



May 28, 2010 Furlough

FAQs

Who is subject to the May 28th furlough?

- All salaried employees in Executive Branch Agencies regardless of the source of funds supporting their positions. (Agency Heads, At-Will, Classified)

Who is NOT subject to the May 28th furlough?

- Wage employees in Executive Branch agencies. (Agencies must manage wage hours to ensure that budget reduction requirements are met.)
- Employees in the Judicial and Legislative Branches of government are subject to their appointing authorities' decisions with respect to budget reduction plans. They are not covered by the Governor's reduction plan.
- Employees in Independent Agencies (State Corporation Commission, VA Lottery, Virginia Retirement System, Workers Compensation Commission, VA College Savings Plan, and the VA Office for Protection and Advocacy) are subject to their appointing authorities' decisions with respect to budget reduction plans. They are not covered by the Governor's reduction plan.

Are teaching, research, and administrative professional faculty subject to the furlough?

- Yes, however, institutions of higher education are to manage the furlough requirement in a manner that causes no disruption in classes.

Are employees whose positions are funded entirely by federal grants or other special fund sources subject to the furlough?

- Yes.

The furlough day occurs on Friday, May 28, 2010. Will employees still be paid for the Memorial Day Holiday?

- Yes. DHRM will grant a statewide exception to policy to ensure that all eligible employees are paid for the Memorial Day Holiday.

Employees have alternate work schedules, yet all will lose "one day of pay" as a result of the furlough. How is "one day" defined?

- State policy recognizes alternate work schedules and defines a standard workday to be 8 hours. The outcome of the furlough will result in a loss of pay equivalent to 8 hours (or, for a typical employee, 1/12th of an employee's semi-monthly salary).

What if May 28th is an employee's regularly scheduled day off?

- The employee must be assigned an alternate furlough day.

Will leave accruals be prorated during the pay period in which the furlough day occurs?

- No. DHRM will grant a statewide exception to policy to ensure that leave accruals are not prorated for employees whose salaries are reduced based solely as a result of being docked for the furlough day.
- Employees that are docked for other reasons such as suspensions or being absent without leave during that same pay period *will* have their leave treated in accordance with the standard provisions of policy.

Will employees receiving VSDP or Workers' Compensation benefits on May 28, 2010 lose their disability benefits for that day?

- No. The disability benefits will be paid in accordance with Policy 1.65, Temporary Workforce Reduction.

Law enforcement personnel will be allowed to take an alternate furlough day. Who are "law enforcement personnel" and who determines when the alternate day will be?

- For purposes of the furlough day, law enforcement personnel are state employees eligible for the VaLORS and SPORS retirement plans.
- Agencies must submit proposed alternate date plans to their cabinet secretaries. The Governor's Office will oversee the review and approval process.

Will all 24/7 facilities be allowed to schedule alternate furlough dates?

- Yes, but agencies must submit proposed alternate date plans to their cabinet secretaries. The Governor's Office will oversee the review and approval process.

Can an agency implement additional furloughs to address budgetary problems?

- No. Additional employee furloughs are not permitted during fiscal year 2010.

Must an alternate furlough day be taken by June 9, 2010 so that the salary reduction can be taken on or before the June 16, 2010 paycheck?

- Yes. Savings resulting from the furlough must be captured in the current fiscal year.

May an employee volunteer to work on his/her Furlough Day?

- No. Employees are not permitted to work in any capacity while on furlough.

Will any employees be required or permitted to work *extra* hours during the workweek in which they are furloughed?

- In order to support the goal of the furlough to reduce personnel costs, this situation should be limited to unforeseen emergencies.
- If agencies permit or require FLSA non-exempt employees to work extra hours, they must compensate them for the additional work by paying time and one-half for hours actually worked over 40 in the workweek.
- Normally exempt employees will also have to be paid at a time and one-half rate for extra hours worked over 40 in the furlough workweek. Where no other workweek has been established, the workweek begins at 12:01 a.m. Sunday, and end at midnight Saturday.

Will agencies be required to provide the employee notification as outlined in the Temporary Workforce Reduction policy?

- Agencies must provide a 30 day advance notice to employees affected by the furlough day. The notice must include any specific flexibilities approved for the agency based on its mission and operating schedule (e.g., 24/7 facilities).

These FAQs are in response to the larger questions regarding the administration of the furlough. More complex, technical personnel and payroll scenarios are being developed to assess the impact on employees with particularly unique work schedules and will be the basis for more specific guidance and FAQs that will be distributed later. Please direct any questions that may be helpful in this process to Policy@dhrm.virginia.gov.