

INFO FOR HRO USE FROM NG-J1:

Over the past weeks, there have been, and continues to be, extensive dialogue on furlough implementation details. We are working policy issues as well as trying to build implementation guidance for you and your staffs. I anticipate the Chief, National Guard Bureau (CNGB) will publish National Guard Furlough Guidance within the next few weeks that will include an outline of operating guidelines. DoD's expressed concern is to maintain consistency among the services to the greatest extent possible. CNGB has expressed the same intent, to make the implementation of the furlough as consistent as possible throughout the States, Territories and the District of Columbia.

Below is the status of particular items of interest:

- Proposing/Deciding Officials: As outlined in TPR 715, the Proposing Official is the Human Resource Officer and the Deciding Official is the Adjutant General.

- Exceptions: We delivered NGB's exception package to OSD on 1 March. OSD hosted a meeting of all agencies on 13 March to review their submissions, look for commonality, and ensure that the exceptions are as little as possible. OSD anticipated rendering decisions on or before 15 March. To date, we do not have the OSD decision.

Please prepare a list of all currently deployed technicians and technicians you expect to deploy during the furlough timeframe. Attached is a template that must be completed and sent to Ms. Debbie Ambrose, Chief, J1-TNH, upon completion. TNH must hard-code each member at this level to reflect the appropriate furlough indicator code (FIC).

The small number of ANG exceptions submitted were based on targeted mission criticality (i.e. only portions of ASA, MAFFS, Security Forces, SAR, Tanker Alert, ATCALs). The exceptions for the ANG will be worked directly with each unit by the ANGRC staff and subsequently coordinated with each state HRO and NG-J1-TN for coding.

- Impact and Implementation (I&I) Bargaining: Mr. Scott Brinker, J1-TNL, is tracking all I&I engagements with the unions. As of 5 April, 15 States report I&I complete and 37 States are still in negotiations for 28.8% completion. As the I&I process continues, it is important to understand that I&I bargaining is not complete until there is a formal signed agreement.

- As a result of the change from 22 days to 14 days furlough, many States are waiting on a notice from NGB before engaging in renegotiations with their respective union officials. **DO NOT WAIT TO RE-ENGAGE.** Consider the VCNGB e-mail, sent to all TAGs dated 29 Mar 13, as NGB's notice of the adjusted duration of the furlough period. I do not anticipate NGB releasing an official memorandum providing for 14 days vice 22 days furlough. The anticipated start date of the furlough is mid-June 2013 with an end date of EOM September 2013. Actual start and end dates have not been released from OSD.

- If you expect that you will reach impasse, please let Mr. Brinker know as soon as possible. It is imperative you complete I&I as quickly as possible. Bargaining should be wrapped up NLT COB 1 May. Keep in mind, while the deadline is approaching, managers should not make unnecessary concessions just to complete bargaining on time. Impasse is not desirable, but consistency across the NG is important, as is mission success, even though likely to be degraded due to furloughs. Commanders and supervisors should continue to negotiate in good faith to reach agreement, but you can still proceed if you reach impasse. Mr Scott Brinker, the NGB Labor Relations expert, is ready to assist you in cases where negotiations are delayed.

-SF 50 actions: NG-J1-TN will process the mass actions to prepare an SF 50 for each technician subject to furlough. The appropriate NOAC will be 471 - Furlough with a remark that reads "To be furloughed on discontinuous days between (beginning date of furlough period) and (ending date of furlough period) not to exceed a maximum of (number of hours) during the furlough period. Prior to the beginning of each pay period your supervisor will inform you of the specific date(s) that you will be furloughed during the pay period." TN does not have the capability to change the remark.

-Since NOAC 471 is being used, there is no requirement for a Return to Duty (NOAC 292) personnel action to be processed at the conclusion of the furlough period.

-The actual furlough days will be coded via employee timecards using employee leave code "KE" (Furlough). The furlough hours used by pay period and the accumulated furlough hours will flow back into the Defense Civilian Personnel Data System (DCPDS) from the Defense Civilian Pay System (DCPS) to allow HROs to track the hours for each employee.

-Proposal Notices: OSD General Counsel reviewed and approved a single notification template and three decision templates for use by all States. We will provide those memo templates under separate cover. Please do not use previous drafts or templates from other sources. We will let you know when you may start issuing notices. **DO NOT ISSUE NOTICES WITHOUT THE APPROVAL OF THE CNGB.** OSD will direct when all components may issue proposal notices, followed by notification from the CNGB.

-Once you are authorized to issue proposal notices, NG-J1-TN will once again be required to monitor notification and acknowledgement progress. Please be prepared to provide this information to us on a daily basis. We are working to establish a short survey type document on GKO to ease the data collection process.

-We anticipate only having a five-day window to issue all notices to technicians before the 30-day minimum notification requirement closes. Any notification after the five-day window will obviously delay the technician's first scheduled furlough period.

-Proposal notices should NOT be issued to members who are deployed.

-Work Scheduling: As you are well aware, it is expected that lost work hours caused by furlough will cause mission degradation and reduction in quality-of-life programs. Supervisors may not order furloughed employees to make up the time spent on furlough by working longer hours on

regularly scheduled work days. The use of compensatory time will be held to the absolute minimum to perform critical missions and meet requirements during emergency situations. Supervisors will make sure compensatory time is officially ordered and approved in writing before it is performed. On another note, please make sure all commanders and supervisors understand that it is illegal to transfer inherently governmental work to the contractor workforce.

-While furloughed, employees are legally prohibited from working, teleworking, or serving as an unpaid volunteer, and must remain away from the workplace while furloughed. Supervisors must inform employees they are not to work outside of regular duty hours.

