

CHANGE 1 TO ANNEX A: USAREUR ADMINISTRATIVE FURLOUGH PLANNING GUIDANCE; DETAILS TO USAREUR ADMINISTRATIVE FULOUGH PLANNING GUIDANCE.

**A-1. References:**

a. 5 USC 63, Leave.

b. DOD 7000.14-R, Financial Management Regulation (FMR); Volume 7A, Military Pay Policy and Procedures-Active Duty and Reserve Pay; Chapter 44, Withholding of Income Tax.

**A-2. Affected Employees.** All Department of the Army U.S. civilian employees paid from Department of the Army appropriated funds are affected by this furlough.

**A-3. Exceptions and Exemptions.** ~~USAREUR is making no provisions for initial exemption from this administrative furlough of any affected employees except for those for whom an Army-wide exception applies. The following are the Army-wide exceptions:~~ **USAREUR's intent is to furlough all affected employees, with extremely limited exceptions. Exceptions include the DoD approved categorical exceptions as follow:**

a. All employees deployed in a TDY status or temporarily assigned, including temporary change of station (TCS) assignments, to a combat zone. Annex B of this guidance provides a current list of designated combat zones.

b. Nonappropriated fund (NAF) employees, regardless of funding source. However, NAF employees may still be furloughed under DOD NAF and Army NAF policies and procedures if funded by appropriated funds or for other business-based reasons.

c. Local national employees.

d. Individuals appointed by the President with Senate confirmation who are not covered by the leave system in 5 USC 63 (ref A-1a), or an equivalent leave system.

e. Civilian personnel funded with National Intelligence Program (NIP) **will be determined by the Director of National Intelligence. Employees funded with Military Intelligence Program (MIP) will be subject to furlough.** ~~, or Information Systems Security Program (ISSP) funds who are directly involved in intelligence acquisition, analysis, collection, or operations or in other processing of intelligence information. All other intelligence personnel (whether funded with MIP or NIP funds) and all support personnel (that is, administrative, contracting, financial management, system acquisition management, and all other types of support) are subject to furlough.~~

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f. Foreign Military Sales (FMS) employees whose positions are exclusively funded from FMS administrative and FMS case funds. FMS positions funded in whole or in part by DOD appropriations (to include pseudo cases) are subject to furlough.

~~g. Employees paid directly by an Army Civil Works account or by other accounts not included in the National defense function (that is, accounts with a code of “050” or beginning with “05”).~~

**A-4. Furlough Period.** Current DOD guidance limits administrative furloughs resulting from sequestration to 88 hours or 11 workdays for each employee before the end of FY 13. **The furlough period will begin no earlier than 8 July 2013 and run no later than 30 September 2013. An employee’s first day of furlough will be no earlier than 8 July 2013.**

~~a. A USAREUR furlough start date has yet to be determined, but USAREUR will give all employees the required 30 days advance notice of furlough implementation.~~

~~b. Currently, USAREUR expects the furlough period to run through 30 September 2013.~~

**A-5. Effect on Living Quarters Allowance (LQA) and Post Allowance.** A furlough consisting of 11 noncontinuous days does not affect employee eligibility for LQA and post allowance. USAREUR employees who currently receive LQA and post allowance will continue to be eligible for and receive them during this planned furlough period.

### **A-6. Furlough Schedule.**

a. USAREUR major subordinate commands (MSCs) and the Commander, USANATO Brigade, will establish a furlough schedule for their employees in compliance with the requirements in this document and the references in the basic memorandum (para 1) and paragraph A-1.

b. ~~All organizations belonging to~~ HQ USAREUR **staff organizations** will furlough half of their affected employees on Monday and the other half on Friday. As necessary or on employee request, the Deputy Chief of Staff (DCoS), HQ USAREUR, and staff principals may approve deviations from this schedule. The DCoS and staff principals may delegate to lower supervisory levels the authority to adjust an employee’s furlough day as a one-time exception (that is, from Monday to Friday, or the reverse).

c. Furlough time for part-time employees will be prorated based on their work schedule. For example, an employee working only 40 hours per 80-hour pay period will be furloughed one half of the hours mandated for full-time employees.

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d. Furlough days may not be scheduled on Federal holidays. Furlough days that fall on Federal holidays will be rescheduled. Monday and Friday furlough days that coincide with Federal holidays will be rescheduled within the same week to Tuesday and Thursday, respectively.

e. To the extent possible, management must ensure supervision of the workforce each day by establishing furlough schedules of available supervisors to cover the entire work week.

