

MEMORANDUM OF AGREEMENT (MOA)
On
Government Shutdown/Emergency Furlough Procedures

16 January 2024
(Replaces 6 Feb 18
Version)

1. The American Federation of Government Employees (AFGE) Council 214 and Air Force Materiel Command (AFMC), hereafter referred to as the Union and Management, hereby enter into this Memorandum of Agreement to address the impacts of a potential shutdown/ emergency furlough of the Federal Government due to a lack of operating funds. It applies to bargaining unit employees covered by the Master Labor Agreement (MLA) between the parties.
2. The purpose of this collective bargaining agreement is to implement steps and actions which will minimize any adverse effects on bargaining unit employees in the event of a shutdown/emergency furlough. Accordingly, the parties herein have agreed to cooperate to the maximum extent feasible in adapting agency actions and reducing the impact of a government shutdown.
3. A furlough is the placing of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. For most employees, a shutdown furlough lasting 30 calendar days or less are covered by OPM regulations under 5 CFR 752, adverse action procedures. A shutdown furlough of more than 30 calendar days is also covered under 5 CFR 752. RIF furlough regulations 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.
4. “Exempt” employees are not affected by a lapse in appropriations; therefore, are exempt from a shutdown furlough. This normally includes employees who are not funded by annually appropriated funds. “Excepted” is the term used in the context of a shutdown furlough, and refers to employees who are funded through annual appropriations, but are excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. Excepted employees include employees who are performing emergency work involving the safety of human life or the protection of property, or certain other types of excepted work. Civilian personnel who are funded through annual appropriations, but are not designated as excepted are barred from working during shutdown except to perform minimal activities as necessary to execute an orderly suspension of agency operations related to non-excepted activities. Only the minimum number of civilian employees necessary to carry out excepted activities will be “excepted” and will not be furloughed. Positions that provide direct support to excepted positions may also be deemed excepted if they are critical to performing the excepted activity. Determinations regarding status of excepted or non-excepted will be made on a position by position basis.

5. Management agrees to notify the Union of an impending furlough as soon as management is informed. This notification will identify the organizations and approximate number of employees who are exempt, excepted, and non-excepted across AFMC.
6. In advance of a shutdown, Management will notify employees whether they are excepted or non-excepted employees. Where a limited number of available employees perform the same job and have the requisite skills for carrying out excepted activities, Management will select the most senior volunteer(s) based on leave service computation date to work during furlough. If number of volunteers is not sufficient, management will select the least senior non-volunteer(s) with the requisite skills to work during furlough.
7. Employees on furlough will be advised that they are not permitted to work or volunteer to work in accordance with OPM guidelines.
8. Management will adhere to OPM guidelines when “orderly shutdown” activities are needed for the agency’s implementation of its contingency plan (e.g., turning in equipment if required).
9. Management will issue furlough notices to non-excepted employees. Notices will be delivered during the next scheduled work day after Management is informed of the furlough/shutdown. Notices may be issued electronically to employees where possible; or any other delivery method deemed appropriate to ensure receipt. Notices will indicate the actions and steps taken to lessen the impact of the furlough on employees.
10. Furloughed employees will be notified of when to return to work. The expectation is that employees will return to work for their regularly scheduled hours/shift as soon as possible, but not later than 12 hours after notification or the government shutdown officially concludes. Notification may be by telephone call, email, voice mail and/or text. Employees will be provided a call-in number or website to determine the status of a furlough in the event they are not at home to receive such notification. Local news media, text messaging, pop-up messages or other appropriate communication methods/media may also be used to inform employees of the furlough status.
11. Excepted employees performing work during a shutdown furlough will be made whole when Congress passes and the President signs a new appropriation.
12. Employee’s Federal Employee Health Benefits (FEHB) coverage will continue during a shutdown furlough. The employee’s share of the FEHB premium will accumulate and be withheld from pay upon return to pay status. The employee can choose between paying the agency directly on a current basis while in a non-pay status or having the premiums accumulate and be withheld from his or her pay upon returning to duty.

13. Employee's Federal Employees' Group Life Insurance (FEGLI) coverage will continue for 12 consecutive months in a non-pay status without cost to the employee.
14. BENEFEDS will generate a bill and send directly to employee's enrolled in the Federal Dental and Vision (FEDVIP) program after no payment is received for two consecutive pay periods. Employees will be responsible for paying premiums to ensure continuation of coverage.
15. Union officials are not permitted to work on official time during a government shutdown, unless the union official is an exempted employee. In situations where union official cannot represent a BUE due to shutdown furlough, time limits under the Articles 6, 7, and 33 of the MLA will be extended up to the same time period as the shutdown furlough period. The same applies to time limits for Equal Opportunity cases.
16. When an employee is absent from work during furlough, he/she will not be held accountable for the effects of the furlough. Allowances for the effects of intermittent employment on assigned work will be made when applying the performance appraisal system.
17. Employees will not be subject to adverse performance ratings as a result of government shut down.
18. All remedies available under the MLA or 5 U.S.C. 71 will remain available to the parties if concerns cannot be cooperatively resolved.

For Management/Date

For the Union/Date

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