

Policy Title: Furloughs

Type of Policy: Human Resources

Created: September __, 2020

Purpose

This policy provides the framework for implementing employee furloughs. While the University strives to maintain stable employment and business continuity, it also recognizes that there are situations that will require necessary actions to mitigate financial and other adverse conditions. Furloughs are designed to be a proportionate response to such conditions and a job preservation tool, where possible, in lieu of layoffs or other separations from employment.

Scope

This policy covers Faculty, TEAMS, USPS, Sworn Law Enforcement and Postdoctoral Associate employees, subject to any collective bargaining obligations.

Policy Statement

A furlough is a mandatory unpaid partial or full leave of absence from work. The President or designee shall consider the availability and feasibility of other cost-saving measures before implementing furloughs. If the President or designee determines that the University, or a unit of the University, is facing an actual or projected loss of funding or revenue, budget deficit, lack of work, natural disaster or other emergency, disruption to operations or a governmental/third party directive (public health orders, stop-work orders, etc.), a furlough plan may be implemented at the University, college or department level (University business and service units are included in the term “department”) in accordance with the applicable provisions of this policy, and such plan may impact all or a portion of the employees in that area based on specified criteria or justification. A furlough plan may provide for a full furlough with no work hours for a specific period of time or a partial furlough with reduced or intermittent workdays or hours for a specific period of time. Employees will be returned to their positions and assignments upon the end of a furlough unless conditions necessitate layoffs or other separations from employment.

Procedures

Colleges and departments seeking to implement a college or department furlough plan shall define the potential employee group for the purpose of assigning furloughs based on organizational structure, work location, type of work performed, funding source, operational needs, third party obligations, work availability, performance, experience, expertise, skills and competencies, state or federal requirements, ability to perform work remotely or other relevant factors related to the basis for the furlough.

Colleges and departments shall provide a furlough justification plan outlining the reasons for the furlough, employees affected, furlough schedule and pertinent information to the appropriate Vice President(s) for approval. The appropriate Vice President will forward to Human Resources for review, approval and implementation. An employee may only be furloughed during those days in which the employee is in pay status.

Prior to assignment of furloughs, colleges and departments may seek and accept volunteers for furlough. In lieu of a furlough assignment, and in consultation with UF Human Resources, colleges or

departments have the discretion to temporarily reassign employees to other available job duties. Such reassignments may not be permissible for employees who work in positions funded by contracts or grants.

Determination of furlough assignments shall be made without discrimination on any basis identified in UF Regulation 1.006 or state or federal law. The provisions of this policy shall not be used to place an employee on a furlough if the sole cause is either misconduct or performance deficiencies.

Employees on a full furlough are relieved of work duties and are not authorized to perform work during the period of furlough. To ensure compliance with this provision, the University may suspend an employee's physical or electronic access to University resources. Employees on a partial furlough may not work above the effort identified in the furlough assignment. Employees on partial furlough cannot make up the furlough time by working additional hours during the pay period. The University may change furlough conditions, including the time period, the employee's hours and days of work, and the assigned duties, upon written notice as set forth in this policy. Employees may not volunteer to continue to work in their UF positions during the assigned furlough period.

If an employee is assigned a partial furlough that involves a specific number of furlough days, a supervisor has the discretion to approve an employee-proposed plan in which furlough days occur on specific dates that are spread out over a set period of time.

Employees should ordinarily not be furloughed any more than 640 hours during any twelve (12) month time period, prorated based on the length of the employee's appointment period. If a condition listed in the Policy Statement above persists for a college or department, the college or department may present justification to the Vice President for UF Human Resources, who may approve two extensions of up to 160 hours each of furlough assignment for an employee, prorated based on length of appointment period.

Furloughs do not extend a non-renewal period. Employees shall not be furloughed if the sole basis is that they are in a non-renewal period. Employees on leave—including sabbaticals, FMLA and other forms of leave—are not exempt from furlough consideration. Probationary periods for TEAMS employees and law enforcement impacted by a furlough may be adjusted at the discretion of the unit, subject to university regulation and collective bargaining agreements as applicable.

Employees may continue engaging in approved outside activities during a furlough and may seek approval of new outside activities.

The University may implement a university-wide furlough plan if the President or designee makes the determination set forth in the Policy Statement. A university-wide furlough plan shall comply with the provisions in this policy that are not specifically directed to college and department furlough plans.

The right to grieve a furlough assignment is limited to the process described in this policy. A furlough assignment is not stayed during a grievance. Employees may not grieve a university-wide furlough.

Notice

The University shall provide employees with no less than fourteen (14) calendar days' notice regarding the initiation, modification or termination of a furlough assignment. However, the nature of the unforeseen circumstances that can trigger a need for furloughs, or their modification or termination, may not always allow for advance notice. In extraordinary circumstances, the University may provide less than fourteen (14) calendar days' notice. The University will provide the impacted employee(s) with a written explanation of the circumstances justifying the shorter notice.

A notice initiating a full furlough assignment shall include the anticipated consecutive number of hours of the furlough. A notice initiating a partial furlough shall include the anticipated number of hours of the furlough, the applicable assigned hours and days of work, the assigned duties and a statement that the employee may not work more than the assigned hours and days. Furlough notices shall include information regarding how employees may maintain their benefits during the furlough.

Employee Benefits and Contributions While on Furlough

Furloughed employees who remain in partial pay status will continue to accrue leave at the appropriate prorated amount based on the actual hours worked during the furlough period. Employees may not use accrued paid leave during a furlough.

Employee benefits will continue during a furlough. Consistent with normal practice for an unpaid leave of absence, employees shall pay the employee portion of insurance premiums out of pocket if placed on a full furlough or if a reduced-hours furlough does not generate enough income to pay the employee portion from payroll deduction. Retirement and Social Security contributions by both the employee and the University will be impacted by a furlough, as contributions are based on actual earnings.

Employees' continuous service, including for retirement purposes, length of service and hire anniversary date will not be impacted by a furlough. Employees on furlough may continue to utilize the University's Employee Assistance Program.

Authority

UF Regulation 1.017 Separations from Employment, Layoff, and Furlough (*as proposed*)

Reporting Questions or Violations

The following department, office, or individual is responsible for overseeing implementation of and assuring compliance with this policy. Any individual with questions about the policy may contact the following:

UFHR – Employee Relations

903 W. University Avenue

P.O. Box 115000

Gainesville, FL 32611

Phone: (352) 392-1072

Email: EmployeeRelations@hr.ufl.edu