

Furlough (General)

There are two types of furloughs--a "shutdown" or "emergency" furlough and a "save money" furlough. In a "shutdown" furlough, the agency no longer has the necessary funds to operate and must shut down those activities which are not excepted by Office of Management and Budget (OMB) standards. In many cases, the agency will have very little lead time to plan for the furlough, making it an "emergency" furlough. A good example of a "shutdown" or "emergency" furlough is if there are no fiscal year 2011 funds appropriated by March 4, 2011.

On the other hand, a "save money" furlough is a planned event by an agency which is designed to absorb reductions necessitated by downsizing, reduced funding, lack of work, or any other event which requires the agency to save money. A "save money" furlough is typically a "non-emergency" furlough in that the agency has sufficient time to reduce spending and therefore give adequate notification of its specific furlough plan and how many furlough days will be required. A good example of a "save money" furlough would be when, as a result of Congressional budget decisions, an agency is required to absorb additional reductions over the course of a fiscal year.

1. Q. What is a furlough?

A. A furlough is the placing of an employee in a temporary nonduty, nonpay status because of lack of work or funds, or other nondisciplinary reasons. For most employees, there are two basic categories of furloughs, each involving different procedures. A furlough of 30 calendar days or less is covered under 5 CFR Part 752, adverse action procedures. A furlough of more than 30 calendar days is covered under 5 CFR Part 351, reduction in force procedures. All furloughs for Senior Executive Service members are covered under 5 CFR Part 359, Subpart H.

2. Q. What can agencies do to prepare for the likelihood that there may be neither appropriations nor a continuing resolution passed by the beginning of the new fiscal year?

A. OPM recommends agencies take the following steps:

- Communicate with employees and their representatives regarding agency plans if it becomes necessary to effect an orderly suspension of agency operations.
- Prepare draft "emergency" furlough decision notices and plans for distribution to employees to the extent possible within the limited time available.
- Determine which positions are excepted under the guidelines established by the Office of Management and Budget (OMB).
- See DoD Contingency Plan Guidance for Continuation of Essential Operations in the Absence of Available Appropriations, dated June 2008, for additional guidance for identifying those positions that could be considered excepted from a furlough.

3. Q. For furloughs necessitated by lapsed appropriations, is an agency required to provide 30 calendar days advance written notice and an opportunity to respond prior to issuing a decision to furlough?

A. No. OPM's regulations provide for emergency adverse action furlough without the necessity for advance written notice proposing the action. Section 752.404 (d)(2) of 5 CFR provides:

The advance written notice and opportunity to answer are not necessary for furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or sudden emergencies requiring curtailment of activities.

OPM's position that this regulation applied to lapsed appropriations was upheld by the Federal Circuit in *Horner v. Andrzejewski et. al.*, 811 F.2d 571 (Fed. Cir. 1987). Similarly, under 5 CFR 359.806 (a), the full notice period for career SES appointees may be shortened or waived in the event of unforeseeable circumstances, such as sudden emergencies requiring immediate curtailment of activities.

4. Q. In the event of lapsed appropriations, can an employee be furloughed without first receiving a written notice of decision to furlough?

A. Yes. While an employee must ultimately receive a written notice of decision to furlough, it is not required that such written notice be given prior to effecting the furlough. Issuance of prior written notice is preferable, but when prior written notice is not feasible, then any reasonable notice (telephonic or oral) is permissible.

5. Q. What information should be included in the notice of decision when no advance notice is issued?

A. The notice must specify the reason for the furlough and state that the usual 30 calendar days advance notice was not possible due to the emergency requiring curtailment of agency operations. If some employees in a competitive level will not be furloughed because they are performing one of the excepted activities defined by OMB guidelines, we recommend a statement such as the following:

If employees are being retained in your competitive level, they are required for orderly suspension of agency operations, or they are performing one of the excepted activities defined by the Office of Management and Budget.

The notice must include a statement of applicable appeal and grievance rights. If a copy of the Merit Systems Protection Board appeal form is not attached to the decision notice, the notice should include information on how to obtain a copy of the form.

6. Q. In addition to statutory and regulatory procedural requirements, what additional forms of communication should an agency consider in effecting a furlough?

A. Considering the uncertain and changing circumstances surrounding furlough, agencies should make efforts toward assuring that employees are provided with up-to-date and accurate information as warranted. This may be done through effective union-management communication, employee briefings, periodic bulletins, newsletters or other means available to agencies.

7. Q. How should the decision letter be framed if the agency has not set a specific number of furlough days in the proposal?

A. While it is desirable when possible to inform the affected employee of a specific number of days in the decision letter, the agency needs only to set out the maximum time that may be involved, so employees have as much information as possible, if they choose to appeal.

Employee Coverage and Procedural Requirements

8. Q. What procedures are applicable for probationers, employees under temporary limited appointments in the competitive service, employees who are nonpreference eligible employees in the excepted service with less than 2 years of continuous service, and others not covered by 5 U.S.C. Chapter 75?

A. There are no mandated procedures; however, agencies should ensure that all procedures required by negotiated agreements or internal personnel policies are followed.

9. Q. What about Senior Executive Service (SES) appointees?

A. Furloughs of SES career appointees (other than reemployed annuitants) are covered under 5 U.S.C. 3595a and Subpart H of 5 CFR Part 359. The regulations provide only for a single 30-calendar day advance written notice, which must tell the appointee: the reason for the furlough; the expected duration of the furlough and the effective dates; the basis for selecting the appointee when some but not all SES appointees in a given organizational unit are being furloughed; the location where the appointee may inspect the regulations and records pertinent to the action; the reason, if the notice period is less than 30 calendar days; for a probationer, the effect (if any) on the duration of the probationary period; and the appointee's appeal rights to the Merit Systems Protection Board (MSPB), including the time limit for the appeal and the MSPB office to which it should be sent. A career appointee may appeal a furlough of any length. Competitive procedures are required to select career appointees for any furlough of more than 30 calendar days (or 22 workdays).

An agency may furlough an SES noncareer or limited appointee, or a reemployed annuitant holding a career appointment; there are no specific procedures prescribed in law or regulation for effecting such an action. If an agency chooses to establish its own procedures, OPM suggests that such procedures include certain minimum features, e.g., whenever possible, a written notice at least 1 day before the furlough which states the reasons for, duration of, and effective dates of the furlough. Furlough of an SES noncareer or limited appointee, or a reemployed annuitant holding a career SES appointment, is not appealable to MSPB.

