

INTERIM – DRAFT

The University of Wisconsin System Interim Policy # 1200-INTERIM 04



Title: Interim: *Furlough*

Original Issuance Date: April 17, 2020

Expiration Date: June 30, 2022

1. Interim Policy Purpose

The University of Wisconsin System is facing increased fiscal challenges as a result of the COVID-19 crisis. As a result, the University of Wisconsin System Board of Regents, under the authority granted to it in [Wis. Stats. s. 36.115](#), has authorized the UW System to implement a variety of workforce reduction and cost saving measures, beyond existing layoff policies, to address these financial challenges in a way that minimizes layoffs and maximizes the UW System's ability to continue to perform its critical educational and outreach mission. The furlough process is not a substitute for layoff, non-renewal, or termination processes as outlined in the Wisconsin Administrative code, systemwide policies, and institutional policies.

2. Related Policies

This policy issued pursuant to the authority provided in [Regent Policy Document 20-21, University Personnel Systems](#).

This policy references definitions contained in [UW System Administrative Policy 1219, Continuous Service](#), related to continuous service and continuous employment.

This policy references the accrual of vacation and sick leave if an employee is on furloughed status. Provisions related to these can be found in [UW System Administrative Policy 1210, Vacation, Paid Leave Banks, and Vacation Cash Payouts](#), and [UW System Administrative Policy 1212, Sick Leave](#).

3. Scope

This policy applies to the following UW System employees: Faculty, Academic Staff, University Staff, Limited Appointees, Employees-In-Training, Graduate Assistants (Teaching Assistants, Research Assistants and Program Assistants), and Temporary Employees.

Student hourly employees are not included in this policy. UW-Madison employees are not included in this policy.

4. Definitions

Furlough: Temporary unpaid forced leave during which an employee does not report for work and does not earn a wage. Employee retains their position during the furlough as well as benefits (benefit coverage is

INTERIM – DRAFT

dependent on employee type and length of furlough). A furlough shall constitute a “leave of absence” as defined in [Wis. Stat. sec. 40.02\(40\)](#). A furlough is not a layoff, non-renewal, or termination.

Consecutive Day Furlough Assignment: A furlough assigned in full day increments for a continuous period of time with a defined start and end date.

Continuous Employment: Has the same meaning here as in [UW System Administrative Policy 1219- Continuous Service](#).

Continuous Service: Has the same meaning here as in [UW System Administrative Policy 1219- Continuous Service](#).

Intermittent Furlough Assignment: A furlough assigned in full day increments that must not exceed one day every two weeks, coinciding with a biweekly pay period.

Operational area: An area of focus or function in a school, college, division, department, or office.

Voluntary Furlough Assignment: A furlough request initiated by the employee that must be approved by the institution.

Workforce-wide Furlough: An intermittent furlough assignment that covers an entire institution or the entire UW System.

5. Interim Policy Statement

A. Furlough authority

I. Determination of necessity

- a) The UW System President shall have the authority to declare that a systemwide furlough is necessary due to financial circumstances impacting the entire UW System.
- b) The chancellor of each institution shall have the authority to determine that an institution-level furlough is necessary due to financial circumstances impacting their institution. In the case of the central administration (UW System Administration, UW Shared Services, and UW Extended Campus), the UW System President has the authority to determine that a furlough is necessary due to financial circumstances.
 - (1) Institution-level furlough plans must be reported by a Chancellor to the UW System President prior to any announcement or implementation.
- c) In determining that financial circumstances require the use of furloughs, the UW System President or chancellor shall consider the following:
 - (1) The current or projected budget deficit
 - (2) The availability and feasibility of other cost saving measures
 - (3) The disruptive effect of furloughs to the core mission of the institution as compared to other available cost saving measures

II. Selection of employees

- a) The UW System President or chancellor may select any or all employees to be assigned to a furlough, subject to the limitations in section 5.B.I.

