



Questions & Answers Regarding
State Employee Hours of Work Reductions (Furloughs)
For 2009-2011 Biennium

Note: This document applies to Executive Branch agencies and the University of Wisconsin System

*****Please be aware that this is not an exhaustive list of furlough issues but rather answers to general frequently asked questions (FAQs) regarding furloughs based on current information. Situations and information may change which will impact these FAQs. The process/procedures for implementation of furloughs will be forthcoming in a separate document at a later date.*****

A. GENERAL QUESTIONS

A.1. What is a “furlough?”

“Furlough” is the term being used to describe the recent mandate that state employees temporarily reduce their hours of work by 64 hours/eight days each of the next two fiscal years, for a total of 128 hours/16 days over the course of the 2009-2011 biennium. These hours/days will be prorated for part-time employees, including employees in school year, seasonal, or sessional positions. For purposes of this document, the term “furlough” refers to this temporary reduction of work hours or days.

Updated
6/23/09

A.2. What authority does the State have to require furloughs?

The State’s authority to furlough employees stems from several sources, including management rights, as outlined in sections 111.90 and 111.91 of the Wisconsin Statutes; the Governor’s authority under sec. 230.34(2), Wis. Stats., permitting layoff due to lack of funds, and 230.35(5), Wis. Stats., to change office or work hours in emergency situations; and provisions in the State’s collective bargaining agreements and section ER-MRS 22.14, Wisconsin Administrative Code, allowing the State to reduce employees’ hours. In addition, Wisconsin’s furlough plan will be administered in accordance with US Department of Labor, Fair Labor Standards Act (FLSA), which establishes a national minimum wage and provides rules for overtime in certain jobs.

A.3. Why are state employees being furloughed?

The State of Wisconsin projects a \$6.6 billion deficit over the 2009-2011 biennium. Furloughing state employees over the course of the next biennium is one of the actions being implemented by the Governor to assist in decreasing state expenditures in response to this unprecedented downturn in the national and state economies.

A.4. Which state employees are affected by the furloughs?

It is intended that all state employees will be subject to furloughs.



A.5. Are there differences in how furloughs will be applied to represented and nonrepresented employees?

Represented and nonrepresented employees will be required to take the same amount of furlough hours; however, administration of the furloughs may vary between employees depending on collective bargaining agreements and agency operational needs.

A.6. Will newly hired employees be required to take furloughs?

Yes. The number of furlough hours for employees hired on or after July 1, 2009, will be prorated based on their hire date and their status as part-time or full-time.

Updated
7/15/09

A.7. Are limited term employees (LTEs) and employees with project appointments subject to the furloughs?

Yes, both LTEs and project employees are subject to furloughs. LTEs will be handled differently from those with permanent appointments. Either their hourly pay will be reduced by three percent or they will take the furlough hours as a reduction in their overall hour limit from 1043 to 1011, which represents a proportional reduction due to the half-time annual nature of an LTE appointment. Any unpaid furlough hours do not count against the total work hours available to an LTE appointment and LTEs will not record furlough hours on the DOA Central Payroll.

A.8. Are employees in positions that are funded with monies other than GPR (e.g., federal funds or grants) subject to furloughs?

It is intended that furloughs will apply to all state employees regardless of the funding source of their positions.

A.9. Are any employees or work locations exempted from these furloughs?

No, it is intended that furloughs will apply to all state employees at all locations.

A.10. When will these furloughs be implemented and when will they end?

Furloughs will be taken over the course of the 2009-2011 biennium (July 1, 2009 through June 30, 2011). The timing of when actual furlough hours are taken by employees is subject to applicable collective bargaining agreements, OSER guidelines, and each individual agency's operational needs.

A.11. How many furlough hours will employees be required to take?

Employees will be required to reduce their hours of work by 64 hours/eight days each fiscal year of the 2009-2011 biennium, for a total of 128 hours/16 days. These hours/days will be prorated for part-time employees (see Question 12, below).

A.12. Will the number of furlough hours be prorated for part-time employees?

Furlough hours will be prorated for part-time employees, including employees in school year, seasonal, or sessional positions.



A.13. Will agencies be permitted to terminate LTEs and project employees in order to avoid implementing furloughs for permanent employees?

No, the furloughs will take place regardless of whether any layoffs are necessary. However, LTEs and project employees are subject to a reduction in their work hours to the same extent as permanent state employees.

