

Employee Furlough

I. Purpose

This Directive establishes the Department of Homeland Security's (Department or DHS) policy on employee furloughs—i.e., placing an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. There are two types of furloughs: “administrative” and “shutdown.”

II. Scope

This Directive applies across DHS, unless exempted by statutory or federal regulatory authority, or as otherwise indicated herein.

III. Authorities

- A. Title 5, United States Code (U.S.C.) § 3595a, Furlough in the Senior Executive Service (SES)
- B. 5 U.S.C. § 7513, Cause and Procedure
- C. 31 U.S.C. §§ 1341(a), 1342, and 1517(a), Anti-Deficiency Act
- D. Title 5, Code of Federal Regulations (CFR) Part 351, Reduction-in-Force (RIF)
- E. 5 CFR Part 359, Subpart H, Furloughs in the Senior Executive Service
- F. 5 CFR Part 752, Adverse Actions
- G. DHS [Procedures Relating to a Federal Funding Hiatus](#)
- H. Office of Personnel Management (OPM) [Guidance and Information on Furlough](#)

IV. Responsibilities

A. **DHS Chief Human Capital Officer (CHCO):**

1. Establishes departmental furlough policy and guidance consistent with the guidelines prescribed by OPM and the Office of Management and Budget (OMB), and all applicable federal laws and regulations.
2. Ensures the development and maintenance of furlough standard operating procedures (SOPs) and plans throughout the Department.
3. Concurs on a Component's furlough plan prior to the Component seeking concurrence from the Under Secretary for Management to administer a furlough.

B. **Component Heads:**

1. Comply with the policy set forth herein, the associated DHS Employee Furlough Instruction 250-06-001, any applicable DHS, OPM, or OMB policies, procedures, and guidance, and all applicable federal laws and regulations.
2. Ensure the development and maintenance of furlough SOPs and plans.
3. Obtain concurrence on the Component's furlough plan from the CHCO prior to submission to the Under Secretary for Management for concurrence to administer a furlough.
4. Obtain concurrence to administer a furlough from the Under Secretary for Management when a furlough is planned and before a furlough is announced.
5. Review existing labor agreements and ensure compliance with bargaining obligations.

C. **Executive Director, Headquarters Human Resources Management and Services (HRMS)** assumes the responsibilities listed under the Component Heads section for all support Components with the exception of the National Protection and Programs Directorate (NPPD), the Office of Inspector General (OIG), and the Federal Law Enforcement Training Center (FLETC).

D. **Heads of NPPD, OIG, and FLETC** assume the responsibilities listed under the Component Heads section for their respective support Component.

V. Policy and Requirements

A. In the event of a furlough, it is the policy of DHS to ensure efficient, effective, and consistent procedures are implemented when placing employees in a furlough status because of lack of work or funds, or other non-disciplinary reasons.

B. All DHS Components develop furlough SOPs and plans in accordance with this Directive, the associated DHS Employee Furlough Instruction 250-06-001, any applicable DHS, OPM, or OMB policies, procedures, and guidance, and all applicable federal laws and regulations.

1. *General Schedule/Prevailing Rate Procedures:*

a. Furloughs lasting 30 consecutive calendar days or fewer, or 22 discontinuous workdays or fewer, are covered by the adverse action procedures prescribed in 5 CFR Part 752 and any applicable DHS, OPM, or OMB policies, procedures, and guidance.

b. Furloughs lasting more than 30 consecutive calendar days, or more than 22 discontinuous workdays, but not more than one year, are covered by the procedures prescribed in 5 CFR Part 351 and any applicable DHS, OPM, or OMB policies, procedures, and guidance.

2. *SES Procedures:*

a. Furloughs lasting 30 consecutive calendar days or fewer, or 22 discontinuous workdays or fewer, for career appointees in the SES (except reemployed annuitants) are covered under 5 CFR Part 359, Subpart H, and any applicable DHS, OPM, or OMB policies, procedures, and guidance.

b. Furloughs lasting more than 30 consecutive calendar days, or for more than 22 discontinuous workdays, are covered by separate DHS designated procedures and any applicable OPM or OMB policies, procedures, and guidance.

c. Non-career, limited-term, and limited-emergency appointees and reemployed annuitants holding career appointments are not covered by 5 CFR Part 359, Subpart H, and may be furloughed under DHS designated procedures and any applicable OPM or OMB policies, procedures, and guidance.

3. *Administrative Law Judges (ALJ) Procedures:*

a. Furloughs lasting 30 consecutive calendar days or fewer, or 22 discontinuous workdays or fewer, are subject to procedures outlined in 5 CFR § 930.211 and 5 CFR §§ 1201.137-141 and any applicable DHS, OPM, or OMB policies, procedures, and guidance.

b. Furloughs lasting more than 30 consecutive calendar days, or for more than 22 discontinuous workdays, but not more than one year, are subject to the procedures prescribed in 5 CFR Part 351 and the modified procedures prescribed in 5 CFR § 930.210, and any applicable DHS, OPM, or OMB policies, procedures, and guidance.

C. Component SOPs and plans for administering furloughs are required to include:

1. A communication plan with employees regarding plans to affect an orderly suspension of operations.

2. Draft furlough decision notices and plans for distribution to employees.

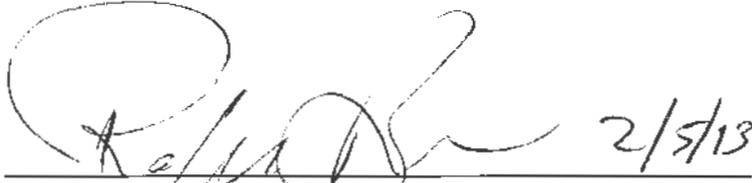
3. Procedures to ensure adherence to all required negotiated agreements provisions and internal personnel processes.

D. For administrative furloughs, Components follow the guidance outlined in the OPM [Supplemental Guidance for Sequestration and Administrative Furloughs](#), and any applicable DHS, OPM, or OMB policies, procedures, and guidance.

E. For shutdown furloughs, Components follow the guidance outlined in DHS [Procedures Relating to a Federal Funding Hiatus](#), OPM [Supplemental Guidance on Shutdown Furloughs Relating to a Potential Lapse in Appropriations for Some Agencies](#), the OPM [Frequently Asked Questions for Shutdown Furlough](#), and any applicable DHS, OPM, or OMB policies, procedures, and guidance.

VI. Questions

Address any questions or concerns regarding this Directive to the Office of the Chief Human Capital Officer.



Rafael Borrás
Under Secretary for Management

Date