

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

Policy 2.4.2

Effective: 06/01/2012

Revision: 09/09/2013

AUTHORITY

AB 511 of the 2013 Legislative Session

RESPONSIBILITY

- A. Employees are responsible for:
 - 1. Monitoring their time to ensure they have taken the required hours of furlough leave.

- B. Supervisors are responsible for:
 - 1. Ensuring compliance, tracking and appropriate documentation of 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.

- C. Division Administrators are responsible for:
 - 1. Ensuring 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 the Administrator of Human Resource Management or their representatives. Before granting an exemption, it must be approved by the Board of Examiners.

FURLOUGH POLICY

- A. 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.

- B. 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.

- C. A full-time employee, unless exempted by the Board of Examiners, is required to take 48 hours of furlough leave in each fiscal year.
- D. 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.
- E. Neither a full-time nor part-time employee may take more than 12 furlough hours in a workweek.
- F. Furlough leave should be no less than 1 hour per shift (except as is necessary to reduce furlough in a week that another pay status requires an adjustment i.e. overtime worked or as otherwise directed by the appointing authority).
- G. 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. The effect of this is that the employee:
 - 1. Becomes eligible for overtime or holiday pay. An exception for accruing overtime in a furlough week must be pre-approved by the Director of the Department of Administration and the Division Administrator of Human Resource Management, and the employee must have a signed variable work week agreement. Additionally, the employee's supervisor must provide sufficient advanced notice to Agency Human Resource Services (AHRS) so that an ESMT may be processed to change the pay policy code for the week that will be affected.
 - 2. Will need to report partial day absences for annual and/or sick leave taken. For example: An employee furloughs on Monday and on Wednesday he has a dental appointment that takes 2 hours, he must report the two hours of sick leave.
- H. Furlough leave is specifically coded in NEATS as a special kind of leave without pay (UFRLO).
- I. No work may be performed during the time to be considered in unpaid furlough status.
 - 1. Any requirement for the employee to work on a furlough day will result in the employee's time being adjusted.
 - 2. 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.

- J. 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 1-8 below) except payment of salary and determination of overtime.
1. Accrual of sick and annual leave;
 2. Determining an employee's pay progression date;
 3. Continuity of service and years of service relative to the longevity pay program;
 4. Duration of a probationary period;
 5. Determining eligibility for holiday pay;
 6. Seniority for all purposes, including layoffs;
 7. The Public Employees' Benefits Program; and
 8. The Public Employees' Retirement System.
- K. 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.
- L. 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.
- M. Paid leave time may not be substituted for a scheduled furlough leave day without supervisor approval (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 Absent Without Leave (AWOL) hours.
- N. 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.
- O. 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.
- P. Every employee is subject to unpaid furlough leave regardless of type of appointment or funding source of position.

- Q. 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.
- R. 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

- A. 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 for taking the remaining amount of furlough leave that he or she had not taken at the previous state agency.
- B. 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

- A. An employee must schedule unpaid furlough leave in advance through NEATS.
- B. Unpaid furlough leave requests must be approved in advance of utilizing unpaid furlough leave (UFRLO).

- C. 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

- A. 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.
- B. 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.

This policy is not a substitute for relevant law or regulation nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with State law and the Rules for State Personnel Administration (NRS & NAC 284).

POLICY COMMUNICATION

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



Jeff Mohlenkamp, Director

9/09/13
Issue Date