

FLRA

Office of the General Counsel

Furloughs and Collective Bargaining



Decision to Furlough

The decision to furlough employees involves the exercise of the management right under section 7106(a)(2)(A) of the Statute to layoff employees.

NTEU, 7 FLRA 275, 286-288 (1981).

Bargaining over the Impact and Implementation of Furloughs

The agency's decision to furlough employees constitutes a change in conditions of employment triggering the agency's general duty to bargain under sections 7106(b)(2) and 7106(b)(3) of the Statute over procedures and appropriate arrangements before the furlough is implemented.

Headquarters, U.S. Air Force, Washington, DC, [44 FLRA 117](#) (1992); U.S. Dep't of Labor, [16 FLRA 969](#) (1984).

Furlough Proposals that have been found negotiable:

Proposals providing employees with the option of being furloughed on a continuous or discontinuous (intermittent) basis.

NAGE, Local R1-203, [55 FLRA 1081](#), 1097-1098 (1999)(Proposal 9); NTEU, [31 FLRA 566](#), 583-584 (1988)(Proposal 38.2 D); AFGE, Local 32, AFL-CIO [22 FLRA 307](#), 308 (1986), affirmed mem. sub nom. Office of Personnel Management v. FLRA, No. 86-1482 (D.C. Cir. Sept. 24, 1987).

Furlough Proposals that have been found negotiable:

Proposals granting administrative leave to contact job placement officials and employment agencies, and to apply for unemployment.

AFGE, National VA Council, [41 FLRA 73](#), 76-78 (1991)(Proposals 1 and 2).

Formal Discussions

Management meetings with bargaining unit employees to discuss furloughs may constitute formal discussions. If so, the exclusive representative must be given the opportunity to be represented at the meeting.

See 5 U.S.C. 7114(a)(2)(A); F.E. Warren AFB, [52 FLRA 149](#) (1996).

Information Requests

The exclusive representative may be entitled to information concerning furloughs if the information is maintained by the agency and is necessary for collective bargaining purposes.

See 5 U.S.C. 7114(b)(4); IRS, Wash., D.C., [50 FLRA 661](#) (1995).

Additional Resources

- OGC Case Law Outline
(www.flra.gov/webfm_send/670)
- Authority decisions
(www.flra.gov/authority_decisions)
- OPM Guidance on Administrative Furloughs
(www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-administrative-furloughs.pdf)