

**STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
POLICY STATEMENT
ON
FURLOUGH**

Policy 2.4.1

Effective: 06/01/2012
Revision: N/A

AUTHORITY

SB 505 of the 2011 Legislative Session

RESPONSIBILITY

1. Employees are responsible for monitoring their time to ensure they have taken the required hours of furlough leave.
2. Supervisors are responsible to ensure compliance, track and appropriately document unpaid furlough leave to comply with the State regulations and Department policy. If the proportional required number of furlough hours have not been met by an employee that is separating employment, the supervisor is responsible to ensure salary savings is achieved before filling a position.
3. Administrators are responsible to ensure that their division employees comply with this policy and that no exceptions are granted to this policy unless written approval is granted by the Department Director and/or Board of Examiners.

FURLOUGH POLICY

1. A furlough is the placement of an employee on leave without pay. While in furlough status, employees will not receive any type of pay such as base, added regular time pay, overtime, compensatory time, salary adjustment (5%), shift differential, catastrophic leave, or any other type of compensation.
2. In no case, will overtime pay, compensatory time, or added regular time (for part-time employees) be allowed in the same workweek as unpaid furlough leave unless approved in advance by the Director of the Department of Administration and the Division Administrator of the Division of Human Resource Management or their representatives.
3. A full-time employee, unless exempted by the Board of Examiners, is required to take 48 hours of furlough leave in each fiscal year.

4. Part-time employees must take furlough time proportionate to their hours worked in the fiscal year, but may not exceed 48 hours in a fiscal year.
5. Neither a full-time or part-time employee may take more than 12 hours in a workweek.
6. Furlough time should be taken in no less than 1 hour increments (except as is necessary to reduce furlough in a week that other pay status requires an adjustment i.e. overtime worked or as otherwise directed by the appointing authority. For example, an employee takes 1 hour of furlough on a Monday and works 30 minutes over their scheduled shift on Friday of the same pay week; they need to reduce the furlough to 30 minutes, that employee now needs to record 30 minutes of furlough in another workweek).
7. Employees that are exempt from receiving overtime must take unpaid furlough leave in increments of not less than 8 hours.
8. Exempt employees must be mindful of the fact that during the week in which furlough leave is taken, the employee is paid on an hourly basis. A full-time employee must not work more than 32 hours in the week in which they take furlough leave. If a situation arises in the week in which a furlough day is taken and the exempt employee must work more than the 32 hours, the furlough time must be reduced. Additionally, leave taken in the same week as furlough that is less than a full work day must also be reported (example an employee has a furlough on Monday and on Wednesday he has a dental appointment that takes 2 hours, he must report the two hours of sick leave). If an exempt employee takes furlough in a holiday week and then needs to work on a holiday, then the furlough leave must be changed to annual leave to prevent holiday premium pay liability.
9. Furlough leave is specifically coded in NEATS as a special kind of leave without pay (UFRLO).
10. No work of any kind may be performed during the time to be considered in unpaid furlough status, this includes work at home, monitoring e-mails, telephone messages, and responding to inquiries from work.
 - A. Any requirement for the employee to work on a furlough day will result in the employee's time being adjusted.
 - B. If an employee takes furlough leave and subsequently needs to work additional hours, the employee will adjust days or hours worked.

Example: 8 hours of furlough is taken on Monday and 6 hours are worked the following Saturday; the employee will reduce the furlough leave to 2 hours on Monday and record 6 straight time hours on Saturday. In this situation, an

employee, including exempt employees, will need to have a signed variable workday agreement on file.

11. Except as otherwise provided by any regulations that may be adopted by the Personnel Commission, an employee who is on furlough leave is considered to have worked that day or portion of a day, as applicable, for all purposes (including those listed in items A-H below) except payment of salary and determination of overtime.
 - A. Accrual of sick and annual leave;
 - B. Determining an employee's pay progression date;
 - C. Continuity of service and years of service relative to the longevity pay program;
 - D. Duration of a probationary period;
 - E. Determining eligibility for holiday pay;
 - F. Seniority for all purposes, including layoffs;
 - G. The Public Employees' Benefits Program; and
 - H. The Public Employees' Retirement System
12. Supervisors and Division Heads should ensure an employee makes every effort to reduce their excess annual leave and use the appropriate amount of unpaid furlough leave to prevent forfeiture or payment of excess annual leave.
13. Since there is no reduction in retirement benefits due to furloughs, employees on the employee/employer compensation schedule shall be required to pay their portion of retirement for the unpaid furlough leave taken in a pay period. This amount will be deducted along with the regular retirement contribution on the employee's paycheck.
14. Unpaid furlough leave will be counted as time worked for the purpose of determining eligibility under the Family and Medical Leave Act (FMLA). Unpaid furlough leave taken during the time an employee is on FMLA leave will not be counted against the employee's 12-week FMLA entitlement.
15. Paid leave time may not be substituted for a furlough leave day (e.g., an employee is scheduled for a furlough day and becomes ill, the furlough cannot be changed to reflect sick leave). Furlough leave may not be substituted when an employee does not have sufficient accrued sick leave or annual leave to cover an

absence unless preapproved by the employee's supervisor. Furlough leave may not be substituted for AWOL hours.