10. Q. What about persons working for Federal agencies under mobility agreements pursuant to the Intergovernmental Personnel Act (IPA)?

A. The specific authority for furloughing persons who are working under mobility agreements pursuant to the IPA, either inside the Federal government or with other organizations, will depend upon the nature of individual agreements, the status of the appointments, and/or the funding arrangements for the assignments. As a general rule, the following principles are applicable in determining whether to furlough personnel on IPA mobility assignments:

- Personnel from non-Federal organizations on appointments to the Federal government are subject to furlough in the same manner as other employees.
- Personnel on detail to Federal agencies from non-Federal organizations may continue working, provided that the non-Federal organizations pay the total costs of the detail.
- Personnel on detail to Federal agencies from non-Federal organizations which share part of the costs of detail may continue to work if the Federal portion of the cost was obligated from prior appropriations at the time of the IPA mobility agreements. In the event that a furlough takes place in the second year of the agreement at which time no funds are appropriated, the assignment should be terminated.
- Personnel on detail to Federal agencies from non-Federal organizations which do not pay or share the costs of the detail are subject to furlough in the same manner as other employees.

11. Q. Would employees who are detailed or assigned outside the agency during part, or the entire period, of furlough be subject to furlough?

A. Employees on a reimbursable detail from the agency would not be subject to furlough due to lack of funds if full reimbursement continued. If reimbursement were reduced or eliminated, the employee would be subject to furlough. Agencies may prorate the required furlough time for employees being paid by the outside organization during only part of the furlough period. Federal employees assigned to non-Federal organizations who are on leave without pay from their Federal positions may continue working.

12. Q. Would employees who are scheduled for or currently temporary duty (TDY) during part, or the entire period, of furlough be subject to furlough?

A. Employees on TDY, or scheduled for TDY, that occurs during the furlough will have their TDY cancelled as the Antideficiency Act does not allow authorization of any expenditure or obligation before the appropriation is made. Employees currently on TDY must immediately return to their home duty station unless otherwise exempt.

13. Q. How should an agency determine the number of furlough hours for alternative work schedule (AWS) employees during a "shut-down" or "emergency" furlough? Can an employee reschedule a nonworkday that occurred during the furlough?

A. Employees would be furloughed for the number of hours they were scheduled to work on the days for which there was a lapse in appropriations. Each agency that has an AWS program should have a policy specifying how flexible and compressed work schedules must be established and when they may be changed. Normally, such schedules are established in advance of the pay period involved. Under such a policy, an AWS nonworkday scheduled to occur during a lapse in appropriations should not be changed after the pay period begins.

14. Q. How would the agency schedule a furlough for part-time employees?

A. Furlough of part-time employees must comply with the procedures of 5 CFR Part 752 or Part 351 if the employees are otherwise covered. In scheduling such furloughs, it would be equitable to compute the furlough days in the same proportion to those days scheduled for full-time employees, based on work schedules. (The hours of furlough might be computed as a percentage of the work schedule for full-time employees. For example, if an employee worked 64 hours a pay period, that would equate to 64/80 of a full-time work schedule, or 80%. This percent could then be multiplied by the number of hours which a full-time employee is furloughed during a pay period.) Again, if some part-timers in a competitive level are furloughed but not others, 5 CFR 752.404 (b)(2) would require that the notice of proposed action must tell the employees the basis for selecting those furloughed.

15. Q. What about employees who work on a seasonal or intermittent basis?

A. Seasonal employees are recalled to duty at identified periods of the year in accordance with preestablished conditions. Intermittent employees are non-full-time employees without a regularly scheduled tour of duty. Whether either group is called for work during the period in which furloughs are scheduled is discretionary with agencies.

16. Q. What effect does a furlough have on time limited appointments or promotions?

A. Furloughs do not extend the not-to-exceed date of time limited appointments or promotions. Agencies have the option to separate temporary employees rather than including them in the furlough.

Employees Excepted From Furlough

17. Q. What is the difference between an "excepted employee" and an "emergency employee?" (Note: an "excepted employee" is not to be confused with an employee in the excepted service)

A. The term "*excepted employee*" refers to employees who are excepted from a furlough by law because they are (1) performing emergency work involving the safety of human life or the protection of property, (2) involved in the orderly suspension of agency operations, or (3)

performing other functions exempted from the furlough. See DoD Contingency Plan Guidance for Continuation of Essential Operations in the Absence of Available Appropriations, dated June 2008, for additional guidance for identifying those positions that could be considered excepted from a furlough.

The term "*emergency employee*" is used to designate those employees who must report for work in emergency situations--e.g., severe weather conditions, air pollution, power failures, interruption of public transportation, and other situations in which significant numbers of employees are prevented from reporting for work or which require agencies to close all or part of their activities.

18. Q. If, during a lapse in appropriations, Federal agencies are operating under an "unscheduled leave" policy because of emergency weather conditions, which employees should report for work?

A. Excepted employees are required to report for work on time under these circumstances. Agencies and employees are reminded that, during a lapse in appropriations, all affected employees must be either (1) at work performing excepted activities (excepted employees) or (2) in a furlough status (nonexcepted employees). Therefore, agencies may change the status of employees as additional needs arise. In addition, if an excepted employee is unable to report for work because of emergency conditions, he or she must be placed in a furlough status until such time as the employee reports for work.

Employment during Furlough

19. Q. May employees take other jobs while on furlough?

A. Even while on furlough, an individual is an employee of the Government. Therefore, the Executive Branch-wide standards of ethical conduct (the standards), at 5 CFR Part 2635, which include rules on outside employment, continue to apply to employees on furloughs. Additionally, there are statutes which prohibit certain outside activities. Agencies also have varying supplemental rules regarding the requirement for prior approval of outside employment, and some prohibit certain types of outside employment. Therefore, before engaging in outside employment, employees should review these regulations and then consult their own agency ethics official to learn if there are any agency-specific supplemental rules governing the employee.

20. Q. What happens to employees' benefits (e.g., retirement, health benefits, life insurance, leave) if they receive temporary appointments in another agency while furloughed?

A. The leave should be transferred as if the employees had been transferred (see Comptroller General opinion B-167975, September 1, 1970). Retirement, health benefits, life insurance, and leave should be handled as if the employees had been transferred.

21. Q. May an employee volunteer to do his or her job on a nonpay basis during a furlough period?

A. No. Unless otherwise authorized by law, an agency may not accept the voluntary services of an individual. (31 U.S.C. 1342)

22. Q. May an employee work on a furlough day in exchange for taking a day off at another time for religious observances?

