

**CITY OF PORTSMOUTH
ADMINISTRATIVE POLICY #14
FEBRUARY 2009**

SUBJECT: Furlough Policy

I. DEFINITION

As used herein, the term “furlough” shall mean either placing of employees on a temporary non-duty, non-pay status or the period of time during which employees are furloughed. Furloughs may be implemented only when and to the extent authorized by City Council.

II. PURPOSE

The purpose of this policy is to establish uniform guidelines for the implementation of furloughs with the least possible disruption to the workforce or to the delivery of services to the citizens of the City.

III. PROCEDURES

Within the scope of the authority granted to the City Manager by City Council regarding furloughs:

A. *Manager’s authority.* The City Manager shall determine all furlough implementation procedures not set forth in this policy.

B. *Complete days.* Furloughs shall be only for full work days, not for partial days.

C. *Responsibility of department heads.* It shall be the responsibility of each Department Head to implement all furlough procedures that are contained in this policy or that are otherwise adopted or determined by the City Manager.

F. *Time and Attendance Records sheets.* For any week in which there is at least one furlough day, all exempt and non-exempt employees (as defined by the Fair Labor Standards Act [“FLSA”]) shall prepare and submit Time and Attendance Record sheets to their payroll clerks.

G. *Prior written notice.* All employees who are to be furloughed shall be notified in advance in writing of the beginning and ending date of each furlough period.

IV. EFFECT ON BENEFITS

A. *Continuous service.* A furlough does not constitute a break in service for the purpose of calculating retirement benefits. An employee’s continuous service date shall not be affected by any furloughs.

B. *Retirement benefits.* For the purpose of calculating retirement benefits, retirement earnings shall be reduced by the amount of unpaid furlough wages.

C. *Legal holidays.* If a legal holiday is selected as a furlough day, employees shall not receive pay for that day.

D. *Sick leave and annual leave.* If a furlough is scheduled for an authorized sick leave or annual leave day for any employee, then the employee shall not be paid for that day, but the employee shall not be charged with sick or annual leave.

E. *Employer and employee contributions to benefits.* During furloughs, the City and the employee shall continue contribute toward health, retirement and basic life insurance coverage and to any elective benefits in the same amounts as during a regular paid work period.

F. *Leave accrual rate.* Furlough days shall not reduce the accrual rate for annual leave or sick leave.

G. *Overtime.* Furlough days shall not count as FLSA “hours worked” for overtime calculations for general, non-sworn employees.

H. *Military leave.* Any employee who is on military leave shall be exempt from any furlough that is implemented while on such leave.

I. *Workers’ compensation.* Any employee who is on workers compensation shall be exempt from furlough and shall continue to receive his or her normal workers compensation benefits.

J. *Leave without pay.*

1. *Non-disciplinary status.* Leave without pay days that are non-disciplinary shall also be deemed furlough days when an employee is on leave without pay status during a furlough period, meaning that they occur concurrently. Non-disciplinary leave without pay shall not be extended because of concurrence with a furlough.

2. *Disciplinary status.* Leave without pay days that are disciplinary shall run consecutively with furlough days. Disciplinary leave without pay shall be extended by the number of furlough days.

IV. RESTRICTIONS

A. *Not to be used for discipline.* Furloughs shall not be used for disciplinary purposes.

B. *Work not permitted while on furlough.* Employees shall not perform any city work while on furlough.

C. *Limit on maximum daily hours.* For any week in which there is at least one furlough day, no employee shall work longer than his or her normal work day on any paid work day, unless authorized by the Department Head. Any person who is a Department Head or higher shall not exceed this time limitation without approval from his or her supervisor. This paragraph applies to FLSA exempt and non-exempt employees.

D. *Policy not grievable.* The implementation of this policy shall not be grievable.