A.14. Will furloughs take into consideration that employees may have spouses who are also state employees in order to minimize the financial impact on families?

Furloughs apply equally to each state employee. There is no waiver of this requirement for households with more than one state employee.

New
6/23/09

A.15. What are the parameters an agency must follow when defining the scope of the furlough?

OSER will issue furlough guidelines to state agencies the week of June 22, 2009. The OSER guidelines will take into consideration the Fair Labor Standards Act, state employee collective bargaining agreements, and other relevant statutes or administrative code, and will provide the parameters agencies must follow when developing their individual furlough plans. While individual agency furlough plans must be developed in accordance with the OSER guidelines, they will also take agency operational needs into consideration. Agency furlough plans must be approved by OSER prior to implementation.

New
6/23/09

A.16. What level of the agency will be responsible for scheduling of furlough days?

The responsibility for scheduling of furlough days will be determined by each individual agency and included in their furlough plan, as approved by OSER.

New
6/23/09

A.17. Since the month of July is a three pay check month, may staff work and choose to have the third check only include pay for one week?

No. Federal minimum wage law requires that employees receive at least minimum wage for all hours worked.

New
6/23/09

A.18. May furloughs be started prior to July 5? Some staff want to take 2.5 hours per pay period to get to the annually required 64 hours.

No. Furlough days will be scheduled in accordance with agency furlough plans and depends on an employee's status under the Fair Labor Standards Act, applicable collective bargaining agreement, and agency operational needs.



Updated
10/16/09

A. 19. What are the maximum number of hours an employee may be furloughed in one day (e.g., if an employee is scheduled to work 10-hour days, may the employee be furloughed 10 hours at one time)?

New
6/23/09

Generally, eight hours is the maximum number of hours in a furlough day. Employees with work schedules that exceed eight-hours in a work day need to account for the remaining hours on that day by taking personal leave, either unpaid or paid (excluding sick leave, unless otherwise eligible), making up the additional hours (as scheduled by the Employer), or requesting a schedule change for the week of the furlough (as approved by the Employer) to work eight-hour days. In addition, under MOUs reached with some bargaining units, with agency approval and subject to the agency's furlough plan, such employees may claim more than eight hours of furlough in one day as long as there is no unemployment insurance liability.

New
6/23/09

A.20. Is there a minimum number of hours that will be allowed to be taken at one time?

The minimum number of hours that employees will be allowed to take at one time will be included in individual agency furlough plans and based on agency operational needs. See Question A.15. regarding development of agency furlough plans.



Updated
10/16/09

New
7/15/09

A.21. What are the options agencies may consider when developing their furlough plans?

Pursuant to OSER-issued Guidelines, agencies may consider the following four options when developing their individual furlough plans. Note that agencies will implement furloughs for represented employees either according to agreements OSER established with unions or under existing contract language. Some options may not be available for employees in certain bargaining units if no MOU is reached addressing contract limitations.

1. Option 1 – Designation of Specific Days for Furlough. OSER has designated four days for furlough each fiscal year when agencies will close offices for business, where operational needs permit doing so. Agencies, with OSER approval, may designate additional days in order to meet operational needs. OSER-designated furlough days are:
 - Monday, October 12, 2009, Columbus Day
 - Friday, November 27, 2009, Day after Thanksgiving
 - Monday, February 15, 2010, Presidents' Day
 - Friday, May 28, 2010, Friday before Memorial Day
 - Monday, October 11, 2010, Columbus Day
 - Friday, November 26, 2010, Day after Thanksgiving
 - Monday, February 21, 2011, Presidents' Day
 - Friday, May 27, 2011, Friday before Memorial Day
2. Option 2 – Uniform Reduction in Salary and Administration of New Flexible Furlough Days. Employees' gross wages (inclusive of add-ons but exclusive of overtime and differential pay) will be reduced a determined percentage each pay period over the next two fiscal years and eight flexible furlough days will be created each fiscal year that employees may then schedule, with supervisory approval and subject to agency furlough plans. Note: Some agencies have designated all furlough days for each fiscal year, therefore, employees' furlough days under this Option must be taken on those days.
3. Option 3 – Uniform Reduction in Work Hours. The current 40 hour work week will be reduced a determined number of hours each week over the next two fiscal years. This could be accomplished either through a permanent shortening of office hours or staggering start and stop times for employees. This Option is possible under current contract language at Article 8/4/1.
4. Option 4 – Flexibility in Determination of Furlough Days and Hours. The agency, with OSER approval, will designate certain days for furlough based on specific operational needs, such as closing offices/sections the same day each month. The agencies could also work with employees to approve furlough plans, within OSER guidelines and subject to the agency's furlough plan, on a case by case basis.



