NATIONAL GUARD BUREAU
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NGB-J1-TN 7 April 2011

MEMORANDUM FOR THE HUMAN RESOURCES OFFICERS OF ALL STATES, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN ISLANDS, GUAM, AND THE DISTRICT OF COLUMBIA

SUBJECT: Furlough (TN-11-12)

1. References:

a. 5 CFR Section 2635, Standards of Ethical Conduct for Employees of the Executive Branch, 1 June 2009.

b. TPR 715, Voluntary and Non-Disciplinary Actions, 13 July 2007.

2. This memorandum rescinds NGB-J1-TN memorandum, Subject: Furlough (TN-11-05), dated 11 March 2011.

3. The Department of Defense (DoD) awaits Congressional action on the FY11 Federal Budget. If not enacted soon, the Army and Air National Guard will not have the funds to pay fulltime National Guard Federal technicians (Title 32 Dual Status and Non-Dual Status) to support the operation and maintenance of Army and Air National Guard missions and activities. The FY11 Continuing Resolution Authority, under which the Federal Government is currently operating, is scheduled to expire at 11:59 pm EST on 8 April 2011.

4. Active Guard Reserve (AGR) will continue in a normal duty status regardless of their affiliation with exempt or non-exempt activities. Military personnel will serve without pay until such time as Congress makes appropriated funds available to compensate them for this period of service. Technician personnel (Dual Status and Non-Dual Status) who are engaged in exempt activities will also continue to work and will also not be paid until Congress makes appropriated funds available. Technicians not engaged in exempt activities will be furloughed. Furlough is defined as the placement of an employee in a temporary non-pay and non-duty status. This furlough is not expected to exceed 30 days. This action is necessary because the Federal funding for the FY11 National Guard technician payroll has not been approved.

5. Furloughed technicians should be instructed to listen to public broadcasts to obtain the information that either a Continuing Resolution Authority or the FY11 DoD appropriation has been approved. Once the FY11 DoD appropriation is passed, furloughed technicians are expected to return to work on the next regularly scheduled

duty day. Each Human Resources Office should develop plans to notify their personnel for recall. Technicians unable to report to work will be charged annual leave, compensatory time, or leave without pay.

6. Technicians will not be permitted to serve as an unpaid volunteer and must remain away from the work place until recalled. In accordance with current DoD guidance, the conditions for recall are limited to developments (e.g. natural disasters, accidents, etc.) that pose an imminent danger to life or property. Technicians may also not be in a paid leave status during the furlough period. This includes annual, sick, court, and military leave.

7. In accordance with 5 CFR Section 2635.802, technicians may accept outside employment which does not create a conflict of interest or violate standards of conduct. Technician temporary duty (TDY) and training, scheduled during the period of the furlough, will be cancelled. Technicians currently on TDY will return to home station as soon as possible.

8. Life and health insurance benefits will continue without interruption. Technicians will be required to pay only the employee's share of the health insurance cost when they return to duty. Furloughed technicians may file a claim for unemployment compensation benefits. Technicians may, or may not, be eligible for these benefits depending on the duration of the furlough. In any case, there is a period during which eligibility is determined.

9. By law, technicians in a non-pay status cannot contribute to their Thrift Savings Plan (TSP) account while on furlough. This also applies to the 1% agency- matching contribution under FERS.

10. As a general rule, a technician may not appeal a furlough action. However, a technician may request a review of the furlough action, in writing, through the State HRO to the Adjutant General (Ref: TPR 715, para. 3-7).

11. The enclosed Q & A on furlough is intended to provide you with additional information regarding possible key issues of concern to National Guard technicians. It is critically important that State HROs maintain close coordination with their USPFO for additional guidance provided by ARNG and ANG Comptrollers.

12. This information is current as of today's date and is subject to change based on additional guidance from OPM and DoD.

13. Questions specific to furlough may be directed to Ms. Connie Illing, NGB-J1-TNS, at 703-607-5457 or e-mail: constance.illing@us.army.mil. Questions specific to Employee Benefits may be directed to Ms. Brenda DeCruise, NGB-J1-TNB, at 703-607-1478, or e-mail: brenda.decruise@us.army.mil.

Encl

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