



The New America School-Las Cruces

FURLOUGH POLICY AND PROCEDURE

Rationale for Policy: If The New America School-Las Cruces experiences insufficient or reduced school revenues caused by a reduction in the number of enrolled students, number of students in a particular program, unexpected reduction in revenues from local, state or federal sources, or any other financial exigency, that might result in a need to reduce the number of employees, it is the policy of NAS-LC to implement a short-term employee furlough in order to preserve a sound and balanced educational program that is consistent with the functions and responsibilities of NAS-LC. A furlough in lieu of a reduction in force OR in addition to a reduction in force will be implemented whenever, in the sole discretion of NAS-LC, such measures are in the best interest of NAS-LC's students and program. A furlough will only be carried out after the Administrator and the Governing Body jointly adopt a determination that based on the projected financial burdens of the school, NAS-LC cannot survive financially for the fiscal year already underway unless a furlough is implemented.

The Head Administrator shall determine, based on the best interest of the educational program, whether all employees, or certain categories of employees or positions, will be subject to furlough as defined in this policy. It is the intent of NAS-LC to conduct an intermittent rather than continuous furlough to mitigate employee financial hardship; however, NAS-LC reserves the right to conduct a furlough in any manner deemed necessary to ensure the stability of the educational program. Furloughs will be implemented in a fair manner that is sensitive to the mission of NAS-LC and the needs of its faculty and staff.

Employee Furlough Policy:

1. Definition: A furlough is the placement of an employee in a temporary leave without pay status for a specified number of hours or days within a certain time frame. A furlough is not a layoff or reduction in workforce and may be used to avoid or delay such action.

2. Determination: The decision to implement an employee furlough will be made by the Head Administrator after consultation with the Governing Council.

3. Furlough Plan: The Head Administrator shall prepare a furlough plan that will identify the budgetary justification for the furlough; who or what job classifications will be affected; the number of days/hours that will be reduced from each employee's work day/week/month; specific dates, if applicable; and the procedure for implementing the furlough. The furlough plan shall be sufficiently comprehensive to address the entire shortfall projected for the balance of the budget year at issue. The Head Administrator may, at his/her sole discretion, require staggered furlough days (one employee or certain categories of employees during a specified time) or, alternatively, uniform furlough days (i.e. for all employees at one time).

4. Implementation: To implement a furlough, the Governing Council will consider the Head Administrator's furlough plan and vote on the plan at a public meeting. At this meeting the Head Administrator will explain the reasons for the furlough and his/her plan for implementing the furlough. The Governing Council may recommend revisions to the Head Administrator's furlough plan to the extent the plan does not adequately address the budgetary constraints identified as justification for the furlough. The Head Administrator, however, shall make the final decision regarding the plan as it affects employees and school programs.

5. Written Notice: Employees will be given as much advance written notice as possible, but not less than 10 work days prior to implementation of the furlough.

6. Status During Furlough: Affected employees must take time off without pay for the period of time designated by the furlough. Supervisors may not require, ask or permit employees to work on a furlough day except in instances of an emergency. An employee may not conduct any school business during the 24 hours of a furlough day. This includes checking work-related e-mail and voice mail.

7. Voluntary Furlough: If possible, prior to implementing a mandatory furlough, the Head Administrator may call for a voluntary furlough. However, the Head Administrator, may, in his/her sole discretion, determine whether the response to the call for a voluntary furlough will be sufficient to meet the anticipated budgetary shortfall for which a furlough is necessary.

8. Categories of Employees: At the sole discretion of the Head Administrator, he/she may implement a furlough of employees according to their job functions and responsibilities at NAS-LC. The categories of employees are as follows:

- Administration (Head Administrator, Principal and Business manager)
- Licensed Faculty and Staff
- Secretarial & Clerical
- Custodial

The Head Administrator shall ensure that any categorical or position-based furlough is implemented in a non-discriminatory and fair manner.

9. Selection of Furlough Hours/Days: The Administrative Team will consider reasonable requests to schedule furlough hours or days at the convenience of the employee, however, any decision regarding an employee's furlough schedule will be made in order to minimize disruption to the efficient operation of NAS-LC's programs. The scheduling of specific furlough hours is at the sole discretion of the Head Administrator and is not subject to the grievance procedure.

10. Holiday Pay During Furlough Hours: If a holiday is selected as the eight-hour furlough period then the employee will not receive pay for that day. Furlough is considered an excused absence for holiday pay accrual purposes.

11. Continuation of Benefits: The intermittent nature of the furlough is designed to avoid any adverse impact to employee benefits. Employees will continue to receive employer-provided benefits and accrue leave during the furlough period.

12. Part-time Employees and Phased Retirees: Part-time employees and return to work retirees are subject to a pro-rated furlough schedule. The amount of time a part-time employee must take off for the mandatory unpaid furlough will be pro-rated on the employee's assigned part-time percentage (e.g. 50%) of a full-time position.

13. Documentation: The Head Administrator shall ensure that appropriate documentation of the furlough plan and of those employees affected is kept.

Effective date: August 11th, 2014

To be revised: June, 2019

Approved by the Governing Council on

Date: February 11, 2016