



DEPARTMENT OF PERSONNEL
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MEMO PERD #27/09
June 8, 2009

TO: Department Directors
Constitutional Officers
Department Administrators
Agency Personnel Liaisons
Agency Personnel Representatives
Employee Representatives

FROM: Teresa Thienhaus, Director
Department of Personnel

SUBJECT: Furlough Policy

A handwritten signature in cursive script that reads "Teresa Thienhaus".

The Department of Personnel (DOP) in conjunction with the Governor's Office, the Department of Administration, and other Executive Branch departments are in the process of developing emergency regulations, systems, procedures, forms, and responses to a list of frequently asked questions (FAQs) in order to implement furloughs. By the end of this week, the FAQs will be available on the DOP website.

Prior to July 1st, information will be provided to you on how agency management and employees can track the furlough leave taken. Additionally the DOP will have available the forms and procedures that agency management will need to request exceptions to furloughs from the Board of Examiners.

During this last week a number of policy decisions were made to ensure equity across departments. The following highlights those decisions:

- Every employee is subject to the furlough unless an exception is received from the Board of Examiners. Salary savings cannot be used to eliminate an employee's requirement to participate in the furlough.
- To the extent practicable, a supervisor and employee shall work together to develop a schedule in which unpaid furlough leave is taken. If a schedule cannot be agreed upon, a supervisor may direct an employee to take unpaid furlough leave on a specific day and/or at a specific time, due to business necessity.

MEMO PERD #27/09

June 8, 2009

Page 2

- Full-time employees are limited to taking no more than 8 hours of unpaid furlough leave in a pay week. The Department of Employment, Training, and Rehabilitation is currently working with the Department of Labor to determine if there can be an exception to this limitation. That information should be available within the next two weeks and the DOP will send you an update.
- Full-time employees will be required to use at least 8 hours of unpaid furlough leave per month unless an exception is approved by the Department of Personnel and the Department of Administration. Part-time employees will be required to take a proportional amount unless an exception is approved. Procedures and forms are being developed for agencies to request exceptions that are required due to variations in workload or seasonal workload demands.
- There is no cash value to unpaid furlough leave. If an employee leaves state service and has taken more than the equivalent of 8 hours of unpaid furlough leave per month for the fiscal year, the employee will not be reimbursed the difference.
- Each appointing authority shall develop a policy to define the minimum increment of unpaid furlough leave to be taken by its classified employees. The policy may specify different increments of time for its divisions, locations, and/or work groups due to business necessity. The appointing authority shall disseminate the policy to all employees that are subject to the furlough.
- In no case will overtime and standby pay be allowed in the same pay week as unpaid furlough leave, unless approved in advance by the Department of Personnel and the Department of Administration.
- An employee on the employee/employer paid retirement contribution compensation schedule shall be required to pay his 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.
- 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 qualifying leave will not be counted against an employee's 12-week or 26-week FMLA entitlement.

New information, forms, and procedures will be posted to the DOP website as soon as they are available. Additionally on June 25, 2009, DOP will be hosting a question and answer session regarding implementing the furlough. This meeting will immediately follow the regulations workshop already scheduled for that day. The workshop begins at 9:00 AM and will be held at the Blasdel Building, 209 E. Musser Street, Room 100, Carson City and by video conference at the Department of Personnel, Grant Sawyer Building, 555 E. Washington Avenue, Suite 1400, Las Vegas.

If you have questions or concerns prior to the meeting on June 25th, please do not hesitate to contact me at Thienhaus@dop.nv.gov or Shelley Blotter at sblotter@dop.nv.gov.

TT:vk

MEMO PERD #27/09

June 8, 2009

Page 3