

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Furlough Program	REFERENCE NUMBER: 2009-029
DATE ISSUED: 07/02/09	SUPERSEDES:

This memorandum should be forwarded to:

**Labor Relations Officers
Personnel Officers
Personnel Transactions Supervisors**

FROM: Department of Personnel Administration
Labor Relations Division

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Due to Executive Order S-13-09 and the Governor's Proclamation of a State of Emergency, effective immediately all State employees, except those identified below, will have 3 unpaid days off each month.

For the July 2009 pay period, most State offices and general government operations will be closed on July 10, 2009; July 17, 2009; and July 24, 2009.

For employees that have planned to take a self-directed furlough on July 3, 2009, that self-directed furlough day will need to be charged to accumulated furlough hours from a prior pay period or other available leave credits for the day off. If an employee does not have leave credits available, with their supervisor's approval, they may work out an alternate schedule for July to make up the hours used on July 3, 2009.

Starting with the month of August 2009, most State offices and general government operations will be closed on the 1st, 2nd, and 3rd Fridays of each month. The first Friday in August is August 7, 2009 and not July 31, 2009. The furlough Fridays are based on the month, not the pay period.

January 1, 2010 is a holiday and is the 1st Friday for the month of January. Therefore, for the month of January, 2010 the furlough Fridays will be January 8, 2010; January 15, 2010; and January 22, 2010.

Offices that are remaining open on the furlough Fridays have been approved by the Administration and some of their employees may have to continue with the self-directed furloughs. All other employees in offices that are closed will be taking the 3 furlough Fridays. This link will show you which offices are open: <http://www.dpa.ca.gov/personnel-policies/furloughs/list-of-offices-open-to-the-public-on-furlough-fridays.htm>

Overtime

Manage furlough days so you don't incur overtime pay. Make sure you're not paying employees overtime or contracting out for services to cover for employees who are taking furlough days.

Manage employees who are exempt from FLSA (Workweek Group E) to avoid overtime pay. On weeks that FLSA exempt employees have a furlough day, they can't work more than 32 hours in the week. Otherwise, they must be paid overtime.

Furlough days don't count as time worked for determining overtime in the workweek.

Who Does the Furlough Program Apply To?

- In general, the Furlough Program applies to all employees
- It applies to retired annuitants appointed pursuant to Government Code Section 21228.

Who Does the Furlough Program Not Apply to?

- R05, S05, and M05 employees
- E25 employees
- Seasonal employees designated CB/ID E
- Retired Annuitants appointed under Government Code Sections 19144, 21154, 21157, 21221, 21223, 21224, 21225, and 21227
- Public Utilities Commission
- Legislative Counsel Bureau
- Bureau of State Audits
- Department of Forestry and Fire Protection (fire season through October)

Intermittent Employees

An intermittent employee's schedule needs to be determined in advance of the month. Intermittent employees will be furloughed based on the number of hours they work in a month, shown in the following chart:

Scheduled Hours Worked in a Month	Holiday Credit Hours Per Day	Furlough Hours for 3 Furlough Days
11 to 30.9	1	3
31 to 50.9	2	6
51 to 70.9	3	9
71 to 90.9	4	12
91 to 110.9	5	15

Scheduled Hours Worked in a Month	Holiday Credit Hours Per Day	Furlough Hours for 3 Furlough Days
111 to 130.9	6	18
131 to 150.9	7	21
151 or more	8	24

Part-Time Employees

Part-Time employees will be furloughed based on their time base as shown below, regardless of how many hours they work in a month.

Time Base	Furlough Hours Per Month
1/10	2.4
1/8	3
1/5	4.8
1/4	6
3/10	7.2
3/8	9
2/5	9.6
1/2	12
3/5	14.4
5/8	15
7/10	16.8
3/4	18
4/5	19.2
7/8	21
9/10	21.6

Intermittent or part-time employees can't work more hours to make up for the furlough hours.

No employee should ever be furloughed more than 24 hours a month. If an employee holds two positions, the primary employer may need to adjust the employee's furlough hours to ensure they don't exceed 24 hours per month.

Alternate Work Schedules

Departments may work with employees to adjust alternate work schedules if 3 days of furlough and additional days off each month creates a hardship for the department or the employee. When working out an alternate work schedule keep in mind you can't work an employee more than 32 hours in a furlough week. Departments will be responsible for providing calendars for their employees that continue an alternate work schedule.

We know that having employees out of the office more than one day per week is difficult, but you can look at alternatives that work for both the department and employee. For example, you can consider a flex schedule for the week there is no furlough by having employees work 10 hours 4 days that week with one day off. In doing so, it will only have the employees out of the office one day per week. We know this causes some complexities in figuring out the hours for the month, but we have employees that rely on one day a week off for day care and other purposes. We also encourage departments to continue to consider telecommuting as an alternative.

Just a reminder: when you change an employee's alternate work schedule, you need to provide notice 30 days in advance.

Other Issues

For employees appointed other than the first of the pay period, time off for furlough days shall be recorded as a dock. On the first of the pay period following appointment, departments need to document a 350 transaction to implement the 3 furlough days.

Full-time employees in departments that have designated furlough days off and for employees in departments that have self-directed furlough, 3 furlough days shall be granted regardless of the number of hours worked in the month with the exception of the Academic Teachers.

Academic Teachers

Schedule Hours Worked in the Month	Furlough Hours
184	16.99
194	17.91
204	18.84
209	19.30
219	20.22
219	20.31
224	20.68

Personnel staff with questions about this memo should contact our Personnel Services Branch at the phone number or email address listed above.

/s/Julie Chapman
Deputy Director of Labor Relations