STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES

SUBJECT:	**Unpaid Furlough Leave Policy**
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EFFECTIVE DATE: February 1, 2015, through the conclusion of furlough requirements 1st Revision – July 14, 2009 2nd Revision – August 5, 2011 3rd Revision – February 4, 2015	
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APPROVED BY: Amber Howell, Administrator	
SUPERSEDES: Division of Child and Family Services Unpaid Furlough Leave Policy with effective date of July 1, 2011, through June 30, 2013	
REFERENCES: DHHS Unpaid Furlough Leave Policy; AB 511 of 2013 Legislative Session; NAC 284.531; Division of Human Resource Management's FAQ's –Furloughs; Department of Administration's All Agency Memorandum #2011-27; Director's Memo regarding Prior Authorization of Overtime 5/4/10	
ATTACHMENTS:	A – DHHS Furlough Leave Policy B – Unpaid Furlough Leave Request; Calendar Submission Schedule C – 24-Hour Facility Unpaid Furlough Leave Request/Calendar Submission Schedule

I. PURPOSE: The purpose of the policy is to ensure the Division of Child and Family Services complies with requirements for an unpaid furlough program in accordance with the provisions of Assembly Bill 511 of the 2013 Legislative Session; as well as the Department of Health and Human Services Unpaid Furlough Leave Policy which is hereby incorporated by reference. (*See* Attachment A.)

II. POLICY: The Division of Child and Family Services (DCFS) will comply with all State of Nevada regulations regarding unpaid furlough leave. All DCFS Managers will ensure the unpaid furlough leave policy provides adequate coverage so that client care, safety, well-being, and security of Division clients and employees are prioritized. This furlough policy supersedes program specific guidelines if conflict arises.

III. OVERVIEW

The furlough program was originally established by legislation in 2009 and has been extended, with modification, by SB 505 to continue into the next biennium. Each full-time employee must take forty-eight (48) hours of unpaid furlough leave each fiscal year. Employees who work less than full time are required to take a proportionate amount of unpaid furlough leave. The furlough program is in effect from July 1, 2011, through June 30, 2015, but may continue by legislative action.

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 except payment of salary and determination of overtime, including:

A. Accrual of sick and annual leave;
B. Determining an employee's pay progression date;
C. Continuity of service and years of service relative to the longevity pay program;
D. Duration of a probationary period;
E. Determining the eligibility for holiday pay if the shift immediately precedes a holiday;
F. Seniority for all purposes, including layoffs;
G. The Public Employees' Benefit Program (PEBP); and
H. The Public Employees' Retirement Program (PERS), including for the purposes of contributions to PERS subject to the requirements set forth in SB 505. An employee on the employee/employer paid retirement plan is responsible for his/her share of the retirement contribution for the furlough time.

The Division Administrator is responsible for ensuring that the Division complies with the requirements of the furlough program within the funding allocated for salaries in the Division's budget.

IV. EMPLOYEES REQUIRED TOTAKE UNPAID FURLOUGH LEAVE:

A. ALL EMPLOYEES

All employees whether classified or unclassified, must participate in the unpaid furlough program regardless of:

1. The source of funding for the position;
2. Whether the position is full-time, part-time or intermittent;
3. The type of position (i.e., permanent, special project, temporary, seasonal, intermittent);
4. The status of appointment (i.e., probationary, permanent, trial period, provisional, emergency, temporary, special disabled).

DCFS does not have any employees in the non-classified service.

B. FULL TIME CLASSIFIED EMPLOYEES

Full-time employees must take forty-eight (48) hours of furlough leave each fiscal year in an incremental manner as outlined below:

1. By September 30th a minimum of twelve (12) hours of furlough leave;
2. By December 31st a minimum of twenty-four (24) hours of furlough leave;
3. By March 31st a minimum of thirty-six (36) hours of furlough leave; and
4. By June 30th a total of forty-eight (48) hours of furlough leave.

If a full-time employee has a non-standard work week which is longer than eight (8) hours, such as working ten (10) hour shifts for four (4) days, the unpaid furlough leave will be treated in the same way as holiday leave. If an employee wishes to take a full work day off for his/her unpaid furlough leave day, with prior approval, he/she may take two (2) hours of accrued annual leave to make up the difference in hours.

