



## **UW System Questions & Answers: State-Mandated Employee Furloughs for 2009-11 Biennium**

July 15, 2009

### **A. GENERAL QUESTIONS**

**A.1. I am employed by the University of Wisconsin System. Am I considered a state employee?**

Yes. Regardless of funding source, every faculty member, academic staff member, limited appointee, classified staff member, LTE, student assistant, and student hourly are employees of the State of Wisconsin.

**A.2. What will be the furlough days for the University of Wisconsin System?**

The UW System 8-day furlough requirement will be a mix of 4 “fixed” (designated) days and 4 “floating” days in each year of the biennium. All UW Institutions will be closed the day after Thanksgiving (November 27, 2009 and November 26, 2010). Each institution will designate 3 additional fixed furlough days when the institution will be closed (See <http://www.uwsa.edu/furloughs/docs/UWSystemFixedFurloughDays-byInstitution.pdf> ). Employees will be able to schedule the remaining 4 days.

**A.3. Will the academic year be shortened to accomplish required furlough days?**

No. However, there will be non-instructional days during the academic year when institutions in the UW System will be closed and other days when individual staff members will be taking furlough days.

**A.4. I work a full-time 9-month appointment. Am I required to take 8 days of furlough?**

No. Full-time 9-month employees will be required to take 6 days of furlough. The 6 furlough days will include any of the fixed days that fall within the 9-month appointment dates.

**A.5. If faculty, instructional academic staff, physicians, and legal counsel engage in work in any way while on a scheduled furlough day, will their Fair Labor Standards Act (FLSA) exempt status be changed to non-exempt and therefore will they be entitled to compensation including overtime pay?**

No. Employees in this group are excluded from the provisions and coverage of the FLSA.



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**A.6. How will furloughs be administered for faculty who teach 5 days per week?**

Faculty and instructional academic staff are on contract for 39 weeks and therefore have non-instructional days that can be used for the 6 required furlough days for academic year appointees.

**A.7. How will furloughs be administered for faculty who are on sabbatical?**

Pay will be reduced by 3.065% for each pay period on sabbatical with the same reporting requirements as for those who are not on sabbatical.

**A.8. What about unclassified part-time employees or those under contract? For example, people who are contracted to do field supervision for student teaching, or social workers. Do they get a furlough pay reduction as well?**

Yes. Assuming they are paid on a lump sum, part-time and contracted employees will have pay reduced by 3.065%. If not paid on a lump sum, please [see Tables A and B for guidance](#).

**A.9. Are staff who must meet clinical license requirements able to do contract work for the University/State Agency during furloughed periods without such work being a conflict of interest?**

No. However, if necessary, employees in these circumstances could put in extra hours in non-furlough weeks to make up the difference and/or work for a private or non-state agency while on furlough.

**A.10. Will federal agencies object to the furloughs of employees whose positions are funded with non-state money, e.g., federal dollars, grants, or gifts?**

It is not certain 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.

**A.11. 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.



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**A.12. What will happen to grant/contract/gift 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.

**A.13. What if an employee is on furlough but comes to work anyway and is injured? What are the implications for workers compensation?**

The employee would be covered. However, employees who are covered by FLSA and in non-exempt FLSA status will not get credit for taking a furlough day if they come in to work. (See [UW System Furlough Implementation Guideline #6](#) for more information on this issue. Also see B.6. in this document.)

**A.14. Can an employee make up the lost salary from non-101 or extramural funding sources?**

No.

**A.15. How will furloughs be administered to staff who are retiring mid year?**

Furlough requirement will be prorated based on time in pay status.

**A.16. In the process of selecting the three days in addition to the day after Thanksgiving (November 27, 2009 and November 26, 2010) for our FTOs, we have determined days when all but one or a few activities can be closed. Can such activities continue to function on the days the campus is closed for all other purposes and select alternate fixed furlough day(s) for those working on these days?**

Yes. Subject to the approval of the Chancellor as appropriate.

**A.17. We have some employees who have split appointments with one part being in a limited position (Associate Dean) and another part as faculty. Each part falls into a different way of administering the furlough. How do we handle these?**

Each will be treated like a separate appointment. One will have pay reduced as leave is taken and the other will have pay reduced by 3.065% each pay period. However, under no circumstances will the total furlough allocation exceed 8 days per fiscal year.



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### **B. FURLOUGH TIME OFF (FTO) QUESTIONS**

#### **B.1. May I carry forward my 2009-10 FTO into the 2010-11 fiscal year?**

No. If your pay is reduced only as the FTO is taken, the mandated furlough days **MUST** be taken in 2009-10.

