

**Department of Army
SWR-ABC-C Unemployment Compensation
301 Marshall Avenue
Fort Riley, KS 66442-5004**

2. Links to the individual State Employment Security Agency websites as well as state specific information on UCFE can be found on the [‘Employee Requests for Copy of Furlough Notification of Personnel Action \(SF-50\) and Unemployment Compensation Information’](#) site.

Chapter XV: *Impact of Furlough on Employee Benefits*

1. Employee benefits during an administrative furlough are only impacted if the reduction in pay results in insufficient pay for the applicable premiums to be deducted. When the gross pay is not sufficient to permit all deductions, the Office of Personnel Management has specified the order in which deductions are taken. The order of deductions is specified at <http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=1477>.

2. Below is some general information on the Impact of Insufficient Pay on Employee Benefits.

Benefit	Coverage Continues Yes/No	Premium Payments
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Federal Employee's Health Benefits (FEHB)	Yes*	FEHB non-pay/insufficient pay rules apply. Employee must be provided the opportunity to terminated coverage or continue the enrollment and agree to pay the premium on a current basis or incur a debt. General information on non-pay/insufficient pay for FEHB can be found at: http://www.opm.gov/healthcare-insurance/healthcare/reference-materials/reference/leave-without-pay-status-and-insufficient-pay/ Specific operational guidance for CHRA is <u>pending DCPAS guidance</u> . *If no election is received after 31 days (45 days overseas), coverage is automatically terminated effective the end of the pay period in which premiums were last deducted. Employee may reenroll once they return to full pay status.
Federal Employee's Group Life Insurance (FEGLI)	Yes*	FEGLI insufficient pay rules apply. Employee must be provided the opportunity to terminate all or a portion of their FEGLI coverage or continue the enrollment and pay the premium on a current basis. Employees do NOT have the option to incur a debt for FEGLI premiums. General information on insufficient pay for FEGLI can be found at: http://www.opm.gov/healthcare-insurance/life-insurance/reference-materials/handbook.pdf Specific operational guidance for CHRA is <u>pending DCPAS guidance</u> . *If no election is received after 31 days (45 days overseas), coverage is automatically terminated effective the end of the pay period in which premiums were last deducted. Coverage will be reinstated once employee returns to full pay status.
Flexible Spending Account Program (FSAFEDS)	Yes	Incurred eligible health care expenses will <u>NOT</u> be reimbursed until the allotments are successfully restarted. Once pay becomes sufficient for allotments to be restarted, reimbursement for incurred eligible health care expenses will be made and the remaining allotments will be recalculated over the remaining pay periods to match the employee's annual election amount. Incurred eligible dependent care expenses may be reimbursed up to whatever balance is in the employee's dependent care account. Once pay becomes sufficient for allotments to be restarted, remaining allotments will be recalculated over the remaining pay periods to match the employee's annual election amount.
Federal Dental and Vision Insurance Program (FEDVIP)	Yes	If pay is insufficient for premiums to be withheld for two or more pay periods, BENEFEDS will bill employee directly.
Benefit (cont'd)	Coverage Continues Yes/No	Premium Payments
Federal Long Term Care Insurance Program (FLTCIP)	Yes	Eligible claims will continue to be paid. If pay is insufficient for premiums to be withheld for less than three pay periods, the premiums will be adjusted for future withholdings to make up the missed premiums. If pay is insufficient for premiums to be withheld for three or more pay periods, the FLTCIP contractor will bill the employee for premiums directly. If the employee does not pay the premiums, the employee will be disenrolled retroactively to the last pay period in which premiums were withheld.
Thrift Savings Plan (TSP)	Yes	Information on the affect of furlough on TSP can be found at: https://www.tsp.gov/PDF/formspubs/oc13-7.pdf

3. More information on the impact of furlough on employee benefits can also be found by visiting the FAQs referenced in Chapter XVII.