C. EXEMPT UNCLASSIFIED EMPLOYEES

Exempt unclassified employees must take forty-eight (48) hours of furlough leave each fiscal year in an incremental manner as outlined below:

1. By September 30th a minimum of twelve (12) hours of furlough leave;
2. By December 31st a minimum of twenty-four (24) hours of furlough leave;
3. By March 31st a minimum of thirty-six (36) hours of furlough leave; and
4. By June 30th a total of forty-eight (48) hours of furlough leave .

Exempt unclassified employees (exempt from overtime requirements of the Fair Labor Standards Act – FLSA) temporarily lose their exempt status during the week any unpaid furlough leave is taken. This means during the week the unpaid furlough leave is taken the employee will be treated as an hourly employee, must account for each hour worked, must report any partial day absences, and is eligible for overtime compensation for pay for any overtime hours worked. If the exempt employee will be working over eight (8) hours in one day, a variable workweek agreement should be signed and maintained in the employee's personnel file.

If there are questions about whether an unclassified position is exempt, employee should refer to the "overtime exempt" column on the unclassified employee compensation schedule.

D. PART-TIME OR INTERMITTENT EMPLOYEES

Part-time or intermittent employees must take a number of hours each fiscal year which is equal to the average number of hours worked per working day multiplied by six (6). For example, a part-time employee who works a .51 fulltime equivalent schedule, without exception, must take twenty-four (24) hours and thirty (30) minutes of furlough leave each fiscal year. A part-time employee who works a .75 fulltime equivalent schedule, without exception, must take thirty-six (36) hours of furlough leave each year.

A part-time or intermittent employee must take each quarter the number of hours of furlough leave that is equivalent proportionally to the requirement for a full-time employee as outlined below:

1. By September 30th a minimum of ¼ of the required hours of furlough leave;
2. By December 31st a minimum of ½ of the required hours of furlough leave;
3. By March 31st a minimum of ¾ of the required hours of furlough leave; and
4. By June 30th the total required hours of furlough leave.

The average number of hours worked per working day for a part-time or intermittent employee will be calculated by adding together the number of hours the employee worked or was in paid leave status the prior month and dividing the total by the number of working days in the month (e.g., an employee who works five (5) hours a day Monday through Thursday would be calculated as 80 hours/20 days = 4 hours average per working day). For an employee's first month of employment, the average number of hours worked will be calculated based on the employee's established schedule. In subsequent months, an employee who works added regular

time (ADRT) would be required to take additional hours of unpaid furlough leave based on the calculation for the prior month as described above. However, no ADRT can be scheduled in the same pay week as furlough leave is taken. The Division must verify at the end of each quarter that a sufficient amount of furlough leave has been scheduled.

E. NEW EMPLOYEES/TERMINATING OR TRANSFERRING EMPLOYEES

A new employee in state service will only be responsible for the proportional number of hours or days of unpaid furlough leave remaining in the fiscal year.

The requirement to take unpaid furlough leave will begin in the first full month of an employee's employment. (e.g., if an employee begins employment on July 1, the requirement to take unpaid furlough leave begins in July; if an employee begins employment July 2, the requirement to take unpaid furlough leave begins in August). For example, a full-time employee began work on August 13, 2013. The employee would be required to take four (4) hours of furlough leave in September and thirty-six (36) hours over the remainder of the fiscal year.

An employee who is terminating may have taken a furlough day prior to his/her last day of employment. There is no cash value for unpaid furlough leave. The employee will not be reimbursed as the employee did not perform any work during those hours. Submission of a resignation does not relieve an employee from taking furlough leave during the notice period. If the employee leaves the position prior to taking the amount of unpaid furlough leave required, the position must remain vacant a sufficient period of time to achieve the corresponding amount in salary savings.

If an employee transfers out of the Division, but remains a State employee, and has already taken the appropriate amount of unpaid furlough leave, the employee will not be required by the receiving agency to take additional unpaid furlough leave.