-Furlough Scheduling: Commanders and supervisors must select the furlough days based on programmatic and administrative grounds that are unrelated to the fact that the period includes a holiday or travel time. They should also think carefully before scheduling furloughs in hours spread across multiple days each week. For example, it would not be prudent for supervisors to schedule furlough only 2 hours per day during the remainder of the furlough period. Rather, employees should be furloughed for entire work days. Commanders may consider suspending alternative work schedules during this time to avoid potential work scheduling conflict.

-Please continue to reinforce to commanders and supervisors the requirement to comply with local bargaining agreements before adapting changes to normal work schedules, leave, etc.

-Two states have asked if the 30-day advance notice period can be waived so technicians could start their furlough days before the end of the 30 days. The answer is "No." DoD will prescribe the dates that proposal notices will be distributed, the start date of the furlough period, and the ending date. The NG will adhere to the same dates announced by the Secretary of Defense.

-Restoration of Forfeited Annual Leave: It's expected that commanders and supervisors will inevitably cancel scheduled leave and this may threaten forfeiture of annual "use or lose" leave. NGB leadership has the authority to approve exigencies that can restore forfeited annual leave. Supervisors shall document disapprovals of employee leave requests to allow employees to apply for restored leave through the remainder of the calendar year. More to come on this issue.

-Leave Requests for Excepted Employees: We've been asked if excepted employees can take leave during the furlough period. Normally, excepted employees should not be taking annual leave or sick leave unless it is an emergency situation. We strongly encourage supervisors to provide the utmost scrutiny to requests for annual leave for excepted employees during the furlough period as it can be misconstrued by employees who are furloughed as disparate treatment. Excepted employees with use or lose leave at the end of the calendar year may request to have their leave restored.

-Performance Awards, Quality Step Increases, Time-Off Awards: Performance Awards, Quality Step Increases, Time Off Awards: We are waiting for supplementary guidance from DoD. OSD is expected to release additional implementing guidance with reference to OMB Memorandum 13-05. OMB directed that discretionary monetary awards should not be issued while sequestration is in place, unless issuance of such awards is legally required. Discretionary monetary awards include annual performance awards, group awards, and special act cash

awards, which comprise a sizeable majority of awards and incentives provided by the Federal Government to employees. Until further notice, agencies should not issue such monetary awards from sequestered accounts unless agency counsel determines the awards are legally required. Legal requirements include compliance with provisions in collective bargaining agreements governing awards. Consistent with past guidance, certain types of incentives are not considered discretionary monetary awards for the purposes of this policy. These include quality step increases (QSIs); travel incentives recognizing employee savings on official travel; foreign language awards for mission-critical language needs; recruitment, retention, and relocation incentives (3Rs); student loan repayments; and time-off awards. While these items are permitted, in light of current budgetary constraints, they should be used only on a highly limited basis and in circumstances where they are necessary and critical to maintaining the agency's mission. In addition, consistent with the policy set forth in the Guidance on Awards for Fiscal Years 2011 and 2012, jointly issued by the Office of Personnel Management (OPM) and OMB on June 10, 2011, spending for QSIs and 3Rs should not exceed the level of spending on such incentives for fiscal year 2010.

-Furlough execution strategy: TN will be required to provide NG leadership with execution data following the implementation of the furlough. In order to accurately forecast and track state level execution, we will need a copy of your respective furlough execution strategy. If you have not already started documenting your State-level strategy and coordinating actions, please consider the following. At a minimum, you should address the following areas:

- (1) Furlough Strategy - A brief description of the approach your State will use to execute 112 furlough hours per technician; e.g., will you implement the DoD standardized furlough plan of two days per pay period, not to exceed 16 hours, for seven (7) pay periods; or will you execute a plan that consolidates furlough days into blocks that may exceed 16 hours per pay period to attend annual training, military schools and perform other military missions as deemed appropriate by the Adjutant General.
- (2) Furlough Schedule - A timeline that includes key milestones for executing the furlough. This schedule should be supported by the furlough strategy and execution schedule.
- (3) Reporting requirements. At a minimum, you should be prepared to reconcile the following data on a bi-weekly basis:
 - a. On-board technician population subject to furlough
 - b. By-name report of excepted technicians
 - c. State roll-up of hours contributed to furlough requirement
 - d. Update of significant impacts to mission readiness
- (4) Risk Management - Identify all potential risks to the execution of the furlough execution plan.
- (5) Change Management - What is the mechanism used to track technician personnel changes that are subject to furlough savings, i.e., tracking of technicians who are deploying, deployed and returning from deployment.

(6) Issues Management - How will you track issues or questions to ensure timely response, clarification or answer. A log of questions from each state would be invaluable to us as we refine and update NGB Administrative Furlough Guidance.

- Administrative record. We are compiling a library of authoritative documents to support the decision to furlough. This "administrative record" may be used to serve as the basis for decision to furlough and execution of the furlough, if required. NGB-PA has provided a microsite on the National Guard Web site at <http://www.nationalguard.mil/features/sequestration/default.aspx>, where members can go to review all available documents.

-NGB Administrative Furlough Guidance - We are updating the NGB Administrative Furlough Guidance, to include OPM changes dated 29 March and anticipate posting the new version to the Sequestration/Furlough microsite by Friday, 12 April 2013, COB.

As you all know, these are uncharted waters, and we have neither maps nor AARs to warn of pitfalls. All of the TN staff greatly appreciate your patience and support while we try to map the course, build the boat and adjust the sails.

"Supporting those who are Always Ready...Always There"

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