INTERIM – DRAFT

b) The UW System President or chancellor may select any or all operational areas to be assigned to a furlough, subject to the limitations in section 5.B.I. When an operational area is selected, the operational area should be clearly defined in the furlough notice.

III. Furlough Implementation

a) The minimum duration of a furlough assigned under this policy is one (1) working day.

b) Furlough days may only be assigned in full day increments.

c) Furlough days may be assigned consecutively, or intermittently.

d) The maximum length of a consecutive day furlough assignment is three (3) months beyond the month of the employee's last paid workday (including any day of paid leave).

e) Intermittent furlough day assignments may not be assigned to exceed one day every two weeks, coinciding with a biweekly pay period.

f) Employees with exempt status under the federal Fair Labor Standards Act or the Wisconsin wage law must track their hours worked in any two weeks, coinciding with a biweekly pay period, that they are furloughed. Such employees are prohibited from working more than 72 hours in that two-week period, coinciding with a biweekly pay period.

g) An intermittent furlough assignment may be for specific dates, or employees may be given the option to select their own furlough assignment dates, subject to the approval of their immediate supervisor.

(1) If employees are given the option to select their own furlough assignment dates, the earliest and latest dates that may be selected should be specified in the furlough assignment.

(2) In no event shall an employee be permitted to select furlough assignment dates that result in a conflict with federal and state minimum wage laws.

h) A furlough assignment may be extended.

(1) A consecutive day furlough assignment may be extended, subject to the notice requirements in section 5.B.II, so long as the total length of a consecutive day furlough assignment remains below the 3-month maximum in section 5.A.III.d

(2) No notice is required to extend the duration of an intermittent furlough assignment.

i) A furlough assignment may be shortened.

(1) If a consecutive day furlough assignment is reduced, an employee must be provided with at least seven (7) calendar days' written notice of the requirement to return to active status. This notice requirement may be shortened or waived with the consent of both the employer and the employee.

(2) No notice is required to shorten the duration of an intermittent furlough assignment.

INTERIM – DRAFT

- j) Nothing in this policy precludes the use of multiple furlough assignments, of either type or both, in a calendar year.
- k) Employees may not utilize any paid leave benefit on a day the employee is assigned to a furlough.

B. Limitations on furlough assignment authority

I. Prohibited criteria for selection of employees

- a) Employees must not be selected for furlough assignment based upon any classification protected under the Wisconsin Fair Employment Act, or any UW System or institutional non-discrimination policy.
- b) Employees must not be selected for furlough assignment based on current or past involvement in a labor union, or support or lack of support for any labor union.
- c) Employees must not be selected for furlough assignment based upon any speech that would be protected under system or institutional academic freedom policies.
- d) A furlough assignment is not intended, and must not be used, as a disciplinary measure nor as a substitute for a performance improvement plan in the case of an underperforming employee.

II. Notice requirements

- a) Employees subject to a furlough assignment shall receive written notice no less than seven (7) calendar days prior to the first date of the furlough assignment.
- b) A furlough assignment notice should include:
 - (1) The name of the employee and the employee number.
 - (2) The name of the operational area, if operational areas were used to determine furlough assignments.
 - (3) The total length of the furlough assignment.
 - (4) The earliest start date of the furlough assignment.
 - (5) The latest end date of the furlough assignment.
 - (6) Whether the furlough assignment is for assigned (and identified) days, or if the employee has the option to select their own dates.
 - (a) If the employee has the option to select their own dates, the process by which the employee's selections are approved.
- c) When a furlough assignment notice is sent to an employee, a copy of the notice should be sent to the UW Service Center, Director of Service Operations.

III. Limitation on faculty furlough assignments

- a) Faculty may only receive an intermittent furlough assignment as part of a workforce-wide furlough.
- b) Faculty may not be assigned a consecutive day furlough assignment.

C. Right to return to active status

Employees assigned to a furlough have a right to return to active status in their existing appointment.

