



Office of Inspector General

FURLOUGH DECISION NOTICE DUE TO LAPSE OF APPROPRIATIONS

DATE: January 25, 2018

TO: All Non-Excepted USAID OIG Employees (CS/FS)

SUBJECT: 2nd Furlough Decision Notice

As you know, USAID OIG multiyear funds expired at midnight on December 28, 2018 (EST). As we approach the end of the first 30 days, we are issuing a second furlough notice to cover the next 30 days.

As before, in the absence of a Continuing Resolution (CR) or appropriation, no new financial obligations may be incurred except for those that USAID OIG may incur that are necessary for the orderly suspension of OIG operations or performance of excepted activities as defined in the Office of Management and Budget's memoranda for Heads of Executive Departments and Agencies dated November 17, 1981.

Because you are not engaged in an excepted function, you are being placed in a furlough status. Once again, we do not reasonably anticipate it to last more than a month and are in hopes that a much earlier return will be the case. Accordingly, this current furlough expires on February 24, 2019, unless funds are appropriated at an earlier date.

This action is being taken because of a sudden emergency requiring curtailment of the agency's activities; therefore, no advance notification is possible. The customary 30-day advance notice period and opportunity to answer are suspended under the provisions of 5 CFR 752.404 (d) (2). The 30 day-advance notice otherwise required by 5 CFR 359.806(a) for Senior Executive Service (SES) career appointees (other than reemployed annuitants) may be shortened or waived.

If other USAID OIG employees are being retained in your office, it is because they are required for orderly suspension of Agency operations or they are performing one of the excepted activities (and/or are multi-year or prior-year funded employees, as applicable). The numbers of these individuals have been kept to a minimum and some of them may also be furloughed as activities are suspended.

During the furlough, you are in non-pay, non-duty status. Accordingly, annual, sick, home or court leave which has been approved for anytime during the furlough period is canceled. During

the furlough, you may not volunteer your services to the office and must remain away from your workplace. Supervisors will not allow employees who are not on the excepted list to be at the work site. Telework is also prohibited and you are not authorized to use any of the work-related electronic devices. You should contact your immediate supervisor if there are questions in this area.

In terms of back pay, on Wednesday, January 16, 2019, the President signed into law S. 24, the “Government Employee Fair Treatment Act of 2019,” which requires the compensation of government employees for wages lost, work performed, or leave used during a lapse in appropriations that begins on or after December 22, 2018, and entitles excepted employees to use leave during a lapse in appropriations.

Appeal Procedures for Civil Service Employees

Employees who have completed a probationary or trial period or 1 year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the Merit System Protection Board (MSPB). Employees in the excepted service who have veteran's preference may appeal to the MSPB if they have completed one year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service, may appeal to the MSPB if they have completed 2 years of current continuous service in the same or similar position in other than a temporary appointment limited to two years or less. SES career appointees (except reemployed annuitants) adversely affected may also appeal. AD and Schedule C employees do not have the right to appeal this furlough. Employees have a right to be represented by an attorney or other person of their choosing.

If you have the right of appeal to MSPB and wish to appeal this action to the MSPB, you must file the appeal within 30 calendar days of the effective date of your furlough. MSPB regulations require that you submit an appeal within 30 calendar days after the effective date of your furlough, or 30 days after the date of your receipt of this decision notice, whichever is later. It is presumed that via delivery to your work or personal email address, you have received this decision notice on January 25, 2019.

If you wish to file an appeal, you may obtain information about the appeals process and a copy of the appeals form from the MSPB website at <http://www.mspb.gov/appeals/appeals.htm>. MSPB also offers the option of electronic filing at <https://e-appeal.mspb.gov/>.

If you do not have a right to appeal to the MSPB, you may be eligible to file a grievance under the Agency's Administrative Grievance procedure. OIG Policy Directive 4005, Civil Service Administrative Grievance System.

If you believe that this action is based in whole or in part on discrimination, based on race, color, religion, sex, sexual preference, national origin, age, and/or physical disability, you may elect to appeal the decision in only one of the following two ways:

- A. By filing a mixed case appeal to the MSPB; or
- B. By seeking redress through the Agency's Office of Civil Rights and Diversity (OCRD);

Grievance Procedures for Foreign Service Employees:

You have the right to grieve this decision under OIG Policy Directive 4001, Foreign Service Administrative Grievance System. Your grievance must be submitted within two years after the effective date of the furlough. You have the right to be represented in this matter by an attorney or other person of your choice. Your grievance should be submitted to:

Mr. Antonio Guzmán
Director, Human Capital Division
USAID/Office of Inspector General
1300 Pennsylvania Avenue, N.W. OIG/M/HC, RRB, 8.07-024
Washington, D.C. 20523

We fully recognize the difficult personal financial implications of any furlough, particularly a lengthy one like this, and regret that this has come to pass. Please remain alert to announcements on [our website](#) and in the local media. Responsibility has been placed on individual employees to visit our website and to listen to public broadcasts and when you read or hear that a CR or a current fiscal year appropriation has been approved, you will be expected to return to work on your next regular duty day. Thank you for your cooperation in this matter.

Antonio Guzmán
Deciding Official, IG/M/HC

1/25/2019
Date

We require that you acknowledge receipt on the email containing this notice by replying to the email and CC your supervisor.