

Sequestration DOL Frequently Asked Questions

- 1. Will any DOL positions be exempt from the administrative furloughs?** Individuals appointed by the President, with or without Senate confirmation, who are not covered by the leave system in 5 U.S.C. chapter 63, or an equivalent formal leave system, are not subject to furlough.
- 2. How will furlough days be scheduled? Will employees be able to choose what specific days they are furloughed provided they take the mandatory number of days of furlough?** Working with your supervisor, you may request a specific schedule for the furlough days; however, that request is subject to management approval based upon mission and workload considerations. Reasonable efforts will be made to accommodate such requests, but the continuity of agency operations will be given priority.
- 3. If by chance a budget is approved and furloughs are no longer needed, will employees get retroactive pay for the days off?** At this time, there is no guidance that provides for retroactive pay to impacted employees in the event furloughs are no longer needed.
- 4. How will furloughs impact leave and leave requests?** During an administrative furlough, an employee may not substitute paid leave or other forms of paid time off for any hours or days designated as furlough time off. Scheduled leave may be taken as long as it is not on a day(s) when the employee is in furlough status.
- 5. If I am furloughed for one day in a pay period, what impact will there be on my accrued annual leave, sick leave and credit time earned during that pay period?** If an employee is furloughed (i.e., placed in nonpay status) for part of a biweekly pay period, the employee's leave accrual will generally not be affected for that pay period.

However, the accumulation of nonpay status hours during a leave year may affect the accrual of annual and sick leave over a period of time. For example, when a full-time employee with an 80-hour biweekly tour of duty accumulates a total of 80 hours of nonpay status from the beginning of the leave year (e.g., over the course of several pay periods), the employee will not earn annual and sick leave in the pay period in which that 80-hour accumulation is reached. Subsequently, if the employee again accumulates 80 hours of nonpay status, he/she will again not earn leave in the pay period in which the second 80-hour total is reached. Accumulations of non-pay status of less than 80 hours are "zeroed out" at the end of the leave year.

For part-time employees, the foregoing rules do not apply. Instead, leave accrual for part-time employees is prorated based on hours in pay status each pay period. Thus, for a part-time employee, time spent in nonpay (e.g., furlough) status will reduce leave accrual during the pay period in which the employee is in such status.

For more details, please see Addendum 2 of OPM's *Guidance for Administrative Furloughs*, which you may find at <https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/#url=Administrative-Furlough>.

- 6. How do furloughs affect TSP contributions, annual/sick leave earnings, and service computation dates?** Please see DOL's Sequestration Information webpage at www.dol.gov/sequestration/ for specific guidance and fact sheets from OPM on these items.
- 7. What impact will furlough days have on step increases and grade promotions?** Career ladder promotions and within-grade increases will continue in accordance with existing OPM and DOL policy and procedures. Under these regulations, time spent in non-pay (e.g., furlough) status will generally not delay eligibility for a within-grade increase unless it exceeds 80 hours.
- 8. Can a holiday be used as a furlough day?** Yes. Employees may be furloughed for periods of time that include holidays. However, an agency should select the furlough days off on programmatic and administrative grounds that are unrelated to the fact that the period includes a holiday.
- 9. What are the rules for furlough days next to a holiday -- do you need to be in pay status both of those days to receive holiday pay?** The general rule is that an employee is entitled to be paid for a holiday so long as he or she is in pay status on either the work hours immediately preceding the holiday or the work hours immediately following the holiday. Accordingly, furlough days should not be scheduled so that an employee is in furlough status during the work hours both immediately preceding and immediately following the holiday.
- 10. What will be done to promote the availability of EAP during a furlough?** DOL's Employee Assistance Program (EAP) continues to be available for confidential counseling and follow-up support, available 24 hours a day/seven days a week at 800-222-0364/TTY 888-262-7848. EAP will also offer seminars that can be useful with mitigating the impact of a furlough. Additional information will be posted on LaborNet and DOL.gov.
- 11. Will VERA or VSIP be considered?** DOL has requested VERA authority from OPM. If VERA authority is granted, DOL will offer VERA to eligible DOL employees. DOL does not plan to request VSIP authority from OPM.
- 12. Will there be a strict prohibition on the use of government equipment on furlough days, for example, if people have their laptops with them?** Yes. While you are in furlough status, you may not serve as an unpaid volunteer to DOL, and you must remain away from your work place and work duties. This means that you may not access your e-mail account or the DOL intranet, nor use any DOL-issued equipment, such as laptops, Blackberries, cell phones, or pagers while you are on furlough status. Violation of this prohibition will disrupt your agency's sequestration plan, and may result in a violation of law.

