

Cost Saving Measures – Furlough FAQ

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The matrix below is revised guidance related to employee furloughs required by non-represented employees. This matrix considers salary bands and hours worked to determine a more equitable distribution of furlough in response to the financial impacts of the COVID-19 pandemic.

Please refer to the matrix below in determining how furlough time is to be calculated. Human Resources business partners have information related to individual employees and will be able to assist bureaus in their assessment and implementation.

Hourly Rate of Pay	>\$42.25	\$29.55 - \$42.25	<\$29.55
Annualized Salary	\$87,900.01 or more	Between \$61,464 - \$87,900	\$61,463.99 or less
Hours Scheduled Per Pay Period	Furlough Hours Required		
72 -80	80	40	0
64-71	70	35	0
56-63	60	30	0
48-55	50	25	0
40-47	40	20	0
< 40	0	0	0

The living wage for an individual with one dependent in Multnomah County is \$29.55 per hour which amounts to \$61,464 annually. The 2019 Median Income for a family of four in the Portland-Vancouver-Hillsboro MSA is \$42.25 per hour, which amounts to \$87,900 annually.
<https://beta.portland.gov/sites/default/files/2020-02/2019-ami-rents-phb.pdf>

General Questions

1. Is the furlough requirement for 80 hours unpaid or for 10 days unpaid?

The original guidance was for 10 days, or the equivalent of 80 hours if the employee worked an alternative schedule. As noted above, the number of hours or days required has changed for some employees; refer to the furlough matrix ([Furlough Matrix](#)). The furlough days can be taken one day or two days per pay period, one week or two weeks at a time as approved by the bureau.

- **Tom's e-mail dated April 14th stated that employees can take 1 or 2 days per pay period or a one-week increment. Can employees take a one-time, two-week furlough?**

Bureaus have discretion within the options provided and will determine how furloughs will be taken based on operational needs.

2. Will employees receive official furlough notices for unemployment purposes?

Unemployment insurance is a state program, and **Tom Reinhart's e-mail dated April 14th serves as the City's official notice regarding furloughs**. Employees should check with their state on eligibility requirements. See your Human Resources business partner for additional questions.

The City is in the process of obtaining approval for participation in Oregon's Work Share program, which may simplify the process for obtaining partial unemployment insurance. Because Work Share is a state program, the City does not determine eligibility nor entitlement to benefits. If you are interested in participating in Work Share, please find a link to the claim form here: [Work Share Initial Claim Form](#)

3. Can furlough time be taken in partial days? Is this different for exempt (salaried) and non-exempt (hourly) employees?

Non-exempt (hourly and subject to overtime) employees can take furloughs in 4-hour increments. Exempt (salaried) employees are required to take full days based on the employee's schedule, except if required, on the last day to meet their equivalent hours. For example, if an employee is required to take 80 hours

of furlough and has taken 74 hours, the remaining 6 hours can be taken on the last day to meet their 80 hours of furlough requirement.

- **Will there be any restrictions on how furloughs can be taken, for example, prohibiting employees from taking it all at once?**

Furloughs can be taken one or two days per pay period, one week or two weeks at a time as applicable or in other work week configurations as approved by the bureau. Each bureau will provide more information on how furloughs will be implemented.

4. If an employee is on a leave without pay for 80 hours during the furlough period, are they still required to take a furlough?

Currently, the furlough directive includes all non-rep employees who are working. Employees who are away from the workplace are not subject to furlough during the period they are out. If the employee returns to paid status between April 30 and October 14, 2020, their supervisor will work with them to implement the required furlough days as appropriate.

5. Are contractors included in furlough?

No, contractors are not City employees. However, bureaus may want to consider decreasing contractor schedules as able, from April 30 – October 14, 2020.

6. If an employee is in a grant-funded position, will they still be part of the furlough?

Grant-funded positions will be reviewed by their bureau on a case by case basis. Things considered for exemption are:

- The impact furloughs will have on the grant funding received
- The timeline on the grant
- Rules with the grant, what makes it null and void
- The urgency of the work being performed

7. Are casual employees included in furloughs?

It depends on a casual employee's standard hours and pay. Refer to the furlough matrix ([Furlough Matrix](#)).

