
REFERENCE GUIDE

IMPLEMENTATION PROCEDURES FOR A FURLOUGH DUE TO LAPSE IN APPROPRIATIONS

Background

In the absence of either a fiscal year appropriation or a continuing resolution for the Department of Defense (DoD), the Antideficiency Act requires that no further obligations may be incurred by the DoD, except those related to “excepted” functions as authorized by the Deputy Secretary of Defense. Prudent management for such events requires preparation. The following address process for notifying employees of a shutdown furlough for providing an orderly shutdown of operations.

Issuing Notices

1. Personal Delivery - Most employees will be directed to report to work to receive their Notice of Furlough in person and complete the orderly shutdown of operations. Employees who normally telework on the day the furlough begins may be directed to report to work to receive their notices as well.
2. Electronic Delivery and Electronic Signatures - Employees who are not available or who have not been directed to report to the office for personal delivery of their furlough notice may receive their notice electronically through agency email. The email notification must include instructions for the employee to acknowledge receipt. Acknowledgement of the notice may include a return receipt of the email notification or a copy of the notice returned with either a scanned copy of the personally signed document or an electronic signature, if this feature is available. Activities that use electronic signatures will have to be prepared to establish the foundation for the authenticity of such signatures. Auto pens can be used as long as the Deciding Official can personally testify that he or she has personally made the decision in the case and has directed use of the auto pen. The person actually doing the auto pen must be able to testify that they acted at the specific direction of the Deciding Official. If agency email access is not available or a receipt of the email notices is not received, the notice must be delivered by paper copy to the employee’s home address of record by registered mail with return receipt requested.

Orderly Shutdown Procedures

1. General - Non-excepted employees will be expected to report to work on their next scheduled work day to carry out orderly shutdown activities. These shutdown activities may include receiving and acknowledging the furlough notice, completing any required time and attendance, setting email/voicemail out-of-office notifications, securing their files, and other activities necessary to preserve their work. Employees performing these activities will be entitled to compensation.
2. Telework/Remote Activities - Consistent with OMB Memo M-12-03, December 15, 2011, supervisors may permit non-excepted employees who are scheduled to telework on their next scheduled work day to perform necessary shutdown activities from their telework location, if an existing telework agreement is in place. In addition, to the extent practical, and as locally determined, agencies may allow other employees to conduct necessary shutdown activities from a remote location, even without an existing telework agreement, if the nature of the employees' shutdown activities are *de minimis* (i.e., can be completed in approximately 15 minutes). For example, such activities would include receiving and acknowledging receipt of an electronic furlough notice and adjusting voicemail and email to reflect current work status. Employees are entitled to be compensated for the actual time spent performance necessary shutdown activities. Supervisors must ensure the shutdown activities are completed in the most expeditious manner possible; generally such activities may not exceed 4 hours.

If you have any questions concerning this reference guide, please contact the Labor and Employee Relations Division at (571) 372-1638. You may also contact this office through email at dodhra.mc-alex.dcpas.mbx.hrops-lerd-labor-relations@mail.mil or dodhra.mc-alex.dcpas.mbx.hrops-lerd-employee-relations@mail.mil.

References

OMB Memorandum M-13-22, "Planning for Agency Operations during a Potential Lapse in Appropriations," September 17, 2013