New
7/15/09

A.22. How are the furlough days treated for purposes of overtime?

All furlough days, e.g., both code 64 and code 65 on PTAWeb, are excluded from the calculation of hours in pay status for purposes of overtime.

New
7/15/09

A.23. How will furloughs be scheduled around holidays?

See Question A.21. for a list of designated furlough days. The remaining four furlough days each fiscal year will be scheduled in accordance with agency furlough plans and pursuant to the Fair Labor Standards Act, applicable collective bargaining agreements, and other related statutes and administrative code.

New
7/15/09

A.24. Do the furlough days have to be taken yearly or can they be carried over?

Eight furlough days must be taken each fiscal year, four of which will be designated (see Question A.21.).

New
10/16/09

A.25. What happens when an employee transfers to an agency that has designated all the furlough days under their furlough plan and the employee has already taken all their required furlough days for that fiscal year while employed at their former agency?

The employee will have to work or use personal leave time on the designated furlough days at their new agency.



The University of Wisconsin System Administration provided the following three answers in response to questions regarding furloughing of employees in positions funded with non-state dollars. The same answers, however, also apply to employees in other state agencies in similar circumstances.

- New
6/23/09
- A. UW-1 Will federal agencies object to the furloughs of employees whose positions are funded with non-state money, e.g., federal dollars, grants, or gifts?**
We are unsure if all federal agencies will have a consistent response to mandated furloughs. Funding agencies and donors expect institutions to have policies in place regarding the payment of salary and wages for employees which are consistently applied regardless of the source of funds and that reflect no more than the percentage of time actually devoted to the project. Since the State of Wisconsin has the legal authority to impose furloughs on employees, funding agencies and donors would not have a basis to object to such a policy as long as the policy does not violate the terms and conditions of the grant/contract/gift and all funds remain available for applicable grant/contract/gift activities.
- New
6/23/09
- A. UW-2 Will the State take the grant/contract/gift money that is saved through furloughs?**
No, the State is not asking for these funds nor could the University legally give that money to the State if they asked.
- New
6/23/09
- A. UW-3 What will happen to that money? Will the University be required to return it to the funding agencies or donors?**
Not likely. Most funding agencies and donors provide the University the flexibility to adjust budgets to use the money saved from furloughs in other ways, e.g., additional student support, supplies, or even to extend the period of the grant. In those situations where the University does not have that flexibility, the University will need to request permission from the funding agency or donor.



B. WORK SCHEDULE QUESTIONS

B.1. What flexibility will be provided in determining how to schedule the furlough hours (16 days) over the course of the biennium?

State agencies will have flexibility in determining how their respective employees will reduce their hours or take full days, pursuant to guidelines issued by OSER and DOA and in accordance with applicable collective bargaining agreements. These guidelines will be issued shortly.

Updated
6/23/09

B.2. Will employees have flexibility in determining furlough days?

Each agency will establish a plan, within OSER guidelines, for scheduling furlough days and these plans *may* afford employees some flexibility in scheduling furlough days. Agency plans will take into consideration an employee's status under the Fair Labor Standards Act, applicable collective bargaining agreements, and agency operational needs. The OSER guidelines will be distributed to agencies the week of June 22, 2009.

B.3. Will employees be able to offset their loss of pay due to furlough by working additional hours?

No. Making up furlough days does not achieve the cash savings expected through use of furloughs. It is possible that agency operational needs will require some employees to work overtime, consistent with current agency practices. However, overtime will not be permitted if it is for the sole purpose of making up for furlough hours.

B.4. May an employee volunteer to take additional furlough time or reduce her/his schedule to part-time in order to assume some or all of another employee's furlough time?

No.

B.5. May an agency consider legal holidays as furlough days for LTEs since they are not paid for these days anyway?

No.

B.6. If an employee works for two different agencies, how should they be furloughed?

The required furlough hours will be prorated between the agencies.

B.7. If an agency provides several options to employees for scheduling furlough hours, what determines which employees have first choice of options?

