

March 7, 2013

MEMORANDUM FOR \_\_\_\_\_

SUBJECT: Notice of Proposal to Furlough

This memorandum notifies you that U.S. Customs and Border Protection proposes to furlough you no earlier than 30 days from receipt of this notice. The furlough is being proposed under the authority of 5 CFR Part 752, Subpart D because the agency has been ordered to implement a mandatory reduction in non-exempt nondefense discretionary spending, pursuant to the OMB Report to the Congress on the Joint Committee Sequestration for Fiscal Year 2013. The present rate of spending when annualized will result in an expenditure in excess of our authorized budget. This furlough is proposed to promote the efficiency of the service by avoiding a deficit of funds in FY 2013.

The furlough will be on discontinuous (intermittent) days, beginning no earlier than April 21, 2013, and will continue through approximately September 30, 2013. Full time employees will be furloughed no more than 14 workdays or 112 hours. If you are a part-time employee, your furlough time will be prorated, based on your work schedule.

Due to the uncertain and potential fluctuating amount of funding which may be available to CBP, the number of hours per pay period required for the furlough may vary. Accordingly, if the decision is made to furlough, you will be advised in advance of each pay period of the number of furlough hours required to allow CBP to meet its financial obligations. Compensatory time off, time-off award, credit hours or paid leave; i.e., annual, sick, court or military, which has been approved for a day which is later designated as a furlough day will be recorded as a furlough and you will be placed in a non-pay status for the day.

At this time, CBP does not reasonably anticipate the need for furlough beyond 14 work days. The Agency recognizes the difficult personal financial implications of any furlough, no matter how limited its length. The Agency will make every effort to keep you informed as additional information regarding the agency funding level becomes available.

You will be allowed a specific number of calendar days from receipt of this letter to respond orally and/or in writing, to review the supporting material, and to furnish any affidavits or other supporting documentary evidence in your answer. Non-bargaining unit and National Treasury Employees Union employees have fourteen (14) calendar days from receipt of notice and supporting material to present an oral and/or written reply to the proposed action. Employees must make any request for an oral reply within seven (7) calendar days of receipt of the proposed action; any written reply must be received by the designated official prior to the end of the fourteen (14) calendar day reply period. National Border Patrol Council employees have ten (10) calendar days to respond orally and/or in writing. You have the right to be represented in this matter by an attorney or other person you may choose. In order for a representative to act on your behalf in this matter, you must submit a written designation of representation, signed by you, to the Deciding Official in this matter. If your representative is an agency employee, you

and him/her will be allowed a reasonable amount of official time to review the supporting material, seek assistance, prepare your reply, secure affidavits and statements, consider appropriate courses of action, and make a response. Contact your supervisor to arrange for official time. Material relied upon is at <https://cbpnetsecure.cbp.dhs.gov/sites/hrm/Sequestration/Forms/AllItems.aspx>.

The deciding official may have designated representatives to hear oral replies on his/her behalf. To arrange for an oral reply, please contact {Enter Deciding Official's Name}. Because of the mandatory fiscal constrictions the Agency is challenged with, no extensions to the written and oral reply periods will be granted.

A final written decision, including an explanation of the specific reasons for the action taken, will be given to you as soon as possible after the time allowed for your reply.

\_\_\_\_\_  
Proposing Official's Printed Name

\_\_\_\_\_  
Proposing Official's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date