Chapter XVI: Employee Assistance During Furlough

Section A: Employee Furlough Assistance Plans

1. Commands, Army Service Component Commands (ASCCs), Direct Reporting Units, subordinate Commands and/or Army installations may consider (or may have already considered) the development and implementation of employee assistance plans in order to help employees manage personal issues that might be triggered or aggravated by the implementation of an administrative furlough.
2. The issues employees and their families experience vary, but examples include:
 - a. Financial or non-work-related legal challenges
 - b. Emotional distress
 - c. Health care/medical problems
 - d. Family/personal relationship issues
 - e. Work relationship issues

Section B: *Employee Assistance Providers*

Commands may partner, under the leadership of the senior installation Commander, with employee assistance providers to decide on appropriate courses of action and what specific employee assistance can be provided. Employee assistance partners may include, but are not limited to:

Army Community Service	Employee Assistance Program (General Information/Check specific Installation Website)	Department of Labor
Army Benefits Center - Civilian	Civilian Human Resources Agency	Temporary Employment Agencies
American Red Cross	Thrift Savings Plan	Clothing/Food Banks
Army Chaplain Corps	Behavior Health Services	Credit Unions/Banks
Army Emergency Relief	MEDCOM Health Care Services	Local Churches
Army Career and Alumni Program	Legal Office (Some civilian services)	Labor Unions
Youth/Child Care Centers	Morale, Welfare, and Recreation	Alcohol/Drug Counselors
Public Affairs	Defense Financial and Accounting Service	Family Support Groups

Section C: *Employee Furlough Assistance Examples*

Some Commands, stakeholders and employee assistance partners have already started putting together employee assistance plans. Below are some examples.

Example 1: Stand-up One-Stop Furlough Employee Assistance Centers. Stakeholders are identified and consolidated to deliver employee assistance services at one location. Service providers in a variety of areas are available during a specified timeframe to meet with employees and assist them in their respective areas of expertise.

Example 2: Mass Employee Assistance Briefings. Local workforce meetings are scheduled to explain topics related to the furlough at each installation. Commands and employee assistance partners jointly conduct the briefings at local theaters, recreation centers or chapels to provide information on such topics as social services, personnel, finance/pay issues, health care, Thrift Savings Plan (TSP), etc. This example includes making these briefings available on DCO, Video Teleconference (VTC), and/or Military Channels to give employees outside installations an opportunity to participate.

Example 3: Stand-up Call Center. A telephone hot line is established and staffed to refer callers to employee assistance partners who will answer potential questions/issues.

Example 4: Create a Furlough Resource Webpage. A webpage is created that consolidates the web addresses and contact information of all employee assistance providers at the installation. The web URL is posted to the installation webpage.

Section D: CPAC's Role in Furlough Employee Assistance and Resources

1. CHRA's role in the overall employee assistance is to assist as a stakeholder and/or member of a regular Installation CHR Advisory Council. Check the [CPAC Locator Tool](#) for the nearest CPAC. (Note: In order for the PowerPoint tool to be interactive, you must VIEW it in the SLIDESHOW mode.)

2. Commands and HR personnel can visit the [FY13 Furlough Employee Assistance Resources Toolkit](#) for more resources.

Chapter XVII: FY13 Administrative Furlough Frequently Asked Questions (FAQs)

DCPAS 2013 Administrative Furlough FAQs

[Army 2013 Administrative Furlough FAQs](#)

Chapter XVIII: Glossary of Terms

Adverse Action: removal, suspension for more than 14 days, reduction in grade or pay, or furlough of 30 calendar days or less.

Categorical Exception: an exception to furlough for a category or “group” of similarly situated employees.

Furlough: the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

Proposing Official: A Management Official who has the authority to issue a notice of proposed adverse action.

Deciding Official: A Management Official who has the delegated authority to make the final decision in a proposed adverse action.

Reply Official: A designated official who has the authority to receive and summarize written and oral replies and make recommendations on a proposed adverse action.

Notice Period: the period of time that begins the day after the date an employee receives a written proposal of an adverse action and which ends on the effective date of the action, if effected. The notice period is a minimum of 30 calendar days.