

OFFICE OF THE CHIEF OF POLICE

December 29, 2020

NOTICE 12.3.1

TO: All Commanding Officers

FROM: Chief of Police

SUBJECT: IMPLEMENTATION OF MANDATORY CIVILIAN FURLOUGH PLAN FOR FISCAL YEAR 2020/21- (UPDATED)

In Mayor Garcetti's October 2, 2020 memo, a summary was provided to highlight the financial status of the City and efforts of the City Administrative Officer (CAO) and civilian Labor Unions in identifying cost-saving measures related to the diminished revenue flow. Through these efforts, mandatory civilian furloughs were reduced to 11 days and deferred until January 17, 2021.

The memo further instructed all Departments to adhere to decisions reached by this group and documented in Letter of Agreements (LOA) signed by the City Council, CAO, civilian Labor partners and the Mayor's Office. All classifications represented by the bargaining units are subject to the LOAs.

Beginning January 17, 2021 (Week A & B), all civilian employees except Detention Officers, Senior Detention Officers, Principal Detention Officers, Police Service Representatives, and Senior Police Service Representatives shall be required to take eight (8) furlough hours per pay period. For this fiscal year 2020/21, a total of 11 mandatory furlough days (or 88 non-paid hours) will be required by each civilian employee.

The following provides guidelines that must be adhered to so that employee's benefits, salary step advancement, sick leave, and vacation accruals are not impacted. However, these guidelines are subject to change based on any additional action taken by the Mayor's Office and City Council, or direction provided by the City Administrative Office (CAO).

1. Beginning DP 1 (Week A & B), January 17, 2021, each employee is to take one furlough day or eight hours per bi-weekly pay period.
2. Furlough days cannot be combined (e.g., taking all furloughs days in one pay period).
3. Furlough hours or days shall be indicated on the Watch Assignment/Days Off schedule.
4. Employees should be compensated no more than 72 hours per pay period.

Please note that furlough discussions with the City Administrative Office and Civilian Labor Unions are ongoing. Decisions made from this day until January 17, 2021 could impact the implementation of furlough days. Information will be made available as soon as the Department has been made aware of any changes.

All Commanding Officers

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This Notice gives each Command an opportunity to start addressing staffing concerns related to the furloughs. Each pay period, Fiscal Group will prepare a report summarizing compliance with the furlough plan. Under no circumstance shall any employee, except those listed as exempt above, fail to take the mandatory furlough day or hours per pay period. The attached furlough plan lists 11 of the impacted pay periods for Fiscal Year 2020/21.

For additional information regarding furlough days, see the attached document on Frequently Asked Questions. Questions regarding the furlough program should be directed to Personnel Division's Civilian Employment Section, at ces@lapd.online.

A handwritten signature in blue ink, appearing to read 'MICHEL R. MOORE', is positioned above the printed name.

MICHEL R. MOORE
Chief of Police

Attachment

Distribution "B"

**FISCAL YEAR 2020/21
FURLOUGH PLAN SCHEDULE**

<u>PERIOD</u>	<u>TIME FRAME</u>	<u>Furlough requirement</u>
Pay Period 16	January 17, 2021-January 30, 2021	1 (8-hour day)
Pay Period 17	January 31, 2021-February 13, 2021	1 (8-hour day)
Pay Period 18	February 14, 2021-February 27, 2021	1 (8-hour day)
Pay Period 19	February 28, 2021-March 13, 2021	1 (8-hour day)
Pay Period 20	March 14, 2021-March 27, 2021	1 (8-hour day)
Pay Period 21	March 28, 2021-April 10, 2021	1 (8-hour day)
Pay Period 22	April 11, 2021-April 24, 2021	1 (8-hour day)
Pay Period 23	April 25, 2021-May 8, 2021	1 (8-hour day)
Pay Period 24	May 9, 2021-May 22, 2021	1 (8-hour day)
Pay Period 25	May 23, 2021-June 5, 2021	1 (8-hour day)
Pay Period 26	June 6, 2021-June 19, 2021	1 (8-hour day)

**FREQUENTLY ASKED QUESTIONS
CONCERNING THE FY 2020-21 FURLOUGH PROGRAM**
September 2020 *(revised December 17, 2020)*

Below is a list of the most frequently asked questions (FAQs) and answers regarding furloughs. As other questions develop, the list will be updated, as appropriate. Many of the details of furlough scheduling will be worked out within Divisions and as more information is provided by the City Administrative Officer.

