

## **FY2010 Mandatory Unpaid Furloughs Frequently Asked Questions**

During FY2010, employees represented by CWA, AFSCME, and IFPTE, as well as all managerial and other unrepresented/non-aligned employees, will take mandatory unpaid furlough leave, as described below. An employee who takes an unpaid furlough leave is in a temporary non-duty, non-pay status.

**1. How many mandatory unpaid furlough leave days are to be taken before June 30, 2010?**

Employees must utilize a total of ten (10) unpaid furlough leave days by June 30, 2010. Most of the unpaid furlough days will be self-directed furlough (SDF) days, as described below:

The required ten (10) will include the day after Thanksgiving and Lincoln's Birthday (or alternate SDF day(s) – see question 2 below), any temporary layoff day in FY2009, and any SDF day in FY2009. The remaining mandatory unpaid furlough leave days will be self-directed; that is, the employee will select which days will be unpaid furlough days, subject to supervisory approval.

**2. What is happening on the day after Thanksgiving and on Lincoln's Birthday?**

November 27, 2009 will be an unpaid leave day for all employees, except those who are required to work due to agency operational necessity. All employees who are required to work on November 27, 2009 will be required to utilize an alternate SDF day in FY2010.

February 12, 2010 will be an unpaid leave day for all employees, except those who are required to work due to agency operational necessity. All employees who are required to work on February 12, 2010 will be required to utilize an alternate SDF day in FY2010, but will not receive a holiday credit.

**3. What is the impact of the temporary layoffs in FY2009?**

All temporary layoff days served in FY2009 will count towards the FY2010 unpaid furlough obligation.

**4. What about employees who did not serve a temporary layoff day in FY2009?**

Such employees must utilize an SDF day in FY2010 in place of the temporary layoff day not served in FY2009.

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- 5. Are 10 month employees obligated to take all ten of the mandatory unpaid furlough leave days?**  
Yes; 10 month employees are obligated, whether full or part time. Part time employees' obligation will be prorated based upon the employee's full time equivalency (percentage of a full time workweek).
- 6. Can mandatory unpaid furlough leave days be taken in less than full day increments?**  
No, full time employees are required to take unpaid furlough days in full day increments.
- 7. Are part time employees obligated to take mandatory unpaid furlough leave?**  
Yes; the amount of time a permanent part-time employee must take off for the mandatory unpaid furlough will be pro-rated based on the employee's assigned part-time percentage (e.g., 50%, 60%) of a full-time equivalency (FTE). Your agency Human Resource office can provide further guidance regarding your total mandatory unpaid furlough leave obligation for FY 2010.
- 8. Can an SDF day be scheduled on the day before a paid State holiday or in conjunction with paid leave?**  
Yes, SDF days may be scheduled on the day before a designated paid holiday without the loss of holiday pay for the employee. SDF days may be scheduled in conjunction with paid leave.
- 9. Does unpaid furlough leave affect my anniversary date, accrual of benefit leave time, or seniority?**  
No, unpaid furlough leave has no impact upon anniversary date, accrual of benefit leave time, or seniority.
- 10. How do I schedule my SDF days?**  
Employees must submit a leave request to their supervisor.
- 11. May I request more than one SDF day in a week?**  
Yes. Supervisors and managers may approve, at the express and written request of the employee, and subject to operational needs, multiple SDF days, including consecutive SDF days. Selection of multiple SDF days in one week is a voluntary choice made by the employee.

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**12. Is there a date by which I have to request and schedule my SDF days for FY2010?**

Yes, there are two such dates:

- By August 14, 2009, at least five unpaid furlough leave days, to be taken prior to January 1, 2010 must be scheduled. One of these days may be the day after Thanksgiving (November 27, 2009), if you are not scheduled to work that day. Temporary layoff days served in FY2009 can also be included in these five days. For example, if you served a temporary layoff day on May 29, 2009 and you are scheduled for a mandatory unpaid furlough day on the day after Thanksgiving, by August 14, 2009 you should choose 3 additional SDF days to be taken by January 1, 2010.
- By January 15, 2010, any remaining unpaid furlough leave days must be scheduled and taken prior to July 1, 2010. One of these days may be Lincoln's Birthday (February 12, 2010), if you are not scheduled to work that day.