F. UNPAID FURLOUGH LEAVE AND FMLA, CAT LEAVE AND OTHER EXTENDED LEAVE

If an employee is on FMLA, Catastrophic Leave, Administrative Leave, worker's compensation leave or any other long-term leave, he/she is not exempt from the requirement to take the requisite amount of unpaid furlough leave. Employees in these situations need to identify which day(s) they will take their furlough and notify their Supervisor of their decision. If the employee does not notify his/her Supervisor of his/her

choice, the Supervisor will be authorized to choose day(s) to count as unpaid furlough leave.

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.

V. ADMINISTRATION OF UNPAID FURLOUGH DAYS

A. SCHEDULING UNPAID FURLOUGH DAYS

Unpaid furlough days must be pre-planned and pre-approved in accordance with the provisions of this Policy. To the extent practicable, a supervisor and employee shall work together at least three months in advance to develop a schedule in which unpaid furlough is taken. If a schedule cannot be agreed upon, a supervisor or manager may direct an employee to take unpaid furlough leave on a specific day and/or at a specific time, based on the agency and program needs. Each Program Manager can approve or deny furlough requests based on the following conditions:

1. Client and staff safety must be the absolute priority when approving unpaid furlough leave.

2. Employees must take unpaid furlough leave in an incremental manner.

3. The smallest increment of time in which a full-time employee can take furlough leave is four (4) hours with the exception of the 24-hour facilities' direct care staff or staff subject to on-call or call-back status who must take furloughs in eight (8) hour increments every other month. A part-time employee must take an appropriate proportional amount of furlough leave (e.g., a .75 FTE would take leave in three [3] hour increments, 4 x .75 = 3).

4. Employees cannot take more than twelve (12) hours of unpaid furlough leave within a single pay week. An employee is limited to taking no more than twelve (12) hours of furlough leave in a pay week regardless of whether the hours/days occur in different months (e.g., an employee cannot take October 31 as a furlough day for October and November 1 as a furlough day for November when both days occur in the same pay week). The amount of furlough leave taken for a day may not exceed the amount of hours in the employee's standard workday.

5. Since NRS 281.110 sets forth the requirements for most state offices to be open from 8:00 a.m. to 5:00 p.m. except for weekends and holidays, not all agency employees can take off the same furlough day.

6. An employee may elect to use furlough leave instead of receiving paid military leave pursuant to NRS 281.145.

7. An employee selected for jury duty may elect to use furlough leave instead of using civic leave.

8. 24-Hour Facilities – Direct Care Staff.

   In DCFS 24-hour facilities the Program Manager/Superintendent must determine the appropriate client census, appropriate level of client service, and client to staff ratio for each program/unit.

   (a) In 24-hour facilities, the Program Manager/Superintendent may consider reducing required staffing standards or establish an appropriate bed capacity based on the number of non-furlough staff who will be available each day.

   (b) Changes in employee schedules may be made to accommodate staffing requirements. Any schedule changes will be completed in compliance with the Division's *Personnel Policy and Procedure Manual*.

   (c) On-call/substitute employees may be employed to staff the 24-hour facilities while employees are on unpaid furlough leave; however, the payment of wages for such employees must be deducted from any funds the Division has reserved for payment of overtime costs associated with maintaining staffing standards. The 24-hour facilities may also utilize the on-call/substitute employees to cover other leave usage, including sick leave, annual leave, FMLA, catastrophic leave, worker's compensation leave, and other extended leaves to reduce the cost of facility overtime. This provision may not be used to cover leave time for exempt unclassified or classified employees.

Each Program Manager is responsible for creating an unpaid furlough leave calendar/schedule for his/her program area. Employees who do not work in 24-hour facilities are to record their proposed scheduled unpaid furlough leave on the calendar/schedule in accordance with the due dates outlined in the attached Unpaid Furlough Leave Request Schedule

Deadlines. *See* Attachment B. Employees who work in 24-hour facilities are to record their proposed scheduled unpaid furlough leave on the calendar/schedule in accordance with the due dates noted on Attachment C. Each Program Manager is responsible for reviewing the unpaid furlough leave calendar/schedule for his/her respective program and ensuring adequate coverage, client care, safety, well-being, and security. Once the Manager approves the calendar/schedule, the Supervisor will notify the employee the schedule has been approved in writing or by signing the hard copy leave slip. Copies of the approved quarterly calendar/schedule must be provided to the Program Manager's respective:

1. Deputy Administrator
2. Payroll Clerk
3. Regional Personnel Analyst
4. Administrative Services

Employees cannot get behind in taking their unpaid furlough leave. Program Managers and Supervisors will be accountable for ensuring that their employees take their unpaid furlough leave and do not fall behind and create a deficit.