All information below is subject to change upon receipt of the CAO, Employee Relations Division's updated Frequently Asked Questions documentation.

1. Why is it necessary to have unpaid furlough days in 2020-21?

In Fiscal Year 2019-20, the Mayor issued a state of emergency as a result of the budgetary shortfalls due to the COVID-19 pandemic. The unpaid furlough days are necessary to help mitigate the budgetary reduction and preserve critical city services and programs during Fiscal Year 2020-21.

2. How many furlough days will be scheduled?

11 (Note: this may be amended based on ongoing discussion in City Council)

3. When will the furloughs be scheduled?

All furloughs will begin Fiscal Year 2020-21 during Pay Period (PP16) and continue until PP26. Furlough days and hours will be scheduled per the needs of each Division. Some Divisions may choose to stagger furlough days to provide essential services. Other Divisions may allow employees to reduce work hours by one hour per day until the eight-hour requirement is met within the bi-weekly pay period.

4. Can an employee pick different furlough days than those designated?

See response to number 3. If a furlough day has been designated for the bi-weekly pay period, employees should discuss any changes with a supervisor prior to making any changes.

5. Who is required to take furlough days?

All civilian employees are required to take a furlough day, except Detention Officers, Principal Detention Officers, Senior Detention Officers, Police Service Representatives, and Senior Police Service Representatives.

6. Are employees in grant-funded, special-funded and fee-supported positions in Council-controlled departments required to take furlough days?

Yes.

7. Why aren't half-time employees required to take furlough days?

The Furlough Program is not intended to reduce an employee's health/dental and retirement benefits. Requiring half-time employees to be compensated for less than 40 hours in a pay period would affect the health/dental and retirement benefits of half-time employees.

**FREQUENTLY ASKED QUESTIONS
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8. When will the furlough days end?

At present, the scheduled end date is June 19, 2021. There are on-going conversations that might impact the quantity of days to be taken.

9. How does the furlough plan affect work schedules?

Each employee is required to take one 8-hour furlough day or take off 8 hours within a bi-weekly pay period. Some Divisions will be closed one day per pay period. However, this may not work for other Divisions.

Employees currently on a 72-hour work schedule will continue working that schedule. They will not be required to take additional furlough days but may be required to change their reduced work day to conform with their Division's furlough plan.

10. How will the furlough plan affect salaried employees?

FLSA-exempt (salaried) employees will be designated with a 72-hour biweekly work schedule and will be compensated for a maximum of 72 hours in that biweekly period.

11. Will the furlough days affect my salary?

Your salary range will remain the same. However, you will not be compensated for furlough days.

12. By taking 11 unpaid furlough days, how much salary reduction will employees experience?

Eleven unpaid furlough days is equivalent to almost 4 percent reduction in salary.

13. Can I use vacation, sick leave or compensated time off (CTO) to supplement any time after the eight-hour furlough day requirement?

Vacation, Sick Leave, or CTO can be used to cover any time that exceeds the eight furlough hours.

14. Will the furlough days affect my health and dental benefits?

No. As long as you are compensated for 40 hours in a pay period, your health/dental benefits will not be affected.

15. Will the furlough days affect my retirement benefits?

No. The City will continue to deduct the same amount towards retirement as though you were compensated for 80 hours biweekly. By doing this, you will receive full service credit as though you had worked 80 hours in the biweekly period. Additionally, you will be credited for the full salary amount for the year if you decide to retire.

16. Will the furlough days affect my seniority credit?

No.

17. Will the furlough days affect my vacation or sick leave accrual?

No.

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18. How do I record furlough hours on my timesheet?

The Controller is developing a new code for mandatory furloughs.

19. Can furlough days be used in partial-day increments?

For specialized, unique operations, departments may assign furlough hours in partial-day increments. (e.g. one hour per day for those on 4/10 schedule). Furlough time must be used in hourly increments.

