

# Frequently Asked Questions

## General Information

### **Q: What is a furlough?**

A: A furlough is a temporary reduction of work hours due to a lack of funds. It is a form of leave without pay and employees cannot use accrued leave (such as sick, annual, or compensatory leave).

### **Q: Why am I being furloughed?**

A: To save employee jobs. The decision to furlough executive branch employees was a difficult one to make. However, the General Assembly recognized that by providing this temporary option to the administration, jobs will be saved and, in some cases, the permanent layoff of employees will be avoided. In the first fiscal year, the furlough of state employees will result in a savings of approximately \$24 million and save at least 413 state employee jobs

### **Q: How many days will I be furloughed?**

A: From July 2010-June 2011, employees will be furloughed a total of 6 days, spread over the 12-month fiscal year. Employees are guaranteed they will be furloughed no more than 1 day per month, and no more than 3 days in a 6-month period. These days are broken down as follows:

- 3 designated furlough days have been set. These days are adjacent to holidays and will increase operational savings. Employees will still receive pay for the holidays, unless specifically addressed in an approved Cabinet or Independent Agency's furlough plan.
- 3 non-designated days will be determined by each agency during a set month. These dates will be chosen in a manner to minimize the impact on services provided to the public.
  - September 3, 2010 – STATE OFFICES CLOSED (Labor Day Weekend)
  - October 2010 – 1 day to be determined
  - November 12, 2010 – STATE OFFICES CLOSED (Veterans Day Weekend)
  - March 2011 – 1 day to be determined
  - April 2011 – 1 day to be determined
  - May 27, 2011 – STATE OFFICES CLOSED (Memorial Day Weekend)

## **Q: Which employees must be furloughed?**

A: State executive branch merit and non-merit employees, including the Governor and all cabinet secretaries, will be furloughed. Exemptions have been provided to certain classifications within the Justice and Public Safety Cabinet and the Cabinet for Health and Family Services. The furlough requirements do not apply to employees of the legislative or judicial branch, universities, the Kentucky Community and Technical College System (KCTCS), or school districts.

## **Q: Are there any exceptions to the furlough requirements?**

A: We recognize that some agencies require flexibility to implement the furlough requirements, including facilities responsible for the care or safety of inmates or employees or uniformed law enforcement officers or trainees that protect the citizens of the Commonwealth of the Kentucky. Those agencies have submitted plans requesting additional flexibility and all plans are available at <http://personnel.ky.gov/afp.htm>

## **Q: Will contractors be impacted by furloughs?**

A: Yes. Contractors will also have the same reduction of hours as employees. Additionally, no contractor shall have an increase in hours or perform similar services of an employee who is furloughed.

## **Q: Will federally and grant-funded employees be furloughed?**

A: Yes. The furlough requirements include FFTL employees, contractors, interim employees, co-ops or scholarship positions, and other grant-funded positions.

## **Q: Are part-time employees also furloughed?**

A: Yes. Part-time employees will have their hours reduced in a proportionate manner. These reductions will be addressed by each Cabinet or independent agency in the furlough plans.

## **Q: Where is the authority for the state to furlough its employees?**

A: House Bill 1, passed during the 2010 Extraordinary Session of the Kentucky General Assembly, provided the specific authority for the furlough of state employees. House Bill 1 also required the Personnel Cabinet Secretary to promulgate an Administrative Regulation to implement furloughs, which can be found at [101 KAR 5:015](#) (PDF - 31 KB).

### **Q: How long are the furloughs expected to last?**

A: House Bill 1 only grants authority to the administration for the furlough of state employees during the 2011 fiscal year (July 2010-June 2011) and 2012 fiscal year (July 2011-June 2012).

### **Q: What is the possibility of furloughs in fiscal year 2012?**

A: No decisions have been made yet. If furloughs are necessary to balance the budget, a new administrative regulation setting forth the details would be issued. The enacted budget requires \$169 million in unspecified spending reductions in fiscal year 2012. The fiscal year 2011 budget required \$131 million in unspecified spending reductions.

### **Q: Can an employee voluntarily request to furlough additional days?**

A: Yes. Any employee, with approval by their appointing authority, may also have additional unpaid days of voluntary furlough. These additional days cannot take the place of mandatory furlough days. Employees must submit the required [Voluntary Furlough Request Form](#) (PDF - 10 KB).

## **My Rights**

### **Q: Will I get any formal notice of a furlough day?**

A: Yes. You will get written notice at least 7 calendar days in advance of a furlough day.

### **Q: Do I have the right to choose which day(s) I am furloughed?**

A: No. Cabinets and independent agencies are encouraged, when possible, to work with employees' schedules and be as flexible as possible. However, the necessary oversight of furloughs and the continued operation of public services will likely require that these days may need to be assigned by management. While one goal is to make this process the least burdensome to employees as possible, employees do not have the right to choose furlough days.

