

## FURLOUGHS

### SECTION 1. DEFINITIONS:

1. **Administrative Furlough:** An administrative furlough is a planned event by the agency which is designed to absorb reductions necessitated by downsizing, reduced funding, lack of work, or any budget situation other than a lapse in appropriations.
2. **Shutdown Furlough:** A shutdown furlough (also called an emergency furlough) occurs when there is a lapse in appropriations or authorization, and can occur at the beginning of a fiscal year, if no funds have been appropriated for that year, or upon expiration of a continuing resolution, if a new continuing resolution or appropriations law is not passed.
3. **Exempt:** "Exempt" employees are not affected by a lapse in appropriations. This includes employees who are not funded by annually appropriated funds. Employees performing those functions will generally continue to be governed by the normal pay, leave, and other civil service rules.
4. **Excepted:** "Excepted" employees refers to employees who are funded through annual appropriations, but are excluded from a furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations or authorization. Excepted employees include employees who conduct emergency work involving the safety of human life or the protection of property, or certain other types of excepted work. Emergency employees are not automatically deemed excepted employees for purpose of shutdown furloughs.

### SECTION 2. COVERAGE:



**A. Critical Positions:** Positions that provide direct support to excepted positions may also be deemed excepted if they are critical to performing the excepted activity. Determinations regarding status of excepted or non-excepted will be made on a position by position basis.

**B. Shutdown:** Employees who are funded through annual appropriations and not designated as excepted (non-essential) are barred from working during a shutdown except to conduct up to four (4) hours of activities necessary to execute an orderly suspension of Agency operations.

### SECTION 3. PLANNING:

**A. Alternatives to Furlough:** For administrative furloughs the Agency will consider all reasonable alternatives to address budgetary constraints prior to placing employees on furlough.

**B. Union Input:** The Agency will consider the Union's pre-decisional input through the Labor Management Forum; or the Union may request to negotiate as appropriate, regarding any further development of the Agency furlough plan.

Agreed: Agency:  Union:   
Date: 5/11/15  
Page 1 of 3

**C. Individual Request:** Employees may request continuous or non-continuous furlough days during an administrative furlough. Supervisors will grant or deny the request subject to mission requirements and regulatory guidance.

**D. Retroactive Pay:** For shutdown furloughs, in accordance with congressional authorization and appropriation for back-pay, the Agency will grant employees who suffer loss of pay through a furlough, retroactive pay and benefits that the employees would have received had they not been furloughed.

#### **SECTION 4. NOTIFICATION:**

**A. Timely Notification:** The Agency agrees to notify the Union of an impending furlough as soon as practical after the Agency is informed. Subsequently, the Agency will identify to the Union the impacted organization(s) and the selection process used to determine which bargaining unit and non-bargaining unit employees will be affected.

**B. List of Positions:** The Agency will provide the Union with a list of positions which have been determined by the Department of Defense to be exempt and excepted from the furlough.

**C. Employee Impact:** Only the minimum number of employees necessary to carry out essential activities will be “excepted” and will not be furloughed. Where some, but not all, of a group of equally qualified employees may be “excepted”, the following procedures shall apply:

1. If allowed by regulatory guidance, the Agency will afford an equal number of furlough days.
2. Employees will be “excepted” by seniority or a random process.

**D. Scheduling:** Prior to the implementation of furloughs, the Agency will notify the Union of the total number of furlough days and the time period during which the furlough will occur. Scheduling of furlough days may vary depending on the operational mission and the needs of a specific department. The furlough day will be determined by using the following order:

1. Mission Requirements/ Skill Set
2. Employee Preference
3. Service Computation Date (SCD)
4. If a scheduled furlough day is a federal holiday, the intent is for the employee to serve the furlough on the next duty day subject to mission requirements.

Agreed: Agency: BO Union: 77W  
Date: 25 March  
Page 2 of 3

**E. Union Officers:** For Union Officers on dedicated time, the percentage of official time allocated during furloughs shall be identical to the percentage of official time during normal business operations.

**F. Access to Facilities:** For Union officials, including Stewards, Elected Officials, and National Representatives access to Union offices during the period of furlough will not be restricted.

Agreed: Agency: ISA Union: FAU  
Date: 8/11/15  
Page 3 of 3