



Furlough

Sample Furlough Process Steps

1. Determine that a furlough is appropriate based on budget/funding	
2. Determine the scope of the furlough (e.g., entire agency, specific worksite(s), budgetary division(s), particular function(s), etc.)	
3. Determine the jobs that will be affected within the scope of the furlough and furlough date(s)	
	Employees may not be placed in non-pay furlough status for more than a total of 30 workdays in any 12-month period.
4. Define the method for determining the order in which employees will be furloughed	
	Examples of how to determine the order of furlough might include: furloughing all employees the same dates, allowing employees to pick their furlough dates within specified time parameters, designating different furlough dates for different employees or different jobs based on work assignments, etc.
5. Determine whether a competitive process is needed to identify affected employees and/or furlough dates for each employee	
	If all employees in the same job within an in-scope area will be furloughed the same date(s) or the same number of dates, then a competitive process is not needed for determining the order employees are placed in non-pay status.
	If employees in the same job code within an in-scope area will be furloughed for different amounts of time, then a competitive process is needed.
	If some employees in a job code within an in-scope area will be furloughed and others will not, then a competitive process is needed.
	Note: All classified employees in the same job code within an affected area must be furloughed the same amount of time.
6. Review the employment status of employees within the scope of the furlough for the considerations listed below	
	Classified employees: <ul style="list-style-type: none"> • If a competitive process is required, then the competitive process outlined in State Personnel Board Rule 25 must be used for classified employees. (See step #7, below.) • Notices to classified employees must contain specific information and be issued at least 30 calendar days in advance.
	FLSA-exempt employees: If FLSA-exempt employees will be furloughed, prepare communication and change management plans to ensure they will be prepared to adhere to work time limitations and time reporting requirements that apply during workweeks with one or more furlough days.
7. Define the competitive process(es), if needed	
	Classified employees: <ul style="list-style-type: none"> • Compute retention credits as defined in State Personnel Board Rule 25, using performance evaluations from the previous two years and years of continuous state service. • Determine whether any employees are veterans of a period of armed conflict. The order of placement in non-pay status follows:



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	<ul style="list-style-type: none"> ➤ First to be placed in non-pay status are non-veterans with less than successful evaluation ratings; ➤ Second to be placed in non-pay status are veterans with less than successful evaluation ratings; ➤ Third to be placed in non-pay status are non-veterans with successful evaluation ratings; ➤ Last to be placed in non-pay status are veterans with successful evaluation ratings.
	<p>Unclassified employees:</p> <ul style="list-style-type: none"> • The agency has more discretion in determining the order unclassified employees are to be placed in non-pay status. • May consider using classified retention credits method. • May want to consider some combination of performance, tenure, knowledge, skills, abilities, competencies, and discipline history.
8. If a furlough will not be uniformly applied to all agency employees, review for possible legal exposures resulting from furlough	
	<p>EEO impact:</p> <ul style="list-style-type: none"> • Compare demographic make-up of the agency with the demographic makeup of the affected furlough areas. • Look for disparate impact on a particular demographic (i.e., furlough impacts one group more than 20% more than it impacts another demographic group).
	Determine whether affected employees engaged in recent protected activity.
	Ensure the staff furlough decisions are appropriate and non-discriminatory.
9. Submit a Furlough Plan to the Department of Administrative Services for approval	
	<ul style="list-style-type: none"> • A Furlough Plan must be submitted to the Department of Administrative Services for approval before any action is taken. • Basic Furlough Plan elements include: <ul style="list-style-type: none"> ➤ The reason for the furlough; ➤ Proposed furlough dates; ➤ Definition of competitive areas (i.e., the in-scope segments of the agency – See step #2, above.); ➤ Total number of in-scope classified employees and in-scope unclassified employees; • Additional Furlough Plan elements to include if applicable: <ul style="list-style-type: none"> ➤ If a competitive process is needed because not all employees in a competitive job will be furloughed the same number of days, (See step #5), list the employees in competitive jobs in the order of retention (i.e., in the order of how many furlough days each will have) showing retention credits for classified employees and the basis for the order for unclassified employees; ➤ Justification for furloughing employees lower in the order of retention over employees higher in the order of retention; ➤ The manner for determining the order employees are to be placed in non-pay status when employees are tied in retention credits and one (or more),



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	but not all, will be affected by the furlough.
	Keep a copy of the Furlough Plan and response from DOAS; distribute copies to the agency's Office of Planning and Budget analyst and to appropriate internal officials.
10. Meet with affected staff and provide written notice of Furlough¹	
	Notice to classified employees must: <ul style="list-style-type: none">• Be received at least 30 calendar days in advance of the action;• Identify the action that will be taken and the effective date;• Explain the employee's rights of appeal;• Explain rights and options related to employment benefits, including retirement and insurance.
	Notice to unclassified employees may be similar, except there are no appeal rights for unclassified employees. The 30-day notice is not mandatory, but should be considered to allow employees an opportunity to plan for their changed circumstances.
	Keep copies of the notices for personnel files and distribute copies internally, as determined appropriate.

¹ You may wish to give employees as much advance notice as possible that furloughs are coming. However, it is important to wait until the agency receives a Furlough Plan approval from DOAS before providing official written notice to employees.