B. REQUESTING LEAVE AND TIMESHEET CODE

Before the furlough calendar/schedule is created, the supervisor must have an employee elect his/her preferred leave date on the internal calendar or a hard copy leave request form. After the program specific furlough calendar/schedule is approved by the Manager, an employee should be notified his/her leave request is approved on the hard copy leave approval form or in writing from the supervisor. Each Supervisor is responsible for approving unpaid furlough leave for every employee that he/she supervises in the NEATS system or on the hard copy leave form.

Employees will code their leave request/timesheets with UFRLO when using unpaid furlough leave. An employee may review the amount of furlough time taken using the NEATS system.

C. OVERTIME, COMPENSATORY TIME AND ANNUAL LEAVE

In accordance with NAC 284, paid overtime, compensatory time, or added regular time will not be allowed in the same pay week as unpaid furlough leave. Paid leave time may not be substituted for an unpaid furlough leave day nor can unpaid furlough leave be substituted for an AWOL day. Furlough leave may not be substituted when an employee does not have sufficient accrued sick leave or annual leave to cover an absence.

A DCFS employee should not be scheduled for overtime or paid added regular time work in the same workweek the employee is scheduled to take furlough leave. Any exceptions require prior approval of the DHHS Director, the Administrator of the Division of Human Resource Management (DHRM), and the DOA Director or their designated representatives. Such a request must be documented on the Exception to Furlough Implementation form available on the DOA's website, be signed by the Division Administrator, and submitted to the DHHS Director. If approved by the DHHS Director, the signed exception request will be forwarded to the DHRM. If an exception is granted, the division must implement other methods to ensure furlough savings are achieved. Because the required number of furlough hours has been reduced this biennium, such requests should be minimal. All overtime whether for pay or for compensatory time requires prior approval of the Director or the person to whom the Director has delegated approval authority in specific circumstances.

Additional inappropriate scheduling practices include but are not limited to:

1) Allowing overtime or compensatory time to be scheduled the same pay period as furlough leave is taken or similar scheduling practices to offset the impact of taking furlough leave. An exception for the benefit of division operations may be granted by the Administrator provided overtime or compensatory is not scheduled in the same workweek as furlough leave.

2) Allowing paid added regular time to be scheduled in the same pay period as furlough leave is taken or similar scheduling practices to offset the impact of taking furlough leave. An exception for the benefit of division operations may be granted by the Administrator provided additional regular pay is not scheduled in the same workweek as furlough leave.

3) Allowing employee to "bank" annual leave rather than scheduling it to be used throughout the year thus allowing the employee to be paid off for annual leave hours accrued in excess of 240 hours.

4) Allowing exempt employees to work on their scheduled furlough day.

Each manager and supervisor must review the timesheet to ensure that no overtime, compensatory time, or added regular time was used during a furlough pay week. If an employee takes a day off on furlough, then works overtime for pay or for compensatory or added regular time during the same pay week, the furlough day will be charged to annual leave. The employee must then take another day to act as his/her furlough day.

Unpaid furlough leave is not considered as time worked for the purpose of determining whether an employee has worked overtime. Program

Managers must ensure that the purpose of the unpaid furlough leave program is not negated by inappropriate scheduling practices. This would include allowing an employee to "bank" annual leave rather than scheduling it to be used throughout the year thus allowing the employee to request to be paid off for annual leave hours accrued in excess of 240 hours. Employees must manage their annual leave in respect to their unpaid furlough leave. No annual leave "lose it or use it" payoffs will be approved because employees were not allowed to take annual leave due to a lack of coverage due to furlough days.