- 13. Can an employee work another (non-conflicting) job on a furlough day?** Generally, the rules covering outside employment will apply during periods of furlough. Information and guidance regarding the ethics rules that pertain to outside employment will be provided electronically through DOL e-mail or on the DOL websites (dol.gov and LaborNet). The DOL Ethics Officer remains available for consultation.
- 14. When we had a furlough in the past, we still had to come to work. Not this time?** The concepts of “exempt” or “excepted” activities do not apply to an administrative furlough. An administrative furlough is a planned event, and there is no provision for employees to come into the office and perform “orderly shutdown” activities, like they would in a “shutdown” furlough. In an administrative furlough, you simply may not work during a designated furlough day or other period of scheduled furlough time. Violation of this prohibition may result in a violation of law. An employee will otherwise continue to work as normal except during scheduled furlough time.
- 15. An employee is detailed to an agency that will furlough, but his/her permanent agency is not furloughing, which agency’s furlough plan does the employee follow?** A detailed employee remains officially assigned to his/her permanent position of record while on detail, and will follow the furlough guidance of his/her home agency of record. The home agency and the receiving agency should discuss how a detailee will be affected if a furlough is not required in the home agency, but is required in the receiving agency.
- 16. What about transit subsidies?** At this time, eligible DOL employees will continue to receive a transit subsidy, in accordance with existing policy and procedures.
- 17. How will employees be notified of a furlough?** Employees will receive a furlough notice via email from the Department’s Director of Human Resources. For those employees in which email notices were not possible (e.g., extended leave of absence), a hard copy letter was delivered in-person or via mail to the employee.
- 18. Are some agencies going to “RIF” employees, and if they are, can those employees bump one of our employees out of a job?** At this time, the Department is not planning to conduct any reductions in force (RIF).
- 19. How will the proposed furlough notices take into account any agreements made in bargaining?** The Departmental leadership and Unions completed and signed a Memorandum of Understanding (MOU) regarding sequestration activities. The MOU may be found on the DOL sequestration web page at <http://www.dol.gov/sequestration/>.
- 20. Can furlough days be scheduled for late in the FY to take advantage of any congressional resolution?** You may work with your supervisor to plan a specific schedule of furlough days that is subject to management approval and is based on mission and workload considerations.

Reasonable efforts will be made to accommodate an employee's request. However, employees are required to take at least half of their required furlough days/hours by July 13, 2013, to ensure that the Department is able to meet budgetary and mission requirements with minimal disruption, should sequestration continue through the end of FY 2013.

21. Can one employee take furlough days for others? No, an employee may not volunteer to take another employee's furlough day. A furlough is an adverse action initiated by the employing agency, and an employee may not volunteer for an adverse action. An employee may take *leave without pay* (LWOP) voluntarily; however, he/she would not have any due process rights around the taking of LWOP, and there is no guarantee that doing so would result in others receiving fewer furlough days.

22. Are there going to be any programs set up to help employees that suffer a greater impact by the furloughs (e.g., loan programs)?

Worklife4You is available to support DOL federal employees facing this challenge by identifying a variety of available resources. Employees can access the website via LaborNet at <http://www.labornet.dol.gov/me/worklife/WorkLife4You.htm>, or by contacting Worklife4You, available 24 hours a day/seven days a week at (800) 222-0364/TTY (888) 262-7848.

Also, DOL's Employee Assistance Program (EAP) continues to be available for confidential counseling and follow-up support, available 24 hours a day/seven days a week at 800-222-0364/TTY 888-262-7848. EAP will also offer seminars that may be useful in mitigating the impact of a furlough. Additional information will be posted on LaborNet and DOL.gov.

