

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF HUMAN RESOURCES

March 6, 2003

HUMAN RESOURCE MEMORANDUM 1-03

TO: Agency Heads, Directors of Administrative Services, and Human Resource Representatives

SUBJECT: TEMPORARY LAYOFF – TUESDAY, APRIL 22, 2003

Governor Baldacci has announced that state government offices will be closed on Tuesday, April 22 2003. While it is anticipated that the procedures governing the April 22, 2003 closure will be consistent with those used for the July 5, 2002 and October 11, 2002 closures, this memorandum is intended to provide agencies with additional information and instructions concerning processing and record keeping requirements necessary to implement this temporary layoff, to include instructions for institutional settings, and to incorporate the answers to recent questions. The closures will affect all employees, programs, and offices, regardless of employee position type or funding source.

Employees are to be informed not to report to work on April 22, 2003, unless they are specifically instructed to the contrary. Employees may not be allowed to work without compensation. It is incumbent on each appointing authority to ensure that all employees are informed of the closure. Each appointing authority must determine which employees, if any, will be required to work on April 22 and, if an employee is required to work, of the alternate arrangements that will be necessary to complete equivalent temporary layoff time without pay.

The temporary layoff scheduled for April 22 will not impact the April 21 Patriots' Day holiday. State employees who are otherwise eligible for holiday pay will receive holiday pay for April 21, even though state offices will be closed on April 22.

A "workday" is considered to be 1/10th of an employee's authorized biweekly position hours, whether full-time or part-time, and regardless of work schedule.

- If the authorized biweekly hours exceed 80, 8 hours will constitute a workday.
- Employees who are scheduled to work more than 8 hours on a closure day (e.g.: 4/10-hour days) may: (1.) use vacation, compensatory time or personal leave time for the balance of the closure day, or (2.) revert to a 5 day, eight-hours per day schedule for the workweek that includes April 22.
- If a full-time or part-time employee is not scheduled to work on April 22, he or she must schedule time off without pay equal to 1/10 of his or her authorized biweekly position hours during the two-week pay period that includes April 22. If that is not possible to schedule, an alternative temporary layoff day must be taken during the next two-week pay period. Generally, alternate temporary layoff time must be taken as a full day off, not in hourly increments.
- No paid leave time may be substituted for Special Pay 19, Temp Layoff. If an employee is already scheduled for vacation, sick leave, compensatory time or

personal leave for April 22, the time off must be changed to Special Pay 19, Temp Layoff.

As was the case for the previous two temporary layoff days, it may be necessary for some employees to work even though state offices will be closed on April 22. This circumstance will generally be associated with the health, safety, or security of the public. In the event that an employee is specifically required to work during a closure:

- The employee's appointing authority must specifically authorize an employee to work on April 22. Such authorization must be made on the basis of operational needs.
- MFASIS will provide BHR with a report of all employees who have not been processed for Special Pay 19, Temp Layoff, for April 22.
- An employee who is required to work on April 22 must take an alternative temporary layoff day (1/10th of authorized position hours) during the two-week pay period that includes April 22. If that is not possible to schedule, an alternative temporary layoff day must be taken during the next two-week pay period. Alternate temporary layoff time must be taken as a full day off, not in hourly increments.
- Other exceptional circumstances will be dealt with under separate cover.

Other important considerations of the April 22 temporary layoff are:

- Time not worked during temporary layoff will be counted as time worked for purposes of computing overtime.
- The temporary layoff does not constitute a break in continuous service.
- The temporary layoff does not affect health, dental or life insurance benefits.
- Employees who are on seasonal layoff are not affected by a temporary layoff that occurs during his or her seasonal layoff.
- Temporary layoff will not impact leave accrual rates.
- If an employee is on unpaid FML there is no need to take alternative temporary layoff time. If the employee is on sick leave and FML, the sick leave must be changed to temp layoff. Either way, temporary layoff days count toward the 12-week FML entitlement.
- The fact that the employee receives standby pay will not affect normal processing. Pay the employee the standby pay, but eight hours of regular pay will be charged to Special Pay 19, Temp Layoff. If an employee is called out to work **during his or her normally scheduled business hours** on April 22, he or she will have to take equivalent alternative temporary layoff time. In other words, call out time that occurs during the employee's normally scheduled work hours will require alternative temporary layoff time be taken; call out time that occurs outside of the employee's normally scheduled work hours will not require alternative temporary layoff time be taken.
- Alternative work time for call out that occurs during normally scheduled work hours should be based on time actually worked, not hours/rate paid.
- With respect to military leave, treat an employee on **paid** military leave as if he or she is required to work on April 22. Upon return from military leave, the employee must be scheduled for alternative unpaid temporary layoff. It is important to emphasize

that this answer only applies to paid military leave. No other paid leave time may be substituted for Special Pay 19, Temp Layoff. If an employee is on unpaid military leave on April 22, he or she is not required to take additional unpaid Temporary Layoff time.