Employees

- 1. If employees are required to take furlough days before July 2020, will the federal government provide additional unemployment benefits to employees?**
Eligibility for federal dollars under this program is currently being reviewed. Unemployment is a state program; employees should check with their state on eligibility requirements and if they have questions about the program.
- 2. Can an employee voluntarily donate, or forfeit, the applicable amount of accrued vacation or sick leave time instead of taking non-paid furloughs?**
The City is committed to saving jobs and restoring financial well-being as quickly as possible. Employees cannot use accrued time in place of non-paid time. Taking a vacation day or using sick leave accruals do not provide a cost savings to the City, which is the intent of the furlough program.
- 3. If an employee has applied for short term disability and expects to be paid through Standard Insurance, can their time off for short-term disability also be counted towards their 10 furlough days?**
Currently, the furlough directive includes all non-rep employees who are working. Employees who are away from the workplace on short-term disability would not be subject to furlough during their period of disability. If the employee returns to the workplace between April 30 – October 14, 2020, their supervisor will work with them to implement furloughs as appropriate.
- 4. Has any consideration been given to the idea of having employees opt for taking more furlough time in exchange for receiving their merit and or COLA increases?**
Taking the suggested approach would create pay inequities for non-represented employees, and it would be difficult to administer and track individual decisions.
- 5. Is the level of service expected to decrease with the furlough hours?**
It is expected the City may experience some delays in service due to furloughs.
- 6. In lieu of furloughs, can employees consider a “voluntary” pay cut that would yield the same outcome and allow the employee to continue working?**

No, at this time the City is not considering a direct salary/hourly wage cut to address the financial impacts of COVID-19.

7. Does the \$75 million estimated shortfall, prompting the furlough, get fixed with the \$114 million in federal money received by the City?

Current federal rules do not allow this money to replace lost revenue or pay for already budgeted personnel costs. The City is continuing its evaluation of the guidelines for how these funds can be used.

8. If an employee is planning to retire soon, are they required to take furlough days?

No, employees who provide written notice of retirement on or before January 31, 2021, will not be required to furlough. However, the employee's bureau must commit to holding the vacant position open to recognize the equivalent value of the missed furlough period.

- **Is the City considering implementing/offering retirement incentives during the furlough timeline of April 30 to Oct. 14, 2020?**

There is no plan to offer incentives at this time. Final payouts and any additional incentive funds would not yield the short-term cost savings the City needs to address the financial impacts of COVID-19.

9. Will non-represented employees be required to take more furlough days if union members are not required to take furloughs or other cost savings cuts?

City Council is committed to a shared approach and will not ask non-represented employees to take additional furlough days in response to collective bargaining. However, the full financial impacts of COVID-19 are not known yet and City Council may be required to make additional cuts and/or furloughs during the 2020-21 fiscal year.

- **Can represented employees voluntarily take furlough, regardless of whether mandatory furlough is an outcome of union negotiations?** Not at this time, however, we continue to work with our labor partners and will roll out information as agreements are made.

10. For employees on a non-standard schedule, how is furlough time applied?

Supervisors and employees should manage so that they reach the furlough time required for each employee. Bureaus have flexibility based upon operational needs or employee preference. As an example, an employee could request a

temporary change to their schedule (if they normally work a 9/80 schedule, they could choose to furlough for five 8-hour days)

11. Can employees work for another employer during their furlough days?

Yes, provided there are no conflicts of interest and no violation of the ethics clause. ([HRAR 11.01](#))

12. Are temporary employees whose assignment end during the furlough period required to take furlough days?

No, if a temporary assignment ends within the furlough period, April 30 – October 14, 2020, those employees would be exempt from participating in the furloughs.

13. Can employees check email, accept a professional phone call or take care of urgent tasks during a furlough day? What if they keep their work to minimum, the way they might during a vacation?

No, for legal reasons, employees cannot perform work on the days they take furlough. This limitation includes not checking emails, answering work calls or completing any other work-related tasks. If employees exceed their regular hours, they must be compensated.

14. Will employee's healthcare coverage or vacation, sick leave accruals be impacted by the furlough requirements?

No, employees healthcare coverage and the level of sick and vacations accruals an employee would normally receive will not change during any required furloughs.

15. Is the salary for furlough calculation based on a specific date?

Yes, to determine how many days of furlough an employee is required to take, it is based on salary/hourly rate as of April 30, 2020. E.g. if an employee's eligible merit is processed in May with a retroactive date, the furlough calculation is based on the employee's salary/hourly rate as of April 30, 2020.

16. For employees expecting to be on FMLA/OFLA between April – October 14, 2020, will they be required to furlough after FMLA/OFLA ends or can they take furloughs during their leave?

