

**Changes to OPM Guidance for Shutdown Furloughs**  
**October 4, 2013**

**Guidance on Various Topics**

The changes below are included in the October 4, 2013, update to OPM's [Guidance for Shutdown Furloughs](#).

*Working during Furlough*

In Section C (Working during Furlough), we are revising Question C.5a. as follows:

**5a. What happens to employees on detail during a shutdown furlough?**

**A.** Detailed employees remain officially assigned to their permanent positions during the detail. During a shutdown furlough, each agency will determine the status of their employees on detail within the agency or to another agency. Home and receiving agencies should carefully consult about what activities are appropriate for a detailee to perform during a funding lapse to ensure that the activities are consistent with the reasons why the agency designated them as "excepted."

*Labor Management Relations Implications*

In Section Q (Labor Management Relations Implications), we are revising Questions Q.4. and Q.5. as follows:

**4. Can union officials perform representational work on "official time" during a shutdown?**

**A.** Exempted employees (i.e. paid by non-appropriated funds) serving as union officials may continue to be granted official time to the same extent and in the same manner as they would under non-shutdown conditions. Other employees serving as union officials may work on official time during a shutdown if such activities fall within the Anti-Deficiency Act's exceptions. The exercise of a union's statutory and/or contractual rights triggered by an excepted management action taken during a shutdown would constitute an excepted activity. Therefore, if an agency has determined that a management action taken during a shutdown is permissible because it is an excepted activity, and such action triggers union representational rights under the collective bargaining agreement or 5 USC chapter 71 (i.e. a formal discussion, a Weingarten interview, or the representation of an employee in connection with an adverse personnel action), official time should be granted to employees to perform representational duties related to that action. With this in mind, agency officials should consult with their General Counsel to evaluate whether contemplated management actions will trigger statutorily or contractually guaranteed representation rights.

**5. Will union officials have access to their union offices if they are in furlough status?**

**A.** Generally, access to facilities during a furlough may be restricted based on funding, security or other issues. Depending on agency operations, a particular facility, or portions of a facility, may be fully or partially operational.

Access to a union office during a period of furlough should not be prevented solely on the basis that a union official seeking access is not in a duty status. Access for representational purposes would be subject to each facility's requirements at the time, including provisions in collective bargaining agreements.