

BOARD POLICY – SECTION NUMBER 07.23.00.00:

SUBJECT: FURLOUGH ADMINISTRATION

EFFECTIVE DATE: December 16, 2009

SUPERSEDES: NEW

PURPOSE AND POLICY

It is the Hillsborough County Board of County Commissioners (“BOCC”) policy to administer any furlough days it designates for Commissioners’ Aides (hereinafter “employees”) in accordance with this policy to provide guidance for the consistent and equitable implementation of designated furlough days.

I. Definitions

- A. Alternate Furlough Day – Any single day off without pay, during the furlough pay-period, taken in place of a designated Furlough Day. Alternate Furlough Days shall be designated by the employee’s Commissioner, must be taken on a day the employee would otherwise be scheduled to work, and shall only be authorized when the employee is required by his or her Commissioner to work on a designated furlough day (this would be a rare occurrence).

- B. Alternate Furlough Hours - Any time off without pay taken over a number of days in place of a designated Furlough Day or an Alternate Furlough Day. Alternate Furlough Hours shall only be authorized when operational necessities do not allow for a single Alternate Furlough Day to be taken. Alternative Furlough Hours must be designated by the employee’s Commissioner and should be taken in the same pay-period as the designated Furlough Day. The total number of Alternate Furlough Hours taken during a Furlough Pay-Period must equal the number of furlough hours the employee would have taken had the employee been required to observe the designated Furlough Day. Alternative Furlough Hours shall only be authorized when the employee is required by his or her Commissioner to work on a designated Furlough Day (this would be a rare occurrence).

- C. Budget Furlough - Mandatory, unpaid leave from work for a designated group of employees for a specified period of time due to budget reductions.

**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

- D. FLSA-Exempt Employee - An employee designated by his or her Commissioner as being employed in a bona fide executive, administrative, or professional capacity, as defined by the Fair Labor Standards Act (FLSA), and who is therefore exempt from the overtime pay and the minimum hourly wage requirements of the FLSA.
- E. Furlough Day - A day designated by the BOCC as a mandatory, unpaid leave day for designated employees.
- F. Furlough-Required Employee - Any employee who is required to take a Furlough Day or to make up a designated Furlough Day with an Alternate Furlough Day or Alternate Furlough Hours. All Commissioners' Aides are considered Furlough-Required Employees.
- G. Furlough Pay-Period - Any pay-period in which there is a designated Furlough Day.
- H. Furlough Workweek - Any workweek in which there is a designated Furlough Day or in which an individual employee takes an approved Alternate Furlough Day or approved Alternate Furlough Hours.
- I. Hourly Employee - An employee who is entitled to be paid for all actual hours worked. Hourly employees are compensated at their regular hourly rate for all hours worked up to forty (40) hours in the workweek and at the overtime hourly rate of one and one-half times the regular rate for all hours worked in excess of forty hours (40) in the workweek.
- J. Workweek - means a fixed and regularly recurring period of 168 hours during seven consecutive twenty-four hour periods. For Commissioners' Aides, an employee's typical workweek begins at 12:00 a.m. on Sunday and continues for the next 168 hours through Saturday, unless otherwise designated in writing by the BOCC.

II. Policy

From time to time, it may be necessary for the BOCC to implement a furlough usually in conjunction with a furlough administered by the Office of the County Administrator. A furlough is unpaid, mandatory leave from work for a specified period of time due to budget shortfalls or reductions. This policy governs the implementation and administration of budget furloughs for Commissioners' Aides. The BOCC retains authority to resolve any furlough issue not clearly addressed by this policy. Advance notification of an impending furlough shall be provided to Commissioners' Aides in writing where practicable; however, any reasonable notice is permissible such as sending of an email over the County email system. On designated furlough days BOCC offices shall be closed for business and to furlough-required employees. Exceptions to

**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

office closures shall be approved by individual Commissioners. Employees who violate furlough-related rules and procedures, including any provision of this policy, shall be subject to discipline up to and including termination of employment.

All Commissioners' Aides are considered to be furlough-required employees and they are strictly prohibited from performing work for the County on designated furlough days. Such prohibited work includes, but is not limited to, being physically present at the County worksite, taking "working lunches," telecommuting, performing work from home or via the internet or portal, and any work conducted via telephone, mobile phone, or Personal Data Assistant (PDA). Furlough-required employees are strictly prohibited from performing work on a "volunteer" basis (i.e., without receiving compensation) on a furlough day or in lieu of taking a furlough day.

Furlough-required employees may not use their leave accruals during furlough days. Commissioners' Aides who are required by their respective Commissioners to work on a furlough day are required to "make up" the furlough day with an alternate furlough day or alternate furlough hours. This should be done during the same pay period containing the furlough day and in accordance with the provisions of this policy. The total number of alternate furlough hours taken must equal the number of furlough hours the employee would have taken had the employee observed the designated furlough day. Alternate furlough days or alternate furlough hours shall only be authorized when the furlough required employee was required by his or her Commissioner to work on a designated furlough day or when the employee's regularly scheduled day off falls on a designated furlough day.