Employees may ask to take their furlough days in lieu of their approved FMLA/OFLA leave and would need to make such request to their supervisor/manager. Approved furlough days taken will not count towards an employee's FMLA/OFLA leave entitlement. An employee can also request to take

furlough days after their FMLA/OFLA leave period ends, if this is prior to October 14, 2020.

17. How do furloughs apply to new non-represented employees to the City during the furlough period, April 30 – October 14, 2020?

Managers/supervisors, work with your Human Resources Business Partner to determine proration.

18. How do furloughs apply to represented employees promoted to non-represented positions during the furlough period, April 30 – October 14, 2020?

Managers/supervisors and employees, work with your Human Resources Business Partner to determine proration.

Managers/Supervisors

1. How many furlough days are employees required to take?

Please refer to the furlough matrix ([Furlough Matrix](#)).

2. Can an employee voluntarily reduce their hours to 72 hours per pay period (or lower) until October (rather than taking 10 furlough days)?

Employees' standard hours should not be changed during the furlough period as a step to meet the furlough requirements. Once the furlough requirements have been met, the employee could request a reduced schedule. Consistently managing the process will ensure furlough hours are recorded and tracked. It will also enable BHR to report on furlough cost savings and participation.

3. What rules or structures will be in place to ensure that employees are not unexpectedly called in to work on furloughed days?

Bureaus and managers will be expected to manage employee furlough days and ensure the applicable hours are fulfilled between April 30 and October 14, 2020. If an employee is suddenly required to report to work on a scheduled furlough day, then the employee will be compensated for work performed and a new furlough day will need to be scheduled.

4. Can furloughs be applied retroactively from the beginning of the emergency?

No. However, if an employee has taken a furlough day since the requirement was announced on April 10th and approved with their manager and/or supervisor, the

furlough day will be honored. Timekeepers will need to track it manually until the furlough code becomes available on April 30th.

5. Can an employee take furlough days during City paid parental leave?

Parental leave must be taken in one continuous period, up to a maximum of six calendar weeks. Furloughs are a cost-saving measure for the City. Parental leave is paid time and would not offer the City any savings. The employee will still be required to take the applicable days or hours of furlough, before or after their City Paid Parental Leave.

6. Will an employee who returns to work, on a reduced schedule, following parental leave be required to take furlough days before October 14, 2020?

Furlough days required are based on the matrix ([Furlough Matrix](#)). Employees are required to take the allotted furlough days within the remaining furlough period. Employees should work with their supervisor and Human Resources business partner for additional questions.

7. Can employees take furlough days around a City paid holiday and have the holiday count as a furlough day?

Yes, if the furlough day is on the day before or after a holiday, the holiday will be paid.

Friday	Monday (Memorial Day)	Tuesday
Furlough	Furlough	Furlough
Work	Furlough	Vacation
Work	Furlough	Work
Furlough	Paid Holiday	Work
Work	Paid Holiday	Furlough
Furlough	Paid Holiday	Furlough
Work	Paid Holiday	Work

8. How are FLSA Exempt (salaried) employees impacted during furloughs?

FLSA Exempt (salaried) employees' status changes from exempt to hourly for the work week of the furlough(s). This means they are required to be paid for all time worked. If they work during their furlough they must be paid, and if they work more than 40 hours, the City is required to pay them overtime. For the work week they do not have a furlough day, they remain FLSA exempt.

Bureaus

1. If the federal government reimburses the City for lost revenue, would the City pay the furlough back?

The City does expect reimbursement from the federal government for some expenses directly related to COVID-19, however, not for revenue losses due to the pandemic or to replace current budgeted expenses (like personnel costs). An assessment of the City's finances will be completed, and decisions will be made if reimbursements can occur on the various cost saving measures.

2. Will the City consider the financial stress for staff whose partner/spouse has lost their job? Is the furlough being implemented equitably?

City Council, the City Budget Office, Human Resources and Office of Equity and Human Rights continue to consider disparate impacts of the pandemic and how the City can implement different strategies to ensure cost-saving measures are as equitable as possible.

3. What are the impacts for employees retiring in the next three years?

Since individual employee situations are different, employees should contact PERS or their financial advisor to determine specific impacts.

4. Are employees retiring in 2020 required to do furloughs?

Employees who provide written notice of retirement effective January 31, 2021, or sooner, will not be required to furlough. However, the employee's bureau must commit to vacancy savings, equal to the required furlough days.