20. How do furlough days affect leave under the City's Family and Medical Leave Benefit (FMLA and CFRA)?

The amount of available FMLA will not be affected. Furlough days will not count against an employee's annual Family/Medical Leave entitlement. For employees already on Family/Medical Leave extended beyond January 17, 2021, or for pre-approved Family/Medical Leaves commencing after January 17, 2021, department Personnel Directors will provide revised notifications (Form Gen. 192) to such employees to ensure that furlough days are excluded from Family/Medical Leave.

21. Do furlough hours count as "hours worked" for overtime purposes?

No.

22. What if I take a furlough day on Friday and then my department wants me to work 8 hours on Saturday? Isn't that overtime?

No, pursuant to the provisions of the Memoranda of Understanding and the Administrative Code, overtime for hourly employees will continue to be paid after 40 hours of compensated time in a workweek.

If, in the example above, you work 10 hours on Saturday, you will receive 8 hours of straight time pay and 2 hours of overtime pay.

23. Won't Divisions be forced to work employees' overtime to make up for the furlough days?

Overtime hours will not be assigned except for extreme operational emergencies.

Department budgets have been reduced by the amount of the 11 furlough days and will not be augmented for overtime pay to supplement behind the furlough.

24. Some of the designated furlough days fall on City holidays. What will be the designated furlough day when it falls on the same day as a holiday?

The designated furlough day should be taken within the same pay period. This may be modified based on final instructions from the City Administrative Office and management.

25. Will employees be paid for the holidays when they are associated with a furlough day?

Employees will be paid for a holiday if they are compensated for the scheduled work day before and the scheduled work day after the holiday.

**FREQUENTLY ASKED QUESTIONS
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26. Can employees come to work or telecommute (telework) on a furlough day?

No. However, if required to work on a designated furlough day due to an emergency or unique situation, another furlough day within the same pay period should be designated.

27. Are employees eligible for unemployment insurance on furlough days?

Eligibility for unemployment compensation is determined by the California Employment Development Department (EDD). Benefits are provided to persons whose total weekly wages are LESS THAN what EDD calculates as the weekly benefit amount. The current maximum unemployment weekly benefit amount is \$450. The wages earned by an employee in a 32-hour week will probably exceed the weekly benefit amount the employee would be eligible for under the State's regulations.

28. Will any voluntary furloughs taken during (FY 2019-20) count towards the FY 2020-21 mandatory furloughs?

No. Voluntary furloughs taken prior to January 17, 2021 do not count toward the 11 furlough days requirement.

29. Can employees take voluntary furloughs in addition to the mandatory furloughs?

Employees may request to take voluntary furlough days pursuant to their department's voluntary furlough program. However, benefits will be affected if employees are compensated for less than 40 hours in a pay period. Employees may request to take voluntary furlough days pursuant to the CAO's Employee Relations Bulletin dated July 2, 2020.

30. How will furloughs affect employees who are contributing to the Deferred Compensation Plan?

Employees' contributions to the Deferred Compensation Plan are a flat dollar amount that employees have determined and will not be reduced due to furlough days. Employees may voluntarily elect to reduce their contributions to the Plan.

31. Are Workers' Compensation/IOD benefits affected by the furlough plan?

Yes, regardless of the employee's date of disability, Workers' Compensation/IOD payments received by an employee on or after January 17, 2020, the first day of Pay Period 16, will reflect a maximum of 72 hours based on the same salary rate that is being used for the employee's Workers' Compensation/IOD payments.

32. Is Military Leave affected by the furlough plan?

Employees on Military Leave will not receive compensation on designated furlough days. Employees on long-term deployment who are receiving military differential pay will not receive this pay on the designated furlough days.

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33. What happens if I have jury duty on a furlough day?

Your timesheet will be coded with the new furlough code – not the Jury Duty code. You will not be paid for that day of jury duty.

34. Can I receive jury pay for service on a furlough day?

Government employees who receive full pay and benefits from their employers while on jury service are not eligible for jury pay. Because the 72-hour schedule will be considered full pay and the City is not reducing any benefits, City employees will not be eligible for jury pay.

35. Can I work a second (non-City) job on my furlough day?

Department Policy requires all employees to have a current work permit. Please see LAPD Manual Volume 3.744 for guidance.

If you have any questions regarding the furlough program, please contact via email at ces@lapd.online.