**A-7. Furlough Notices, Proposing Officials, and Deciding Officials (DOs).**

**a. Notices.** The use of OSD-approved notices of proposed furlough and final furlough-decision templates is mandatory. These templates have been, or will soon be, distributed to the staff and subordinate organizations. To the maximum extent possible, the proposing officials (b below) and DOs (c and d below), respectively, will personally deliver to each affected employee the notice of proposed furlough and the final notice of decision to furlough.

(1) Furlough officials will ask each employee to sign a copy of the proposed notice and final decision notice. The employee's signature will only acknowledge receipt of the notice; it does not imply agreement or disagreement with the proposed action or final decision, nor does it take away any right of appeal.

(2) Should an employee decline to sign, a management official will annotate, sign, and retain a copy of the notice or decision. If available, another management official should serve as a witness and also sign the annotated copy.

(3) When an employee is absent from the workplace at the time notices or decisions are to be delivered personally, a management official will provide the notice through other reliable means (that is, certified mail, regular mail, or personal delivery to the employee's home) and retain a record documenting how the official provided each notice.

**b. Proposing Official.** Normally, an employee's first-line supervisor will serve as the furlough-proposing official. To the extent possible, proposing officials will personally issue notices of proposed furlough to their employees. ~~at the latest 30 workdays before the first planned furlough day.~~ **Officials will issue notices no earlier than 28 May or later than 5 June 2013.**

**c. DO.** The CG, USAREUR, has delegated furlough decision authority (basic memo, para 4) to specific individuals designated as furlough DOs, who are also identified in subparagraph d below. **The DO for an employee must be at least one supervisory level higher than the proposing official for that employee.** DOs are charged with, and accountable for, making and issuing final decisions on furloughs of employees, whether or not that employee submits any response to the

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notice of proposed furlough. **DOs will issue notice of final furlough decision to employees no earlier than 5 June or later than 1 July 2013, but in any case, only after the employee's 7-day reply period has passed.** In making a final decision, DOs will carefully consider all evidence of record, including full and fair consideration of the employee's response, if any, and the needs of the Army. DOs are authorized to execute the full range of options in providing relief in individual employee cases, as determined necessary, and to issue the following final furlough decisions after advising the appropriate official (paras 8d(1)(c) and d(2)(b)) of such action:

(1) Exception from furlough for any individual employee in the grade of GS-15 (or equivalent) and below.

(2) Limitation of the furlough to less than **88** hours or **11** workdays. USAREUR DOs may limit the number of hours and days that any full-time employee in the grade of GS-15 (or equivalent) and below will be furloughed before the end of FY 13.

~~(3) Temporarily or permanently recall an employee from furlough. DOs will consider the criteria in subparagraph A-8d(2) below when determining the most cost-effective method to meet requirements (for example, whether to assign overtime, recall an employee from furlough). If permanent recall is considered, the responsible official must also determine that permanent recall of an employee or assignment of overtime is more cost-effective than temporarily returning an employee to work from furlough and having the employee's furlough hours taken at a later date or time.~~ **Recall an employee from furlough (resulting in an overall reduction in the number of FY 2013 furlough hours for that employee) only as necessary to protect the health, safety and security of personnel or property; to ensure the direct and timely provision of services and materiel to deployed units or to units that are preparing to deploy; or to perform similar mission critical functions. No additional funds will be authorized for furlough recall.**

**d. Designation and Delegation of DO Authority.**

(1) For subordinate units, the commanders of USAREUR MSCs and the Commander, USANATO Brigade, are designated as DOs for the purposes of the adverse action processes associated with the FY 13 administrative furlough.

**NOTE:** For an administrative furlough of 30 days or less, 5 USC gives a covered employee certain procedural rights under adverse action procedures.

(a) The DO may delegate this designation and authority to one or more officials under his or her supervision who would be in the best position to determine the fair and equitable application of the furlough to an employee. The delegated DO may not further delegate this designation or authority.

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(b) The delegation of authority must be in writing; may not be to an official lower than the first supervisor who is a colonel, GS-15, or equivalent in the employee's chain of command; and must delegate all authorities listed in subparagraph c above.

