RESOLUTION TO ALLOW VOLUNTARY UNPAID FURLoughs FOR CLARK COUNTY EMPLOYEES

WHEREAS, Clark County, Nevada is experiencing financial conditions that require proactive cost containment efforts; and,

WHEREAS, Clark County, Nevada desires to implement measured and responsive cost containment policies to avoid more severe actions in the future; and

WHEREAS, Clark County, Nevada desires to pilot a voluntary unpaid furlough program to contain personnel costs and to determine the future viability and continuation of such program.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Clark County, Nevada, Board of County Commissioners hereby establishes the following Voluntary Unpaid Furlough Policy:

1) The County Manager may allow voluntary furloughs up to fifteen (15) working days in length to employees due to budgetary reasons during the period from February 3, 2009 through September 4, 2009.
2) Furlough requests must be approved by the employee’s department head. The department head may accept or reject a request for furlough after considering the employee’s position, seniority, skills, and the needs of the department.
3) In accordance with the Fair Labor Standards Act Regulation 29 C.F.R. §541.5d, furloughs of overtime-exempt employees must be taken in work day or workweek increments. During the workweek in which an overtime-exempt employee takes one or more furlough days, the furlough hours taken and the hours worked plus any leave taken by the exempt employee should not total more than 40 hours. A work day is eight (8) hours for the purposes of this rule.
4) Furloughs of non-exempt employees need not be taken in work day or workweek increments but shall be approved in no less than four (4) hour increments.
5) The use of voluntary furlough should not result in the need for overtime or compensatory time from the employee or other employees.
6) Employees will receive no salaried or hourly compensation during periods of voluntary furlough.
7) Employees are not required to take voluntary furlough.
8) A voluntary furlough shall have no effect on the following:
   a. Performance evaluations, merit increases, or cost of living adjustments;
   b. Longevity, anniversary, or seniority dates;
   c. Vacation and sick leave accruals during the furlough period; or
   d. Holiday eligibility.
9) A voluntary furlough shall not constitute a break in service.
10) At the expiration of the furlough, the employee shall return to the position held prior to the voluntary furlough.
11) The County will pay the employer portion of all insurance contributions during the voluntary furlough period as if the employee were in pay status for the specific days of furlough. All deductions due from the employee shall be
taken from the employee’s payroll check. In the event sufficient funds are not available during the pay period of the furlough, deductions will be taken in the next pay period(s) that funds are available. This includes, but is not limited to health, dental, life, section 125, long-term disability, deferred compensation, and union deductions.

12) In accordance with Nevada Revised Statute, employees will receive no PERS service credit during periods of voluntary furlough.

13) Employees may request the use of voluntary furlough in conjunction with Family Medical Leave Act (FMLA) usage, unless in leave of absence without pay status. Voluntary furlough for a purpose covered by the Federal Family Medical Leave Act (FMLA) shall be recorded as FMLA usage.

14) Employees with leave balances who are in leave of absence without pay status, not related to disciplinary action, will not be allowed to participate in the voluntary furlough program.

15) Employees with accrued vacation balances in excess of maximum accrual balances may not take voluntary furlough until such leave balances are at or below the maximum amounts allowed.

16) County staff will report to the Board of County Commissioners within 30 days of the expiration of this program the results of this pilot program.

PASSED, ADOPTED AND APPROVED this 3rd day of March 2009.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY:

RORY REID, Chairman

ATTEST:

SHIRLEY B. PARRAGUIRRE, County Clerk