If your gross pay is being automatically reduced each paycheck, the FTO generated in a fiscal year must be used in the same fiscal year or it will lapse.

#### **B.2. I am on an H-1B or E-3 visa. What do I do on the days my institution is closed?**

You will be expected to use vacation (if you earn vacation) or make arrangements with your supervisor to work on those days or make up the time.

#### **B.3. How will the furlough affect instructors who teach only online courses with no face-to-face contact with students or office hours in a traditional office setting?**

Fixed and floating furlough days will be days when instructors are on furlough time off and not available to students regardless of the form of instruction.

#### **B.4. I work part-time 4 days a week. What happens if a fixed furlough day falls on the day I don't work?**

You will need to arrange with your supervisor to take another day as a furlough day.

#### **B.5. I am a full-time staff member whose pay is being reduced as FTO is taken. May I spread 8 hours of FTO over a two-week period?**

No. For full-time staff whose gross pay is reduced as FTO is taken, you must take one day (8 hours) of FTO in one week. You may, however, take the FTO in 2-hour increments within the FTO week.

#### **B.6. May I work any time during FTO?**

No. You must not work any time during FTO. Such work includes being physically present in the work place, work at home, work online, e-mail, work on the telephone, "working lunches," work on Blackberry, or work on a cell phone. All such unscheduled, unapproved work on a furlough day is prohibited.



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### **B.7. When may faculty and instructional academic staff schedule furlough days?**

Faculty and instructional academic staff may not schedule a furlough day that conflicts with their direct instructional duties, including labs, recitation/discussion sections, and scheduled examinations.

### **B.8. May a full-time faculty member whose only class on a particular day starts at 6:00 p.m., take the 8:00 – 4:30 p.m. “day” as FTO?**

UW System guidelines state that instruction will not be canceled to accomplish the furlough. A full-time faculty member who taught for only half of a given day could take a half day of furlough.

The situation of someone with a late afternoon or evening class has, by default, a work day (8 hours) for purposes of accounting for sick leave. The 8 hours would include the teaching responsibilities. The furlough accounting would use the same designated 8-hour day. In this case, the most the faculty could take as furlough would be 4 hours.

### **B.9. May I volunteer to work on university business while on furlough?**

No.

### **B.10. Will I have to record my FTO?**

Yes. Reporting requirements will vary among employee furlough groups. Reporting requirements are detailed on the UWSA Furlough website under Employee Guidelines-at-a-Glance. <http://www.uwsa.edu/furloughs/>

## **C. BENEFITS QUESTIONS**

### **C.1. Will my Wisconsin Retirement System benefits be impacted by the furlough?**

No. 2009 Wisconsin Act 28 requires employers to report your salary, retirement contributions, and creditable service as if the furlough did not occur.



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**C.2. I will be receiving vacation payout when I leave/retire. Is my vacation payout subject to the furlough?**

If you receive your vacation payout as a lump sum, it is not subject to the furlough. If you use your vacation to extend the time in pay status until you leave/retire, it will be subject to the furlough.

### **D. COMPENSATION AND LEAVE QUESTIONS**

**D.1. I teach winterim on an overload basis. Will my winterim overload be subject to the salary reduction?**

No. Overload payments are not subject to the furlough provisions.

**D.2. I am scheduled to teach an additional class on an overload basis. Will my overload salary be subject to the salary reduction?**

No. Overload payments are not subject to the furlough provisions.

**D.3. I am on unpaid medical leave. May I charge it to furlough?**

Yes. You are able to charge up to 64 hours (including your institution's fixed furlough days) to furlough.

**D.4. I have approved paid leave scheduled. May I substitute FTO for this approved leave?**

Yes. You may substitute FTO for any approved leave as long as the use of the FTO meets the requirements of the UW System furlough plan and is approved by your supervisor. The 8-hour per week limit still applies for those having pay reduced as furlough hours are taken.

**D.5. May I forfeit paid leave such as vacation instead of taking unpaid furloughs?**

No.

**D.6. I will be going on annual military leave. Is it subject to the furlough?**

Yes.



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**D.7. Are employees on military leave for active duty subject to the furlough?**

No. Employees on military leave for active duty (excluding annual military leave) are not subject to furloughs. However, employees who have been on active duty and return to their position will have prorated furloughs for their remaining furlough obligation.

**D.8. I am paid in a lump sum. Will my lump sum payment be subject to furlough?**

Yes. Your lump sum payment will be decreased by 3.065% but no furlough time off will be generated.

**D.9. Will my summer support salary be subject to furlough?**

Yes. Summer support salary is subject to furlough. Summer support salary will be decreased by 3.065% and will generate 2 days of furlough requirement for those working full time for the summer.