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**To:** DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; TRADE OPERATIONS ASST DIRECTORS

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**Subject:** Clarifying Guidance on Leave and Excusals

### **Clarifying Guidance on Leave and Excusals:**

This guidance is being issued in response to a number of questions we have received regarding employee leave requests during the funding lapse period.

In accordance with U.S. Office of Personnel Management Guidance, all previously approved leave requests must be cancelled and no new requests for leave may be granted for employees who are funded by annual appropriations during the furlough period. However, the supervisor of an exempt employee who is unable to work during the furlough may change the status of the employee to “non-exempt” on either a temporary or permanent basis in order to approve the employee’s absence. In such circumstances, the employee will be placed in a non-paid furlough status during the absence.

In determining whether an employee assigned to an excepted function can be released, supervisors and managers should consider the impact of the employee’s release on the agency’s ability to perform the excepted function in combination with the needs of the employee. Where the impact of the employee’s release on the excepted function is minimal, or coverage can be accommodated through alternative methods (e.g., adjusting the employee’s work schedule or recalling another employee to perform the released employee’s excepted work), the employee’s release should be permitted. Where the appropriate management official determines an employee assigned to an excepted function is not needed on a temporary or permanent basis, a temporary or permanent furlough notice should be issued as appropriate, and the employee placed in an non-pay furlough status for the period of the absence. The Recall notice must be signed at no lower than the Senior Executive Service level, and a copy of the executed notice should be retained by the program office. As this is an emergency furlough and recall, the employee may be provided the notice after the event – however, it is crucial that the employee be fully informed of his/her status and the return expectations prior to the event.

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