



## NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON  
WASHINGTON DC 20301-1636

### MEMORANDUM FOR THE ADJUTANTS GENERAL COMMANDING GENERAL OF THE DISTRICT OF COLUMBIA

Subject: National Guard Furlough Guidance

References: (a) 10 U.S.C. § 10503, "Functions of the National Guard Bureau: charter," 03 January 2012  
(b) 32 U.S.C. § 709, "Technicians: employment, use, status," 03 January 2012  
(c) DoD Secretary of Defense Memorandum, "Furloughs," 14 May 2013  
(d) Technician Personnel Regulation 715, "Voluntary and Non-Disciplinary Actions," 13 July 2007

1. The Secretary of Defense gave official notice to begin furloughing the civilian workforce on 08 July 2013. All National Guard technicians and all activities they support will be impacted. Between July 2013 and September 2013, National Guard technicians will be furloughed for up to 11 days, or 88 hours total, with very few exceptions. Active Guard and Reserve (AGR) personnel are not subject to furlough.

2. In accordance with (IAW) the statutory authorities afforded to the Chief of the National Guard Bureau (CNGB) in reference a and The Adjutants General (TAGs) in reference b, this guidance specific to Title 32 technician furloughs establishes parameters for their consistent implementation across the States, Territories, and the District of Columbia. A furlough schedule is attached to this memorandum.

3. Human Resource Officers will provide all affected technicians a written notice of furlough no earlier than 28 May and no later than 5 June 2013. Notice of Proposal to Furlough must be received and acknowledged by each technician no later than 30 days before their first furlough period. The authority to determine scheduling of furlough days for employees, subject to local bargaining requirements, may be delegated to local supervisors and managers. Collocated Title 5 civilian employees working in the States alongside Title 32 technicians will receive their furlough notice through their Title 5 administrative chain in accordance with the Title 5 processes and procedures to eliminate legal confusion.

4. Notices to bargaining unit technicians may not state furlough terms that are within the mandatory scope of bargaining pending completion of collective

bargaining. The directives in this memorandum are subject to the satisfaction of applicable labor relations obligations to the extent that they do not conflict either with TAG statutory authority in reference b or with the TAG's inherent military command authority. TAGs and Human Resource Officers must ensure coordination with the Labor and Management Employee Relations Specialist and Judge Advocate to make sure that all applicable labor relations and collective bargaining obligations are satisfied in a timely manner. If impasse occurs in spite of best efforts, additional guidance is available in the attached General Administrative Furlough Guidelines and Procedures.

5. Department of Defense (DoD) approved exceptions are outlined in reference c. The exceptions approved for the safety of life and protection of property are granted for the minimum level of personnel needed to maintain operations and provide security 24 hours a day, seven days a week.

6. DoD approved 75 Army National Guard and 1,123 Air National Guard exceptions, for "dual status technicians for alerts, firefighting, personnel recovery and other missions". The review and decision on individual technician requests for exception will be IAW references c and d; Adjutants General are designated as Deciding Officials and as such "Deciding Officials have the authority to execute the full range of options with respect to providing relief in individual employee cases. This authority includes, but is not limited to, reducing the number of days/hours an individual employee is furloughed, or granting the individual employee an exception from the furlough altogether." Deciding Official responsibilities may not be further delegated.

7. During the furlough period, every effort should be made to mitigate mission and readiness impacts, to the greatest extent possible, by controlling leave and absences for all National Guardsmen, AGR and technicians alike. Affected technicians may not substitute paid leave or compensatory time for furlough time.

8. Furloughed technicians must not work from home or on-site, officially or unofficially, on their furlough days. Such action may result in Anti-Deficiency Act violations for which technicians and supervisors will be held responsible, and may result in disciplinary action. Every effort must be made to ensure that essential work is completed during normal duty hours. Supervisors will ensure compensatory time is officially ordered and approved in writing before it is performed to hold its use to the absolute minimum necessary to perform essential, critical missions and meet requirements during emergency situations. Mission degradation is unavoidable under these circumstances; the AGR force will not replace full capability during an approximate 20 percent reduction in the availability of the technician workforce.

9. TAGs are authorized to recall technicians from furlough status during an emergency when non-furloughed personnel who are available are not enough. Furlough hours may be deferred to subsequent pay periods.

10. It is illegal to transfer inherently governmental work to contractors. Moreover, funding available for contractor services is reduced for Fiscal Year 2013, with an expected reduction in the contractor workforce through the remainder of the fiscal year. Since all appropriations, with the exception of MILPERS, are impacted by sequestration, avoid shifting costs that may create Anti-Deficiency Act violations in other accounts.

11. TAGs should provide their furlough execution plan to the Office of Technician Personnel, National Guard Joint Staff, no later than 01 July 2013, if the State plans to deviate from the DoD general planning guidance, i.e., furloughing technicians one day per week for eleven weeks. Plans to deviate from DoD general planning guidance should be coordinated in advance with the Office of Technician Personnel as there are potential consequences to the employees and the National Guard if modified plans are adopted.

12. The Office of Technician Personnel will track the execution rate of required furlough hours on a bi-weekly basis using the Defense Civilian Personnel Data System. States will not be required to report the execution of furlough hours unless a significant difference exists between a furlough strategy plan and its execution. States may be asked to report or reconcile, on a bi-weekly basis, the following data:

- 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.

13. Points of contact for technician-specific questions are Mr. Kevin Crowley NG-J1, at 703-607-3652, and Colonel Susan Niemetz, NG-J1-TN, at 703-607-5419.

14. Point of contact for sequestration, continuing resolution, budget, and exception-specific questions is BG Tim Wojtecki; NG-J8; 571-256-7290.

15. Point of contact for Title 5 specific questions is Ms. Brenda Lindley; NG-J1-T5; at 703-607-1684.

A handwritten signature in cursive script, appearing to read "Frank J. Grass".

FRANK J. GRASS  
General, USA  
Chief, National Guard Bureau

Attachments:  
As stated