**Q: May I appeal the fact that I am being furloughed?**

A: No. A furlough implemented pursuant to House Bill 1 of the 2010 Extraordinary Session and [101 KAR 5:015](#) (PDF - 31 KB) is not a penalization and cannot be appealed.

**My Benefits**

**Q: Will my state-paid benefits continue?**

A: Yes. These include health insurance, life insurance and retirement benefits.

**Q: Will I get unemployment benefits to cover the loss of compensation for the furlough days?**

A: We do not expect that based upon the limitations set forth by the General Assembly an employee will be eligible to recover unemployment benefits. All wages earned will be considered during the week in which the furlough day occurs. Wages earned will be deducted dollar for dollar from any benefit amount. This will most likely prevent you from being eligible. However, specific information related to unemployment benefits is available on the Office of Employment and Training (OET) website at [www.oet.ky.gov](http://www.oet.ky.gov).

**Q: Will my retirement be impacted by my furlough?**

A: Without knowing the specifics of each employee's situation, it is hard to provide specific information. Those employees with concerns should contact the Kentucky Retirement Systems at 502-696-8800.

**Q: Will my health insurance be impacted by my furlough?**

A: No. Health insurance benefits will not be impacted in any manner by the furlough. For additional questions specific to health insurance, you may contact the Member Services Branch at 1-888-581-8834 (outside Frankfort) or 564-6534 (in Frankfort).

**Q: Will I still accrue sick and annual leave during the month I am furloughed?**

A: Yes, as long as an employee otherwise works or is on paid leave a minimum of 100 hours in the furlough month, sick and annual leave will be accrued. It is not anticipated that sick and annual leave benefits will be impacted in any manner by the furlough, as employees will not be furloughed more than one day in any month.

## Specific Types of Employees / Issues

### **Q: How will furloughs impact employees on military leave?**

A: An employee on military leave, paid or unpaid, will not be required to take furlough days..

### **Q: Will new employees be furloughed?**

A: Yes. Anyone who is employed, including those newly hired, will be furloughed. New hires will not be required to have retroactive furlough days prior to their hire date.

### **Q: Will my flexible work schedule or telecommuting schedule be affected by a furlough day?**

A: Possibly. This will be addressed by each Cabinet or independent agency's furlough plan. In most instances, employees will revert to a normal working schedule during the week of a furlough day. However, there may be additional exceptions, such as those for medical accommodations, which will be addressed as necessary

### **Q: For purposes of FMLA qualification, how does the furlough period interact with the 1,250 minimum hour requirement?**

A: The furlough days will be considered "time worked" for the limited purposes of FMLA qualification.

### **Q: If I am on unpaid Family Medical Leave, will I also be furloughed?**

A: No. While off on any type of unpaid leave, an employee is in unpaid status and no budget savings will be recognized. However, when an employee returns to paid status, that employee will be subject to any remaining regularly scheduled furlough days.

### **Q: If I am an employee on sick leave by P-1, will the furlough days extend this time period?**

A: No. Furlough days will have no impact on this time period.

**Q: Is there any exception for an employee whose spouse or live-in relative is also a state employee, or must both employees be furloughed?**

A: There are no exceptions for married or related employees. They are subject to the same furlough requirements as all other relatives.

**Q: If an employee has already been furloughed the maximum amount of time and transfers to another department, cabinet or agency with a different furlough schedule, will an exception be granted to the mandatory furlough?**

A: Yes. An employee who has already been furloughed the maximum amount of time cannot be required to have any additional furlough time because they have either voluntarily or involuntarily been transferred to another department, cabinet or agency. These situations will need to be addressed individually. Please contact Mary Elizabeth Harrod, Director, Division of Employee Management, at (502) 564-6464 or [MaryE.Harrod@ky.gov](mailto:MaryE.Harrod@ky.gov) if this situation arises.

**Q: I am represented by a GEAC (Governor’s Employee Advisory Council) Labor Organization. Are there any special requirements or rules that apply to me?**

A: No. While the GEAC provides valuable insight on employment issues and serves to increase communication across the enterprise, represented employees are subject to the same furlough requirements and provisions as non-represented employees.

**Q: Can disciplinary actions count towards furlough days?**

A: No. These are two separate actions. Employees may not count imposed unpaid disciplinary actions as mandatory furlough days.

**Additional Information**

**Q: Where do I go for more information?**

A: <http://personnel.ky.gov/furlough> will be continuously updated with helpful information for employees and management. You can also submit your questions to [Personnel.feedback@ky.gov](mailto:Personnel.feedback@ky.gov) for more information. When possible, your questions will be personally answered and/or included in this document. As stated, the information provided within this document will continue to be updated as information becomes available.