An agency's operational needs must be considered first. For represented employees, relevant provisions of applicable collective bargaining agreements must be followed.



- New
6/23/09
- B.8. Will requests for furlough days be subject to minimum staffing guidelines?**
Furlough days will be scheduled in accordance with individual agency furlough plans which will take agency operational needs, including minimum staffing requirements, into consideration.
- Updated 10/16/09**
- New
6/23/09
- B.9. May employees take a furlough day on a legal holiday?**
No. Pursuant to collective bargaining agreements and statutes, certain holidays are designated as *paid* legal holidays, therefore, they would not qualify as a furlough day.
- Updated 10/16/09**
- B.10. May employees take a furlough day before or after a legal holiday?**
Furlough days will be scheduled in accordance with agency furlough plans. Please note that an employee must either work on the holiday or be in pay status the last scheduled work day before or the first scheduled work day after a holiday in order to receive pay for that holiday. The employee does not need to be in pay status for the entire day before or after the holiday in order to qualify for the holiday. Furlough days, e.g., either code 64 or code 65 on PTAWeb, are not considered as days in pay status when determining eligibility for pay on a legal holiday.
- New
6/23/09
- B.11. If an employee is on a compressed work schedule, may they schedule their furlough day on a day that is an unscheduled work day?**
No.
- Updated 10/16/09**
- New
7/15/09
- B.12. How many furlough days may an employee take consecutively?**
Generally, one eight-hour day per week, however, this may vary for represented employees in a bargaining unit under a signed furlough MOU, subject to supervisory approval and so long as there is no unemployment insurance liability. Regardless, the number of consecutive furlough days an employee may take is always subject to the agency's furlough plan.

C. COMPENSATION QUESTIONS

- C.1. If an employee is receiving differential pay, e.g., on-call or beeper pay, may s/he give up that pay in lieu of the required furlough time?**
No.
- New
6/23/09
- C.2. May an employee receive differential pay, e.g., on-call, standby or beeper pay, on a furlough day?**
Yes, however, if the employee is actually called back to work or is paid for calls s/he receives, those paid work hours may not be counted towards the employee's required furlough hours.



D. LEAVE QUESTIONS

- D.1. Will furloughs affect accrual of employees' leave benefits?**
Accrual of vacation, sick leave, and personal and legal holidays will not be affected by furloughs for state employees.
- D.2. May employees substitute paid leave during periods when furloughs are taken?**
No, employees may not use vacation, sick leave, personal or legal holiday, compensatory or professional development time, or any other type of paid leave during furlough periods.
- Updated 10/16/09** **D.3. How do furloughs affect employees' already scheduled paid leave days?**
Unless a designated furlough day falls within the scheduled leave period, furloughs will not necessarily affect already scheduled paid leave. Approval of employee leave and furlough requests will be subject to applicable collective bargaining agreements, OSER guidelines, and each individual agency's operational needs.
- D.4. May an employee use furlough time in conjunction with scheduled vacation?**
This question will be addressed in the guidelines that will be issued by OSER and DOA.
- Updated 10/16/09** **D.5. Will there be any additional flexibility in allowance for vacation carry-over?**
Current provisions covering carryover of annual leave will continue to apply except for employees represented by SEIU whose MOU authorizes them to carry over 40 hours of vacation for this biennium instead of the 16 provided under the collective bargaining agreement.
- D.6. May an employee substitute a furlough day instead of a sick day?**
This question will be addressed in the guidelines that will be issued by OSER and DOA.
- D.7. If an employee is on jury duty, may s/he substitute furlough time for that day?**
This question will be addressed in the guidelines that will be issued by OSER and DOA.
- D.8. How do furloughs affect employees who are using donated leave under a Catastrophic Leave Program?**
Employees using donated leave under a Catastrophic Leave Program will still be required to take the mandatory furlough time each fiscal year.
- D.9. May employees forfeit other paid leave, for example, vacation or sabbatical, instead of taking the furlough hours?**
No, forfeiting other paid leave does not achieve the cash savings expected through use of furloughs.
- D.10. May an employee count an unpaid suspension day imposed for disciplinary reasons as a furlough day?**
No.



New
6/15/09

D.11. How will furloughs affect employees on paid administrative leave?

An employee on paid administrative leave is subject to the required eight furlough days per fiscal year.

New
6/15/09

D.12. Will furloughs affect employees' ability to cash-out annual leave at the end of the calendar year?