A. No. The statute that permits employees to take compensatory time off for religious observances (5 U.S.C. 5550(a)) does not authorize an agency to accept the voluntary services of any individual on a furlough day. Periods of time worked in exchange for taking time off for religious observances must be scheduled on non-furlough days.

Pay and Deductions From Pay

23. Q. If a furlough begins on March 4th due to a lapse of appropriations, will employees receive a paycheck for the worked portion of the first pay period in March?

A. Under the current Office of Management and Budget (OMB) guidance, employees will receive this paycheck. Although the payroll for this last pay period will be processed in March, and potentially during a period of furlough, the minimum number of payroll staff necessary for this process will be exempt from furlough for the minimum time required to issue the checks, including checks for the first pay period in March. This guidance can be found in [OMB's August 28, 1980, Bulletin No. 80-14, Shutdown of Agency Operations Upon Failure by the Congress to Enact Appropriations](#), paragraph 3.b.(1) *Appropriations and Funds*. OMB has reviewed and concurs in this answer.

24. Q. Will employees continue to receive post allowance, temporary quarters subsistence allowance (TQSA), and living quarters allowance (LQA) while furloughed?

A. During an emergency furlough, eligibility for continued post allowance, TQSA, and LQA shall continue for employees who are in a non-pay status solely due to a lapse of appropriations. However, no payments will be made to employees during the furlough. All payments will be deferred until the furlough is lifted and funds are appropriated.

25. Q. When an employee's pay is insufficient to permit all deductions to be made, what is the order of withholding precedence?

A. Each employing agency is responsible for establishing an order of precedence for applying deductions from the pay of its civilian employees when gross pay is insufficient to cover all authorized deductions. The established order of precedence must comply with any applicable laws, regulations or other legal authority, including the regulations in title 5 CFR: section 550.301 (dealing with allotments), section 550.805(e) (dealing with back pay awards), section 550.1104 (dealing with collecting debt to the Government via salary offset), section 581.105 (dealing with garnishments for child support and/or alimony), and section 582.103 (dealing with garnishments for commercial debt). Consistent with 5 U.S.C. 8334(a)-(c) and 8422(a)-(c), retirement deductions are made before any other deduction.

26. Q. To what extent does non-pay status affect Thrift Savings Plan (TSP) coverage?

A. Deductions will cease for periods of non-pay status where there is insufficient funds to cover the Thrift Savings Plan (TSP) premium(s). Employees cannot contribute to their TSP account while on furlough. Employees should refer to the TSP Fact Sheet – Effect of Non-pay Status on TSP Participation. The fact sheet can be found at <http://www.tsp.gov/forms/oc95-4w.pdf>.

27. Q. Can an employee obtain a loan from their Thrift Savings Plan (TSP) account while in a nonpay status? What happens if an employee has a TSP loan and is placed in a nonpay status?

A. An employee may not obtain a loan from their TSP account while in a nonpay status. As to current TSP loans, employees should refer to the TSP Fact Sheet - *Effect of Nonpay Status on TSP Participation*. This issuance is available from the TSP web site at www.tsp.gov.

28. Q. To what extent does non-pay status affect Flexible Spending Account (FSA) coverage?

A. Deductions will cease for periods of non-pay status where there is insufficient funds to cover the Flexible Spending Account (FSA) premium(s). If the employee is in a non-pay status and has not pre-paid the FSA allotment, their FSA account will be frozen and the employee will not be eligible for reimbursement of any health care expenses incurred during that period until he/she returns to a pay status and allotments are successfully restarted. However, if the employee has a Dependent Care Flexible Spending Account (DCFSA), dependent care expenses incurred during the period in a non-pay status which meet IRS guidelines for eligible expenses (i.e., the employee must incur the expenses in order to allow the employee and his/her spouse to work or attend school) may be reimbursed up to the FSA account balance. When the employee returns to a pay status, allotments will be recalculated based on the number of pay dates remaining in the Benefit Period.

If the employee prepays his/her premiums by accelerating allotments prior to being placed in a non-pay status, allowable health care expenses incurred during the period in a non-pay status will be eligible for reimbursement. Visit the TSP website, www.fsafeds.com for more information.

29. Q. To what extent does non-pay status affect Long Term Care (LTC) coverage?

A. Deductions cease when in the employee is placed in a non-pay status and there are insufficient funds to cover the premium(s). In order for employees to continue Long Term Care (LTC) coverage, the employee must make payments while in a non-pay status. Visit the LTC website, <https://www.ltcfeds.com/documents> for more information.

30. Q. To what extent does non-pay status affect Federal Employees Dental and Vision Insurance Plan (FEDVIP) coverage?

A. Deductions cease when the employee is placed in a non-pay status and there are insufficient funds to cover the premium(s). In order for employees to continue FEDVIP coverage, the employee must make payments while in a non-pay status.

Service Credit for Various Purposes

31. Q. Is furlough or leave without pay (LWOP) considered a break in service?

A. No, both mean the employee is in a nonpay, nonduty status for those days/hours. However, extended furlough or LWOP may affect the calculation of creditable service for certain purposes. (See Question 33.)

32. Q. To what extent does nonpay status affect civil service benefits and programs?

A. Nonpay status (which includes furlough, leave without pay, absence without leave, and suspension) is credited as follows:

- For career tenure, the first 30 calendar days of each nonpay period is creditable service.
- For completion of probation, an aggregate of 22 workdays in a nonpay status is creditable service.
- For X-118 qualification standards, there is no requirement to extend qualifying periods by the amount of nonpay status. However, agencies may require such extensions in order to meet training requirements or ability to perform.
- For time-in-grade requirements, nonpay status is creditable service.
- For retirement purposes, an aggregate nonpay status of 6 months in any calendar year is creditable service. Coverage continues at no cost to the employees while in a nonpay status. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay (5 U.S.C. 8332 and 8411). The exception would be an employee who had substantial time in a nonpay status earlier in the year if the furlough causes him or her to have more than six months time in a nonpay status during the calendar year.
- For health benefits, enrollment continues for no more than 365 days in a nonpay status. The nonpay status may be continuous or broken by periods of less than four consecutive months in a pay status (5 CFR 890.303(e)). The Government contribution continues while employees are in a nonpay status. The Government also is responsible for advancing from salary the employee share as well. The employee can choose between paying the agency directly on a current basis or having the premiums accumulate and be withheld from his or her pay upon returning to duty.
- For life insurance, coverage continues for 12 consecutive months in a nonpay status without cost to the employees (5 CFR 870.401(c)) or to the agency (5 CFR

870.401(d)). The nonpay status may be continuous or it may be broken by a return to duty for periods of less than four consecutive months.

