

Questions and Answers Emergency Leave Without Pay for Employees Exempt from Civil Service

This document has been prepared to answer questions exempt employees may have in the event your agency must implement emergency leave without pay and you are placed on that status until a budget is enacted for the 2017–19 biennium.

1. Why are we being placed on emergency leave without pay (LWOP) beginning July 1, 2017?
Agencies do not have the authority to pay you unless the state has an enacted 2017–19 operating, or capital budget, to fund staff positions beginning July 1, 2017. You will not receive pay for any workday for which you are placed on emergency LWOP.

2. Are there any exceptions to the emergency LWOP?
Yes, the state is determining which services may continue without an operating or capital budget, using the following criteria:

- Services funded from non-appropriated funds.
- Limited services that are mandated by the Washington state constitution, despite lack of an appropriation.
- Limited services that are mandated by federal law, despite lack of an appropriation.
- Services that are funded from the 2017–19 transportation budget passed by the Legislature during the regular legislative session.

3. When will the emergency LWOP end?
The duration is unknown. Once the state has an enacted 2017–19 budget that funds your position, you will return to work on your next scheduled work shift.

4. How will I know when the emergency LWOP is over?
The state has set up a website and toll free number to let employees know when the emergency LWOP and/or furloughed state employees should return to work.

- Website: www.ofm.wa.gov/contigency
- Olympia local number: (360) 725-0217
- Toll free number: (877) 264-2952

5. What if I am scheduled to be on paid leave during the emergency LWOP?
If you are scheduled to be on approved paid leave during the emergency LWOP period, your leave approval is rescinded. Taking paid leave during emergency LWOP is not permitted. You will not receive pay for any workday for which you are placed on emergency LWOP.

6. What if I am scheduled to work a shift that begins June 30 and ends July 1?
You must cease working promptly at midnight on June 30, 2017, as your agency does not have the authority to pay you for work performed July 1, 2017.

7. Will my seniority date, anniversary date or unbroken service date be affected?
No, the emergency LWOP will not affect your seniority date, anniversary date or unbroken service date.

8. Will my leave accruals be affected?

Time spent on emergency LWOP will not be considered time in pay status for the purpose of leave accruals. Therefore:

- Full-time employees' accruals may be affected depending on the duration of the emergency LWOP (full-time employees must be in pay status for at least 80 non-overtime hours in the month to earn an accrual).
- Part-time employees earn leave on a pro-rata basis, so time spent on emergency LWOP will affect leave accrual amounts.

9. Will my holiday pay be affected?

Yes, time spent on emergency LWOP will not be considered time in pay status for the purpose of holiday compensation.

10. Can I bump another employee or go on a layoff list if I am on emergency LWOP?

No, you cannot bump into any other position and you cannot be placed on any layoff lists.

11. Can I be paid for any of my leave balances?

No, you cannot be paid for any leave balances because the emergency LWOP is due to a lack of funds.

12. How will the emergency LWOP affect my health care coverage?

Your PEBB benefits (which include medical, dental, life and long-term disability) will continue during July as long as you are in pay status for at least eight hours before the end of the month.

13. Will I be eligible to collect unemployment?

Yes, if the furlough extends beyond one week, you may be eligible for unemployment compensation.

14. Can I be called back to work during the emergency LWOP?

There is a possibility you will be called back to work during the emergency LWOP. If this occurs you will be compensated for the time in work status. You will be returned to emergency LWOP status upon completion of the work you were called back to perform.

15. How will the furlough affect me if I am an overtime-exempt employee?

If you return to work from the furlough after the start of your workweek, you are eligible for overtime if you work more than 40 hours in that workweek. You must not work more than your scheduled work hours during that workweek without prior approval from your supervisor, and you must complete a time and attendance form for the workweek.

16. What kinds of activities are considered "work" that I need to avoid when I am furloughed?

You should not read or send emails, listen or send voice mails or read or send text messages.