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<u>MEMORANDUM</u>
HR#63-20
REVISED

December 23, 2020

TO: Directors
Deputy Directors
Administrators
Agency Personnel Liaisons

FROM: Peter Long, Administrator *Peter Long*
Division of Human Resource Management

SUBJECT: Furlough Guidance

The following information is being provided to assist Executive Branch agencies in implementing procedures related to the furlough requirements to be implemented for Fiscal Year 2021. Please also see HR Memo HR#62-20 for the furlough leave regulation and furlough FAQs.

- This information represents minimal guidance. The appointing authority of each State of Nevada Executive Branch agency 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. Unclassified employees may only take furlough leave in full-day increments. The appointing authority shall disseminate the policy to all employees who are subject to 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.
- Full-time classified employees are limited to taking no more than 12 hours of unpaid furlough leave in a pay week.

- Full-time employees will be required to use at least 8 hours of unpaid furlough leave per month. Part-time employees will be required to take an amount proportional to his or her normal work hours.
- 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.
- In no case will overtime or compensatory time be allowed in the same pay week as unpaid furlough leave. Should such additional work hours be required in a pay week after an employee has taken furlough hours, those additional hours of work will be considered regular time and the furlough hours will be reduced accordingly. If this occurs, an employee is still required to take any remaining required furlough hours later in the month.
- 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- or 26-week FMLA entitlement.
- 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 a through g 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) Duration of a probationary period;
  d) Determining eligibility for holiday pay;
  e) Seniority for all purposes, including layoffs;
  f) The Public Employees' Benefits Program; and
  g) The Public Employees' Retirement System.
- Furlough leave is specifically coded in NEATS as a separate type of leave without pay (UFRLO). Please ensure your agency pay clerks make employees aware of the coding.
- Exceptions to furloughs must be submitted to the Board of Examiners as an action item; please contact your Governor's Finance Office analyst to understand the process and criteria for submitting a request for exception.

If you have questions or concerns regarding this furlough information, please contact Carrie Hughes, Personnel Analyst III, at cphughes@admin.nv.gov.