Current provisions covering annual leave options will continue to apply.

New
7/15/09

D.13. May an employee choose to take the leave reductions equivalent to the total 16 days in one fiscal year?

No. Agency budgets were reduced on a fiscal year dollars basis, therefore, furlough days must be scheduled eight days in each fiscal year.

Updated
10/16/09

D.14. How will furloughs affect employees on a leave of absence, e.g., FMLA or medical leave?

Employees on unpaid leaves of absence (excluding military leave) may be able to charge up to 64 hours per fiscal year of that leave to furlough. When planning the number of furlough hours to charge during the leave of absence, agencies and employees need to keep in mind the timing of the four OSER-designated furlough days, as well as agency-designated furlough days, and whether these will occur during the employee's leave of absence or after s/he returns to work. During the period that the employee is both unavailable for work and the leave is unpaid, the furlough hours per week may total up to the employee's budgeted FTE. See Questions D.15. and D.16. regarding other types of leaves.

New
7/15/09

D.15. How will furloughs affect employees on a military leave of absence?

Employees on military leave for active duty (excluding annual military leave) are not subject to furloughs. Employees who have been on active duty and return to their state position will have their furlough days prorated for their remaining furlough obligation.

New
10/16/09

D.16. How will furloughs affect employees on Workers Compensation, Income Continuation Insurance, and s. 230.36 (Hazardous Duty) benefits?

Employees on Workers Compensation, Income Continuation Insurance, or s. 230.36 (Hazardous Duty) benefits are not subject to furloughs until they return to work. Employees will have their furlough days prorated for their remaining furlough obligation when they return to work in their state position.

New
10/16/09

D.18. FLSA exempt employees will become FLSA non-exempt during a week they take a furlough day. Will leave balances for these employees need to be adjusted on those weeks that they become FLSA non-exempt?

No.



E. BENEFIT QUESTIONS

Updated
6/23/09

E.1. Is health insurance affected by the furloughs? Does it affect full-time vs. part-time employees differently?

Generally, no. Under state law, eligibility of a state employee for health insurance contributions from the State is based on the full-time equivalency (FTE) of the position to which one is appointed, not on the actual number of hours worked.

E.2. Is life insurance affected by the furloughs? Does it affect full-time vs. part-time employees differently?

Furloughs will have little to no impact on life insurance. Coverage is based on the prior year's earnings and the amount of coverage does not decrease even if earnings decrease in future years. It should be noted that if employees choose to cancel any coverage because of perceived financial hardship, they will have to submit evidence of insurability to regain dropped coverage. If employees have questions, they should contact their agency human resources office or the Department of Employee Trust Funds.

E.3. May employees stop or change their health insurance or life insurance?

It is not recommended that employees stop or change their health or life insurance benefits due to the potential negative consequences of doing so. However, if an employee does stop coverage, s/he would have no other option to reinstate coverage except as provided via evidence of insurability for the life insurance plan and via the Standard Plan with a 180-day waiting period for health insurance. If employees have questions, they should contact their agency human resources office or the Department of Employee Trust Funds.

E.4. Is an employee's seniority date (adjusted continuous service date) affected by the furloughs?

Furloughs do not constitute a break in service, therefore, there will be no adjustment to an employee's seniority date.

E.5. Will early retirement incentives be offered?

No, there are no plans to offer early retirement incentives.

New
6/15/09

E.6. Is income continuation insurance affected by the furloughs? Does it affect full-time vs. part-time employees differently?

Income Continuation Insurance (ICI) may be affected by the furloughs. Benefits are based on earnings (or projected earnings in some circumstances), therefore, reduced hours equals reduced earnings which may reduce an employee's ICI benefit.

Assuming that part-time employees take a prorated reduction in hours under the furloughs, their ICI benefits may be affected in the same way.



New
6/15/09

E.7. May employees stop or change their Employee Reimbursement Accounts?

No, because intermittent unpaid leave due to furloughs does not qualify as a change in status event for the Employee Reimbursement Account (ERA) program. There must be a significant change in employment status, such as an extended leave of absence without pay for 30 consecutive days or more, before it qualifies as a change in status event.

New
6/15/09

E.8. If an employee currently participates in the Wisconsin Deferred Compensation program, may the employee stop the deduction due to the required furloughs?