(c) **As USAREUR intent is to furlough all affected employees with extremely limited exceptions,** when deciding-official authority is delegated, the DO (delegated) considering any type of relief from the furlough for an employee must advise the appointing DO (USAREUR MSC commander) **of such planned relief** before issuing a final decision.

(d) Commanders will be held responsible for any and all actions taken pursuant to their designation as a DO and for any actions taken by officials under their supervision to whom deciding-official authority was delegated. Should conditions warrant and if appropriate, commanders will suspend or rescind the deciding-official designation and the delegation of authority associated with such a designation.

(2) For the HQ USAREUR staff, the first supervisor who is a colonel, GS-15, or equivalent in the employee's chain of command, **and who is at least one supervisory level higher than the proposing official,** is designated as the DO for the purposes of the adverse action processes associated with the FY 13 administrative furlough. **For employee's for whom the proposing official is a colonel, GS-15, colonel/GS-15 equivalent, or higher the first higher level supervisor in the employee's chain of command is designated as the DO for that employee.**

(a) The DOs are delegated all authorities listed in subparagraph c above. The delegated DOs may not further delegate this designation or authority. USAREUR will hold DOs responsible for any and all actions taken pursuant to this delegation and should conditions warrant, USAREUR will suspend or rescind the DO delegation of authority when appropriate.

(b) **As USAREUR intent is to furlough all affected employees with extremely limited exceptions,** HQ USAREUR DOs who are considering any type of employee furlough relief must advise the DCG, USAREUR, through the chain of command, of such planned relief before rendering a final decision.

**e. Granting Employees Furlough Relief.** When granting an employee furlough relief (that is, an exception from the described furlough, a limit on the number of furlough hours and days, or a recall from furlough), DOs will send a memorandum identifying the action taken and the underlying rationale through the chain of command to the CG, USAREUR. As required by HQDA, USAREUR will send the rationale to the Assistant Secretary of the Army (Manpower and Reserve Affairs) for reporting to the Secretary of the Army.

**f. Notification Deadline.** DOs must personally, to the extent possible, issue furlough-decision notices to their employees no later than ~~5 workdays before the first planned furlough~~

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~~day~~ **1 July 2013**. DOs will make a final decision in all cases, even in cases in which an employee did not submit a reply.

**g.** As requested, the officials designated as Deciding Officials in paragraph A-7d(1) and (2) will provide reports to the USAREUR CG (consolidated at the staff principal/equivalent level for USAREUR Headquarters employees) as to:

- (1) The number of notices of proposed furlough issued to employees.
- (2) The number of employees to whom notices of proposed furlough were not issued because the employee was subject to an approved furlough exception.
- (3) The number of notices of final furlough decisions issued to employees.
- (4) The number of individual furlough exceptions granted through the adverse action process.

**A-8. General Guidance.** The following general guidance applies:

a. Supervisors will ensure that furloughed employees do not work on-site or from home, officially or unofficially, on furlough days and time.

(1) Employees cannot volunteer to work. Supervisors will direct employees to depart if they are at work or show up to work during their furlough day or time.

(2) Overtime and compensatory time cannot be used to offset furlough hours. Supervisors will not allow and civilian employees will not work any hours in excess of their normal duty day (including credit hours) during the furlough period.

(3) Government-issued cell telephones will be turned off during furlough days.

b. Supervisors will cancel authorizations for employees to—

(1) Be on an alternate or flexible work schedules for the duration of the furlough period. **Employees should be informed of work schedule changes at least a week in advance of the change.**

(2) Perform telework on furlough days.

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c. Supervisors will properly track and document furlough time in the Automated Time Attendance and Production System (ATAAPS) for proper payroll processing and reconstruction in the event of an audit. Furlough days and hours will be coded "KE."

(1) Certifying officials are ultimately responsible for ensuring furlough hours are scheduled, properly entered in ATAAPS, and certified each pay period.

