

3359-11-02.1 Furloughs for non-bargaining unit employees.

(A) Introduction.

- (1) The university is required to balance its operating budget each fiscal year. This rule provides the framework for the implementation of an employee furlough plan that would allow the university to balance its budget if it experiences a reduction in state funding or other loss of revenue, for any reason, that causes a significant operating deficit.
- (2) Section 371.70.20 of Amended Substitute House Bill No. 1, effective on July 17, 2009 of the 128th General Assembly, provides that, "the board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a rule providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits."
- (3) On October 17, 2007, the university of Akron board of trustees passed Resolution No. 10-14-07, specifically authorizing the administration to propose revised or new policies and procedures applicable to classified civil service employees in accordance with House Bill 187 of the 126th General Assembly.
- (4) Faculty and/or staff whose employment is covered by a collective bargaining agreement are not subject to this rule.

(B) Definition.

- (1) A furlough is an unpaid leave of absence from work for a specified period of time.
- (2) Employees are not permitted to engage in work when taking furlough time.

(C) Employees subject to furlough.

- (1) Except as otherwise noted in this rule, all non-bargaining unit university employees, whether full-time or part-time, permanent or temporary, may be subject to a furlough. Employees subject to furlough include, but are not limited to, classified and unclassified staff employees, contract professionals (including coaches), and all non-bargaining unit faculty.
- (2) Employees who are holders of H-1B visas, as defined in 20 C.F.R. 665.731, will not be subject to furlough.
- (3) Student employees and graduate assistants are not subject to furlough.
- (4) Faculty and staff positions fully supported by an outside funding source (e.g. grant funded) may not be subject to furlough. Positions partially funded by an outside funding source may still be subject to furlough.

- (5) A furlough plan may exclude employees who perform functions essential to maintain health and safety on the university campus as well as other employees deemed by the president or his or her designee as essential. Any such exclusions must be approved by the president or his or her designee(s).

(D) Implementation and scheduling.

- (1) If, after consultation with the board, the president reasonably believes that the university is facing a significant operating budget deficit, for any reason, a furlough may be implemented. This rule supersedes all other university rules and/or policies and applies to all non-bargaining unit employees, regardless of the source of funding.
- (2) The university shall, as soon as practical before the furlough implementation date, notify all employees subject to furlough of its intent to implement mandatory furloughs to achieve spending reductions necessitated by institutional budget deficits. Such notice shall include the nature and extent of furloughs, and the method of implementation.
- (3) Employees may be furloughed up to seventy working days (fourteen weeks) in any fiscal year. The scheduling of furlough days shall be the sole responsibility of the president or the president's designee(s) in consultation with the individual college, department or unit.
- (4) Furlough days shall be scheduled at a time most operationally feasible to the college, department or unit. Non-bargaining unit faculty member furlough days shall not be scheduled during times when they are required to teach, except in the event of a major university crisis as determined by the president, or president's designee.
- (5) Furloughs may be scheduled on a continuous, intermittent or staggered basis based on an employees pay/salary level, employee classification or nature of appointment and scheduling is within the sole discretion of the president or his or her designee(s).
- (6) Furloughs may take into account the essential operating and safety needs of the university, the availability of funding, or income generated by the college, department or unit. Days that the university is normally closed or days that may not normally be workdays for certain groups of employees (e.g. spring break and the week between December twenty-fifth and January first of each year) may be designated as furlough days.
- (7) Paid holidays or other paid time off may not be substituted for furlough leave days.
- (8) Employees on leave shall be subject to furlough. The effective date of a furlough for an employee may not be extended on the basis that an employee is on a leave of absence.
- (9) Supervisors may not permit hourly employees to work overtime or take compensatory time in a week in which the employee is on a furlough. Overtime or compensatory time shall not be used to subvert furlough leave requirements.

- (10) Furloughs adopted pursuant to this rule are not subject to review or appeal under any university rule, policy or internal grievance process.
- (E) Employees benefits and contributions while on furlough.
- (1) Employees may not use any accrued paid leave during periods of furlough, which would negate necessary budget reductions. The university may allocate an employee's reduction in pay over the balance of the fiscal year for payroll purposes, regardless of the pay period within which the furlough day(s) occur(s).
 - (2) Employees will continue to accrue vacation and sick leave during the first twenty days of a furlough but will not accrue FMLA credit.
 - (3) Healthcare, dental, vision and life insurance benefits will not be affected by a furlough.
 - (4) Employees' continuous service date and employment status will not be affected by any period of furlough.
 - (5) Retirement contributions by both employees and the university will be affected by furloughs, since contributions are based on actual earnings.
 - (6) Employees remain responsible for making all employee contributions while on furlough, including but not limited to, healthcare, dental, vision, flexible spending accounts, 403(b) and 457(b) contributions, as well as all other miscellaneous authorized deductions (e.g. charitable contributions, child support or any other university payments).

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Certification: _____
M. Celeste Cook
Secretary
Board of Trustees

Promulgated Under: 111.15

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Rule Amplifies: 124:14, 3359.01