



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 16 2012

PERSONNEL BULLETIN NO: 12-12

SUBJECT: Furlough in the Senior Executive Service (SES)

1. Policy

It is the policy of the Department to implement a furlough in the Senior Executive Service (SES) only when immediate cost savings are imperative and when reduction in force is neither necessary nor warranted.

2. Definitions

A furlough is the act of placing employees in a temporary status without pay and duties because of lack of work or funds, or for other non-disciplinary reasons. There are several types of furloughs which can intersect: short furloughs, long furloughs, and emergency shutdown furloughs.

A. An emergency shutdown furlough occurs when there is a lapse in annual appropriations, either at the beginning of a fiscal year if no funds have been appropriated, or upon expiration of a continuing resolution, if a new continuing resolution or appropriations law is not passed. Excepted employees include those who are performing emergency work involving the safety of human life or the protection of property or performing certain other types of excepted work. Typically, there is very little or no lead time to plan and implement a shutdown furlough.

B. A short furlough is defined as one that lasts for 30 consecutive calendar days or less, or for 22 workdays or less if the furlough does not cover consecutive days) within a 12-month period beginning on the first day of the furlough.

C. A long furlough is defined as one that lasts for more than 30 consecutive calendar days, or for more than 22 workdays if the furlough does not cover consecutive days), within a 12-month period beginning on the first day of the furlough. The Department will furlough an executive for more than 30 days only when it intends to recall him or her to duty with pay within one year from the beginning date of the furlough. Furlough will not be used when it is known that an executive must be separated at the end of the furlough.

3. References

This policy supplements, and should be read in conjunction with, the following references: 5 U.S.C. 3595a and 5 CFR 359 Subpart H.

4. Coverage

A. Career SES members are covered by this policy, with the exception of the Office of the Inspector General.

B. Noncareer, limited term and limited emergency SES appointees, and reemployed annuitants, may be furloughed without regard to these provisions.

5. Responsibilities

A. Executive Resources Board. The Chairperson of the Executive Resources Board (ERB) is the Secretary of the Interior's delegated appointing authority for SES matters and therefore has the responsibility to decide whether to implement a long furlough for any SES members in the Department of the Interior.

B. Assistant Secretaries. Assistant Secretaries or equivalent officials will request ERB approval to conduct a long furlough for any SES members within their organizations. Such requests will include:

- 1) The beginning and ending dates of the proposed furlough.
- 2) The organizational units to be involved in the planned furlough.
- 3) The names, titles and pay rates of the career SES members proposed for furlough.
- 4) A statement indicating the reasons for the proposed furlough and a rationale supporting why furlough is the best mechanism to resolve the situation.
- 5) An accounting of the estimated savings that will result from the furlough.

6. Competition for Furlough

An emergency shutdown furlough, or a furlough lasting less than 30 calendar days (or less than 22 work days), may be conducted without competitive procedures. Heads of Bureaus and Offices, with the concurrence of the appropriate Assistant Secretary or equivalent official, have the authority to determine which career SES appointees will be affected by emergency shutdown or short furloughs.

Furloughs lasting more than 30 calendar days, or more than 22 work days if the furlough does not cover consecutive calendar days, must be conducted under the competitive procedures established for reduction in force in the SES. This guidance is found in DOI Personnel Bulletin No. 12-11 dated September , 2012. Competitive procedures are used to identify which executives will be furloughed.

7. Notice Requirements for Career SES Members

At least 30 calendar days before the furlough begins, written notice is to be provided to furloughed employees. The 30-day notice period may be shortened or waived in the event of unforeseen circumstances, such as an emergency shutdown furlough. Any notice must include the following information:

- A. the reasons for the decision to take the furlough action;
- B. the expected duration and effective dates of the furlough;
- C. the basis for selecting the appointee for furlough when some, but not all, SES appointees in a given organizational unit are being furloughed;
- D. the place where the appointee may inspect the regulations and records pertinent to the furlough action;
- E. the executive's right to appeal the furlough to the Merit Systems Protection Board (MSPB), the time limit for making an appeal, and the MSPB office to which the appeal should be sent;
- F. if the executive is serving a probationary period, the effect on the duration of the probationary period;
- G. in the event of a long furlough, the notice will describe changes to retirement, health benefits, or life insurance coverage, during the furlough; and
- H. if the 30-day notice period is shortened or waived, the reason must be included in the notice.

8. Notice Requirements for Noncareer, Limited Term, and Limited Emergency SES and Reemployed Annuitants

Written notice will be given and delivered to Noncareer, Limited Term and Limited Emergency SES and reemployed annuitants, at least one day prior to the beginning of the furlough. The notice period may be waived in the event of unforeseen circumstances, such as an emergency shutdown furlough. Any notice to Noncareer, Limited Term, Limited Emergency or Reemployed Annuitant senior executives should indicate the reasons for, the duration of, and the expected effective dates of the furlough.

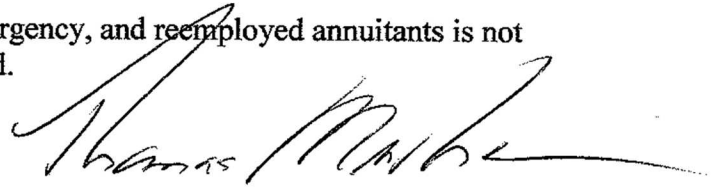
9. Retention of Documentation

All records relating to furlough of senior executives must be retained for at least one year from the effective date of the furlough.

10. Appeals Procedures

The furlough of a career SES member, for any length of time, is appealable to the Merit Systems Protection Board under 5 U.S.C. 7701.

Furlough of noncareer, limited term, limited emergency, and reemployed annuitants is not appealable to the Merit Systems Protection Board.

A handwritten signature in black ink, appearing to read "Thomas Mulhern", with a long horizontal flourish extending to the right.

Thomas Mulhern
Director, Office of Human Resources