- If an employee is on unpaid leave (for any reason) on April 22, he or she does not have to take alternate temporary layoff time.
- With respect to Voluntary Cost Savings (VCS) Program participation, if an employee one is on full-time unpaid position leave under VCS program on April 22, he or she does not have to take alternate temporary layoff time. If an employee is on a part-time schedule due to VCS participation, he or she should be treated as all other part-time employees for the April 22 closure.
- Generally speaking, temporary layoff time will not count toward average final compensation (“high three” years) for retirement purposes. Having the equivalent value of the temporary layoff day count toward the average final compensation may require funding legislation to satisfy constitutional requirements regarding the unfunded liability.
- With respect to workers’ compensation, the law is very complex and workers’ compensation benefits are highly individualized. Under this circumstance, the pertinent question is whether the employee is on a “fixed rate agreement” or a “varying rate agreement.” If an employee is on a “varying rate agreement,” he or she will be eligible for workers’ compensation benefits for the time not worked on April 21. If an employee is on a “fixed rate agreement,” he or she will not receive workers’ compensation benefits for April 22, but will continue to receive the fixed rate amount for the week of April 22. Specific questions should be addressed to the appropriate workers’ compensation case manager in the Division of Employee Health.
- Workers’ comp. “Return-to-Work” (RTW) employees are not exempt from the temporary layoff scheduled for April 22. RTW employees should be treated the same as other employees in their particular work settings.

TEMPORARY LAYOFF DAYS FOR INSTITUTIONAL EMPLOYEES

Institutional employees who are otherwise scheduled to work on April 22 ^{may} be temporarily laid off on that day when operational needs permit and when additional overtime expenses will not be incurred.

Institutional employees who are required to work on April 22, or for whom April 22 is a regularly scheduled day off, must be scheduled for an alternative temporary layoff day. **For institutional employees this alternative temporary layoff day may be taken either before or after April 22, but it must be taken on or before June 7, 2003.**

It is important to re-emphasize that no paid leave may be substituted for temporary layoff. If an employee is scheduled to use, or calls in requesting, vacation, sick leave, compensatory time, or personal leave for the scheduled temporary layoff day, the time off must be changed to Special Pay 19, Temporary Layoff.

In the event that alternate temporary layoff days cannot be scheduled due to operational needs, or if alternate temporary layoff days cannot be scheduled without incurring additional overtime costs, supervisors may adjust employee vacation schedules by substituting a temporary layoff day for a day of vacation. When making such a substitution, supervisors should advise the employee as to which day will be treated as the alternate temporary layoff day.

Employees whose normal work day is greater than eight hours may choose one of the following two options: (1.) be scheduled for their entire day off as temporary layoff, or (2.) charge vacation or compensatory time off for the scheduled time greater than eight hours. [NOTE: Reverting to a 5 day, eight-hour workweek cannot be accommodated for institutional employees due to the staffing configurations and scheduling requirements of the institutions.]

Teachers will be scheduled for 3 days off and their pay will be reduced by 1/10th of their prorated biweekly pay for each of the three days off.

There is no intention to require employees to take more than 1/10th of their authorized biweekly position hours off for each temporary layoff day. In response to the fact that institutional work schedules vary greatly, alternative arrangements for taking three, eight-hour temporary layoff days may be available to capture the necessary savings. For example, an employee who is scheduled to work 12-hour shifts may be scheduled to take two, 12-hour days off to capture the full 24 hours of temporary layoff time. Supervisors may work with employees to determine reasonable alternative temporary layoff arrangements, subject to the operational needs of the institution and the need to capture the necessary savings.

PROCESSING INSTRUCTIONS

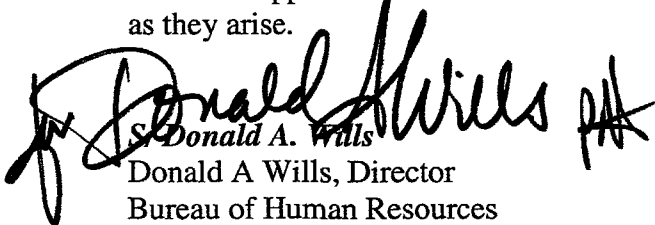
As is stated above, April 22 will be processed using Special Pay 19, Temp Layoff. Special Pay 19 transactions will be generated automatically for all employees for the pay period. Full-time employees, including seasonal employees, and project employees, will be processed for 8 hours of Special Pay 19 for April 22. Special Pay 19 for part-time employees will be based upon 1/10th of the authorized biweekly position hours.

Automatically generated transactions may be viewed on the UTRU1 screen. Additional entries or changes must be entered using the customary time and attendance screen (HUEUS).

Tracking of temporary layoff is a critical record keeping component. Exception reports will be generated immediately following payroll processing for the pay period that includes April 22. The reports will list all employees who have not been processed for temporary layoff during the pay period. If an employee has not been processed for Special Pay 19, he or she must be scheduled for alternative time off as outlined above.

Questions regarding contract administration should be directed to the Bureau of Employee Relations. Questions regarding payroll processing should be addressed to the Bureau of Human Resources or Bureau of Accounts and Control, as appropriate.

Questions regarding the impact of the closure on workers' compensation benefits should be referred to the appropriate workers' compensation claims manager at the Division of Employee Health and Benefits. Questions regarding the April 22, 2003 closure that have statewide application will be addressed and communicated to agencies in a Q & A format as they arise.



Donald A. Wills
Donald A. Wills, Director
Bureau of Human Resources

DAW/pjs