Yes, employees may stop or reduce Wisconsin Deferred Compensation (WDC) program contributions at any time during the year but should carefully consider the potential tax consequences of doing so. Employees may contact representatives of the WDC program at 1-877-457-9327, Monday through Friday, 7:00 a.m. – 7:00 p.m., to discuss options and/or change deferrals.

Updated
10/16/09

E.9. If an employee is planning on retiring in 2010, how many furlough days will s/he be required to take?

Furlough days for employees planning to retire during one of the next two fiscal years will be prorated based on the employee's last day of work, i.e., this calculation does not include paid leave taken to extend the employee's retirement date.

New
6/23/09

E.10. Will I be able to collect Unemployment Insurance (UI) benefits in recognition of my furlough days?

The UI law and related policies are often difficult to interpret and apply to broad questions such as this. Individual inquiries about filing for benefits, individual claims, and related issues should first be explored on the UI web page at: <http://dwd.wisconsin.gov/uiben/>

New
6/23/09

E.11. If I am eligible for UI benefits, are my lost wages from being furloughed fully replaced?

UI benefits never fully replace lost wages. The formula used to determine weekly UI benefits is based upon a determination of base period earnings and a wage formula applied to individual work weeks. There are also other factors that can affect the determination which can vary from individual to individual.

New
6/23/09

E.12. If I am determined to be eligible for UI benefits, how much money can I expect?

Assuming a full-time, 40-hour per week employee, the minimum weekly benefit is \$54.00 and the maximum weekly benefit is \$363.00. The amount actually received will vary depending on the determination of each individual's base period earnings and application of a wage formula to individual work weeks.



New
6/23/09

- E.13. Will everyone who is furloughed automatically qualify for UI benefits?**
No, depending on how furlough days are scheduled, the impact of individual furlough days, or partial furlough days, on wages for any given workweek will usually be insufficient to trigger UI benefit eligibility for the individual workweek in which the furlough occurs.

New
6/23/09

- E.14. May I enhance my flexibility in scheduling furlough days by telling my Employer I am not applying for UI benefits?**
No. Agencies will not enter into side agreements with employees regarding their application or non-application for UI benefits.

New
7/15/09

- E.15. How will furloughs affect employees' WRS earnings and creditable service?**
Agencies will be reporting earnings and service for WRS purposes as if the furloughs did not occur, therefore, there will be no effect on employees' WRS earnings or creditable service.

New
10/16/09

- E.16. May I use a furlough day on my last day of work if I'm resigning or retiring?**
No, because your last day of work is your last day in pay status and a furlough day is not considered a day "in pay status."

New
10/16/09

- E.17. Will the sick leave conversion rate for payment of health insurance premiums at retirement or layoff be affected by the furloughs?**
No, because the furloughs do not affect an individual's base pay rate.

New
10/16/09

- E.18. If I am collecting Temporary Total Disability benefits (TTD) through worker's compensation when a mandatory furlough day is scheduled, will my TTD for that day be withheld?**
No. Chapter 102.43 of the Wisconsin Worker's Compensation Act states: "If an injury causes disability indemnity shall be due....." TTD cannot be withheld because of a mandatory furlough day, however, you will have to schedule any remaining furlough day upon your return to work, subject to your agency's furlough plan.

New
10/16/09

- E.19. If I am back to work following my work injury working restricted/fewer hours (based on the restrictions set forth by my doctor) when a mandatory furlough day is scheduled, will I still be paid Temporary Partial Disability (TPD)?**
Yes. For example, if you are only able to work four hours instead of your regular eight hours due to your work injury restrictions and a mandatory furlough day is scheduled, you will take four hours of furlough and receive TPD for the remaining four hours. You will need to take the remaining four hours of furlough at a time agreed upon with your supervisor, subject to your agency's furlough plan.