Administrative

1. Can employees continue to use sick time (coded COVID) during the time period that the furlough is in effect?

Sick leave, for any reason, can continue to be used as applicable but not in lieu of furloughs. Designated furlough days are unpaid leave days.

2. What if someone is on long-term disability?

Employees on long-term disability are not subject to furloughs. If an employee is medically released to return to work from long term disability between April 30 and October 14, 2020, their supervisor will work with them to implement furloughs as appropriate.

Work Share Program

Work Share Oregon informational video can be found [here](#).

1. What is the Work Share Program?

The Work Share Program provides Oregon businesses an alternative to layoffs. This new program allows employers to leverage unemployment insurance to subsidize a portion of lost wages for employees whose work time is reduced to market downturns or other business stressors. It is a short-term compensation program from the Oregon Employment Department (OED) that may provide an avenue and simplified process for certain furloughed employees to obtain partial unemployment insurance benefits.

2. How does the program work?

Eligible employees on the plan receive a portion of their regular unemployment insurance benefits corresponding to their work week reduction, furloughs. Employees complete a Work Share plan by completing the PDF application available on the BHR website ([here](#)). The plan reduces the employee's weekly hours of work and wages by at least 20% and no more than 40%. For example, if one's normal work hours equal 40, they cannot work more than 32 hours or less than 24 hours, for the week during their furlough.

3. What are the employer's obligations under Work Share?

The employer is obligated to meet certain eligibility requirements as established by the State of Oregon Employment Department. Also, to file weekly claims for benefits on behalf of its employees, where general unemployment insurance requires the employee to file claims.

4. What are the employee's obligations under Work Share?

- The employee is required to complete the Work Share Initial Claim Form ([here](#)), Furlough Tracking for Work Share ([here](#)) form and return both to your Human Resources Business Partner as soon as possible. The Human Resources Business Partner will provide the employee with a secure link for them to upload their application.
- Prior to the City entering the Work Share Program, the employee must have worked for the City continuously for
 - Six months, for full time employees; or
 - One year, for part time employees.
- Temporary, seasonal, casual, limited duration employees and working retirees are not eligible to participate in the Work Share Program.
- Employees normal weekly hours of work and wages must be reduced by at least 20%, but no more than 40%. For example, if your normal weekly hours of work are 40 hours, you cannot work more than 32 hours or less than 24 hours for the week during your furlough in order to take part in Workshare.
- In discussion and with approval from your supervisor/manager, determine your expected furlough schedule and immediately advise your bureau timekeeper. Should there be any changes to your schedule, ensure your bureau timekeeper is kept apprised. This [form](#) can facilitate this process and can be obtained from your supervisor, timekeeper or Human Resources Business Partner.

5. Has the City applied for this program?

Yes, the City has applied, and we anticipate the start date of Work Share to be on or around May 26, 2020. An updated notice will be distributed to advise of the OED's decision regarding the City's application. In the interim, keep the guidance in mind when discussing and scheduling your furlough days with your manager.

6. What should employees consider when scheduling their furlough days?

The scheduling of furlough days requires discussion and approval of your supervisor/manager. One of the requirements of Work Share is that an employee's normal weekly hours of work must be reduced by at least 20%, but no more than 40%. E.g. if an employee's normal weekly hours are 40 hours, the employee cannot work more than 32 hours or less than 24 hours for the week during their furlough in order to take part in Work Share.

7. What employees are not eligible for Work Share?

Temporary, seasonal, casual, limited duration and working retirees are not eligible to participate in Work Share.

8. I am a regular status employee currently in a temporary assignment, am I eligible for Work Share?

Yes, if your employment status is regular and not temporary, you would be eligible for Work Share benefits.

9. What is the length of the program?

If approved, the anticipated Work Share start date is May 26, 2020 and will be available through October 14, 2020, the last day furloughs must be taken. However, employees who receive state unemployment benefits under Work Share may also be entitled to an additional benefit of \$600 per week for any week they take furloughs through July 25, 2020. This additional \$600 is available through the CARES Act, the federal stimulus program and is separate from the benefits under Work Share.

10. Do furloughs have to be taken by July 25 to qualify?

No. The Work Share program is for the duration of the City's furlough period (Apr – October 14, 2020). The additional benefit (\$600 per week) available through the CARES Act, is currently available until July 31, 2020. Furloughs that are taken up until July 25, 2020, could be eligible for this benefit through the CARES Act.

