

Furlough 2020 Frequently Asked Questions (FAQs)

Updated 10/1/20

A. Who is Covered

1. What agencies are covered?

Please see the attached [List of Covered Agencies](#).

2. Who is impacted by the MPO?

Please see the attached [List of Affected CBUs](#).

3. Are part-time employees covered?

Part time employees are covered on a pro rata basis. In such cases partial furlough days may be taken if appropriate.

4. Are 55-a employees or other employees exempt from the furlough?

55-a employees are not exempt. Please refer to the exemptions listed in the MPO for non-covered employees.

B. Employees not in Active Status for the entire Duration between October 1, 2020 and March 31, 2020

1. Are employees who are scheduled for accretion on 10/4/2020 (certain Computer Systems Managers and Computer Operations Managers) eligible for this furlough?

No, these employees should not be included in this exercise.

2. If the City participates in an early retirement incentive plan and an eligible employee retires, will the furlough days not used reduce leave days which affects managerial lump sum payments?

Further guidance will be issued if an early retirement incentive plan is offered.

3. If an eligible employee separates from the City with five or less furlough days used, how many furlough days should they be required to take?

Agencies should make every attempt to ensure a fair and equitable distribution of the furlough days for employees separating from City service. i.e. They should have to take at least one furlough day for each full or partial month (at least ten work days) of service between October 1, 2020 and March 31, 2021, up to a maximum of five days, as described in MPO 2020/2, prior to separation. In those cases where an

employee did not take the appropriate proportional number of days prior to separation, the remaining number of furlough day(s) due may be taken from their leave balances.

An employee already on separation leave (V status) should not be taken out of V status.

4. If an eligible employee separates by retiring with five or less furlough days used, will the furlough days not used reduce leave days which affects managerial lump sum payments?

Agencies should make every attempt to ensure a fair and equitable distribution of the furlough days for employees retiring from City service. i.e. They should have to take at least one furlough day for each full or partial month of service (at least ten work days) between October 1, 2020 and March 31, 2021, up to a maximum of five days, as described in MPO 2020/2, prior to retirement. In those cases where an employee did not take the appropriate proportional number of days prior to retirement, the remaining number of furlough day(s) due may be taken from their leave balances.

Please see FAQ #C1 regarding how the furlough may affect pensions.

5. If an eligible employee moves from an agency covered by 2020-1 or 2020-2 to an agency not covered by 2020-1 or 2020-2 with five or less furlough days used, how many furlough days should they be required to take?

Employees in this situation should be treated the same as an employee separating from the City (see FAQ #B3).

C. Pension and Benefits

1. Will the employees' pensions be adversely affected by the furlough?

(from <https://www.nycers.org/post/furloughs>)

NYCERS members who are furloughed per Mayor de Blasio's order will not receive pay for the time they are furloughed and therefore, will not receive service credit for that time. The furloughed time cannot be bought back unless legislation is passed to permit the purchase.

Employees should contact their retirement system for further details about the impact.

2. Will health insurance coverage continue for employees on furlough?

The employee's health insurance coverage status will not be changed by the furlough.

3. Will employees be eligible for Unemployment Insurance Benefits?

No. A furlough of one day in a week does not trigger unemployment benefit eligibility.

D. Tracking and Audit

1. How should the furlough days be recorded in CityTime?

A CityTime Leave request should be entered as follows. Please follow the CityTime Bulletin Process Mandatory Furlough for Managerial and Original Jurisdiction Employees issued by FISA-OPA for more information.

Ø Leave Type: "OTHER LEAVE"

Ø Reason:

"Mandatory Furlough-Fiscal Crisis" (used for Exception Paid employees)

OR

"Mandatory Furlough-Fisc Crisis(pos)" (used for Positive Paid employees)

E. Scheduling

1. How do the furlough day(s) apply to employees on a compressed work week schedule?

Employees on a compressed schedule should furlough the whole scheduled day up to their Weekly Title hours (35, 37.5, 40) in total furlough. Depending on the employee's schedule the last furlough day may be partial.