(2) ATAAPS is the only method of accounting for non-pay furlough hours as the furlough "nature of personnel action" process-data does not flow to Defense Finance and Accounting Services.

d. ~~Employee overtime work, whether paid or awarded as compensatory time off, is prohibited during the furlough period unless an exception is granted.~~ **The provisions concerning overtime work apply equally to all USAREUR employees, to include those excepted from furlough. Overtime work for an employee subject to furlough must be approved by an official designated as the DO for that employee for purposes of the FY 2013 furlough. Overtime work for employees not subject to furlough must be approved by an official designated as a DO in accordance with paragraph A-7d above.**

(1) The CG, USAREUR, has delegated overtime exception approval authority as follows:

(a) The first HQ USAREUR staff supervisor in the employee's chain of command who is a colonel or GS-15 is authorized to approve exceptions to the overtime prohibition during the furlough period. Authorizing officials will be held responsible for all actions taken pursuant to this delegation. Should conditions warrant, USAREUR will suspend or rescind the individual or general delegation of authority, if appropriate.

(b) Commanders of USAREUR MSCs and the Commander, USANATO Brigade, are authorized to approve exceptions to the overtime prohibition during the furlough period. They may further delegate this authority to officials they have designated as furlough DOs. Provisions in paragraph A-7d(1) (that is, delegation in writing, commander responsibility for actions taken, and rescinding of the designation and delegation) apply equally to the delegation of this authority.

(2) ~~Before authorizing overtime work, the responsible officials will determine that overtime is more cost effective than temporarily returning an employee to work from furlough or furloughing the employee at a later date or time. Officials who are authorized to approve overtime exceptions may approve overtime work that is necessary to~~ **Before recommending the approval of overtime work, commanders, supervisors and other management officials must make every effort to meet mission requirements by using the latitude to adjust (in advance) each employee's scheduled furlough hours/days. All other options will be considered before overtime**

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work is authorized; overtime work will be approved only when all other options are impracticable. Officials who are authorized to approve overtime exceptions may approve overtime work that is necessary to –

- (a) Protect the health, safety, and security of personnel and property.
  - (b) Ensure the direct and timely provision of services and material to deployed units or to units that are preparing to deploy.
  - (c) Perform mission-critical functions that are similar to those in (a) or (b) above.
  - (d) Perform mission-critical functions that could not have been performed without the overtime (for example, through advance planning) and where the lack of overtime will create mission failure or result in disproportionate costs to the Army.
- (3) Supervisors will document any approval of overtime work in advance of actual work performance, receive a signed and dated approval from the approval authority, and document the purpose of the overtime work and the rationale for concluding the work meets the criteria in (2) above. This applies whether the overtime work will be paid or awarded as compensatory time off, and regardless of the number of overtime workhours authorized.
- (4) No additional funds will be authorized for overtime work.
- e. Functions currently performed by or designated for performance by civilian employees may not be transferred or assumed by contractors. Contractors cannot perform inherently governmental work. Supervisors will also determine the need and appropriateness of realigning military personnel to perform civilian work during civilian employee absences.
  - f. If possible, scheduling of furlough hours or days during TDY periods should be avoided. Supervisors should consider cancelling the TDY if such a conflict is unavoidable. If the TDY is deemed necessary, employees on TDY during the furlough period must continue to account for furlough hours in the pay record at their permanent organization and employees are not to perform any work during furlough hours. Personnel cannot work overtime or earn compensatory time or credit hours while in TDY status.
  - g. No proposed furlough notice or notice of final decision is required for employees who are in leave without pay (LWOP) status and not expected to return to work during the period of furlough (that is, an employee on “terminal LWOP”).
  - h. In the event that scheduled training occurs during a furlough period, supervisors will still place affected employees in a furlough status and order them not to attend the scheduled training on the day of their scheduled furlough.

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i. Newly hired Army employees; employees transferring within the Army from a position excepted from furlough to a position subject to furlough; employees moving from one Army position to another; and employees transferring to the Army from another DOD component or another Federal agency will be given a 30-day notice of proposed furlough immediately on reporting to their new Army-position. The employee's hours of furlough, if furloughed, will be pro-rated across the pay periods remaining from the day after the 30-day notice period ends. Under no circumstances may an employee's total furlough hours exceed 88 hours or 11 workdays, regardless of the agency with which he or she was employed.

j. Employees serving "uncommon" tours of duty are to be furloughed 88 hours or 11 workdays unless an approved exception to the furlough applies. Supervisors must ensure that these employees' regular pay is not disproportionately reduced in comparison to other furloughed employees. For example, if employees on a normal work schedule are furloughed 2 days per pay period, the reduction in regular pay as a result of furlough for an employee on an uncommon work schedule should not exceed 20 percent per pay period.

k. Employees will continue to comply with all ethics laws and regulations while they are in a furlough status. These laws and regulations include the criminal conflict of interest laws in 18 USC 203, 205, 207, 208, and 209; the Standards of Ethical Conduct for Employees of the Executive Branch; and any agency-specific supplemental standards of ethical conduct, particularly those provisions restricting outside activities.