Supervisors and managers are responsible for making sure employees take both their furlough days and enough annual leave to keep them out of a "use or lose" situation.

D. WORK RESTRICTIONS

Employees cannot work at all during their unpaid furlough leave. No work of any kind relating to state employment may be performed during the leave time in order for it to be considered unpaid furlough leave. This prohibition includes working at home, monitoring e-mails and telephone messages, and responding to inquiries from work. Supervisors should not contact employees in any way when they are on unpaid furlough leave or that time will not ultimately count as unpaid furlough leave.

If an employee is called into work on his/her unpaid furlough leave day, once work begins the employee's time is no longer counted against the furlough liability. While on furlough, the employee is not allowed to be on standby.

E. REQUIRED MESSAGES

On days when employees are scheduled for unpaid furlough leave, they are required to leave a message on their voice mail and e-mail indicating they are on unpaid furlough leave and that they will not be checking their e-mail or voice mail and referring callers to someone who can help them in the event of an emergency.

F. TIMING UNPAID FURLOUGH LEAVE

When scheduling unpaid furlough leave, an employee may wish to consider the pay period schedule published by Central Payroll and the paycheck from which optional deductions such as insurance and deferred compensation are taken. For example, the paycheck issued August 17, 2012, is compensating employees for time worked between July 23, 2012, and August 5, 2012. If the majority of an employee's deductions are taken on the second payday of the month, the employee may instead wish to take

a furlough day in the pay period of July 9, 2012, through July 22, 2012, which would be reflected on the paycheck issued on August 3, 2012.

G. WHAT HAPPENS IF AN EMPLOYEE DOES NOT TAKE UNPAID FURLOUGH LEAVE

If an employee has not taken the requisite amount of furlough time, the employee will be required to take the last workday(s) of the fiscal year off, no exceptions. Each manager is responsible for assuring that all employees that report to him/her are scheduled to take and took the requisite furlough time.

On or before the fifth day of the last month of each fiscal year, each manager and supervisor must review the unpaid furlough leave schedule/calendar and reconcile it with time reported for all employees that report to him/her. Each manager must develop a report for the respective Deputy Administrator showing compliance with this policy.

Failure to take furloughs will result in corrective action.

ATTACHMENT A

DEPARTMENT OF HEALTH & HUMAN SERVICES
FURLOUGH LEAVE POLICY

POLICY

The Department of Health and Human Services (DHHS) requires that each division comply with the requirements for a furlough program in accordance with the provisions of Assembly Bill 511 (AB 511) of the 77th Session of the Nevada Legislature, the corresponding regulations (NAC 284.531), and the requirements established by DHHS.

GENERAL OVERVIEW AND REQUIREMENTS

Furlough Program

The furlough program was originally established by legislation in 2009 and has been extended, with modification, by AB 511 to continue into the next biennium thru June 30, 2015. Each full-time employee must take 48 hour of unpaid furlough leave each fiscal year. Employees who work less than full time are required to take a proportionate amount of unpaid furlough leave. The furlough program is in effect from July 1, 2013 through June 30, 2015.

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 except payment of salary and determination of overtime, including:

- Accrual of sick and annual leave;
- Determining an employee's pay progression date;
- Continuity of service and years of service relative to the longevity pay program;
- Duration of a probationary period;
- Determining the eligibility for holiday pay if the shift immediately precedes a holiday;
- Seniority for all purposes, including layoffs;
- The Public Employees' Benefit Program (PEBP); and
- The Public Employees' Retirement Program (PERS), including for the purposes of contributions to PERS subject to the requirements set forth in AB 511. An employee on the employee/employer paid retirement plan is responsible for his share of the retirement contribution for the furlough time.

Each division administrator is responsible to ensure the division complies with the requirements of the furlough program within the funding allocated for salaries in the division's budget.

Employees Required to Take Unpaid Furlough Leave

Each employee holding a position in the classified, unclassified, or non-classified service must participate in the furlough program regardless of:

a) the source of funding for the position;
b) whether the position is full-time, part-time or intermittent
c) the type of position (i.e., permanent, special project, temporary, seasonal, intermittent)
d) the status of appointment (i.e., probationary, permanent, trial period, provisional, emergency, temporary, special disabled).