For example: An employee in a 7hrs/day title is scheduled 30 hours in ETR week 1 and 40 hours in ETR week 2; 4 furlough days are taken in weeks (1 per week) scheduled for 6 hours (total = 24), one furlough day is taken in a week scheduled for 8 hours (24 + 8 = 32); the employee will need to be furloughed for an additional 3 hours on a sixth day (24 + 8 + 3 = 35) - in such case partial furlough days may be taken.

2. What are the agencies' responsibilities to ensure that the furlough days are taken?

Agencies should determine and implement timing and ensure that their goals are met. When scheduling days, agencies should keep in mind that the possibility that an agency emergency may require rescheduling (see FAQ #G2), and not delay the days until the last month. Agencies should contact their OMB taskforce for more information for the cadence of the furlough days. Oversight agencies may perform periodic audits to ensure that furlough days are being implemented.

3. What if an employee does not submit their requested furlough days?

Supervisors should work with their staff to determine the optimal time to take the furlough days. If an employee does not submit their preference, supervisors may select the days on their behalf.

F. Employees on Leave

1. If an eligible employee is on a paid leave of absence, do they have to take furlough day(s)?

In general, yes. The only exception is employees on military leave who are not impacted by this MPO. When possible, agencies should effectuate the furlough days prior to or after the leave and ensure that this is done within the furlough period (between October 1, 2020 and March 31, 2020).

2. If an eligible employee is on an unpaid leave of absence, do they have to take furlough day(s)?

In general, no.

3. If an eligible employee is on paid Family and Medical Leave Act (FMLA)/(Families First Coronavirus Response Act (FFCRA) leave, does the furlough day count as part of their FMLA/FFCRA entitlement?

The furlough day should not count towards the employee's FMLA/FFCRA entitlement.

4. Do the furlough days count towards an employee's FMLA eligibility?

No. The 1,250 hours required for FMLA eligibility applies to hours actually worked.

5. Do the furlough days count towards an employee's Emergency Family and Medical Leave Expansion Act (EFMLEA) FFCRA eligibility?

Yes. The eFMLEA FFCRA requirement is that the employee is on payroll for the 30 calendar days immediately prior to the date the leave would begin. It should not affect eFMLEA FFCRA eligibility.

G. Other

1. Who does Section II(E) of the Mayoral Personnel Order, regarding work on a furlough day, apply to?

All employees covered by the Order except for Agency Commissioners. In addition, there are special considerations for lawyers and doctors practicing law and medicine and HR professionals should contact DCAS (or GC Questions) about those

considerations. For all other employees, if an agency emergency requires them to work, the furlough day should be rescheduled.

2. In the case of a true agency emergency is the furlough day cancelled and the employee substitute another day?

Yes. Agencies should keep this in mind when scheduling the furlough days to ensure that all eligible employees take the appropriate number of days by March 31, 2020, allowing for possible cancellation and rescheduling. If an employee is needed to work on a furlough day, the furlough must be cancelled and rescheduled; if the furlough day is cancelled it can be treated as a regular day of work.

3. Can an eligible employee be allowed to take an extra furlough day in order to cover another employee's furlough day?

No.

4. Can an eligible employee be allowed to pay the City in lieu of taking furlough day(s) to avoid pension issues?

No.

5. Do the furlough day(s) count towards an employee's probation period?

No.

6. Does taking a furlough day before or after a holiday affect an employee's ability to get paid for that holiday?

No.

7. Will employees accrue sick and vacation time on the days they are furloughed?

The employee's accrual status will not be changed by the furlough.

8. Can an employee use their leave to cover the furlough day?

No.

9. Can an employee be assigned overtime in a week with a furlough day?

Agencies should not permit an employee to work more than 40 hours in a week that includes a furlough day.