



NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

**FURLOUGH POLICY
ADMINISTRATIVE REGULATION – 307**

Supersedes: AR 307 (06/17/12); and AR 307 (Temporary, 08/11/14)

Effective Date: January 25, 2021

AUTHORITY: Assembly Bill 3 (AB3) of the 31st Special Session of the Legislature

RESPONSIBILITY

1. Employees are responsible for monitoring their time to ensure they have taken the appropriate number of furlough leave hours.
2. Supervisors are responsible to ensure compliance, track and appropriately document unpaid furlough leave, to comply with the State of Nevada and the Nevada Department of Corrections' (NDOC and Department) regulations.

307.01 FURLOUGH POLICY

1. Furlough leave is the placement of an employee on leave and no salary of any kind is paid for the leave hours. An employee will not receive shift differential or any other adjustment to pay on the furlough leave hours.
2. Furlough leave is in effect during the period of time approved by the Legislature.
3. All NDOC employees must take at least 48 hours of unpaid furlough leave during the period of January 1 through June 30, 2021.
4. The total number of hours of furlough leave required to be taken for a full-time employee is equivalent to 8 hours of furlough leave for each full month.
 - A. Employees are limited to scheduling no more than 12 hours of unpaid furlough leave in a work month, even if the employee would have otherwise been required to be on a leave without pay status.
 - B. Unpaid furlough leave may be taken in not less than 4-hour increments for non-custody staff.

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- C. A newly hired employee is subject to furlough leave. An employee who is initially appointed to State service after the commencement of the fiscal year is:
- (1) For a full-time employee, the equivalent of the portion of 8 hours of furlough leave for each full month remaining in the fiscal year.
 - (2) For a part-time employee, the equivalent of the portion of 4 hours of furlough leave for each full month remaining in the fiscal year, that is proportional to the average number of hours worked.
 - (3) If such an employee is appointed on a day other than the first of a month in which the employee is appointed, that month is not included in the calculation.
5. An employee who is less than full time must take a number of unpaid furlough leave hours in portions equal to the average number of hours worked per working day multiplied by 6.
 6. A classified employee that is exempt from receiving overtime may take unpaid furlough leave in less than 8-hour increments.
 - A. For the week of furlough leave, the employee is paid on an hourly basis and must report partial day absences on their timesheet during the week furlough leave is recorded.
 - B. Exempt employees should sign a variable workweek agreement DOC 1043 if they wish to work more than 8 hours in one day, but not accrue overtime liability in the week furlough leave is taken. Exempt employees must not work more than 32 hours in the week in which they take furlough leave.
 7. Unclassified employees, unless exempt by the Board of Examiners, must take unpaid furlough leave in full-day increments.
 8. Furlough leave is specifically coded in NEATS as a special kind of leave without pay (UFRLO). Any other leave without pay that an employee takes must be approved by the appointing authority and entered in NEATS using the appropriate code.
 9. No work of any kind may be performed during the time to be considered unpaid furlough leave, this includes work at home, monitoring e-mails, telephone messages, and responding to inquiries from work.
 10. A variable work schedule, 10 or 12 hours, an employee cannot work added regular time [Paid Added Regular Time (PADRT)], overtime, stand-by, or call back, in the same pay week furlough leave is taken or the same day, for standard/non-standard workweek 8-hour employees, unless an exception has been granted by the Board of Examiners.

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- A. Any requirement for the employee to work on a furlough day will result in the employee's time being adjusted.
 - B. If a variable work schedule (10 or 12 hours), an employee takes furlough leave and subsequently needs to work additional hours, the employee will adjust days or hours worked:

Example: 8 hours of furlough are taken on Monday, and 6 hours of overtime are worked on Saturday; the employee will reduce the furlough leave to 2 hours on Monday and record 6 straight time hours on Saturday.
 - C. On the furlough leave day, employees assigned to work more than an 8-hour shift shall furlough what their regular shift hours are in a day. Due to a holiday, an employee may adjust that workweek to an 8-hour schedule.
 - D. Any adjustment required to be made to an employee's time shall be based on shift hours worked and/or the Variable Work Schedule on file (DOC-1043). Employees and/or supervisors should ensure that a Variable Work Schedule form is completed and reflect the correct shift schedule worked.
 - E. Timekeeping staff at each institution are required to audit timesheets after each pay period to ensure that no overtime, call back, and/or compensatory time has been coded the same day as furlough leave for standard/non-standard workweek 8-hour employee or same week as furlough leave for variable work schedule, 10 or 12 hour employees. Any corrections needed must be submitted to the NDOC Payroll Office in the standard procedure using the DOC 1016 Employee Payroll Memo form.
- 11. Wage verifications and pay requests for garnishments and/or child support will be reported without regard to the impact of furloughs.
 - 12. An employee who is on furlough leave is considered to have worked that day, for all purposes except payment of salary and determination of overtime, including:
 - A. Accrual of sick and annual leave;
 - B. Determining the pay progression date;
 - C. Continuity of service;
 - D. Duration of the probationary period;
 - E. Determining eligibility for holiday pay;
 - F. Seniority for all purposes, including layoffs;
 - G. The Public Employees' Benefits Program; and

H. The Public Employees' Retirement System

13. Supervisors, Division Heads, and Wardens must ensure that their employees make every effort to use the mandated amount of unpaid furlough leave.
14. State offices cannot be closed for furlough leave.
15. Employees on the employee/employer compensation schedule shall be required to pay their portion of retirement for the unpaid furlough leave taken in a pay period.
16. Unpaid furlough leave will be counted as time worked to determine eligibility under the Family and Medical Leave Act (FMLA). Unpaid furlough leave taken during the time an employee is on FMLA leave will not be counted against the employee's 12-week FMLA entitlement.
17. Employees, including those exempted by the Board of Examiners, placed on administrative leave shall be required to take the required 8 hours of unpaid furlough leave per month as determined by the appointing authority.
18. An employee on extended leave due to an injury, and/or on modified duty, must take the required unpaid furlough leave hours.
19. Employees may not substitute furlough leave hours for a paid holiday.
20. Every employee is subject to unpaid furlough leave regardless of the type of appointment or funding source of the position.
21. To support the continued operations of an institution, an employee's shift may be changed temporarily by the appointing authority to ensure appropriate staffing coverage.
22. Any employee refusing to take the unpaid furlough leave will be required to take a specific time off as designated by the appointing authority and will be subject to disciplinary action.

307.02 APPROVAL/DOCUMENTATION

1. An employee may schedule unpaid furlough leave in advance by utilizing a NEATS Leave Request, as agreed upon with their supervisor.
2. Unpaid furlough leave requests by non-custody employees must be approved in advance of utilizing unpaid furlough leave.
3. To ensure appropriate staffing levels and ensure that furlough leave is taken, the appointing authority may require an employee to take furlough leave on a specific date.
4. Conflicts in furlough leave will be determined by employees' continuous service date.

307.03 REPORTING

1. Furlough leave will be reported on the employee's timesheet in NEATS. Furlough leave is specifically coded in NEATS as a separate type of leave without pay (UFRLO).
2. **The Department Human Resources Payroll Division receives a Furlough Analysis Report bi-weekly. This report is reviewed and adjustments to the employee's time are made accordingly.**

APPLICABILITY

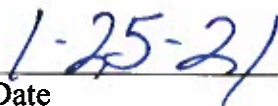
1. This regulation applies to all classified and unclassified employees of the Department.
2. This regulation does not require an Operational Procedure.
3. This regulation requires an audit.

REFERENCES

Assembly Bill 3 (AB3) of the 31st Special Session of the Legislature



Charles Daniels, Director



Date