

123:1-41-24**Furloughs.**

(A) Pursuant to section 124.29 of the Revised Code, the director may authorize an appointing authority to furlough employees on a non-permanent basis based on a lack of funding from the federal government at the appointing authority's discretion.

(B) Impacted employees. An appointing authority shall determine which employees are impacted based on the lack of federal funding.

(C) Procedures.

(1) At least fourteen days prior to the implementation of any furlough, the appointing authority shall provide to the human resources division of the department of administrative services a written explanation regarding the potential furlough. The written statement shall include the number of potentially impacted employees. At any time after the written statement is provided, but before the notification to employees, the appointing authority shall provide the department of administrative services with a list of the employees subject to the furlough. The list shall include the employee's name, classification and employee identification number. The appointing authority shall update such statement and list of employees as needed.

(2) At least fourteen days before the interruption of the federal funds causing the furlough, the appointing authority shall make a general announcement to employees using its usual and customary means of agency-wide communications regarding the proposed furlough. At least two day's written notice shall be provided to any identified employee prior to the implementation of the furlough. When practical, longer notice to the impacted employees is encouraged. The notice to the impacted employee shall indicate the date the furlough is to begin.

(3) During a furlough, an impacted employee shall not report to work. Impacted employees will be notified by the appointing authority of the date the employee is expected to return to work.

(4) The appointing authority may extend a furlough based on the duration of the lack of funding from the federal government. The appointing authority shall promptly notify the impacted employees in writing of any changes in the return to work date. However, a furlough shall not exceed four weeks for any impacted employee, except as set forth in paragraph (C)(6) of this rule. Any impacted employee that does not return to work when notified, and is not on a approved and scheduled leave may be subject to disciplinary action.

(5) Any employee on an unpaid leave of absence at the time of a furlough, who would otherwise be impacted by the furlough, shall remain on the unpaid leave of absence until the expiration of the unpaid leave of absence. At the

expiration of the unpaid leave of absence, the employee shall be immediately subject to furlough. If the unpaid leave of absence is open-ended, the employee shall remain on the unpaid leave of absence at least until the end of the furlough.

(6) If during or at the end of a furlough period, a layoff or abolishment of positions is necessary, the appointing authority shall follow the provisions of chapter 123:1-41 of the Administrative Code and any applicable statutes. During any required notice period for a layoff or job abolishment, the impacted employees shall remain on furlough.

(D) Terms of furlough.

(1) During the term of a furlough, an impacted employee shall not receive compensation from the appointing authority, except as provided in this rule.

(2) During the term of a furlough, the appointing authority shall pay both the appointing authority's share and the impacted employee's share of health insurance premiums, if the impacted employee is enrolled at the time of the furlough. Upon returning to work, the impacted employee shall be placed on a payment plan. The payment plan will be in place until such time as the impacted employee has repaid the amount of the employee's share of health insurance premiums covered by the appointing authority during the furlough period. If such an employee does not return to work from a furlough, the impacted employee shall repay the employee's share of the health insurance premiums upon separation and such amount may be deducted from the impacted employee's final paycheck.

(3) Impacted employees shall continue to accrue leave based upon the employee's established work hours while on furlough. Impacted employees shall not be eligible to use any accrued leave during a furlough period.

(4) Impacted employees shall continue to earn service credit during a furlough period for purposes of vacation leave accruals and longevity, as long as the employee returns to work when required.

(5) The appointing authority shall pay impacted employees for the loss of federally funded wages while on furlough, only if funding for such lost federally funded wages is provided by the federal government and such funding is specifically designated by the Congress of the United States for such wage reimbursement. Any such reimbursement to an impacted employee shall be offset by any unemployment benefits received by the impacted employee or interim wages of the impacted employee earned while on furlough.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 124.09, 124.29
Rule Amplifies: 124.29