- For within-grade increases, an aggregate of 2 workweeks nonpay status in a waiting period is creditable service for advancement to steps 2, 3, and 4 of the General Schedule; four workweeks for advancement to steps 5, 6, and 7; and six workweeks for advancement to steps 8, 9, and 10 (5 CFR 531.406(b)). For prevailing rate employees (WG, WL, and WS schedules), an aggregate of one workweek nonpay status is creditable service for advancement to step 2, three weeks for advancement to step 3, and four weeks for advancement to steps 4 and 5 (5 CFR 532.417(b)).
- For annual and sick leave, when a full-time employee accumulates 80 hours of leave without pay, the amount of annual and sick leave that may be accrued in that pay period is reduced by the amount of leave the employee would normally earn during the pay period (5 CFR 630.208). When a part-time employee is in a nonpay status, he or she will accrue less annual leave and sick leave, since part-time employees earn leave on a pro-rata basis--i.e., based on hours in a pay status (5 CFR 630.303 and 630.406). For purposes of computing accrual rates for annual leave, creditable service for time in a nonpay status is limited to an aggregate of 6 months in a calendar year (5 U.S.C. 6303(a) and 8332(f)).
- For reduction in force, an aggregate of 6 months nonpay status in a year is creditable service.
- For severance pay, nonpay status time is fully creditable for the 12-month continuous employment period required by 5 U.S.C. 5595(b)(1) and 5 CFR 550.705. However, for purposes of determining service creditable towards the *computation* of an employee's severance pay fund under 5 U.S.C. 5595(c)(1) and 5 CFR 550.707-708, no more than 6 months of nonpay status time per calendar year is creditable service. (This is the same rule used in crediting nonpay status time as "service" in determining annual leave accrual rates.)
- For the Thrift Savings Plan (TSP), agencies should refer to the *Thrift Savings Plan Bulletin for Agency TSP Representatives*, No. 97-43, dated December 18, 1997. For additional information, agency representatives may contact the Federal Retirement Thrift Investment Board at (202) 942-1460. Employees should refer to the TSP Fact Sheet - *Effect of Nonpay Status on TSP Participation*. Both issuances are available from the TSP web site at www.tsp.gov.
- For military duty or workers' compensation, nonpay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of Federal employment for all purposes upon the employee's return to duty.

Retirement and Insurance

33. Q. When a furlough occurs during the three years of service prior to retirement, what effect will time in a furlough status have on an employee's high-3 average?

A. Generally there will be no effect on the high-3 average unless the furlough causes the employee to be in a nonpay status for more than 6 months during the calendar year. Additionally, the retirement rules concerning the effect of a furlough are the same for employees under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS).

34. Q. To what extent does non-pay status affect Federal Employee Health Benefits (FEHB) coverage?

A. FEHB enrollment continues for no more than 365 days in a non-pay status. The non-pay status may be continuous or broken by periods of less than 4 consecutive months in a pay status. The Government contribution continues while employees are in a non-pay status. The employee can choose between paying the agency directly on a current basis while in a non-pay status or having the premiums accumulate and be withheld from his or her pay upon returning to duty.

35. Q. If an employee chooses to repay health benefit premiums on a bi-weekly basis while in a non-pay status, where should he/she send the payments?

A. Bi-weekly payments must be sent to the DFAS Disbursement Center at the following address:

DFAS-Cleveland
P.O. Box 99559
Cleveland, Ohio 44199

Checks should be made payable to DSSN-8522-DFAS Cleveland.

Note: If an employee chooses to pay premiums bi-weekly, the employee must continue to send payments for each pay period while in a non-pay status. The following information must be submitted along with the payment to ensure employee's account is properly credited:

- *Your Social security number*
- *A statement that the payment is for FEHB and the pay period effective date*
- *Your servicing Payroll Office Number (can be found on your Leave and Earnings Statement)*

Employees are encouraged to maintain proof of payment. Examples of proof of payment include cancelled checks and bank statements.

36. Q. What happens if employees cancel Federal Employee Health Benefit (FEHB) coverage while in a nonpay status in order to avoid the expense?

A. Employees who cancel FEHB coverage to avoid payment of premiums while in a nonpay or reduced-pay status do not have to wait for an FEHB open season to re-enroll. Cancellation of FEHB coverage will not affect an employee's right to carry such coverage into retirement or while in receipt of workers' compensation.

37. Q. What will happen to employees who would have retired while their agencies were shut down?

A. For employees who, on or before the requested retirement date, submitted some notice of their desire to retire, agencies should, when the lapse in appropriations ends, make the retirement effective as of the date requested. The retirement request may be informal (such as a letter requesting retirement), and can be either mailed or personally submitted to the agency (even if put under the door). Any additional required paper work such as the formal retirement application form, may be completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of the agency.

Some employees may request retirement retroactive to a date prior to submission of the request. The Comptroller General (CG) has issued guidance permitting retroactive personnel actions (including retirements) only under limited enumerated circumstances. It will be up to the employing agency to determine in each case whether the OPM's requirements and the CG's guidance have been met.

At 58 Comp. Gen. 51, at 53 (1978), the Comptroller General stated:

As a general rule a personnel action may not be made retroactive so as to increase the rights of an employee to compensation. We have made exceptions to this rule where administrative or clerical error (1) prevented a personnel action from being effected as originally intended, (2) resulted in nondiscretionary administrative regulations or policies not being carried out, or (3) has deprived the employee or a right granted by statute or regulation.

38. Q. Will an employee continue to be covered under the Federal Employee Health Benefits (FEB.) program if the agency is unable to make its premium payments on time?

A. Yes, the employee's FEB. coverage will continue even if an agency does not make the premium payments on time.

39. Q. If an employee changed his or her plan during open season and the paperwork was not processed by the agency, under which plan should the employee seek services or coverage?

A. An employee should seek services or coverage under the new plan elected during the open season when that election becomes effective. Open season changes are effective the first pay period beginning on or after January 1. (Note: Proposed regulations to make all changes effective January 1 have been published) In addition, new enrollments do not take effect until the employee has been back in pay status for any part of the prior pay period. If the employee has a

copy of the SF-2809, he or she should present it to the health care provider when seeking services. However, new enrollments do not take effect until the employee has been in pay status for any part of the prior pay period.