- Updated 10/20/09** E.20. **What happens if I am collecting worker's compensation for an extended period of time? How will the state enforce taking the eight required furlough days in the fiscal year?**
Taking furlough days is mandatory. You will need to take the appropriate pro-rated portion of furlough days, in accordance with your agency furlough plan, when you return to work.
- New 10/16/09** E.21. **If the State reduces my overall earnings to adjust for furlough days and then I'm injured and paid through worker's compensation, what hourly rate will be used to calculate my worker's compensation benefits? In other words, how will my average weekly wage and TTD/TPD be calculated?**
Your TTD and TPD will continue to be calculated based on 66-2/3 of your hourly rate times 40 hours (or the number of hours for which you were normally scheduled) or your average weekly wage using the 52 weeks prior to the date of loss. Furloughs do not affect your hourly rate.
- New 10/16/09** E.22. **If I'm receiving TTD through worker's compensation, I usually use sick leave to supplement my TTD by taking sick leave. May I opt to not use the sick leave credits and instead count this toward my furlough requirements?**
You will not be allowed to use sick leave credits to supplement your TTD on a furlough day. Whether or not you apply this time to your furlough requirement will be up to your employing agency and subject to your agency's furlough plan.
- New 10/16/09** E.23. **If I am on an extended medical leave, using sick leave credits and taking furlough time, will the furlough hours be factored into the calculation when considering restoration of sick leave credits under Supplemental Health Insurance Conversion Credits (SHICC) provisions?**
Furlough time taken during extended use of sick leave could affect an employee's eligibility under SHICC provisions to restore 500 hours of sick leave credits used for a personal illness or injury that occurs during the three years prior to retirement. For example, an employee uses 475 hours of sick leave related to personal illness that occurs during the three years prior to retirement. During this period, the employee also used 32 furlough hours in place of four days of sick leave. If not for furlough days taken, this employee would have used 507 hours of sick leave (475 sick leave hours plus 32 furlough hours). However, because SHICC sick leave restoration eligibility requirements dictate an employee must use at least 500 hours of sick leave, this employee is not eligible to have sick leave restored for SHICC purposes.



F. PAYROLL QUESTIONS

Updated
7/15/09

F.1. Will a special leave code be developed to track the reduced hours through payroll?

For agencies on Central Payroll, leave codes have been developed specifically for tracking furlough hours. Code 64 is to be used for unpaid furlough days taken under Options #1 and #4. Code 65 is to be used for furlough days taken under Option #2, i.e., in conjunction with a reduced salary. (See Question A.21. for an explanation of the furlough options available to agencies when developing their individual furlough plans.)

The University of Wisconsin System will also have a tracking system in place.

F.2. Whose responsibility will it be to monitor employees' time to ensure the required furlough time is taken?

For agencies on Central Payroll, reports will be generated tracking furlough hours. The UW is also planning to track furlough hours taken. Guidelines for supervisors will be developed.

New
6/15/09

F.3. How will furloughs affect child or spousal support payments, garnishments and/or tax levies being deducted from an employee's paycheck?

The process will not change with the implementation of furloughs. Orders for child/spousal support, garnishments, and tax levy deductions will continue to be enforced consistent with the directions from the Court or other authority issuing wage claim. Deduction amounts may be affected if the employee's disposable earnings as defined in the order are reduced and the deduction is calculated as a percentage of disposable earnings or is a fixed amount but limited to a specified percentage of disposable earnings.

New
6/15/09

F.4. If an employee donated to State Employees Combined Campaign (SECC), may the employee reduce or stop the deduction due to the required furloughs?

Updated
6/23/09

Donations to SECC are voluntary and may be reduced or discontinued upon written notice to the employing agency's payroll & benefits office.

New
6/15/09

F.5. May represented employees discontinue the deduction of union dues from their paychecks?

If Fair Share or Maintenance of Membership dues are required, the deduction cannot be stopped. Refer to the applicable collective bargaining agreement for specific dues information.

New
6/15/09

F.6. How will weekend and night differentials be affected during the furlough periods? May employees continue to work these hours during furlough?

Employees who are eligible for differentials and who report hours that fall into night or weekend periods will be paid the corresponding differential pay. The degree of flexibility in determining when to reduce hours will be based on agency operational needs and pursuant to guidelines issued by OSER.



New
6/23/09

F.7. May employees take the furlough as a payroll deduction over the year, e.g., 64 hours deducted evenly over 26 pay periods?

Furloughs must be scheduled in accordance with agency furlough plans, taking into consideration the employee's status under the Fair Labor Standards Act and applicable collective bargaining agreement. For employees represented by a collective bargaining agreement, current contract language does not allow for a payroll deduction over 26 pay periods.

New
10/16/09

F.8. What are the beginning and ending pay period dates associated with each of the fiscal years in this biennium?

State fiscal year 2009: The first pay period began on 6/21/09 and the last pay period will end on 6/19/10.

State fiscal year 2011: The first pay period begins on 6/20/10 and the last pay period ends on 6/18/2011.