PERSONNEL POLICY BOARD
July 1, 2010
MEETING

Meeting was held Thursday, July 1, 2010, Commissioners Hearing Room, County-City Building, Lincoln, Nebraska.

Members present: Connie Soucie, Georgia Glass, Kathleen Neary, Doug McDaniel, Randy Goyette. Member absent: Jerry Sellentin. Personnel Department resource staff attending: Karen Eurich.

The meeting was opened at 1:45 p.m. by Chair Georgia Glass.

Chair Georgia Glass welcomed new Board member Randy Goyette to the Personnel Policy Board.

It was moved by Doug McDaniel and seconded by Randy Goyette to approve the minutes of the June 3, 2010 meeting. Motion unanimously carried by roll call vote.

Agenda Item 1 was the request to create County Rule 21 of the Personnel Rules – Furlough. Doug Cyr of the County Attorney's office appeared on behalf of Tom Fox and explained some of the changes made to the policy since the Board reviewed it at their June 3, 2010 meeting. These changes included changing the amount of furlough time to four or eight hour increments and letting department heads decide if they would invoke furloughs within their department. Doug Cyr indicated the County Board cannot dictate to elected officials to make them do furloughs within their departments. Personnel Director Mark Koller also answered questions from the Board. Jeanne Sayers, representing the Employee Advisory Team (EAT), asked questions of the Board pertaining to this Rule amendment. Following discussion, it was recommended by the Board to make amendments to the Rule as follows:

It was moved by Connie Soucie and seconded by Georgia Glass to amend 21.2 (e) and change the furlough increments to two hour increments and define a full day furlough to be equal to an employee's normally scheduled work day. Motion unanimously carried by roll call vote.

It was moved by Georgia Glass and seconded by Doug McDaniel to amend 21.3 (b) to make the furloughs more fair and equal to all staff and change number of days to number of hours based upon the previous amendment made by the Board. Motion unanimously carried by roll call vote.

It was moved by Kathleen Neary and seconded by Doug McDaniel to amend 21.3 (a) by adding language to further define when mandatory furloughs could be placed upon employees. Motion unanimously carried by roll call vote.

It was moved by Georgia Glass and seconded by Doug McDaniel to amend 21.3 (d) (3) by deleting paragraph (3). Following discussion, the motion was withdrawn by Georgia Glass. It was moved by Doug McDaniel and seconded by Georgia Glass to amend 21.3 (d)(3) to reflect the changes made in 21.2 (e) regarding the employee's normal scheduled work day. Randy Goyette made a friendly amendment to also include paragraph (2) revisions to reflect the same changes made in 21.2 (e) regarding the two hour increments and employee's normal scheduled work hours. Following discussion, motion unanimously carried by roll call vote.

It was moved by Connie Soucie and seconded by Doug McDaniel to amend 21.3 (e) (2) by striking the word "military" and changing to "approved". Motion unanimously carried by roll call vote.

It was moved by Doug McDaniel and seconded by Kathleen Neary to approve Rule 21 as amended. Motion unanimously carried by roll call vote.

Agenda Item 2 was miscellaneous discussion. Jeanne Sayers, representing EAT, questioned the Board on amendments EAT would like to have made to the Family and Medical Leave Act policy. Chair Georgia Glass recommended that Ms. Sayers discuss her concerns and amendments with the County Attorney's office and the Personnel Department.

There being no further business, the meeting adjourned at 2:55 p.m.

The next regularly scheduled meeting is tentatively set for Thursday, August 5, 2010.

Karen Eurich
Personnel Operations Specialist

pc: Department Heads

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RULE 21 - FURLOUGH

21.1 Definition (Created 6/10)

A **furlough** is the placement of an employee in a temporary non-duty and non-pay status because of lack of funds or appropriations or shortage of work. Furloughs may be an alternative to layoff.

21.2 Voluntary Furloughs (Created 6/10)

(a) A Department Head may make a request to status employees in the classified service for volunteers, or employees may volunteer, to be placed on unpaid furlough whenever the Department Head deems it necessary by reason of shortage of funds or appropriations or shortage of work.

(b) A Department Head shall make a request for volunteers to be placed on voluntary unpaid furlough prior to the implementation of a mandatory furlough.

(c) If voluntary unpaid furlough is taken by an employee, the voluntary unpaid furlough time will be considered in satisfying any subsequent mandatory unpaid furlough requirements within a fiscal year.

(d) All requests by employees to be voluntarily placed on unpaid furlough must be made in writing.

(e) Length of Voluntary Furlough: A Department Head may grant a request to be placed on voluntary unpaid furlough. Voluntary unpaid furloughs must be taken in ~~four (4) or eight (8)~~ two (2) hour increments. A full day furlough without pay is equal to ~~eight (8) hours~~ the employee's normal scheduled work hours on the affected day.

(1) Voluntary unpaid furloughs in excess of thirty (30) calendar days must be approved by the Personnel Officer.

(2) Voluntary unpaid furlough hours may be scheduled over consecutive days and/or weeks, or non-consecutive days over a period of time (e.g. one work day per month for a twelve month period).

