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HR/Salary 2009-07
Supplement #7

To: Human Resource Directors
Associate Vice Presidents/Deans of Faculty
Payroll Managers

Reference: Technical Letter
HR/Salary2009-07

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Human Resources Management



Subject: Furlough Program Implementation- Furlough Schedule Modifications for Employees on "Non-Traditional" Part Time Work Schedules

Overview

Audience: Campus Human Resource Directors, Associate Vice Presidents/Deans of Faculty and/or campus designees responsible for scheduling furloughs for part time appointees in "non-traditional" work schedules.

Action Item: Implement 2009/2010 CSU Furlough Program For Part Time Non-Traditional Work Schedules

Affected Employee: Group(s)/Unit(s) Part time appointees subject to the 2009/2010 Furlough Program

Summary

This supplement discusses considerations under which furlough scheduling "modifications" can be authorized by the campus for employees appointed in "non-traditional" part time work schedules that the campus is unable to change due to business operational needs.

Campuses have requested guidance on how to modify work schedules for employees appointed in part time positions where work schedules are not "traditional" such as:

- 1) the employee does not work a set/uniform schedule five days a week; or
- 2) the employee works fewer than 5 days per week; or
- 3) campus operational needs preclude having the employee take two regularly scheduled workdays as furlough days within a pay period.

A "traditional" part-time work schedule for a half-time appointment could consist of a 5-day work week at 4 hours per day. In this situation, the employee would observe two (4)-hour furlough days each pay period. The half-time appointment could also be accommodated if the employee worked a compressed schedule (e.g. two (8) hour days

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and one (4) hour day each workweek) provided the employee was able to observe furlough days on the (4) hour workday twice per pay period.

However, in some instances, the campus may not be able to modify work schedules due to the operational needs of the campus, or may need to accommodate special employee circumstances, and as a result, it is not possible to schedule furlough days within the employee's existing work schedule that exactly corresponds with the employee's timebase. In these rare instances, a modification to the "traditional" 2-day per pay period furlough schedule is permitted in order to avoid placing the campus in a situation where the furlough observance schedule does not coincide with the corresponding pay reduction. This technical letter provides guidelines to address how the furlough observance schedule can be modified in these rare instances.

Fair Labor Standards Act (FLSA) Considerations: Furlough schedule modifications are applicable to employees who are classified as non-exempt and also includes situations where the employee is classified as exempt, but becomes temporarily non-exempt during the furlough week. For guidance on scheduling furloughs for part-time employees who retain exempt status during furlough weeks, refer to HR/Salary Letter 2009-07, Supplement 5.

Guidelines:

- Modified furlough schedules are applicable to positions with timebases that are less than a fulltime equivalency (less than 1.0).
- Documented substantiation on why the furlough schedule warrants modification must be provided to the appropriate campus authority for review and approval prior to implementation of the modified schedule (e.g., why the requesting department is unable to make changes to the regular work schedule; what operational impact(s) would occur to the department/campus and what impacts would occur to the employee if the employee's regular work schedule was changed; and how long will the modification remain in effect [e.g., identify affected pay periods over the course of the furlough reduction timeline]).
- All furlough schedule modifications must be approved in advance by the respective campus HR Director or AVP Faculty Affairs, as appropriate.
- The furlough pay reduction (excluding the "July catch-up" residual, where the pay reduction percentage = 10.07%) should correspond with the scheduled furlough time off each pay period.
- The furlough pay reduction percentage must remain consistent during the modified furlough work schedule. Should the furlough pay reduction change, the schedule must be modified to ensure that the time on furlough corresponds with the pay reduction over the affected pay periods.
- The campus may not "supplement" hours when scheduling furlough time off, e.g., an employee may not be scheduled to take more furlough time off in a given pay period than what their respective pay reduction calls for (excluding the July catch-up "residual" as noted above), nor may the employee "supplement" the modified work schedule with leave credits for those timeframes designated as unpaid time off due to furlough.
- If the employee is classified as exempt, but becomes non-exempt during the furlough week, there must be at least one day during the furlough week in which no work is scheduled.
- Unless otherwise superseded by the respective MOU, no more than two (2) furlough days may be scheduled within the respective pay period.
- An employee's appointment (e.g., timebase) may not be reduced as an alternative for the furlough reduction as it could impact associated benefits that are affected by timebase changes (e.g., leave accruals, retirement, health benefits).
- Campuses must obtain signed employee acknowledgments that describe the modified furlough schedule prior to implementation of such schedule.
- Tracking and certification of furlough time off remains a requirement, including scheduled work days that are partially reduced due to furlough.

Examples:

Situation#1: A Librarian is appointed to a 0.2 timebase and is regularly scheduled to work one eight hour day each week. The furlough reduction program (based upon a 0.2 timebase) for the pay period totals 3.2 hours ($8 \times .2 = 1.6 \times 2 = 3.2$) The furlough pay reduction is at 10.07% which incorporates the .84% pay reduction residual for the "July 2009 catch-up" and the 9.23% pay reduction for the 2-day furlough each pay period.

Solution: Due to operational needs, the campus decides to schedule the furlough time reduction to one day in the pay period versus two. Under this option, the Librarian works 4.8 hours ($8 - 3.2 = 4.8$) on their scheduled work day during the furlough week when in a non-exempt FLSA status. The other option would be to schedule the furlough time reduction at 1.6 hours twice within the pay period.

Situation #2: A non-exempt employee's pre-furlough schedule consists of 4 days each week at a total of 30 hours (.75 timebase) with Fridays off. Mondays, Wednesdays and Thursdays are scheduled at 8 hours each, and Tuesdays at 6 hours. Due to campus operational needs and the employee's special circumstance, the campus proposes to modify the furlough schedule by reducing one of the 8-hour days to 5 hours, whereby the 3 hour time reduction would occur each week within the pay period.

Solution: It is not appropriate to schedule furlough time off across all workweeks within the pay period. In this situation, the total number of hours for furlough time off is 12 ($8 \times .75 = 6 \times 2 = 12$.) The campus can schedule the furlough observance on two 6-hour workdays (e.g., Tuesdays) in the pay period or other appropriate combinations of hours not to exceed 12 within the pay period, (e.g., 8 hours on an 8 hour day, 4 hours on either an 8 or 6 hour day), not to exceed more than two furlough days within the pay period.

Questions regarding this technical letter may be directed to Human Resources Management at (562) 951-4411. This document is available on the Human Resources Web site at: <http://www.calstate.edu/HRAdm/memos.shtml>.

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