

MEMORANDUM FOR: **<Insert Employee's Full Name and email address/ mailing address>**

FROM: **<Insert Official's Name and Title>**

SUBJECT: S E C O N D NOTICE OF DECISION TO FURLOUGH DUE TO CONTINUED LAPSE OF APPROPRIATIONS

REFERENCE: NOTICE OF DECISION TO FURLOUGH DUE TO LAPSE OF APPROPRIATIONS **< Insert Date of initial furlough letter >**

During a lapse in funding, and without either an approved appropriation for Fiscal Year (FY) 20xx or a continuing resolution, the Department of War (DoW) is prohibited from incurring any new financial obligations. The only exceptions are for "excepted" functions, as authorized by the Deputy Secretary of War. As provided in the Deputy Secretary of War's memorandum, "Guidance for Continuation of Operations During a Lapse of Appropriations," such excepted situations include:

- Statutes that expressly authorize incurring obligations in advance of appropriations;
- Emergencies involving the safety of human life or the protection of property;
- Functions necessary to discharge the President's constitutional duties; and
- Activities necessary for the orderly shutdown of activities that do not fall within one of the above categories.

Your nonappropriated fund (NAF) position continues to be affected by the lapse in appropriations because the position is paid in whole or in part with appropriated funds. This memorandum serves as a notification that your furlough will be extended effective until further notice. This action is being taken because of a lapse in appropriations requiring curtailment of DoW activities. This furlough is not a disciplinary action.

The duration of the furlough is still not known at this time; therefore, it is your responsibility to continue to listen to public broadcasts and to keep abreast of the latest news regarding the budgetary status of the United States government. When you hear that a continuing resolution or a FY 20xx appropriation for the DoW has been approved, you will be expected to report to work on your next regular duty day or as otherwise directed by your supervisor.

During the furlough period, you will remain in a non-pay, nonduty status, and you may not work at your workplace or other alternate worksite unless, and until, recalled. During the furlough you will not be permitted to serve as an unpaid volunteer with the Federal government. Any paid leave (annual, sick, etc.) previously approved for use during the furlough period is cancelled. If you are participating in the NAF Health Benefits Plan, coverage may be continued for up to 12 months, provided you pay the required employee share of the premium.

<Employing NAFI will need to add specific information related to its NAF Retirement Plan, 401k, Life Insurance, LTC Insurance, and other benefits>

Eligible regular NAF employees may appeal the furlough action if they believe that Business Based Action (BBA) regulations and procedures were not properly applied. Management decisions regarding the budget, workload, organization and mission are reserved to management and are not appealable under BBA provisions. Appeals must be submitted in writing within seven calendar days after the effective date of the BBA action. Submit the appeal to *(provide contact information of appropriate individual/office)*. For procedural information, contact _____.

Employees who are members of bargaining units may grieve this action in accordance with the applicable negotiated agreement *(provide citation to negotiated agreement)*. To obtain information on filing a grievance under the negotiated grievance procedure, contact *(name of exclusive union representative)*.

You have the right to file a complaint with your Equal Employment Opportunity (EEO) Office if you believe that this furlough was conducted in a discriminatory manner. Information regarding the federal sector EEO process is available on the EEO Commission website at: http://eeoc.gov/federal/fed_employees/complaint_overview.cfm. You may contact your servicing EEO Office at **[insert EEO Office contact information]**. *[Note: Consult local collective bargaining agreements to determine if discriminatory matters are covered under the negotiated grievance procedure. If so covered, employees may use either the EEO complaint process or the negotiated grievance procedure, but not both]*

Attached is the SF-8, "Notice to Federal Employee about Unemployment Insurance." Additional information is available at: <https://oui.doleta.gov/unemploy/unemcomp.asp>.

Deciding Official

Date

I acknowledge receipt of the notice.

Employee's Name

Date

Attachment:
- SF-8