INTERIM – DRAFT

D. Employment status of furloughed employees

I. Continuation of benefits

- a) To the extent allowed by law, employees subject to a furlough assignment continue to receive their regular employment benefits, subject to their normal employee contributions.
- b) Employees may use accrued sick leave as credits to pay for the employee portion of health insurance benefits while on a furlough assignment.
- c) A furlough assignment shall not be considered a break in service for purposes of the calculation of Continuous Employment or Continuous Service, as per [UW System Administrative Policy 1219- Continuous Service](#).
- d) Notwithstanding [UW System Administrative Policy 1210, Vacation, Paid Leave Banks, and Vacation Cash Payouts](#), and [UW System Administrative Policy 1212, Sick Leave](#), employees will continue to accrue vacation and sick leave at same rate as they would have in full paid status during a furlough assignment.

II. Access to university property and resources

- a) Employees subject to a furlough assignment retain their university identification cards, e-mail accounts and all other rights and privileges of a university system employee, except for wages and that:
 - (1) Employees currently assigned to a furlough shall not perform any university business while serving the furlough assignment.
 - (2) Employees currently assigned to a furlough may not operate university vehicles while serving the furlough assignment.

E. Voluntary Furlough Assignment

I. Eligibility

- a) Any employee may request a voluntary furlough assignment in writing from their immediate supervisor. The decision to grant or deny a voluntary furlough assignment is made by the chancellor (or designee) or the UW System President (or designee) in the case of the central administration (UW System Administration, UW Shared Services, and UW Extended Campus).
- b) A request for a voluntary furlough assignment should include:
 - (1) The name of the employee and the employee number
 - (2) The employee's operational area and job title
 - (3) The requested duration of the furlough assignment, as well as the start and end dates
 - (4) Whether the furlough assignment days will be served consecutively or intermittently.
 - (5) If the furlough assignment days will be served intermittently, the proposed dates of each furlough day.
 - (6) A brief description of the employee's plan to ensure that work missed while assigned to furlough is adequately covered within the institution.

INTERIM – DRAFT

F. Appeal process

I. Right to appeal

- a) The right to appeal a furlough assignment is limited to the substance and process described in this policy. Assignment to a workforce-wide furlough may not be appealed.
- b) A furlough assignment is not stayed during the appeal.

II. Request for review & investigation

- a) If an employee believes that a right granted under this policy has been violated or a procedure under this policy has not been followed, the employee may file a written request for review within three (3) business days of receiving their notice of a furlough assignment with the University of Wisconsin System Office of Human Resources.
- b) Upon receipt of a request, the UW System Human Resources will initiate an investigation within five (5) business days. This investigation will solicit such information from the employee and the institution as is necessary to determine if the institution followed the appropriate procedures under this section and to determine if the criteria used to select the employee violated the prohibitions of section 5.B.I.
- c) If multiple similar requests are received from the same institution, the requests may be combined into a single investigation.

III. Initial determination

- a) After collecting necessary and appropriate evidence, UW System Human Resources will issue an initial determination as to the compliance of the institution with this policy.
- b) If the institution is determined to be in non-compliance, a letter will be sent to both the employee and the institution specifying what steps must be taken to bring the institution into compliance with the policy.
- c) If the institution is determined to be in compliance with the policy, a letter affirming this fact, along with a supporting rationale, will be sent to the employee and the institution.

IV. Appeal to the UW System President

- a) If the employee or the institution is dissatisfied with the determination made by UW System Human Resources, the aggrieved party may appeal the determination to the UW System President. This appeal must be made within three (3) business days of the initial determination. Any appeal filed must include the original complaint, the determination of UW System Human Resources, and the reason the complainant believes the initial determination was in error.
- b) The UW System President may elect to hear the appeal, at his or her sole discretion. If the UW System President does not notify the parties of an intent to hear the appeal within five (5) business days of receiving the appeal, the determination of UW System Human Resources shall be considered final.

INTERIM – DRAFT

6. Supplemental Documents

[Regent Policy Document 20-21, University Personnel Systems](#)

APPROVED BY:

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