

FAQ's Regarding Furloughs REVISED

The information contained in these FAQ's is based on information available to us as of 3:00 p.m., May 7, 2010. We do not at this point have complete information regarding how the State intends to implement the furloughs. As a result some of the answers below may be subject to change or update as we receive more information.

Q. Who is covered by the furlough?

A. DOB Bulletin B-1189 applies to all Executive Branch agency employees, including annual salaried and non-annual salaried. We believe this includes, part-time, hourly and per diem employees. The only employees exempted are Managerial/Confidential, and employees who are 100% federally funded. In addition, the agency, with DOB approval, can seek to exempt positions because they provide "direct health care services or are engaged in certain security functions."

Q. Should I attempt to report to work on my designated furlough day?

A. You should follow the direction you receive from management. If you are directed not to report to work on a particular day, follow that direction. Refusal to follow such a direction may expose you to possible discipline for insubordination. Failure to actually "work" on furloughed days will not impair our case to make employees whole for lost wages.

Q. Should I sign any furlough related documents (e.g. a form indicating my preferences regarding choice of furlough day off in a agency utilizing rolling furloughs).

A. If you are directed to complete such a form you should do so. If completing such a form is voluntary, you may do so at your option. If you choose to do so, you may indicate that your signature on such a form does not indicate your agreement to the underlying furlough and that you have reserved all rights to challenge the action.

Q. Will the furloughs affect my health benefits?

A. No. Eligibility is based on an employee's regular work schedule. Employees who work a regular schedule of at least 50% are eligible for health benefits coverage. The State has announced that a reduction in hours worked due to a furlough will not be considered a change in the employee's regular work schedule for continuing health insurance eligibility and thus will not impact the employee's health benefits eligibility.

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Q. I am a full time employee. Will the furloughs affect how I earn leave accruals?

A. Full-time employees must work 7 out of 10 days in a pay period to earn leave accruals in that pay period. As the furlough will at most result in a two day reduction per pay period, for most PS&T Unit members there will be no impact on accrual earnings.

Q. I am a part-time employee. Will the furloughs affect how I earn leave accruals?

A. We do not yet know whether the furloughs will affect accrual earnings of part-time or per diem employees.

Q. Will I be permitted to charge my accruals to cover my furlough days?

A. No. The State has announced that no charge to accruals will be permitted to cover furlough days.

Q. If I am already absent from work and charging accruals will I be affected by the furloughs?

A. Yes. You will not be permitted to charge accruals for 1/5th of your regular work schedule. For example a full time employee who is absent for the week on vacation will only be able to charge four days of accruals for the week and your pay will be reduced accordingly.

Q. Will part-time employees be covered by the furloughs?

A. All employees who are not otherwise exempt because they are "essential" or in 100% federally funded items are subject to a 1/5 reduction in their work week. We suspect that this will be imposed on a pro rata basis. (e.g. a 50% employee would take a reduction of 1/2 day as that represents 1/5th of that employee's work week).

Q. Will employees on VRWS schedules be subject to the furlough?

A. Unfortunately, yes. However, we do not know yet whether these employees will be subject to a full-day furlough based on their underlying full-time status or a prorated 1/5 reduction of their VRWS schedule based on their VRWS percentage.

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Q. What impact will the furlough have for employees working a compressed work week?

A. Unclear. We do not know if agencies will suspend or cancel compressed work week arrangements during furlough weeks. Since the furlough order requires employees to reduce their schedule by 1/5th each week, employees should not be required to be furloughed for the entire day in the event that their furlough day is a "long" day in their schedule. If the employee does not report to work at all on that "long" day, they will have to charge their accruals for the balance of the day beyond the 7/5 or 8 hours of furlough. Employees with compressed work week arrangements should contact their management to see how their agency intends to implement the furlough.

Q. Will the furlough day impact my eligibility for overtime?

A. Yes. Furloughed time will not be considered time worked for purposes of overtime. Employees will still have to work or charge accruals for the full week before they are eligible for overtime.

Q. I have heard that the Department of Labor has a program that provides some reimbursement for furloughed employees under a shared work arrangement?" Are State employees eligible?

A. Unknown. We are continuing to research whether the DOL Shared Work Plan can be extended to furloughed State employees.

Q. Some employees in my title are federally funded, some are not. Will all be furloughed? If only some, will those furloughed be selected on the basis of seniority?

A. No. We believe that employees who are supported 100% by federal funds will not be furloughed. Moreover, we do not believe that agencies will consider any other factors besides funding source, including seniority, when identifying employees to be exempted from furloughs.

Q. What action is PEF taking to challenge the furloughs?

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A. PEF is pursuing all available legal avenues to challenge the imposition of the furloughs. This will include improper practice charges before PERB, State-wide class action contract grievances, and federal court litigation.

Q. I am a teacher in DOCS and I draw my salary over 12 months instead of 10. How will my paycheck be affected?

A. We suspect that all institution teachers will have their salary reduced by the 1/5th as if they were all paid on the 10 month schedule.

Q. I will be out of the office on extended paid leave (for example, sick leave, donated leave time, workers' compensation leave, military leave). Will my paycheck be reduced?

A. Yes. DOB has clearly stated that employees cannot charge leave credits for furlough days. There is no exemption for employees out on leave.

Q. I am currently receiving supplemental payments from the State while I am out on a Workers' Compensation injury. Will my payments be reduced because of the furlough?

A. Unknown. Wage replacement benefits under Article 13 of the PEF contract are based on your pre-disability gross pay. Whether the state adjusts this calculation to reflect any furlough days is unclear at this time.

Q. I am on a telecommuting agreement. How will I be impacted?

A. You are covered by the furlough order unless you are specifically exempted. You should not work on the day you are furloughed.

Q. I will be in travel status on my furlough day? What happens?

A. If your agency has directed that you remain in the field during your furlough day, you will be eligible for travel reimbursement but not required to work on the furlough day. It is also possible that your agency will instruct you to return home to accommodate the furlough day.

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Q. What notice will the state give to employees?

A. Unclear. If they give you only verbal instructions on when to observe your furlough day, we suggest that you confirm the conversation in writing with whomever gave you the order not to report to work. You can also include a statement that your documentation of the conversation does not indicate your agreement with the decision to impose furloughs nor does it waive any rights to challenge their actions.

Q. When all employees are not furloughed on the same day, what role will seniority play in establishing the schedule?

A. The practice may differ from agency to agency, but we suspect that the State will take the position that they are not obligated to take seniority into account when determining the furlough schedule.