DOL's Emergency Relief Fund provides financial assistance in the form of no-interest loans to eligible DOL employees and their families who suffer personal hardship due to loss of income. Employees will need to meet the threshold of having trouble paying for basic living needs like rent/mortgage or utilities. The maximum no-interest loan amount is \$1,000. No-interest loans will not be available until an employee's pay has been shortened (due to furlough) and other loan criteria have been met.

TO APPLY FOR ASSISTANCE FROM THE DOL EMERGENCY RELIEF FUND:

1. Complete the application form, which is available at <http://www.feea.org/storage/documents/emergency%20application.pdf> (all information provided will be kept confidential).
2. Send the completed application form to:

DOL EMERGENCY RELIEF FUND
C/O FEEA
3333 S. Wadsworth Blvd., Suite 300
Lakewood, CO 80227

Additional information and resources may be found on FEEA's website at <http://www.feea.org/>.

- 23. How can employees get information about unemployment benefits?** Information about unemployment benefits may be found on the DOL web site at <http://www.dol.gov/dol/topic/unemployment-insurance/>, which provides detailed information and resources pertaining to unemployment.
- 24. Does DOL provide resources for job search and career planning?** Yes. The DOL Career Assistance Center, located in Room C-5324 in the National Office, is available to all DOL employees and provides career assistance services including career counseling, workshops and express training, career transition services, and other resources. Information about the Career Assistance Center may be found on LaborNet at <http://www.labornet.dol.gov/me/careercenter/otd/career-assistance-services.htm>.
- 25. If we go into sequestration will items such as travel, supplies, etc., be stopped?** No. Agencies have begun implementing sequestration plans, many of which call for cost-saving measures, such as the curtailment of travel and supply purchases. However, it is not the case that all travel and supply purchases will be stopped as a result of sequestration.
- 26. If there are two government employees in a family can we ensure that they do separate furlough days to alleviate the financial implications?** You may work with your supervisor to plan a specific schedule of furlough days, which is subject to management approval and is based on mission and workload considerations. Reasonable efforts will be made to accommodate an employee's request.
- 27. The *Post's* "Federal Page" reported that workers are worried that unpaid leave days could affect their annuity calculations but offered no further clarification. Will furlough days affect annuity calculations and, if so, how?** Generally, furloughs will not affect an annuity benefit under either the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS). The amount of a CSRS or FERS annuity paid by OPM is based primarily on the amount of creditable service an employee performs and the employee's "high-three" average salary. Both CSRS and FERS allow service credit for up to six months of nonpay status in any calendar year. If a furlough period does not cause an employee to be in a nonpay status for more than six months in a calendar year, the furlough period will be included as creditable service in determining the employee's total creditable service for annuity computation purposes. If the total amount of time an employee spends in a nonpay status in a calendar year exceeds six months, the amount of nonpay status in excess of six months will not be creditable for retirement purposes.

In addition, the "high-three" average salary used to compute CSRS and FERS annuities is the largest annual rate resulting from averaging an employee's rate of basic pay in effect over any period of three consecutive years of creditable civilian service. A period of nonpay status (e.g., furlough) that occurs during a period used to calculate the employee's "high-three" average salary is generally not relevant to the "high-three" calculation, because the calculation is based on the employees' annual rate of basic pay, rather than the employee's actual pay (or earnings) during that period.

For more details, please see Addendum 2 of OPM's Guidance for Administrative Furloughs, which you may find at <https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/#url=Administrative-Furlough>.

- 28. Can the furlough days be taken all at once (i.e., consecutively)?** Yes. However, you must work with your supervisor to plan a specific schedule of furlough days that is subject to management approval and is based on mission and workload considerations. Reasonable efforts will be made to accommodate an employee's request.
- 29. Can you take furlough days when you want? For instance, can we take them in the summer months, as long as they are before the last pay period of the FY?** You must work with your supervisor to plan a specific schedule of furlough days. Reasonable efforts will be made to accommodate an employee's request.
- 30. Will the furlough days be spread out over the possible six-month period; one day per pay period -- or will it happen one day or more within the same pay period?** How the furlough days will be scheduled depends on you and your supervisor. You may work with your supervisor to plan a specific schedule of furlough days that meets your needs. However, your furlough schedule is subject to management approval and workload considerations.