40. Q. To what extent does non-pay status affect Federal Employees Group Live Insurance coverage?

A. Life insurance coverage continues for 12 consecutive months while in a non-pay status without cost to the employee or the agency. The non-pay status may be continuous or it may be broken by a return to duty for periods of less than 4 consecutive months.

Holidays

41. Q. May employees be furloughed on a holiday?

A. Employees may be furloughed for periods of time that include holidays. However, the selection of the furlough period in question should be justified on programmatic and administrative grounds that are unrelated to the fact that the period includes a holiday. For example, an agency may not properly furlough employees for a 3-day period, the middle of which is a holiday, for the sole purpose of saving 3 days' pay while losing only 2 days of work. (See Comptroller General opinion B-224619, August 17, 1987.) Neither would it be proper to furlough an employee solely on a holiday. (See Comptroller General opinion B-222836, May 8, 1986.)

42. Q. If employees are furloughed on the last workday before a holiday *or* the first workday after a holiday (but not on both days), will they be paid for the holiday?

A. Yes. The general rule is that an employee is entitled to pay for a holiday so long as he or she is in a pay status on either the workday preceding a holiday or the workday following a holiday. The employee is paid for the holiday based on the presumption that, but for the holiday, the employee would have worked. (Note: A holiday should not be the first or last day of the period covered by a furlough.)

43. Q. If employees are furloughed on the last workday before a holiday *and* the first workday after a holiday, will they be paid for the holiday?

A. No. If a furlough includes both the last workday before the holiday and the first workday after the holiday, the employee is not entitled to pay for the holiday because there is no longer a presumption that, but for the holiday, the employee would have worked on that day. (See Comptroller General opinion B-224619, August 17, 1987.)

44. Q. Can excepted employees be required to perform work on a holiday that occurs during a furlough?

A. Yes. Each agency is responsible for determining which excepted activities must be performed on a holiday in order to carry out functions related to national security, protection of life or

property, or the orderly suspension of agency operations. If an excepted employee refuses to report for work on a holiday after being ordered to do so, he or she can be considered absent without leave (AWOL) and may be charged with insubordination.

45. Q. What pay entitlements will accrue to an excepted employee who performs work on a holiday?

A. The Government will be obligated to pay an excepted employee who performs work on a holiday according to the normal rules governing pay for work on a holiday. Under these rules, an employee would receive his or her rate of basic pay, plus holiday premium pay at a rate equal to the employee's rate of basic pay. In addition, if such an employee performs officially ordered or approved overtime work on a holiday (i.e., work in excess of his or her basic non-overtime work requirement for that day), the employee would receive overtime pay (or compensatory time off) for that work. Of course, an employee cannot be paid for working on a holiday until an appropriations act or a continuing resolution is enacted.

Requests for Leave During Furlough

46. Q. If employees request paid leave--i.e., annual, sick, court, military leave, or leave for bone marrow or organ donation--after receiving a furlough notice, can the requests be denied for those days that coincide with the dates of furlough? If an agency has already approved requests for these categories of paid leave before issuance of the proposed furlough notice, can the approval be rescinded and the employees furloughed on the days that coincide with the dates of furlough?

A. The answer to both questions is yes, and this guidance applies whether it is a "shut-down" or "emergency" furlough or a "save money" furlough. However, if it is a "save money" furlough, the agency may choose to furlough the employees at another time if there is no requirement that the employees be furloughed at a given time or in a given order. In addition, the agency may designate whichever days it chooses as furlough days.

In a "shut-down" or "emergency" furlough, all paid leave during a furlough is canceled because the necessity to furlough supersedes leave rights. The Antideficiency Act (31 U.S.C. 1341 et seq.) does not allow authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid leave creates a debt to the Government that is not authorized by the Act. Therefore, agencies are instructed that during a lapse in appropriations, all paid leave during a furlough must be canceled and employees must be either (1) at work performing excepted activities or (2) furloughed.

47. Q. May *excepted* employees take previously approved paid leave during a furlough caused by a lapse in appropriations--i.e., a "shut-down" or "emergency" furlough? May *excepted* employees be granted new requests for paid leave during the lapse in appropriations?

A. No. When an employee is not at work and performing the duties determined by the employing agency to be allowable activities in compliance with the Antideficiency Act, he or she cannot be

in a paid leave status. Therefore, agencies must take one of the following actions:

(1) cancel any approved paid leave during the furlough and/or deny any new requests for paid leave; or

(2) furlough the employee for the period of the employee's absence from duty. An agency may subsequently terminate the furlough whenever the employee's services are required for excepted activities.

If an excepted employee refuses to report for work after being ordered to do so, he or she will be considered absent without leave (AWOL) and may be charged with insubordination.

48. Q. Typically, all employees are required to report for work on the day on which a "shut-down" or "emergency" furlough begins. How should agencies determine the number of work hours and the number of furlough hours for each nonexcepted employee?

A. OPM recommends that agencies make an effort to determine, on a case-by-case basis, the amount of time each nonexcepted employee works on the day a furlough begins. If an employee is on approved leave on the day the furlough takes effect, both excepted and nonexcepted employees should be charged the appropriate kind of leave for the approximate period of time from the beginning of each individual employee's normal workday until the time other similarly situated employees departed from work after receiving furlough notices. Once the furlough begins, excepted employees are required to be at work. The remaining period of time in a nonexcepted employee's regularly scheduled tour of duty (after taking into account part-time work schedules, uncommon tours of duty, or previously approved flexible or compressed work schedules) would be considered furlough time, even if the nonexcepted employee had previously been scheduled to take paid leave later in the day. An agency may subsequently terminate the furlough if the employee's services are required for excepted activities.

49. Q. If an employee is on leave under the Family and Medical Leave Act of 1993 (FMLA) during the furlough, does the leave count towards the 12-week entitlement to FMLA leave?

A. An employee who is on approved Leave Without Pay (LWOP) under the FMLA on days that coincide with the period of furlough will continue to be charged LWOP. Consistent with law and regulations, the LWOP taken under the FMLA is part of the 12-week entitlement. However, an employee who was scheduled during the furlough to take *paid* leave under the FMLA (i.e., an employee chooses to substitute annual leave or sick leave, as appropriate, for unpaid leave under the FMLA) must be placed on furlough instead. (See Q. 46) Since the paid leave was canceled, the period of absence may not be used to reduce the 12-week entitlement to FMLA leave.