**13. What happens if I do not request to schedule all of my required SDF days?**

If you do not request and schedule your required SDF days by the dates indicated, your manager or supervisor will meet with you to schedule them. If you and your manager or supervisor do not agree upon the scheduling of the SDF day(s), or if the meeting cannot be conducted due to your unavailability, your manager or supervisor will select the SDF day(s) to be served, with at least seven days notice to you.

**14. Can I request to use an SDF day on a State holiday?**

Yes, SDF days may be requested and scheduled on State holidays; however you will not be paid for the holiday.

**15. May I take more than ten unpaid furlough days in FY2010?**

While employees must schedule and serve ten (10) SDF days by June 30, 2010, you may request and take, subject to supervisory approval, Voluntary Furlough days if your agency has an approved Voluntary Furlough Program. Other unpaid leave, subject to supervisory approval, may also be taken. Only the ten mandatory unpaid furlough leave days will accrue the maximum of seven (7) PLB days.

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**16. What happens to my FLSA exemption during a week in which I take an SDF day?**

Unlike a voluntary furlough, exempt status may be lost for the workweek in which a mandatory unpaid furlough occurs. FLSA exempt employees are not allowed or permitted to work beyond their normally scheduled hours of work during any week in which an SDF is scheduled, unless specifically required by management.

**17. What happens if I work extra hours or an extra shift during a week in which I am taking an SDF day?**

You will be paid at straight time rates until you have exceeded your normal workweek hours. If you are eligible for overtime, then time worked in excess of your workweek hours will be paid at time and a half.

**18. If I am on an AWP schedule during weeks in which I have taken an unpaid furlough leave day, will there be any impact?**

You will be required to either report to work or use accrued vacation leave, administrative leave, or comp time to make up any additional hours required to meet your workweek obligation.

**19. If I separate (retire, resign, etc.) from State service prior to June 30, 2010, am I still required to take SDF days?**

Your ten unpaid furlough leave day requirement will be prorated for the amount of time you work in FY2010. Your agency's Human Resource office will advise you of your unpaid furlough leave day requirement.

**20. Are employees who are hired during FY2010 required to take ten unpaid furlough leave days?**

Employees who are hired during FY2010 will have their unpaid furlough leave requirement prorated. Agency Human Resource offices will advise them of their unpaid furlough leave day requirement.

**21. Will my working test period be extended as a result of taking unpaid furlough leave?**

Yes, your working test period will be extended by the number of unpaid furlough leave days taken during your working test period.

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### **22. What is the Paid Leave Bank (PLB)?**

A PLB will be established for each employee:

- Employees who were on the payroll as of July 1, 2009 will be credited with one (1) PLB day.
- Employees who are still on the payroll as of June 30, 2010 will be credited with one (1) PLB day.
- For every two furlough days taken, employees will earn an additional PLB day, for a maximum total of five (5) days earned for ten (10) furlough days taken.
- There will be no limitations on the carry over of days in the PLB.

### **23. When can I start taking PLB days?**

Beginning July 1, 2010, and for the duration of their employment with the State, employees may use days in the Paid Leave Bank, subject to supervisory approval.

### **24. If I separate (retire, resign, etc.) from State service prior to June 30, 2010, what happens to my Paid Leave Bank?**

- At the time an employee retires, resigns or is otherwise separated from State service, either voluntarily or involuntarily, any accrued days in an employee's PLB bank will be paid at his/her salary rate at the time of separation.
- If an employee dies prior to leaving State service with accrued, unused PLB days, compensation for any accrued, unused PLB days will be calculated at his/her salary rate at the time of death, and paid to his/her estate.