

# McLennan Community College

## POLICIES AND PROCEDURES

Reference:	F-V-t	Effective Date:	06/02/2020
Subject:	Employee Furlough		
Source:	Board of Trustees		
Approval Authority:	Board of Trustees	Approval Date:	06/02/2020
History:	New Policy		
Remarks:			

### I. INTRODUCTION

The McLennan Community College Board of Trustees understands that conditions may arise which necessitate the use of a furlough for certain employees. This policy will be applicable to all employees as needed. This policy sets forth the general guidelines for implementation of a furlough plan to achieve spending reductions necessitated by institutional budget constraints or reductions during a specified period of time.

### II. DEFINITION

A furlough is a situation when the College has determined that employees can be placed into a temporary, no-duty, non-pay status. Under a furlough impacted employees are placed in a non-active pay status for the duration of the furlough. An impacted individual is still employed by McLennan Community College during a furlough.

### III. GENERAL POLICY

- A. Furlough decisions will be made without regard to the employee's race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status. Additionally, no furlough decision shall be based on an employee's exercise of rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.
- B. The President:
1. May reassign/reorganize employees to positions or locations at his or her discretion to meet operational needs.
  2. Will consider and examine available alternatives that may eliminate the need for a furlough or limit its scope.
  3. Will perform an analysis to ensure the cost-savings effectiveness.

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4. Will determine when circumstances necessitate a furlough and present a written recommendation to the Board of Trustees that demonstrates the need for the furlough of employees.
- C. The Board shall determine whether any budget constraints or reductions exist that warrant a furlough under this policy. The Board's determination constitutes sufficient cause for the furlough of employees during the contract period.
- D. Faculty and staff positions that are supported by a combination of funds from grants or other external sources and the College's funds will have a coordinated effort to implement furlough days in accordance with the outside funding sources requirements.
- E. Faculty and staff positions fully supported by an outside funding source may not be required to take furlough days.
- F. Impacted faculty and staff are not permitted to perform any work for McLennan Community College while on a furlough. This requirement will be strictly monitored.
- G. Supervisors may not permit non-exempt employees to work overtime in a week in which there is a furlough in the affected department. Overtime may not be used to subvert furlough requirements.
- H. Furlough days shall not be specified to extend for a period longer than the end of an employee's contract or the then current fiscal year.
- I. If an employee has not been recalled from furlough prior to the end of the furlough period, the employee's employment with the college ends at the end of the furlough period.

### IV. BENEFITS WHILE ON FURLOUGH

Employees on furlough would be eligible to retain certain employment benefits:

- A. Eligibility for employee and dependent health and other insurance plans will be determined by the Employee Retirement System of Texas (ERS). The College will continue to pay for the employee, during the furlough period, the state contribution premium amount at the same level enrolled by the employee prior to the furlough period, as permitted by ERS.
- B. An employee may not use accrued vacation or sick leave during the furlough period. An employee's accrued vacation and sick leave balance will remain;

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however, the employee would not accrue vacation and sick leave hours during the furlough period.

- C. Retirement contributions (by both the employee and the college) cannot be continued because the contributions must be based on actual earnings, and there are no earnings while the employee is on furlough.
- D. An employee's continuous service credit and employment status for retirement purposes will be reinstated when returning to work and will not be affected by the furlough.
- E. Eligibility for unemployment benefits will be determined by the Texas Workforce Commission.

### V. APPEAL RIGHTS

Every attempt will be made to conclude the appeals process prior to the employee's last scheduled day of work. The filing of an appeal will not delay the effective date of the furlough.

An employee furloughed may present a written appeal. The employee must file a written appeal to the President within ten (10) work days from when notified of the furlough. The appeal shall include the full details of the reason for the appeal, specific facts in support of the grounds for appeal, and any evidence on which it is based. The President and Leadership Team will review all appeals and provide a written decision within thirty (30) working days of receipt of the written appeal. If the appeal is successful, the employee will recover any lost pay resulting from the furlough.