Leave Without Pay (LWOP) in Lieu of Furlough

50. Q. May agencies permit employees to use Leave Without Pay (LWOP) in place of furlough?

A. Yes, in certain situations agencies may permit employees to elect to take LWOP instead of being furloughed. However, agencies may not require employees to request LWOP.

If a nonexcepted employee is on approved LWOP during a "save money" furlough, and there is no expectation that the employee will return to duty on the proposed furlough days, it is not necessary to cancel the LWOP, since there is neither work nor funds involved. However, if the employee wishes to cancel all or some of the LWOP and return to duty, the agency may cancel the LWOP and furlough the employee on the days of previously approved LWOP.

51. Q. If an employee is scheduled to take approved Leave Without Pay (LWOP) during a "shut-down" or "emergency" furlough, should the employee continue to be charged LWOP during the period of furlough?

A. Yes. Nonexcepted employees scheduled to take preapproved LWOP during a "shut-down" or "emergency" furlough will continue to be charged LWOP during the furlough period, unless the agency cancels the approved LWOP prior to the beginning of the furlough period. If the approved LWOP was scheduled to end before the furlough ended, the employee must be placed on furlough for the remainder of the furlough period unless later designated as an excepted employee.

52. Q. May an employee voluntarily request Leave Without Pay (LWOP) for a holiday?

A. No. A holiday is considered a day when an employee is excused from regularly scheduled work for leave purposes (5 U.S.C. 6302(a)). Therefore, an employee may not request or be granted LWOP for a holiday.

Continuation of Pay (COP)

53. Q. If employees are receiving Continuation of Pay (COP) due to job-related injuries, can the COP be terminated or interrupted by furlough?

A. No. According to the Department of Labor, employees are maintained on COP status during periods of furlough.

Injury While on Furlough or LWOP

54. Q. Are employees who are injured while on furlough or Leave Without Pay (LWOP) eligible to receive workers compensation?

A. No. Workers compensation is paid to employees only if they are injured while performing their duties. Employees on furlough or LWOP are not in a duty status for this purpose. An employee who is receiving workers' compensation payments will continue to receive workers' compensation payments during a furlough and will continue to be charged LWOP.

Payments Upon Separation from Federal Service

55. Q. If there is a "shut-down" or "emergency" furlough as a result of a lapse in appropriations, may employees who are separating at the end of a fiscal year receive a lump-sum payment for their unused annual leave? Are the funds paid out of the previous fiscal year's monies or the new fiscal year's monies?

A. The obligation of funds for a lump-sum annual leave payment is triggered by an employee's separation from Federal service. For example, if an employee separates on September 30, 1998, the money to pay the lump-sum annual leave payment is obligated during FY 1998. Although the lump-sum payment would be made in FY 1999, it would be paid from FY 1998 funds.

In the event of a lapse in appropriations, agencies are allowed to employ staff to perform activities necessary for the orderly suspension of nonexcepted activities. This may include the processing of payroll for the pay periods prior to the lapse in appropriations. A minimum number of payroll staff may be excepted from furlough for the minimum time required to issue checks, including checks for lump-sum annual leave payments paid from funds obligated before the lapse in appropriations.

If an employee separates during a lapse in appropriations, the lump-sum annual leave payment must be delayed until enactment of an appropriation that would allow the obligation and payment of funds for this purpose.

56. Q. How are separated employees' entitlements to severance pay affected by a lapse in appropriations?

A. Funds for severance pay are obligated on a day-to-day basis as the recipient accrues continuing entitlement to severance pay by not being reemployed by the Government of the United States. (Severance pay is suspended or terminated when the individual is reemployed by the Federal Government.) Severance pay is paid at the same pay period intervals as if the recipient were still employed. Any severance payment (on a payroll payday) is linked to the corresponding pay period during which the recipient accrued continuing entitlement to severance pay. If the recipient is reemployed by the Federal Government during a pay period, he or she is entitled to a prorated severance payment covering the days in the period prior to reemployment (e.g., 2/5 of one week's pay if the recipient was reemployed on the third workday of the pay period).

Thus, in the case of a lapse in appropriations, accrued but unpaid severance pay represents an obligation to be paid from funds available before the lapse in appropriations occurred. Just as payroll checks for work performed prior to a lapse in appropriations can be processed as part of the orderly suspension of non-excepted activities, severance pay checks covering days before the lapse may also be processed.

After a lapse in appropriations begins, a separated employee continues to accrue entitlement to severance pay on a day-to-day basis. However, no funds may be authorized for severance payments for days during the lapse until an appropriation is enacted. Once an appropriation is in place, the employee will receive the severance pay he would have received had the lapse not

occurred. (Note: A lapse will not affect severance payments if an appropriation is enacted before the pay date for any severance payment covering the pay period in which the lapse occurred.)

Performance Awards and Within-grade Increases

57. Q. If agency performance management plans require the payment of performance awards to employees, can the payment be delayed until after the furlough?

A. Yes. Neither law nor regulation requires agencies to pay performance awards (5 U.S.C. Chapters 43 and 45 and 5 CFR 451.104(a)(3)). If agency performance management plans require the payment of performance awards, agencies may delay payment until after the furlough when funds are available.

58. Q. Are agencies required to pay performance awards to Senior Executive Service (SES) employees?

A. No. Neither law (5 U.S.C. 5384) nor regulation (5 CFR 534.403) requires agencies to pay performance awards. Under the law and regulation, total performance award payments in an agency during a fiscal year may not exceed 3 percent of the aggregate career SES payroll as of the end of the previous fiscal year (with an alternative formula for small agencies). There is no requirement, however, that any or all of this amount be paid out.

59. Q. May agencies deny or delay within-grade or step increases for white-collar and blue-collar employees?

A. Within-grade and step increases for white-collar and blue-collar employees are awarded on the basis of length of service and individual performance. Such increases may not be denied or delayed solely because of lack of funds. However, extended periods of nonpay status (e.g., because of a furlough for lack of funds) may affect the timing of such increases. For example, a General Schedule employee in steps 1, 2, or 3 of the grade who is furloughed for more than 2 workweeks during the waiting period would have his or her within-grade increase delayed by at least a full pay period. (See 5 CFR 531.406 (b)).

Documentation of Furlough

60. Q. How is time on furlough and leave without pay documented?

A. An SF-50, "Notification of Personnel Action," must be prepared for each individual subject to furlough (or a list form of notification for a group of employees who are to be furloughed on the same day or days each pay period). A return-to-duty SF-50 is necessary only for return from a consecutive furlough, not for a return from a discontinuous furlough. (See Chapters 15 and 16 of [*The Guide to Processing Personnel Actions*](#).)