DHHS does not have any employees in the non-classified service.

Full-time Employees

Full-time employees must take 48 hours of furlough leave each fiscal year in an incremental manner.

Part-time or Intermittent Employees

Part-time or intermittent employees must take a number of hours each fiscal year which is equal to the average number of hours worked per working day multiplied by 6. For example, a part-time employee who works a .51 fulltime equivalent schedule, without exception, must take 24 hours and 30 minutes of furlough leave each fiscal year. A part-time employee who works a .75 fulltime equivalent schedule, without exception, must take 36 hours of furlough leave each year.

A part-time or intermittent employee must take the number of hours of furlough leave that is equivalent proportionally to the requirement for a full-time employee in an incremental manner.

The average number of hours worked per working day for an intermittent employee in DHHS will be calculated by adding together the number of hours the employee worked or was in paid leave status each month and dividing the total by the number of working days in the month (e.g., an employee who works 5 hours a day Monday through Thursday would be calculated as 80 hours/20 days = 4 hours average per working day). For an employee who works paid added regular time (PADRT), the division must verify at the end of each quarter that a sufficient amount of furlough leave has been scheduled.

Exempt Employees

Exempt unclassified or classified employees (exempt from overtime requirements of the Fair Labor Standards Act – FLSA) temporarily lose their exempt status during the week any furlough leave is taken. This means during the week the furlough leave is taken the

employee will be treated as an hourly employee, must account for each hour worked, must report any partial day absences, and is eligible for overtime compensation for pay for any overtime hours worked. If the exempt employee will be working over 8 hours in one day, a variable workweek agreement should be signed and maintained in the employee's personnel file.

If there are questions whether an unclassified position is exempt, please refer to the "overtime exempt" column on the unclassified employee compensation schedule.

Classified exempt classes in DHHS include Psychological Assistant and Licensed Psychologist 1 and 2. If there are questions whether a classified position is exempt, please refer to the Division of Human Resource Management's Classification and Compensation Plan.

Incremental Use of Furlough Leave

The smallest increment of time in which a full-time exempt or non-exempt employee in DHHS may take furlough leave is 4 hours. A part-time or intermittent employee must take an appropriate proportional amount of furlough leave (e.g., a .75 fte would take leave in 3 hour increments - 4 x .75 = 3).

Employees are also limited to taking no more than 12 hours of furlough leave in a workweek. The amount of furlough leave taken for a day may not exceed the amount of hours in the employee's standard workday.

An employee who terminates employment is not reimbursed for any furlough hours taken.

No Work

No work of any kind may be performed during furlough leave. This prohibition includes working at home, monitoring e-mails and telephone messages, and responding to inquiries from work.

Beginning/Ending Dates of Requirement

The requirement to take furlough leave begins the first full month of an employee's employment (e.g., if an employee begins employment on July 1, the requirement to take furlough leave begins in July; if an employee begins employment July 2, the requirement to take furlough leave begins in August). The employee is only responsible for the proportional amount of the furlough requirement remaining in the fiscal year. For a full-time employee, that is the equivalent of 4 hours of furlough leave for each full month remaining in the fiscal year. For a part-time employee, that is the equivalent of the portion of 4 hours for each full month remaining in the fiscal year that is proportional to the average number of hours worked by the part-time employee.

An employee who is terminating may have taken more furlough leave than would have been proportionally required prior to his last day of employment. If so, the employee will not be reimbursed as the employee did not perform any work during those hours. Submission of a resignation does not relieve an employee from taking furlough leave during the notice period unless the Director or division administrator determines the employee's presence at work during the notice period benefits division operations. If the employee leaves the position prior to taking the proportional amount of furlough leave required, the position must remain vacant a sufficient period of time to achieve the corresponding amount in salary savings.

If an employee transfers to a different agency and has already taken the appropriate amount of furlough leave, the employee will not be required by the receiving agency to take additional furlough leave.

Considerations for Scheduling of Furlough Days

Employees may schedule furlough leave in the same manner as annual leave is scheduled by providing a request for furlough leave at least one month in advance to their supervisor, as far as practicable. Absent exceptional circumstances, employees shall take one quarter of the required amount of furlough leave by the end of each quarter of the fiscal year.

