

Shutdown furloughs lasting more than 30 calendar days (22 workdays) are covered by OPM regulations under 5 CFR 752 or 5 CFR 359, subpart H, as applicable. When a shutdown furlough goes beyond 30 days, how should agencies deliver the second furlough notice? Are employees authorized or required to conduct shutdown activities upon receipt of the second furlough notice?

When a shutdown furlough goes beyond 30 days, agencies must treat it as a second shutdown furlough and issue another furlough notice, as a continuation of the first furlough, under 5 CFR 752 adverse action procedures (if applicable) for most employees or 5 CFR 359, subpart H (if applicable) for the Senior Executive Service. A written notice to furlough must be provided to each employee as soon as possible after the beginning of the second shutdown furlough. OMB will provide direction to all affected agencies concerning the timing of these second notifications. In the event OMB directs agencies to proceed with providing second furlough notices prior to the end of the first furlough period, agencies should explain that the second notice will be effective should the lapse in appropriations continue past the initial furlough period.

Delivery of the decision notice may be accomplished via the employee's work email, but only to the extent that employees have been notified to periodically log into or view their work email remotely for purposes of receiving furlough updates. Otherwise, to the extent possible, agencies should consider delivery of the decision notice to an employee's personal email, if available. See question P.2a. for providing electronic notice of a furlough action. If an agency does not receive a requested acknowledgement of receipt of an email notification, or if the agency does not have the employee's personal email, an alternative an agency could consider is to deliver a paper copy of the decision notification to the employee at his or her home address by postal mail. Agencies should consult their respective legal counsel to determine the agency's preferred method of mailing. In addition, obligations for mailing or for employee salaries to conduct the notifications are permitted as an excepted activity under the orderly shutdown justification. Agencies should consult their legal counsel with further questions.

Employees are not authorized or required to conduct orderly shutdown activities (unless there is some new contingency that would require it, for example, a Justice attorney needs to request a new enlargement of time to make a filing in a Federal court) since this is a continuation of a furlough based on the same lapse in appropriations and these activities were generally completed initially upon receipt of the first furlough notice. If a furloughed employee becomes aware of a new contingency that has arisen because of the length of the lapse, the employee should contact his or her supervisor or another excepted colleague for guidance on how to proceed.

NOTE: Reductions in force (RIF) furlough regulations and SES competitive furlough requirements are not applicable to emergency shutdown furloughs because the ultimate duration of an emergency shutdown furlough is unknown at the outset and is dependent entirely on Congressional action, rather than agency action. The RIF furlough regulations and SES

competitive furlough requirements are only applicable to planned, foreseeable, money-saving furloughs that, at the outset, are planned to exceed 30 days.