(f) A Department Head shall schedule furloughs in a manner which minimizes disruption to the efficient operation of the department. A Department Head will work with employees to identify in advance what voluntary furlough days/hours will be taken to maintain effective operations and essential services.

21.3 Mandatory Unpaid Furloughs (Created 6/10)

(a) A Department Head shall make a request for volunteers to be placed on voluntary furlough prior to the implementation of a mandatory unpaid furlough. If there are insufficient volunteers to mitigate the need for mandatory unpaid furloughs and/or

if effective operations or essential services are compromised, a Department head may implement mandatory unpaid furloughs.

(b) A Department Head may furlough status employees in the classified service whenever he deems it necessary by reason of shortage of funds or appropriations or shortage of work. In such case, a Department Head shall establish a uniform Mandatory Furlough Plan which shall require all employees in the department to take an equal number of ~~days~~ hours of leave without pay during a furlough period.

(c) Notice: When a mandatory unpaid furlough has been implemented, the status employee shall be notified at least fifteen (15) calendar days prior to the effective date of a furlough period.

(1) The furlough notice will include the following:

(A) A general statement of the reason for the furlough (budget shortfall, decrease in appropriations, shortage of work).

(B) The effective date of the furlough and the maximum number of furlough hours. If the furlough is due to an emergency situation the number of hours may not be known in advance. If the number of furlough hours becomes known after the onset of the furlough, then reasonable efforts will be made to communicate the information to furloughed employees.

(2) In the case of an emergency a furlough notice will be provided as soon as reasonably possible.

(d) Length of Mandatory Unpaid Furlough:

(1) A status employee may be placed on mandatory unpaid furlough for a period not to exceed 96 furlough hours during a County fiscal year. Mandatory unpaid furlough hours may be scheduled over consecutive days and/or weeks, or non-consecutive days over a period of time (e.g. one work day per month for a twelve month period).

(2) Mandatory unpaid furlough hours must be taken in ~~four (4) or eight (8)~~ two (2) hour increments. A full day furlough without pay is equal to ~~eight (8) hours~~ the employee's normal scheduled work hours on the affected day.

(3) An employee may not be furloughed more than ~~eight (8) hours per pay period~~ their normal scheduled work day unless requested by the employee and agreed to by the employee and Department Head.

(e) Scheduling Mandatory Unpaid Furlough:

(1) The scheduling of mandatory unpaid furloughs shall be at the sole discretion of the Department Head and a Department Head shall schedule furloughs in a manner which minimizes disruption to the efficient operation of the department. However, to the extent possible, employees will be allowed to choose the timing of furlough days/hours.

(2) Employees shall not be scheduled for furlough during periods of paid ~~military~~ approved leave. Employees may be scheduled for furlough upon return to work from ~~military~~ approved leave.

(f) Essential Services: Departments Heads shall plan mandatory unpaid furlough time in a manner that allows for essential services to be provided. A Department Head will work with employees to identify in advance what furlough days/hours will be taken during the furlough period and to maintain effective operations and essential services.

21.4 Fair Labor Standards Act Compliance (Created 6/10)

(a) In accordance with the provisions of the Fair Labor Standards Act, non-exempt (hourly) employees shall take unpaid furloughs in the day or hourly increments listed above. Non-exempt employees are not allowed to work during the unpaid furlough days/hours, nor are they allowed to work overtime hours during the week in which the unpaid furlough days/hours are taken.

(b) In accordance with the provisions of the Fair Labor Standards Act, exempt employees will be considered as non-exempt for the work week in which the unpaid furlough day/hours are taken. Exempt employees are not allowed to work during the unpaid furlough days/hours. Exempt employees may not exceed forty (40) hours in combined furlough and work hours during the week in which the unpaid furlough days/hours are taken unless authorized in advance by the Department Head.

21.5 Benefits and Seniority During Mandatory or Voluntary Furlough (Created 6/10)

(a) Furloughs shall not constitute a break in service of employment and there shall be no loss of seniority.

(b) Furloughs shall not effect an employee's health insurance, dental insurance, continuous service, length of service or eligibility for longevity increases. However, employees shall be responsible for their normal contributions for benefits.

21.6 Vacation Leave, Sick Leave, Personal Holidays, and Other Paid Leaves During Mandatory and Voluntary Furlough (Created 6/10)

(a) Employees shall continue to accrue vacation and sick leave at their current levels during the furlough period and leave earnings shall not be prorated as a result of a furlough.

(b) Employees may not substitute paid leave for a period of furlough.

21.7 Holiday Pay During Mandatory or Voluntary Furlough (Created 6/10)

(a) If an unpaid furlough day is scheduled on a holiday, then the employee will not receive holiday pay.

(b) Unpaid furlough days scheduled immediately before and/or after a holiday, but not scheduled on a holiday, shall not disqualify an employee from receiving holiday pay.

21.8 Sanctions (Created 6/10)

Employees are strictly forbidden from performing any County work while on furlough, including but not limited to checking work-related e-mail and voice mail. Employees who perform County work while on furlough may be subject to appropriate disciplinary action up to and including dismissal from employment.

21.9 Grievances (Created 6/10)

Employees may grieve a furlough under Lancaster County Personnel Rule 12.