**A-9. Personnel Actions.** All units will process required personnel actions for placing employees on furlough through the AutoNOA system. The USAREUR G1 will issue separate guidance regarding this process.

**ANNEX B: COMBAT ZONES TO USAREUR ADMINISTRATIVE FURLOUGH PLANNING GUIDANCE**

**B-1. References:**

- a. 26 USC 112, Certain Combat Zone Compensation of Members of the Armed Forces.
- b. Presidential Executive Order (EO) 12744, 21 January 1991, subject: Designation of Arabian Peninsula Areas, Airspace, and Adjacent Waters as a Combat Zone.
- c. EO 13119, 13 April 1999, subject: Designation of Federal Republic of Yugoslavia (Serbia/Montenegro), Albania, the Airspace Above, and Adjacent Waters as a Combat Zone.
- d. EO 13239, 12 December 2001, subject: Designation of Afghanistan and the Airspace Above as a Combat Zone.
- e. Public Law (PL) 104-117, 20 March 1996, An Act: To provide that members of the Armed Forces performing services for peacekeeping efforts in Bosnia and Herzegovina, Croatia, and Macedonia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

**B-2.** The following locations are designated as “combat zones” by law, EO, or DOD certification that members of the Armed Forces serving in these locations are serving in direct support of military operations in a combat zone:

**a. Designated Countries (Applicable Designating Authority).**

<b>Country</b>	<b>Designating Authority</b>	<b>Country</b>	<b>Designating Authority</b>
Afghanistan	(EO 13239)	Montenegro	(EO 13119)
Albania	(EO 13119)	Oman	(EO 12744)
Bahrain	(EO 12744)	Pakistan	(DOD certification)
Bosnia	(PL 104-117)	Philippines	(DOD certification)
Croatia	(PL 104-117)	Qatar	(EO 12744)
Djibouti	(DOD certification)	Saudi Arabia	(EO 12744)
Herzegovina	(PL 104-117)	Serbia (incl. Kosovo)	(EO 13119)
Iraq	(EO 12744)	Somalia	(DOD certification)
Jordan	(DOD certification)	Tajikistan	(DOD certification)
Kuwait	(EO 12744)	United Arab Emirates	(EO 12744)
Kyrgyzstan	(DOD certification)	Uzbekistan	(DOD certification)
Macedonia	(PL 104-117)	Yemen	(DOD certification)

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**b. Designated Sea Areas [Boundaries, if Applicable] (Applicable Designating Authority).**

<b>Sea Area</b>	<b>Boundary</b>	<b>Designating Authority</b>
Adriatic Sea	na	(EO 13119)
Arabian Sea	[north of 10 degrees North-latitude and west of 68 degrees East-longitude]	(EO 12744)
Gulf of Aden	na	(EO12744)
Gulf of Oman	na	(EO 12744)
Ionian Sea	[north of the 39th Parallel]	(EO 13119)
Persian Gulf	na	(EO 12744)
Red Sea	na	(EO 12744)

**B-3.** Supervisors must understand the appropriate definitions and adhere to the following principles to ensure consistent application of the “deployed in a combat zone” exemption to civilian employees in the context of the administrative furlough:

a. The applicable terms are defined as follows:

(1) **Combat Zone.** The locations listed as combat zones in EOs 12744, 13119 or 13239 and locations where military personnel are eligible for combat zone tax benefits under law or because DOD has certified that personnel in those locations are providing direct support to military operations.

(2) **Deployed Civilian.** A civilian employee who is deployed (in TDY status) or temporarily assigned (including temporary change-of-station assignment) in a combat zone (subpara (1) above).

b. The following principles will be used when applying the exception for employees deployed to a combat zone:

(1) A deployed civilian’s period of deployment includes time spent attending mandatory pre-deployment training and completing mandatory post-deployment requirements.

(2) For a civilian employee who was deployed to a combat zone but redeploys midway through the furlough period, the parent organization will give the employee a 30-day advance notice of proposed furlough immediately upon his or her return to the organization and before any furlough. In addition, the parent organization will prorate the required number of hours, as applicable, for which the employee will be furloughed.