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Responsible University Administrators:
Vice President for Business and Finance

Responsible University Office:
Human Resources

Policy Contact:
Association VP for Human Resources
humanresources@nebraska.edu

HR-02: Furlough Program

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Purpose

This program permits and defines the circumstances under which the University of Nebraska (NU) may utilize furloughs as a means by which to address significant financial or budgetary constraints. During a furlough, the employee is required to be temporarily off work without pay for a period designated by NU. Furloughs are not intended to replace or be used in lieu of reductions-in-force, the non-reappointment of employees, or terminations. The way furloughs are implemented may vary between campuses or units. In all cases, though, care must be taken to ensure that the furlough process in being implemented in a nondiscriminatory manner.

Applicability

Except as otherwise stated herein, this program applies to the following categories of NU employees: administrative, managerial/professional, office/service, post-doctoral, and graduate assistants (teaching assistants, research assistants, and program assistants).

Faculty members within the bargaining units at the University of Nebraska at Omaha and the University of Nebraska at Kearney will not be subject to furloughs except through negotiations with their union representative. Other faculty members will not be subject to furloughs. In addition, employees who are guaranteed a specific salary or wage rate, without any allowance for a modification or reduction in that salary, as part of an employment agreement or pursuant to their visa status (such as employees holding H1-B visas) may not be subject to furloughs.

While employees holding temporary appointments are subject to furloughs, the University may reduce or end their work hours or appointments at any time for any reason without notice. Student hourly and on-call employees, who are not included within this program, are similarly at-

will employees whose work hours or appointments may be reduced or terminated at any time for any reason without notice.

The temporary furloughs contemplated under this program do not alter the category or full-time equivalency (FTE) status of any affected employee.

Authority/Responsibility

The President, along with the Chancellors for each campus within the NU system, are authorized to determine whether furloughs may be implemented on a system-wide basis due to significant financial considerations. The Chancellors also are authorized to determine which units or employees on their respective campuses may be subject to furloughs but must inform the President of all such institutional-level furloughs before announcing or implementing them. Decisions impacting the salary of employees that are made pursuant to this program are not grievable under the University's grievance procedures.

Program

I. Determination of Necessity

In determining whether financial considerations warrant the use of furloughs, the President or Chancellor shall consider the following:

- a. Current or projected financial constraints;
- b. The availability and feasibility of other cost saving measures; and
- c. The disruptive effect of furloughs to the core mission of the institution as compared to other available cost saving measures.

II. Selection of Employees

The President or Chancellor may structure a furlough by either identifying specific individual employees who will be furloughed, taking into consideration the restrictions set forth above, or identifying operational areas or units that will be subject to the furlough. If an operational area of unit is to be furloughed, that operational area or unit must be clearly defined in the furlough notice.

III. Furlough Implementation

- a. A furlough cannot be less than one (1) full working day in duration unless approved by Campus Human Resource Departments. Furlough days, therefore, must be assigned only in full working day increments.
- b. Furlough days may be assigned consecutively or intermittently. Both forms of furloughs may be used on multiple occasions throughout a calendar year.

- c. The maximum length of any furlough is five (5) working days per month unless an exception is approved after consulting with the Campus Human Resource Department.
- d. As part of an intermittent or consecutive furlough, employees may be assigned specific dates to take off work or, instead, may be given an option of selecting their own dates within a specified range, subject to the advance, written approval of both their immediate and next level supervisors.
- e. A furlough may be extended. No advance notice is required to extend an intermittent furlough.
- f. A consecutive or intermittent furlough may be shortened, provided that the employee is provided at least seven (7) calendar days' advance, written notice of the need to return to work. This notice period may be shortened or waived with the consent of both the employee and NU.
- g. In each workweek in which a furlough day is taken and for which the employee's pay is accordingly reduced, an otherwise exempt employee under the Fair Labor Standards Act (FLSA) must be treated as a non-exempt employee for that workweek. The employee's hours for that workweek, therefore, must be tracked and paid in the same manner as a non-exempt employee. Unless otherwise approved in advance by the employee's immediate supervisor, the employee must not work more than expected in the remaining workdays of that week. For example, if the employee is regularly scheduled to work five eight-hour workdays each week and is required to take a furlough day during a workweek, the employee must not work more than a total of thirty-two hours during the remaining four workdays of that week. If, an exempt employee is furloughed for all five (5) workdays of that employee's regular workweek, the employee will not be paid for that week and the employee's hours do not need to be tracked.
- h. Employees may not utilize any paid leave benefits on dates that they are being furloughed.

Employment Status of Furloughed Employees

I. Continuation of Benefits

- a. To the extent permitted by law and the terms of the applicable plans, furloughed employees will continue to receive their regular insurance benefits, subject to their normal employee contributions. NU contributions to insurance benefits will continue while employees are on furlough.

- b. Both employer and employee contributions towards retirement and social security are not made for the days that an employee is on furlough.
- c. A furlough assignment shall not be considered a break in service for the purposes of calculating the employee's Continuous Employment or Continuous Service.
- d. Leave eligible employees will continue to accrue vacation and sick leave benefits at the same rate as they would have in full paid status while on furlough.

II. Access to University Property and Resources

Employees on an unpaid furlough will retain their University identification cards, email accounts, and the other rights and privileges afforded to University employees, with the exception that:

- a. Furloughed employees cannot operate a University vehicle while on furlough;
and
- b. Furloughed employees shall not perform work of any kind on behalf of NU while on furlough.

History

June 30, 2020

Approved by the President