If the specific furlough dates are known when a 471/Furlough action is prepared, these dates must be shown in the remarks section of the 471/Furlough action document (SF-50, or list form). If specific dates are not known, then agencies must prepare an 002/Correction action (SF-50) to

the 471/Furlough action (or a list form of notification for a group of employees similarly situated) with remarks documenting the total number of days or hours of the furlough when those dates become known.

When the total number of days for a 472/Furlough NTE is increased, a 772/Ext of Furlough NTE (date) must be prepared. For new calendar periods of furlough, a new furlough action must be prepared. For all other changes in the dates on which a furlough will occur, an 002/Correction action must be prepared.

Agencies are reminded that for members and former members of the uniformed services who are subject to the "pay cap" reporting procedures, a copy of the furlough notice, and of the return to duty notice when one is issued, must be sent to the appropriate uniformed service finance center (addresses of the centers are in Chapter 8 of [The Guide to Processing Personnel Actions](#)), since days in nonpay status will affect the person's retirement pay. When an SF-50 or a list form of the notice is issued to document a furlough, the copy of the notice which is sent to the pay center must have the employee's SSN and DOB and dates of furlough added to it to ensure proper adjustment of his/her retirement pay.

Furlough Under Reduction in Force Procedures (General)

61. Q. When is an agency required to use reduction in force (RIF) procedures to furlough employees?

A. Agencies must follow RIF procedures when furloughing employees for 31 or more continuous calendar days, or for 23 or more discontinuous workdays.

62. Q. Is there a maximum period an employee may be furloughed?

A. Yes. An employee may be placed on a reduction in force furlough only when the agency plans to recall the employee to his or her position within 1 year. Therefore, the furlough may not exceed 1 year.

63. Q. If an agency needs to furlough employees for more than 30 calendar days (or 22 workdays), must the complete reduction in force (RIF) procedures be followed?

A. Yes. The complete RIF procedures must be followed, including a minimum 60 days specific written notice of the RIF furlough action. (Question 86 has additional information on RIF notice requirements.) The only exception to regular RIF procedures involves assignment rights (i.e., "bump" and "retreat" rights).

64. Q. When does an employee who is reached for a reduction in force (RIF) furlough action have a right of assignment to another position?

A. An employee reached for release from the competitive level because of a RIF furlough has assignment rights to other positions on the same basis as an employee reached for release as a result of other RIF actions (e.g., separation or downgrading), including the "Undue Interruption"

standard. (As defined in 5 CFR 351.203, "Undue Interruption" essentially means that a higher-standing employee who is otherwise qualified for RIF assignment may exercise the assignment right only if the employee is able to perform the position of the lower-standing employee within 90 days of the RIF.)

In applying the undue interruption standard to a RIF furlough situation, the agency must consider whether undue interruption would result from both (1) the displacement of a lower-standing employee from the competitive level affected by the furlough, and (2) the recall of both employees to their official positions at the end of the furlough period.

Because the undue interruption standard used in determining employees' RIF assignment rights is based on 90 consecutive days, an employee reached for a continuous RIF furlough generally does not have assignment rights to a position held by another employee who is not affected by the furlough unless the furlough extends for 90 or more consecutive days. Also, an employee reached for a discontinuous RIF furlough action does not have assignment rights to another position.

65. Q. Are there any other situations in which agencies may restrict employees' RIF assignment rights in a furlough situation?

A. An agency may make a temporary exception to order of release and assignment rights to keep the incumbent in his or her position for 90 days or less after the commencement of the furlough when needed to continue an activity without undue interruption. (For additional reasons that a temporary exception may be used, see 5 CFR 351.608 (a).)

An agency may make a continuing exception to order of release and assignment rights to keep the incumbent in a position that no higher standing employee can take over within 90 days and without undue interruption to the activity. (See 5 CFR 351.607.)

66. Q. Some employees within a competitive area are paid from appropriated funds. Some are paid from a variety of other funding sources, such as trust funds, working capital, user fees, etc. Are employees who are paid from these other sources exempt from the furlough and the RIF process?

A. Agencies should follow OMB guidance to determine whether positions paid from other sources are subject to furlough. Regardless of the source from which an employee is paid, each employee within a competitive area would be subject to displacement by higher standing employees within the same competitive area.

67. Q. If a program, project, or activity (PPA) takes other actions to obviate or lessen the need for a RIF, how will the employees in the PPA be affected by RIF?

A. Even though their positions are not subject to furlough, the employees in this PPA would be subject to displacement by higher standing employees in other PPAs within the competitive area.

68. Q. What action is taken if an employee refuses an offer of assignment?

A. The employee is furloughed from his or her position.

69. Q. If an employee bumps or retreats to a different job as a result of a furlough, is the employee temporarily assigned to that job?

A. No. The employee becomes the incumbent of that job even though the RIF furlough anticipates the employee's eventual recall to his or her former job.

70. Q. If circumstances change and the agency is unable to recall furloughed employees at the point specified in their reduction in force (RIF) notice, what additional action is required?

A. In this situation, the agency must issue those employees new notices of either an extended furlough or proposed RIF separation, as the situation requires. This new action must meet all the requirements in the RIF regulations (for example, 60 days advance notice).

71. Q. Do these requirements also apply if an agency finds that it can recall employees before they have reached the furlough limits specified in their reduction in force (RIF) notice?

A. No.

72. Q. Are Presidential appointees, Schedule C employees, and members of the Senior Executive Service (SES) covered by the reduction in force (RIF) furlough procedures?

A. An employee whose appointment must be confirmed by, or made with the advice and consent of the Senate, is not covered by the Part 351 RIF procedures. All Schedule C employees are covered by Part 351 except those under appointments of 1 year or less who have less than 1 year of service. Career SES members are covered by separate furlough procedures in 5 CFR Part 359, Subpart H, which provide that an agency must use competitive procedures in selecting SES career appointees for furloughs of more than 30 calendar days, or for more than 22 workdays if the furlough does not cover consecutive calendar days. Agencies may use the same procedures they have established for competition for job retention under an SES RIF situation. Any competitive procedures used must be made known to the SES members. The furlough of an SES noncareer or limited appointee, or a reemployed annuitant holding a career SES appointment, is not subject to 5 CFR 359, Subpart H.

73. Q. What happens to temporary employees serving under appointments limited to 1 year or less in reduction in force (RIF) furlough situations?