11. Will furloughs taken prior to the City's application be retroactively approved?

No. Retroactivity is not allowed under the program.

12. Is an employee required to apply separately for the CARES Act money through the state or does applying for Work Share also provide consideration for the \$600 additional benefit from the CARES Act?

Through July 31, 2020, if an employee receives unemployment benefits either through Work Share or regular unemployment, they don't need to do anything further to apply for CARES Act benefits. Furloughs are required to be taken by July 25, 2020, to be eligible for the additional benefit (\$600) under the CARES Act.

13. What is the benefit amount employees will be receiving?

The benefit rate is determined by the OED. Generally, it is based on an individual's one-year earning history prior to applying for benefits. Please see the OED website for the formula used.

14. Does Work Share take the place of regular unemployment?

Work Share provides for unemployment benefits in situations where employees' work schedules and wage are reduced by at least 20% but no more than 40%. Employees who meet Work Share eligibility requirements need not apply separately for unemployment benefits.

15. Is there a waiting period for Work Share?

No, Work Share does not have a waiting period, however, unemployment benefits generally have one. Governor Brown's declaration has waived the waiting period for unemployment benefits. OED determines all eligibility and benefits issues.

16. Is a work week for purposes of the Work Share program the same as the Thursday – Wednesday work week the City is using for furloughs?

No, the OED uses a Sunday – Saturday work week.

17. How does the difference in the OED's work week and the City's work week impact how furloughs are reported?

For example, an employee who works 8 hours per day chooses furlough days on 5/29/2020 and 06/01/2020. For the purposes of reporting the employee's work hours for those weeks to OED, the City would report the following:

Week 1 (includes 5/29): 32 hours

Week 2 (includes 6/1): 32 hours

The employee should keep in mind that because of the FLSA work week (Thursday-Wednesday), they are required to work only their scheduled hours of 8 hours per day for Thursday 5/28, Tuesday 6/2 and Wednesday 6/3/2020. The new FLSA work week begins Thursday 6/4/2020.

18. Can City employees apply for unemployment compensation on their own and not participate in the program?

Which program to apply for is an employees' personal decision and should be made based on their personal situation. Employees have the option of applying for regular unemployment benefits on their own. As eligibility and benefits are determined by the OED, the City cannot comment on this regard.

19. Typically, unemployment benefits are significantly reduced or denied if one works partial weeks. Does Work Share override working partial weeks and provide full benefits for furloughs regardless of when they occur?

Work Share provides for unemployment benefits in situations where employees' work schedules and wage are reduced by at least 20% but not more than 40%. Furloughs outside of that range will not qualify for Work Share, but employees have the option of applying for unemployment benefits on their own. E.g. employees taking 3 furlough days per week would fall outside of the Work Share program. It would be up to the employee to apply for regular unemployment insurance and up to OED to determine eligibility.

20. What is the funding source of Work Share?

Through December 31, 2020, funding for Work Share is provided through the CARES Act, the federal stimulus package. The OED has been tasked with developing policies and procedures for implementing federal funding.

21. Is the preceding work period, 6 months for full time employees, a City of Portland stipulation or is that part of the Work Share requirement?

It is based on the statute, ORS 657.370(1). Work Share requirement is 6 months for full time employees, 12 months for part time employees, of continuous employment but not on a seasonal, temporary or intermittent basis, immediately preceding the submission by the employer of the shared work plan.

22. Any specifics on how Work Share defines the qualifying 6 months of employment?

The statute states that the employee must be continuously employed for 6 months on a full-time basis *...immediately preceding the submission by the employer of the shared work plan.* Because the Work Share application was submitted on May 4, 2020, the length of employment would be the 6 months prior to May 4, which would be November 4, 2019 for the most recent start date for full time employees. For part time employees, most recent start date would be May 4, 2019.

23. Can an employee who lives in Washington apply for Work Share or unemployment?

Yes. Employees who live in Washington can participate in Work Share or apply for unemployment benefits in Oregon.

24. If the City is approved for Work Share the start date is May 26, 2020, are furlough days taken on May 26, 2020, eligible for the program?

If approved, the program would start on May 26, 2020. Furlough days taken on or after May 26, would be eligible.

25. Should employees adjust their furlough days to not start in May to allow time for the program to start?

Employees should work with their bureau managers and supervisors to determine how best to balance the bureau's operational needs with the individual's proposed furlough schedule.

