

Title: Furlough and Layoff Procedures	Procedure Number: 6-R	Page 1 of 4
Board Policy or Policies: 2.6 (College President), 6.12 (At-will Status), 6.28 (Reductions in Force)	Adopted by: Carrie Besnette Hauser, President Date of Last Revision: April 23, 2020	

Section 1: Furlough

1.1 Procedure Overview and Purpose

The purpose of this procedure is to establish guidelines for mandatory furlough and/or layoff procedures. This procedure would only be used during situations of severe budget shortfalls, prolonged operational interruptions, or other similarly serious circumstances as identified by the College President.

1.2 Scope and Applicability

All employees, as determined by the President, except for Adjunct Faculty Members and temporary employees, may be required to take one or more days of leave without pay pursuant to this procedure. Required leave may be periodic, such as one day per week, or for a fixed duration of time, such as a 90-day leave. For purposes of this procedure, a furlough shall be defined as an unpaid leave of absence from work for a specified period of time.

1.3 Procedure Statement

In the event of a significant event that disrupts college operations, the President may determine that it is in the best interests of the College to implement a mandatory furlough program under the terms described in this procedure. The President is authorized to determine the scope of the furlough (i.e., number of days and positions affected) that are required to address a disruption in college operations. The President shall coordinate with campus vice presidents and functional area leaders to create a collegewide furlough plan, including the positions affected. This plan shall be shared with the College Council and the Board of Trustees prior to implementation.

1.4 Statement of Accountability and Responsibility

The President, operating through the Chief of Staff and Department of Human Resources, shall be responsible for enforcing college procedures related to mandatory furloughs. Human Resources shall work with the different campuses, departments and offices to comply with this procedure and develop procedures that will ensure fidelity in enforcement.

The college recognizes that conditions may arise that necessitate the use of mandatory furloughs. This procedure will be applicable to all faculty and staff, as determined by the President. This procedure sets forth the general guidelines that will guide the implementation of mandatory furlough.

1.5 Definitions

Furlough leave occurs when selected college personnel are placed into a temporary, no-duty, non-pay status. Furlough leaves are different from layoffs in that impacted employees continue to be recognized as college employees, except for a temporary period without pay. Impacted individuals may continue to work modified schedules, including periodic leaves of absence, or experience a full suspension of regular work hours.

Mandatory furlough leaves are final and binding and are not eligible for dispute resolution. However, concerns with regard to voluntary furlough leaves, should be addressed through your regular chain of command. You may also choose to address concerns through the informal and/or formal dispute resolution processes.

1.6 Procedures

- a) Before a furlough leave is implemented, the President or designee will perform an analysis to identify the scope and magnitude of the circumstances that may require the use of furloughs.
- b) If it is determined that furloughs are necessary for financial shortfalls, operational impairments, or other serious circumstances, the President or designee will provide notification to affected employees no later than 30-days prior to implementation of the furlough leave, except in the event of any major crisis, such as a catastrophe, natural disaster or in the event of sudden financial exigency, as determined at the President's sole judgement.
 - i. Furlough notices will include the dates of mandatory, unpaid leave.
 - ii. Furloughed employees may continue to receive fringe benefits while furloughed.
- c) The President reserves the option to exempt any employee, functional area, or campus from being subject to mandatory furlough leave. However, the President shall communicate all such exemptions in writing.
- d) All positions at the college may be subject to furloughs, regardless of the source or sources of funding for their position.
- e) Impacted faculty and staff are not permitted to perform work while on a furlough leave. This requirement will be strictly monitored and enforced.
- f) No vacation, sick leave or compensatory time will be approved in lieu of a period of mandatory furlough leave. Additionally, paid holidays or other paid time off cannot be substituted for furlough leave days.
- g) Part-time employees with the identified full-time annualized salary threshold, as determined by the President or designee, shall be required to take furlough leave on a prorated basis.
- h) Supervisors may not permit hourly employees to work overtime in a week in which there is mandatory and/or voluntary furlough leave. Overtime should not be used to subvert furlough leave requirements.
- i) Furlough leave days may be taken in eight (8) hour or four (4) hour increments only, except for those part-time employees whose prorated furlough leave requirement is not evenly divisible by four (4).
- j) Faculty members may not schedule furlough leave for times in which they are scheduled to teach except in the event of any major college crisis.
- k) Reduction of retirement benefits will be experienced as a result of mandatory and/or voluntary furlough leaves.
- l) Employees remain responsible for all applicable payroll deductions during a furlough leave.

