

# OCHR FACTSHEET

## Employees Excepted from Shutdown (Unplanned) Furlough

*Issued: September 2013*

### SPECIAL ISSUE

#### This Fact Sheet:

- Defines excepted employees
- Explains the requirements of civilian and military excepted employees
- Highlights questions and answers related to excepted employees

### Background

The potential for lapses in general appropriations frequently occur. These lapses are often known as a government shutdown. If Congress does not pass an appropriations bill or a Continuing Resolution by 30 September 2013, the government will be required to limit operations to those deemed mission essential only.

*(Note: The emergency furlough as a result of a lapse in appropriations differs from the administrative furlough incurred by Department of Defense (DoD) employees in 2013.)*

### Civilian Employees Excepted from Furlough

Civilian employees engaged in excepted activities will continue in normal duty status but will not be paid until Congress makes appropriated funds available. Only the minimum number of civilian employees necessary to carry out the excepted activities will be excepted from furlough (directed to work). Positions that provide direct support to excepted positions may also be deemed excepted if they are critical to performing the excepted activity.

Civilian employees 100% funded by non-appropriated funds (NAF) are exempt from the furlough. Employees partially funded by NAF are subject to the furlough.

Civilian employees funded (partially or 100%) by Foreign Military Sales Trust Fund (FMS) are subject to the furlough and would ONLY be excepted if they have been designated as critical in accordance with the OMB/DoD guidance.

Employees in working capital fund (WCF)/revolving fund (RF) activities are excepted from the furlough (directed to work) as long as there are sufficient ongoing customer orders using non-lapsed funds or sufficient funded customer orders for excepted functions.

Foreign national employees paid with host country funds are exempt from the furlough as well as those governed by country-to-country agreements that prohibit furloughs.

Excepted employees are not the same as emergency essential employees, who are those employees who must report in emergency conditions, such as severe weather.

### Military Personnel

Military personnel will continue in a normal duty status regardless of their affiliation with excepted or non-excepted activities. Additionally, they may be assigned to carry out non-excepted (furloughed) activities in place of furloughed civilian employees.

*(Note: This is different than the regulations governing an administrative furlough.)*



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## Excepted Functions

Following is a listing of the high-level categories used in identifying missions and functions in DoD that may continue in the absence of available appropriations. Activities that are determined not to be excepted and which cannot be performed by utilizing military personnel in place of furloughed civilian employees will be suspended when the appropriated funds expire. Each major command will identify excepted functions within the command that meet the parameters outlined by DoD and driven by program requirements.

Note: Only the minimum number of civilian employees necessary to carry out excepted activities will be excepted from furlough. DoD excepted categories include:

- Protection of life and property, national security
- Safety of persons and protection of property
- Medical/dental care
- Acquisition and logistic support
- Education and training necessary to participate in or support excepted activities
- Legal activities associated with imminent legal action as required by law or necessary to support excepted activities
- Audit and investigation community
- Morale welfare and recreation/non-appropriated funds to support excepted activities
- Financial management in support of excepted activities and management of working capital funds
- Working capital fund/other revolving funds with positive cash balances
- Sexual Assault Prevention Response
- NOTE: Positions that provide direct support to excepted functions may also be deemed excepted if they are critical to performing the excepted activity

## Important to Note

- Excepted employees (directed to work) who are not able to report to duty due to sick leave, jury duty, etc., must be placed in a furlough status (i.e., non-pay, non-duty) until they are able to return to duty
- Excepted employees are working for delayed pay and will not be compensated until Congress makes appropriated funds available
- Excepted employees on TDY performing excepted functions will remain at their TDY location
- Only excepted (directed to work) employees shall be permitted to work; those non-excepted (furloughed) employees may not volunteer to work during a lapse in funding
- Heads of activities may require the return to work of civilian employees in the event of developments that would require additional resources to support excepted functions (e.g., developments that pose an imminent danger to life or property)

## Still Need Assistance?

Additional information on furloughs may be found at <http://www.donhr.navy.mil/> or the direct URL link below to the furlough webpage <http://www.public.navy.mil/donhr/Pages/ShutdownFurlough.aspx>.