FLSA-Exempt Employees

Commissioners' Aides are FLSA-exempt employees. As such, Commissioners' Aides shall be converted to "hourly" status (*See Attachment #1*) during furlough work-weeks and shall therefore be governed by the FLSA's overtime and minimum wage rules for hourly employees during the furlough workweek. FLSA-exempt employees who are furlough-required are subject to the same furlough-related rules, policies, and procedures as hourly employees. During any workweeks in which FLSA-exempt employees experience a furlough day or hours, they are required to track and report all hours worked. Any hours worked in excess of scheduled work hours must be pre-approved by the employee's Commissioner in accordance with all provisions of this policy related to furlough workweeks. During a week in which a furlough occurs: Commissioners' Aides will be converted to hourly employees and scheduled to work 32 hours or less. Any time worked in excess of 32 hours must be pre-approved in writing by the employee's Commissioner. Hours between 32 and 40 are paid at straight time. Hours over 40 are paid at time and one-half. Commissioners' Aides shall be provided and required to sign the notice attached to this policy as Attachment 1.

Approved By: Board of County Commissioners
Approval Date: December 16, 2009

**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

ATTACHMENT 1

Form Letter: To: FLSA-Exempt Employees Converting To Hourly

To: _____ (Commissioner's Aide)
From: _____ (Commissioner)
Subject: Furlough Days

In response to the 2009 budget crisis, the Board of County Commissioners has decided to institute unpaid furlough days. The unpaid furlough days are as follows:

For FY ###/###: **Insert dates here**

You occupy a position which is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA-exempt). As such, rules associated with hourly employees do not typically apply to you. However, during those weeks containing furlough days, you will be converted to hourly employee status. As a result, you will fall under all rules associated with the management of hourly employees. These rules include:

1) Employees may not perform County work while on a mandated furlough leave day or work any additional hours during the workweek to make up for the mandated furlough leave time. Under the Fair Labor Standards Act (FLSA) furlough days or hours will not count as hours worked towards the overtime threshold. FLSA exempt employees may not work time in excess of 32 hours for the workweeks that contain a mandated furlough day to prevent the loss of effect of the furloughed day, unless you receive written permission from me. FLSA exempt employees must record the days and hours they worked and the days and hours they did not work during pay periods including a mandatory leave day. With approval from me, you can request to take additional unpaid leave beyond the established mandatory leave days. FLSA-exempt employees must request to take voluntary unpaid leave in full workweek increments. However, unpaid leave days should not be granted if it will result in the need for another employee to work overtime to perform the duties that would otherwise be completed by the employee taking the unpaid leave day(s) or otherwise result in net loss of BOCC revenue. During a furlough week, you may not perform work outside standard working hours. You may not work online or by telephone. You must subscribe to the normal starting and ending times as established by me. Failure to do so may subject you to discipline, up to and including termination, for failure to follow these directives. You will be eligible for overtime payment if you work in excess of 40 hours in a week during which you are an hourly employee but you must receive prior written approval to work overtime by me. The earning of overtime or compensatory time accrual for FLSA-exempt staff converted to hourly during furlough affected weeks will only be approved in very rare and unusual circumstances.

2) Once you are converted to hourly status, it is required that you be managed as an hourly employee. During a week in which a furlough day occurs: Specific starting,

**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

ending and meal periods apply the same as for any hourly employee. Rest periods (coffee breaks) apply as for any other hourly employee. During a week in which a furlough occurs: FLSA-exempt employees will be converted to hourly employees and scheduled to work 32 hours or less. Any time worked in excess of 32 hours must be pre-approved in writing by me. Hours between 32 and 40 are paid at straight time. Hours over 40 are paid at time and one-half. You are directed not to work through lunch, telecommute, work on Blackberries, the internet, or take work-related calls which are more than five minutes in length after hours or on a furlough day.

You will not receive separate notices each furlough week that you have been converted to an hourly status. This memorandum will serve as your notification for each of the furlough weeks. Please contact me if you need any more detailed information. In general terms, FLSA-exempt employees are expected to work the number of hours required by their position. Therefore, the County acknowledges and recognizes that as a result of the shut-downs due to furlough, less work will be performed and that certain delays and/or reductions in service may result. Work expectations shall be commensurate with the reduced schedule.

If you have any questions concerning your assignments or work arrangements, please contact me. If you have any questions concerning furlough administration, please contact me.

Acknowledgement of Receipt and Understanding: **(Please return this original form after your signature below to me)**

I _____ (Printed name of employee) acknowledge receipt of a copy of this letter and do hereby certify to my understanding of and agreement to abide by the terms of the furlough and my hourly (opposed to salary) employment status during weeks in which I am furloughed. I understand I will not be allowed to work more than 40 hours minus the furloughed hours in any week in which I am furloughed without the written authority of the Commissioner for whom I work.

Signature of Salaried Employee HRIS # Date