16. Employees who are on extended leave are not exempt from the requirement to take furlough leave. Therefore, an employee on catastrophic leave, FMLA leave, administrative leave, or workers' compensation leave is also required to record the appropriate amount of furlough leave.
17. Using furlough leave to "fill in" periods of tardiness will not be permitted under any circumstances. A last-minute request to use furlough in order to leave early for the day will be at the discretion of the employee's supervisor, and approval will depend upon workload and staffing.
18. Every employee is subject to unpaid furlough leave regardless of type of appointment or funding source of position.
19. Any employee refusing to take the unpaid furlough leave, will be required to take specific time off as designated by the appointing authority, and will be subject to disciplinary action. Additionally, failure to comply with or disregarding the provisions of this policy may result in disciplinary action.
20. Any exception request which deviates from this policy must be submitted to the Director 30 days in advance, as far as practicable.

BEGINNING/ENDING DATES OF REQUIREMENT

1. The requirement to take furlough leave begins the first full month of an employee's employment (e.g., if an employee begins employment on July 1, the requirement to take furlough leave begins in July; if an employee begins employment July 2, the requirement to take furlough leave begins in August). For the purpose of determining how much furlough an employee has to take upon hire or transfer, the requirement for a full-time employee will be equivalent to 4 hours per month. For example if an employee was hired on August 15, he or she would start a furlough requirement on September 1 and have to take 40 hours of furlough (part-time employees would take a proportionate amount of time) prior to the end of the fiscal year. If the employee transfers in from another agency, he or she would only be responsible taking the remaining amount of furlough leave that he or she had not taken at the previous state agency.
2. An employee who is transferring out or terminating may have taken a furlough day prior to his or her last day of employment. If so, the employee will not be reimbursed for the amount represented by the furlough leave even if the employee only worked for a partial month as no work was performed during the furlough leave. If the employee leaves the position prior to taking furlough leave for the period, the position must remain vacant a sufficient period of time to achieve the corresponding amount in salary savings. The division's budget

analyst can confirm when an appropriate amount of salary savings has been achieved. If an employee transfers to a different agency and has already taken the appropriate amount of furlough leave for the period, the employee will not be required by the receiving agency to take additional furlough leave in the same period.

APPROVAL/DOCUMENTATION

1. An employee must schedule unpaid furlough leave in advance utilizing the appropriate leave approval process authorized by their Division Administrator. Employees in divisions on the NEATS must submit their furlough leave requests through NEATS.
2. Unpaid furlough leave requests must be approved in advance of utilizing unpaid furlough leave.
3. To ensure appropriate staffing levels and ensure that furloughs are taken, the appointing authority may require an employee to take furlough leave on a specific date.

REPORTING

1. Furlough leave will be reported on the employee time sheet. Each employee must report the required hours as outlined in this policy as (UFRLO) on his or her timesheet.
2. Division Administrators will be required to report quarterly to the Director as to their Division's compliance with this policy, and assurance that adequate amounts of furlough are being taken quarterly or that a plan to take furlough leave is in place to ensure that employees are systematically reducing their furlough leave requirement.

APPLICABILITY

This regulation applies to all classified and unclassified employees of the Department.

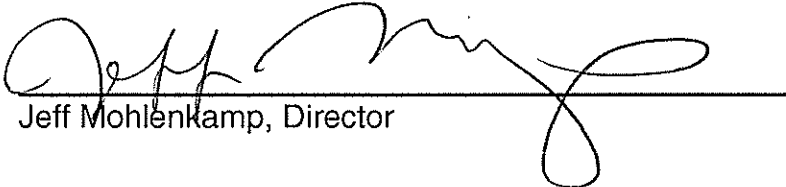
POLICY COMMUNICATION

This policy will be communicated to all employees and an employee should ask for clarification if needed.

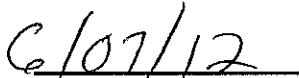
POLICY ACKNOWLEDGEMENT:

All employees within the Department of Administration are required to sign this Furlough policy which indicates that they have read and understand the conditions within. Any employee that refuses to sign the policy may be subjected to disciplinary action.

DIRECTOR'S POLICY AUTHORIZATION:



Jeff Mohlenkamp, Director



Issue Date

Department of Administration's Furlough Policy

ACKNOWLEDGEMENT FORM

Division: _____ Budget Acct/Agency Org: #: _____

Internal ID # _____

I _____ have read and understand the Department
(Employees Name – please print)

of Administration's Furlough Policy. I understand that it is my responsibility to comply with this policy and non-compliance could result in disciplinary action.

Signature of Employee

Date

Signature of Division Head or Representative

Date