26. What are the benefit options for employees taking full weeks of furloughs?

Employees may apply for unemployment benefits with the OED. Eligibility and the amount of benefits is determined by the OED.

27. If an employee gains approval to take furloughs most Fridays starting May 29th through the first half of July, then have a period of no furlough days, can they claim Work Share again when they take additional furlough days in August and later?

Yes, Work Share is available through October 14, 2020. Employees are required to work with their manager/supervisor to gain approval for their furlough schedule.

28. Can an employee receive partial unemployment insurance or Work Share benefits for every furlough week they take that is a 20%-40% hour/wage reduction, regardless of whether those weeks are consecutive?

Yes, if the City's application is approved by the state.

29. Does taking paid accruals on furlough weeks impact eligibility?

Yes, using accruals which brings the employees' hours worked schedule below 40% will make them ineligible for Work Share benefits that week. This is based on ORS 657. 155(1)(c). E.g. an employer's shared work plan reduces regular working hours from 40 hours to 24 hours per week (a reduction of 40%). The employer has 24 hours of work available, but the employee does not work some of the available hours because they are ill, have an appointment, or miss scheduled work for any other reason. The employee missed an opportunity to work and cannot use their other paid time to bring their work hour reduction within the 20% - 40% required to receive Work Share benefits.

30. Does a holiday count as a workday towards Work Share eligibility requirements for hours worked during a furlough week?

Yes, if it is a paid holiday. That will need to be reported as paid wages in the City's weekly reporting.

31. Does taking more than a 40% reduction in each week for furloughs impact eligibility for Work Share in other weeks? E.g. an employee's approved furlough

schedule is to take one day per pay period for 5 pay periods and then they also have one week of furloughs scheduled.

No, Work Share operates on a weekly basis.

32. For employees who normally have paid holiday as a normal day off, will taking a furlough day on a holiday preclude them from the Work Share benefit for the week of that holiday?

Yes, as the paid holiday is a day off, they will need to take another day as a furlough day.

33. Is there a deadline for employees to apply for Work Share benefits to the City?

No, employees can apply during the furlough period, April – October 14, 2020. The City will add eligible employees as a participant as part of the weekly reporting.

34. If an employee does not currently meet the requirement to be working the preceding 6 months for full time or 12 months for part time with the employer, once they've reached those requirements can they apply for Work Share benefits?

Yes, once they've met the requirements with the City, they can complete the [Work Share Initial Claim Form](#), the [Furlough Tracking for Work Share](#) form and submit to their supervisor and Human Resources Business Partner. The City will add eligible employees to the participant list as part of the weekly reporting to OED.

35. Which phone number should be on the form for employer phone number?

Human Resources general phone number (503-823-3572) should be used. This allows for a main point of contact should OED Adjudicators have questions or issues that may arise.

36. The form asks for employment information for the past 2 years, if an employee has worked for the City for more than 2 years, would providing information for the City satisfy for a response?

This information would be captured on the first page of the form, employees who have worked for the City for the past 2 years would only need to sign on the second page. However, if the employee has a second employment, that information needs to be entered. If an employee has not worked for the City for the past 2 years, they need to include all previous employers over the past 2 years on the second page of the form.

37. Where asked to “check one” for employment status, would “still working” be the most appropriate response for employees who are furloughing?

Yes.

38. Are employees required to provide gross earnings for the 2 years of employment or their current total work period at the City?

Based on information captured on the first page, if an employee has worked for the City for the past 2 years, they would only need to sign on the second page. If an employee has not worked for the City for the past 2 years, total gross earnings for the past 2 years would suffice. Ensure to specify it is earnings for the past 2 years.

39. Should the gross earnings be an annualized calculation of the employees’ rate of pay or the actual earnings taken from a W2 or paystub?

The gross earnings should be based on the employee’s rate of pay.

40. How would employees on a 9/80 schedule who has a 44-hour work week take their furloughs to meet the Work Share 20% - 40% hours/wage impact? In order to meet the Work Share hours and wages impact of 20%-40% requirement, the employee has the following options:

44-hour work week: one 9-hour day (20%), or one 9-hour day and one 8-hour day (39%)

36-hour work week: one 9-hour day (25%), or one 9-hour day and one *4-hour day (36%)

*For non-exempt, the 4-hour day can only be taken at the end of their furloughs if needed to make up their furlough requirement.