



LAKE COUNTY
BOARD OF COUNTY COMMISSIONERS
County Procedure

Title: FURLOUGH ADMINISTRATION

Number: ES-6.06.01

Approved: September 30, 2009

Originator: Office of Employee
Services & Quality
Improvement

Review: September 30, 2014

I. PURPOSE AND SCOPE

To provide administrative guidelines for the implementation of furloughs in accordance with the provisions of Lake County Board of County Commissioners (BCC) policy LCC-91, Furloughs. The Office of Employee Services & Quality Improvement (Employee Services) shall serve as the Furlough Administrator and is responsible for overall administration of the furlough program.

II. DEFINITIONS

- A. Exempt employee: An employee who is exempt from the overtime requirements of the Fair Labor Standards Act (FLSA), as determined by the Office of Employee Service & Quality Improvement (Employee Services).
- B. Furlough: Non-working and unpaid time in accordance with a reduced work schedule.
- C. Non-exempt employee: An employee who is subject to the overtime requirements of the FLSA, as determined by Employee Services.

III. PROCEDURES

A. Furlough Days

Core and Flex Furlough Days shall be implemented in accordance with BCC policy LCC-91, Furloughs.

1. Employees who are required to work on Core Furlough Days must coordinate with their departments to schedule an alternative Furlough Day.

2. Department Directors are responsible for setting Flex Furlough Day schedules. Furlough days shall generally be scheduled to be at least one full work day per month per eligible employee.

3. Department Directors may authorize employees to take furlough days in multiple-day increments, subject to the restrictions below pertaining to exempt employees.

4. Department Directors may authorize partial-day furloughs for non-exempt employees only subject to operational demands.

5. Flex Furlough Scheduling

All required Flex Furlough Days must be taken between October 1, 2009, and September 25, 2010.

Employees shall request scheduling of Flex Furlough Days on a Leave Request Form or other documented means as required by their respective department. All requests for Flex Furlough Days must be scheduled and approved in advance by the supervisor.

By October 15, 2009, each Department Director shall submit to Employee Services a by-name listing of employees and their scheduled furlough days (dates, hours for each date, and total scheduled hours) for the time period from October 1, 2009 through April 9, 2010. Employees shall take at least four (4) Flex Furlough Days (32 hours) by April 9, 2010.

By April 9, 2010, each Department Director shall submit to Employee Services a by-name listing of employees and their scheduled furlough days (dates, hours for each date, and total scheduled hours) for the time period from April 10, 2010 through September 25, 2010. The total scheduled hours from this listing must include the balance of the required annual furlough hours for each employee.

No deviation shall occur from the set furlough schedule without prior approval from the Department Director. Rescheduled furlough days must be in the same month as the originally-scheduled furlough day.

6. Department Directors are responsible for ensuring that all eligible employees take the required furlough days. Employee Services will monitor usage of Flex Furlough days and provide reports to departments on a monthly basis to assist in the tracking process.

7. Eligible employees hired after October 1, 2009, will be subject to mandatory furlough hours pro-rated to be one day per full month remaining in the fiscal year.

B. General Furlough Provisions

1. All employees are prohibited from performing any kind of work while on furlough status, including working from home, checking work email, etc. The employee is relieved of all job duties. If an employee is called in to work on an emergency basis while on furlough status, such time will be considered to be regular working time and will be paid according to applicable policy or procedure. In such cases, an alternate furlough day will be scheduled. All work performed must be reported in accordance with BCC procedure ES-4.04.01, Designated Work Hours and Overtime.
2. Furloughed employees may not volunteer to come to work at either their job or any other job for which the County otherwise pays any employee to do.
3. Furloughed employees shall not be eligible to take or be paid for vacation or sick leave while on furlough time.
4. When an employee works an alternative workweek schedule, such as four days of ten hours per day, Department Directors may select one of the following methods for administering furlough days according to operational demands:
 - a. Convert the week during which a Core or Flex Furlough Day is scheduled to a five day, eight hour schedule. Each furlough day would then be eight (8) hours.
 - b. Maintain the four day, ten hour schedule, working three normal ten-hour days with the fourth scheduled as a furlough day. In order to supplement the normal eight-hour furlough day for pay purposes, the employee would be authorized to use two (2) hours of accumulated annual leave to reach ten (10) scheduled hours for the day. This option is available for non-exempt employees only.
 - c. Maintain the four day, ten hour schedule for all weeks in which Flex Furlough Days occur and consider each Flex Furlough Day to be ten (10) hours. Convert the weeks in which Core Furlough Days occur to five day, eight hour schedules and consider the Core Furlough Days to be eight (8) hours. This will result in two (2) 8-hour Core furlough days and eight (8) 10-hour Flex furlough Days for a total of 96 annual furlough hours.
5. The use of furlough days shall be considered to be an exception to the provision County Procedure ES-6.01.01, Leave Accrual Administration, which requires the use of all accrued time before going into unpaid status.

6. Furlough hours are unpaid hours. As such, annual leave and sick leave shall not be accrued on furlough hours. Furlough time will not count as hours worked toward the overtime threshold.

7. Employees on furlough days that are adjacent to paid holidays will be considered to be eligible for the paid holiday if they would otherwise be eligible in accordance with the Holidays policy.

8. Employees who are on Family/Medical Leave (FMLA) during a scheduled furlough day will maintain their FMLA entitlement, but will be in a furlough status for that day. The FMLA/Furlough time will be unpaid and the employee will not be eligible to use accrued annual or sick leave.

C. Special Provisions for Exempt Employees

With departmental authorization, exempt employees* subject to Core and Flex Furlough Days may have the option of taking a combination of the days in either a maximum of two days per workweek or all five working days (40 working hours, Monday through Friday) in a workweek, subject to operational demands.

During any given workweek, a maximum of two days can be in unpaid furlough status, and three days must be in pay status (e.g., regular, holiday, annual leave or sick leave hours) unless the entire workweek is unpaid furlough time. This will ensure compliance with the minimum compensation level (\$455 per week) provision of the Salary Basis Test in the FLSA.

Example A: Employee could schedule one Flex Furlough Day on the working day prior to a Core Furlough Day, for a total of two (2) furlough days in the workweek.

Example B: Employee could schedule one or two Flex Furlough Days during a week in which there are no Core Furlough Days.

Example C: Employee could schedule five Flex Furlough Days from Monday through Friday of a week in which there are no Core Furlough Days or regular Holidays.

Example D: Employee could schedule two Flex Furlough Days and take three annual leave days in a week in which there are no Core Furlough Days.

Example E: Employee could schedule one Flex Furlough Day and take three annual leave days in a week in which there is a Core Furlough Day.

*Note: Exempt employees making below \$19.23 an hour (\$40,000 per year) may use furlough time in either a single-day increment or for an entire Monday through Friday workweek. Supervisors will be notified when this is the case for an exempt employee.

IV. RESERVATION OF AUTHORITY

The authority to issue or revise this Procedure is reserved to the County Manager. The County Manager may authorize exceptions to this procedure when deemed appropriate.



Cindy Hall
County Manager
Lake County