A. An agency may not retain a temporary employee in pay status to furlough a competing employee in the same competitive level. Temporary employees may be either separated or furloughed in such situations, but they are not entitled to the protections of adverse actions or RIF procedures when this occurs. As a matter of good human resource management, however, the agency should try to give these employees as much advance written notice as possible.

Time spent in furlough status by temporary employees counts the same as time in a pay status toward their appointment's not-to-exceed date and the 2-year limit on their overall service specified in 5 CFR 316.401(c).

74. Q. What notice must an agency provide an employee of a reduction in force (RIF) furlough action?

A. An agency must give an employee covered by OPM's retention regulations a minimum 60-day specific written notice before the effective date of any RIF action, including furlough. The statutory basis for the RIF notice requirements is found in 5 U.S.C. 3502(d). The RIF notice requirements are further implemented through regulations published in 5 CFR 351, Subpart H.

An employee of the Department of Defense (DoD) is entitled, under implementing regulations issued by DoD, to a specific written notice of at least 120 days before the effective date of a RIF action, including furlough, when a significant number of employees will also be separated by RIF during the same RIF.

The same notice requirements are applicable to both a continuous and a discontinuous RIF furlough.

75. Q. What option is available if an agency is unable to provide an employee with the minimum required notice of a reduction in force (RIF) furlough?

A. When a RIF is caused by unforeseeable circumstance, an agency may request OPM to authorize a RIF notice period of less than 60 days, or less than the 120-day requirement applicable to a significant RIF in DoD. However, the agency must still provide each employee with a minimum of 30 calendar days specific written notice of the RIF action. (Refer to 5 CFR 351.801(b).)

76. Q. 5 CFR 351.806 states that during the notice period when, "in an emergency the agency lacks work or funds for all or part of the notice period, it may place the employee . . . in a nonpay status without his or her consent." If an agency is unable to give 30 calendar days notice in an emergency (or longer period if required by administrative or negotiated provisions), may an agency use 351.806 to place employees on furlough before the notice period is satisfied?

A. Yes.

77. Q. Is the agency required (or permitted) to register employees furloughed by reduction in force (RIF) in the agency's Reemployment Priority List (RPL), or is the employee eligible for priority consideration under placement programs such as Career Transition Assistance Program (CTAP) or the Interagency Career Transition Assistance Program (ICTAP)?

A. No. All of these programs are open only to employees who are separated, not employees who are furloughed by RIF.

78. Q. Competitive service employees may appeal a reduction in force (RIF) action to the Merit Systems Protection Board. What about excepted service employees?

A. All excepted service employees, as well as competitive employees, who are covered by the RIF regulations may appeal or grieve as follows: An employee covered by a negotiated grievance procedure that does not exclude RIF actions must use the negotiated grievance procedure. Otherwise, an employee may appeal to MSPB. See 5 CFR 351.202 and 351.901.

Priority Placement Program (PPP)

79. Q. Does the moratorium in CPM Subchapter 1701.3, which prohibits issuing termination notices or effecting terminations between December 15 and January 3 apply to furloughs?

A. No.

80. Q. Do we have to continue matching vacancies during furlough if we have no one in the office to download resumes through the Automated Stopper and Referral System (ASARS)? Can we continue recruiting?

A. If recruitment continues during the furlough period, you are still obligated to fulfill all PPP requirements.

81. Q. We have a Priority Placement Program (PPP) registrant who was selected, had an established entrance on duty (EOD) date, and the gaining activity says there is no one there to process the registrant. Can the EOD date be delayed?

A. Yes, but the gaining activity should first try to arrange for courtesy processing by another human resources office. If a delayed EOD would cause the registrant to suffer a break in service, the gaining activity must make arrangements for processing the registrant. In these cases, the Component PPP Coordinator may need to be involved.

82. Q. We have a PPP registrant who was selected and has an established EOD date. The gaining activity says the employee will be furloughed upon EOD. The PPP registrant is in a duty status at the losing activity. Can the losing and gaining activity agree to delay the EOD date?

A. Yes. However, the registrant's separation date should be taken into account. If he or she is scheduled to be separated prior to the end of the furlough period, the registrant must be allowed to choose between delaying the EOD and being processed on the gaining activity's rolls and immediately placed on furlough.

83. Q. Can an employee (PPP registrant) immediately go into an annual leave status upon arrival at the new activity to preclude furlough?

A. No. Employees placed through PPP are covered by the same rules as other employees. Registering and gaining activities may agree to delay the EOD date.

84. Q. A PPP registrant will be reporting to an activity (in a work status) during the furlough period. The gaining activity has been instructed that the tour of duty cannot include an Alternate Work Schedule (AWS) until after the furlough period. The employee's PPP offer had an AWS? Is the offer still valid?

A. Yes

85. Q. A gaining activity has not been able to contact a registering activity either through fax, telephone, or e-mail. May it disregard the match and move on to another PPP registrant?

A. No. If all efforts to contact the registering activity fail, the gaining activity should seek assistance from its CARE Program Coordinator.

86. Q. The registering activity cannot get in contact with a furloughed PPP registrant to make a job offer. The gaining activity wants the registering activity to consider this a declination. Can they?

A. No. The registering activity must make a concerted effort to contact the registrant, up to and including certified mail with a return receipt.

87. Q. Can we continue to conduct PPP business such as submitting registrations and requisitions and downloading resumes?

A. Yes. The Automated Stopper and Referral System (ASARS) will continue to process transactions in accordance with standard procedures.

88. Q. If a registering activity is unable to reach a registrant immediately, when does the job offer response time begin (i.e., 2 days for CONUS registrants and 3 days for OCONUS registrants)?

A. As always, the response period does not begin until the registering activity establishes contact with the registrant and actually extends the job offer. Call the appropriate CARE Program Coordinator for guidance in problem cases.

89. Q. Will 30-day notices continue to be mailed out for Military Spouse Preference Program (Program S) registrants due to drop from the program (i.e., unless extended by the registering activity)?

A. Yes.

90. Q. Our activity is on furlough and we will be unable to retrieve matches for active requisitions or our daily report. Will they remain in the system until our return?

A. Yes, we will make whatever adjustments are necessary to ensure the data is available at the end of the furlough period.

91. Q. Are furloughed employees eligible to register in the PPP?

A. Employees are not eligible to register in the PPP on the basis of furlough alone unless the furlough period is 6 months or longer. However, if they are eligible based on some other qualifying event such as RIF, declination of transfer of function, completion of an overseas tour, etc., they may register in accordance with the timelines of that event.