Division administrators must consider what scheduling of furlough leave best serves the operational needs of their division and a requirement may be established for a minimum number of staff to be in work status. If multiple requests for furlough leave on the same day cannot be accommodated, the division administrator may deny one or more of the requests in the same manner in which multiple requests for use of annual leave are considered. Division administrators who operate 24-hour facilities may consider required staffing standards and establish an appropriate bed capacity based on the number of non-furlough staff who will be available each day. Changes to employees' schedules may be needed to accommodate staffing requirements. Any schedule changes should be completed in compliance with the division's standard method of assigning work schedules.

Notice through voice-mail messages, e-mail messages, notification to the public, etc. should be arranged, as appropriate when staff are on furlough leave.

Assembly Bill 511 contains a provision which provides that the Board of Examiners can determine which positions within the Executive Branch cannot be subject to furlough leave due to the need to provide services that are necessary to the protection of public health, safety and welfare. Such positions would instead be subject to a 2.3 percent reduction in salary. DHHS, however, will not be seeking exceptions to the requirement for all employees to take furlough leave unless exceptional circumstances exist. Such exceptional circumstances must be documented on the Board of Examiners (BOE) Request for Furlough Exception form available on the Department of Administration's

(DOA) website, be signed by the Division Administrator, and submitted to the DHHS Director. If approved by the DHHS Director, the signed exception request will be forwarded to the appropriate DOA budget analyst. Exceptions granted must be reported by BOE to the Interim Finance Committee on a quarterly basis.

Divisions operating 24-hour facilities may consider employing a contingent of on-call/substitute employees. The payment of wages for such employees must be deducted from any funds the division would normally reserve for payment of overtime cost associated with maintaining staffing standards.

Furlough leave is not considered as time worked for the purpose of determining whether an employee has worked overtime.

A DHHS employee should not be scheduled to work additional hours during a week the employee is scheduled to take furlough leave with the intent that the employee will record a temporary change to the days and hours worked.

An employee is limited to taking no more than 12 hours of furlough leave in a workweek regardless of whether the hours/days occur in different months (e.g., an employee cannot take October 31 as an 8-hour furlough day for October and November 1 as an 8-hour furlough day for November because both days occur in the same workweek).

A DHHS employee should not be scheduled for overtime or paid added regular time work in the same workweek the employee is scheduled to take furlough leave. Any exceptions require prior approval of the DHHS Director, the Administrator of the Division of Human Resource Management (DHRM), and the DOA Director or their designated representatives. Such a request must be documented on the Exception to Furlough Implementation form available on the DOA's website, be signed by the Division Administrator, and submitted to the DHHS Director. If approved by the DHHS Director, the signed exception request will be forwarded to the DHRM. If an exception is granted, the division must implement other methods to ensure furlough savings are achieved. Because the required number of furlough hours has been reduced this biennium, such requests should be minimal. All overtime whether for pay or for compensatory time requires prior approval of the Director or the person to whom the Director has delegated approval authority in specific circumstances.

Division administrators must ensure that the purpose of the furlough leave program is not negated by inappropriate scheduling practices. Such inappropriate practices include but are not limited to:

1) Allowing overtime or compensatory time to be scheduled the same pay period as furlough leave is taken or similar scheduling practices to offset the impact of taking furlough leave. An exception for the benefit of division operations may be granted by the Director or division administrator provided overtime or compensatory is not scheduled in the same workweek as furlough leave.

2) Allowing paid added regular time to be scheduled in the same pay period as furlough leave is taken or similar scheduling practices to offset the impact of taking

furlough leave. An exception for the benefit of division operations may be granted by the Director or division administrator provided additional regular pay is not scheduled in the same workweek as furlough leave.

3) Allowing employee to "bank" annual leave rather than scheduling it to be used throughout the year thus allowing the employee to be paid off for annual leave hours accrued in excess of 240 hours.

