



## Ohio Administrative Code

### Rule 123:1-41-24 Furloughs.

Effective: December 1, 2022

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(A) Pursuant to section 124.29 of the Revised Code, the director may authorize an appointing authority to furlough employees on a non-permanent basis based on a lack of funding from the federal government at the appointing authority's discretion.

(B) Impacted employees. An appointing authority determines which employees are impacted based on the lack of federal funding.

(C) Procedures.

(1) At least fourteen days prior to the implementation of any furlough, the appointing authority provides to the human resources division of the department of administrative services a written explanation regarding the potential furlough. The written statement will include the number of potentially impacted employees. At any time after the written statement is provided, but before the notification to employees, the appointing authority provides the department of administrative services with a list of the employees subject to the furlough. The list will include the employee's name, classification and employee identification number. The appointing authority updates such statement and list of employees as needed.

(2) At least fourteen days before the interruption of the federal funds causing the furlough, the appointing authority will make a general announcement to employees using its usual and customary means of agency-wide communications regarding the proposed furlough. At least two day's written notice will be provided to any identified employee prior to the implementation of the furlough. When practical, longer notice to the impacted employees is encouraged. The notice to the impacted employee will indicate the date the furlough is to begin.

(3) During a furlough, an impacted employee will not report to work. Impacted employees will be notified by the appointing authority of the date the employee is expected to return to work.



(4) The appointing authority may extend a furlough based on the duration of the lack of funding from the federal government. The appointing authority will promptly notify the impacted employees in writing of any changes in the return to work date. However, a furlough will not exceed four weeks for any impacted employee, except as set forth in paragraph (C)(6) of this rule. Any impacted employee that does not return to work when notified, and is not on an approved and scheduled leave may be subject to disciplinary action.

(5) Any employee on an unpaid leave of absence at the time of a furlough, who would otherwise be impacted by the furlough, remains on the unpaid leave of absence until the expiration of the unpaid leave of absence. At the expiration of the unpaid leave of absence, the employee will be immediately subject to furlough. If the unpaid leave of absence is open-ended, the employee remains on the unpaid leave of absence at least until the end of the furlough.

(6) If during or at the end of a furlough period, a layoff or abolishment of positions is necessary, the appointing authority follows the provisions of Chapter 123:1-41 of the Administrative Code and any applicable statutes. During any mandatory notice period for a layoff or job abolishment, the impacted employees remain on furlough.

(D) Terms of furlough.

(1) During the term of a furlough, an impacted employee will not receive compensation from the appointing authority, except as provided in this rule.

(2) During the term of a furlough, the appointing authority pays both the appointing authority's share and the impacted employee's share of health insurance premiums, if the impacted employee is enrolled at the time of the furlough. Upon returning to work, the impacted employee will be placed on a payment plan. The payment plan will be in place until such time as the impacted employee has repaid the amount of the employee's share of health insurance premiums covered by the appointing authority during the furlough period. If such an employee does not return to work from a furlough, the impacted employee will repay the employee's share of the health insurance premiums upon separation and such amount may be deducted from the impacted employee's final paycheck.

(3) Impacted employees continue to accrue leave based upon the employee's established work hours



while on furlough. Impacted employees will not be eligible to use any accrued leave during a furlough period.

(4) Impacted employees continue to earn service credit during a furlough period for purposes of vacation leave accruals and longevity, as long as the employee returns to work when ordered.

(5) The appointing authority pays impacted employees for the loss of federally funded wages while on furlough, only if funding for such lost federally funded wages is provided by the federal government and such funding is specifically designated by the Congress of the United States for such wage reimbursement. Any such reimbursement to an impacted employee will be offset by any unemployment benefits received by the impacted employee or interim wages of the impacted employee earned while on furlough.