



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN
BOARD OF REGENTS

RESOLUTION NO. 12-27

**RELATIVE TO APPROVING A FURLOUGH POLICY FOR NON-FACULTY
EMPLOYEES**

WHEREAS, the University of Guam is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges (WASC) serving the post-secondary needs of the people of Guam and the region; and

WHEREAS, the governance of the University is vested in the Board of Regents (BOR) which has the responsibility for the policies governing administration of academic personnel at the University; and

WHEREAS, the University faces financial sustainability challenges ahead, specifically an \$8.4 million (M) shortfall in FY13, which is comprised of a \$3.4M operating revenues vs. expenditures shortfall magnified by BBMR's \$5M (15%) allotment reserve for all funds; and

WHEREAS, the University is pursuing all viable options to bridge the shortfall including restructuring basic operations, seeking new revenues, requesting supplemental appropriations, continuing financial management and expenditure controls, and/or increasing tuition rates/fees; and

WHEREAS, the administration now recommends a Furlough Policy for Non-Faculty Employees which includes reference to the current policy for classified staff and provides a framework for the implementation of a furlough plan that allows the University to balance its budget or maintain sufficient operating cash balances as needed; and

WHEREAS, the President and the Academic, Personnel, and Tenure (AP&T) Committee have reviewed, and together they recommend the approval of the Furlough Policy for Non-Faculty Employees, attached hereto.

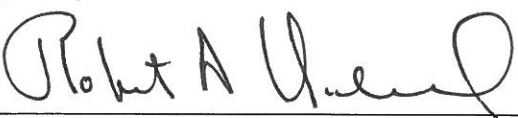
NOW, THEREFORE, BE IT RESOLVED, that the Board of Regents hereby approves the attached Furlough Policy for Non-Faculty Employees, effective 14 December 2012.

Adopted this 13th day of December, 2012.



W. Chris Perez, M.D., Chairman

ATTESTED:



Dr. Robert A. Underwood, Executive Secretary

UNIVERSITY OF GUAM FURLOUGH POLICY FOR NON-FACULTY EMPLOYEES

PURPOSE

University of Guam is required to balance its operating budget each fiscal year. This policy provides the framework for the implementation of a furlough plan for non-faculty employees that would allow the University to balance its budget or maintain sufficient operating cash balances, if it faces a reduction in Government of Guam funding or other loss of revenue that causes shortfalls in available funds for continuing sustainable operations.

STATUTORY AUTHORITY

Legal authority of the University of Guam Board of Regents (BOR) is contained in Public Law 13-194, Public Law 17-55, and Public Law 19-40, which provide the necessary autonomy and charter for the University of Guam. These laws are further codified in Title 17 GCA (Guam Code Annotated), Chapters 15 to 22, and include programmatic and other defined relationships. Public Law 9-233 changed the College of Guam to the University of Guam.

If the President determines that the University is facing a significant operating budget deficit or insufficient cash balances for continuing sustainable operations, a mandatory furlough plan may be implemented in accordance with the procedures in this policy.

DEFINITION

- A. A furlough is an unpaid leave of absence from work for a specified period of time.
- B. Non-faculty employees are not permitted to work within the University when taking furlough time unless such work is externally funded and approved by the President. They may work at outside employment during any furlough.
- C. Non-faculty employees may not use accrued paid leave during periods of furlough.

EMPLOYEES SUBJECT TO FURLOUGH

- A. All non-faculty employees (full/part-time, permanent/term) may be subject to a furlough, regardless of funding source.
- B. Non-faculty employees who are holders of H-1B visas, as defined in 20 CRF 655.731, will not be subject to furlough.
- C. A furlough plan may exclude non-faculty employees who perform functions essential to maintain health and safety on the University campus. Any such exclusion must be approved in writing by the President.
- D. Classified staff are subject to furlough policies found in the (Interim) Personnel Rules and Regulations for Classified Employees.

THE FURLOUGH PLAN

- A. After review by the administration and consultation with the BOR, the President may adopt a furlough plan which will set forth the number of furlough days and the period of time within which they must be taken.
- B. The President may extend, modify, or cancel a furlough plan in accordance with this policy.
- C. Before implementing a furlough, the President will call for voluntary furloughs.

- D. Furlough days will be scheduled by the supervising administrator subject to the operational needs of the department or unit. Furlough days must be scheduled in a way that allows the department or unit to continue to provide a basic level of service.
- E. Furlough days must be taken on days that an employee is normally scheduled to work.

NOTICE

Non-faculty employees subject to furlough will be given notice of a furlough at least 30 days before it is to be taken.

APPEALS

A furlough plan adopted pursuant to this policy may not be appealed under any other University policy or internal grievance process, except as stated in the (Interim) Personnel Rules and Regulations for Classified Employees.

BENEFITS DURING A FURLOUGH PERIOD

- A. Health care, dental care, and life insurance benefits will not be affected by a furlough.
- B. Non-faculty employees will continue to accrue vacation and sick leave during a furlough, but not FMLA credit.
- C. Retirement contributions (by both the employee and the University) will be affected by furloughs as contributions are based on actual earnings.
- D. The furloughed employee remains responsible for making all employee contributions during a furlough period, including health care, dental care, flexible spending accounts, and 403(b) contributions, etc. The University will continue to make its share of contributions during a furlough period, including health care, dental care, and life insurance.
- E. All miscellaneous authorized payroll deductions will continue to be made during a furlough period, including credit union deductions, charitable contributions, university payments, and child support, etc., provided the furloughed employee has earned sufficient pay in that pay period for the payroll deduction to be made.
- F. A non-faculty employee's continuous service credit, review date, and employment status will not be affected by any period of voluntary or mandatory furlough.

RECALL

Non-faculty employees will be advised by the President of the end of the furlough and the plan to return to normal operations.