4) Allowing exempt employees to work on their scheduled furlough day

Furlough schedules must be developed for each office/bureau/institution three months in advance, to the extent practicable, and must provide for the incremental use of furlough leave by each employee. Furlough leave must be approved in advance using standard leave approval procedures and forms. If, because of business necessity, a furlough schedule cannot be mutually agreed upon by an employee and the supervisor/manager responsible for scheduling, the supervisor/manager may direct an employee to take furlough leave on a specific day or at a specific time, or both.

The time code used to record furlough leave is UFRLO. An employee should request furlough leave in the same manner (manual form or through NEATS) as they use to request other types of leave.

Paid annual or sick leave time may not be substituted for a furlough leave day. Furlough leave may not be substituted for an AWOL day. Furlough leave may not be substituted when an employee does not have sufficient accrued sick leave or annual leave to cover an absence.

An employee may elect to use furlough leave instead of receiving paid military leave pursuant to NRS 281.145.

An employee selected for jury duty may elect to substitute the use of civic leave with a furlough leave day.

Employees who are on leave are not exempt from the requirement to take furlough leave, therefore an employee on catastrophic leave, FMLA leave, administrative leave, or worker's compensation leave is also required to record the appropriate proportional amount of furlough leave.

When scheduling furlough leave, an employee may wish to consider the pay period schedule published by Central Payroll and the paycheck from which optional deductions such as insurance and deferred compensation are taken. For example, the paycheck issued August 15, 2014, is compensating employees for time worked between July 21 and August 3. If the majority of an employee's deductions are taken on the second payday of the month, the employee may instead wish to take a furlough day in the pay period of July 7 through July 20 which would be reflected on the paycheck issued on August 1.

Division Policy and Monitoring

Each division must develop a division furlough leave policy. If different policies are appropriate for individual units or institutions (e.g., hospitals, juvenile correctional facilities) policies specific to those units/institutions must be documented in the overall division policy. The division's furlough leave policy must be communicated to each employee of the division. One copy of the division policy and any changes to the policy must be provided to the DHHS Deputy Director, Administrative Services by November 14, 2014.

Each division administrator is responsible for monitoring furlough leave usage on a monthly basis to ensure the required furlough leave is being taken in the appropriate manner. A Furlough Analysis report is available in the IFS/HR data warehouse to monitor hours taken and the associated salary savings.

Effective Date: July 1, 2009
Revision Date: July 6, 2011
Revision Date: October 13, 2014

References: AB 511 of 2013 Legislative Session
NAC 284.531
Division of Human Resource Management's FAQ's -Furloughs
Department of Administration's All Agency Memorandum #2011-27
Director's Memo regarding Prior Authorization of Overtime 5/4/10.

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ATTACHMENT B
UNPAID FURLOUGH LEAVE REQUEST SCHEDULE DEADLINES
EXAMPLES

Quarterly Time Period	Furlough Leave Requests on Calendar or to Supervisor for Master Schedule	Furlough Requests on Calendar/Schedule to Manager for Approval	Furlough Request Calendar/Schedule due to Deputy Administrator, Personnel, Payroll Clerk, and Fiscal ASO
July, August, and September, 2014	April 1, 2014	April 15, 2014	April 15, 2014
October, November, and December, 2014	July 1, 2014	July 15, 2014	July 15, 2014
January, February, and March, 2015	October 1, 2014	October 15, 2014	October 15, 2014
April, May, and June, 2015	January 2, 2015	January 15, 2015	January 15, 2015

ATTACHMENT C
UNPAID FURLOUGH LEAVE REQUEST SCHEDULE DEADLINES
24-HOUR FACILITIES
EXAMPLES

Quarterly Time Period	Furlough Leave Requests on Calendar or to Supervisor for Master Schedule	Furlough Requests on Calendar/Schedule to Manager for Approval	Furlough Request Calendar/Schedule due to Deputy Administrator, Personnel, Payroll Clerk, and Fiscal ASO
July, August, and September, 2014	April 1, 2014	April 15, 2014	April 15, 2014
October, November, and December, 2014	July 1, 2014	July 15, 2014	July 15, 2014
January, February, and March, 2015	October 1, 2014	October 15, 2014	October 15, 2014
April, May, and June, 2015	January 2, 2015	January 15, 2015	January 15, 2015