- m) All furlough leave days shall be documented on monthly leave reports and bi-weekly timesheets as 'Furlough Leave' for payroll and leave records. Leave accruals will continue with the use of a specific furlough leave code on bi-weekly time sheets and monthly leave reports.
- n) The President or designee has the sole discretion to modify this procedure in instances of a major college crisis.

Section 2: Layoff

2.1 Procedure Overview and Purpose

A layoff is a separation of employment initiated by the College, resulting in the elimination of a position due to a re-organization or position redesign, a budget reduction or lack of funds, or a lack of work. This procedure applies to all at-will employees, including full and part-time staff, term faculty, and provisional faculty. Regular faculty shall be subject to the college's Reduction in Force policy (Board Policy 6.28).

2.2 Statement of Accountability and Responsibility

The President, operating through the Chief of Staff and Department of Human Resources, shall be responsible in enforcing college procedures related to layoffs. Human Resources shall work with the different campuses, departments and offices to comply with this procedure and develop procedures that will ensure fidelity in enforcement.

The college recognizes that conditions may arise that necessitate the use of layoffs. This procedure will be applicable to all at-will employees, as determined by the President. This procedure sets forth the general guidelines that will guide the implementation of layoffs.

2.3 Scope and Applicability

Laid-off employees will be provided with no less than four (4) weeks' notice of the effective date of the layoff. It is expected that this will be a "working notice" period, meaning the employee will continue to work during that time. The Chief of Staff or Department of Human Resources may set a shorter working notice period if it is determined that continuing the employee's services for the full four weeks would be contrary to the College's interest. In such cases, the Chief of Staff or the Office of Human Resources may approve, but is under no obligation to approve, payment to the employee of an amount not to exceed the compensation the employee would have received if the employee had worked the full four-week working notice period. Payment will be at the employee's base pay.

Vacation and personal time may not be used during the working notice period without the express approval of the Chief of Staff in consultation with the Department of Human Resources, unless such time had been scheduled and approved prior to the date of notice.

An employee who on their own initiative chooses not to work through the full period of working notice before a layoff will be paid through the last day they actually work, plus any earned and unused vacation pay in accordance with College policy. However, they will not be eligible to receive the lump sum payment, if available, as described below.

2.4 Lump sum payment

College will have the option, but shall not be required, to pay employees who are laid off under this procedure a one-time lump sum payment according to a plan determined at President's sole discretion. This plan may consider factors such as employee tenure in determining lump-sum payment amounts.

2.5 Reimbursement of lump sum payment

In the event of rehire a laid-off employee who accepts another regular position within the College prior to their last day of employment or notice period will not receive the lump-sum payment described above.

An employee who accepts an offer of re-employment with the College after receiving the lump-sum payment and within the period encompassed by the lump sum calculation will be required to reimburse the College for a prorated amount of the lump sum payment equivalent to the remaining weeks of compensation, as a condition of re-employment. For example, if an employee receives a lump sum payment equivalent to six (6) weeks' pay, and is then re-employed by the College after four (4) weeks have passed since the layoff date, then they will be required to reimburse the College for two (2) weeks' worth of the lump sum payment. In all such cases, the calculation of the reimbursement amount will be based upon the length of time the employee has been out of work, the amount of the lump sum payment, the compensation level for the new position, and tax considerations.

2.6 Vacation pay

Payment for any earned but unused vacation time will be provided to the employee through the regular College payroll cycle following the last day of employment and will be based on the employee's full time equivalent (FTE) status and base pay at the time of notice.

2.7 Term and Grant-funded Positions

Employees in term positions do not receive layoff payments beyond the expected expiration date of the term. When a position is funded by a grant, employment in that position is contingent upon the continued receipt of grant funding and the appropriate allocation of such funds for the position's purpose. A grant-funded position may be terminated upon no less than thirty (30) days' notice if grant funding is not received or is not available for the position for any reason.