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US
DEPARTMENT
OF THE
INTERIOR

HOURS OF DUTY HANDBOOK

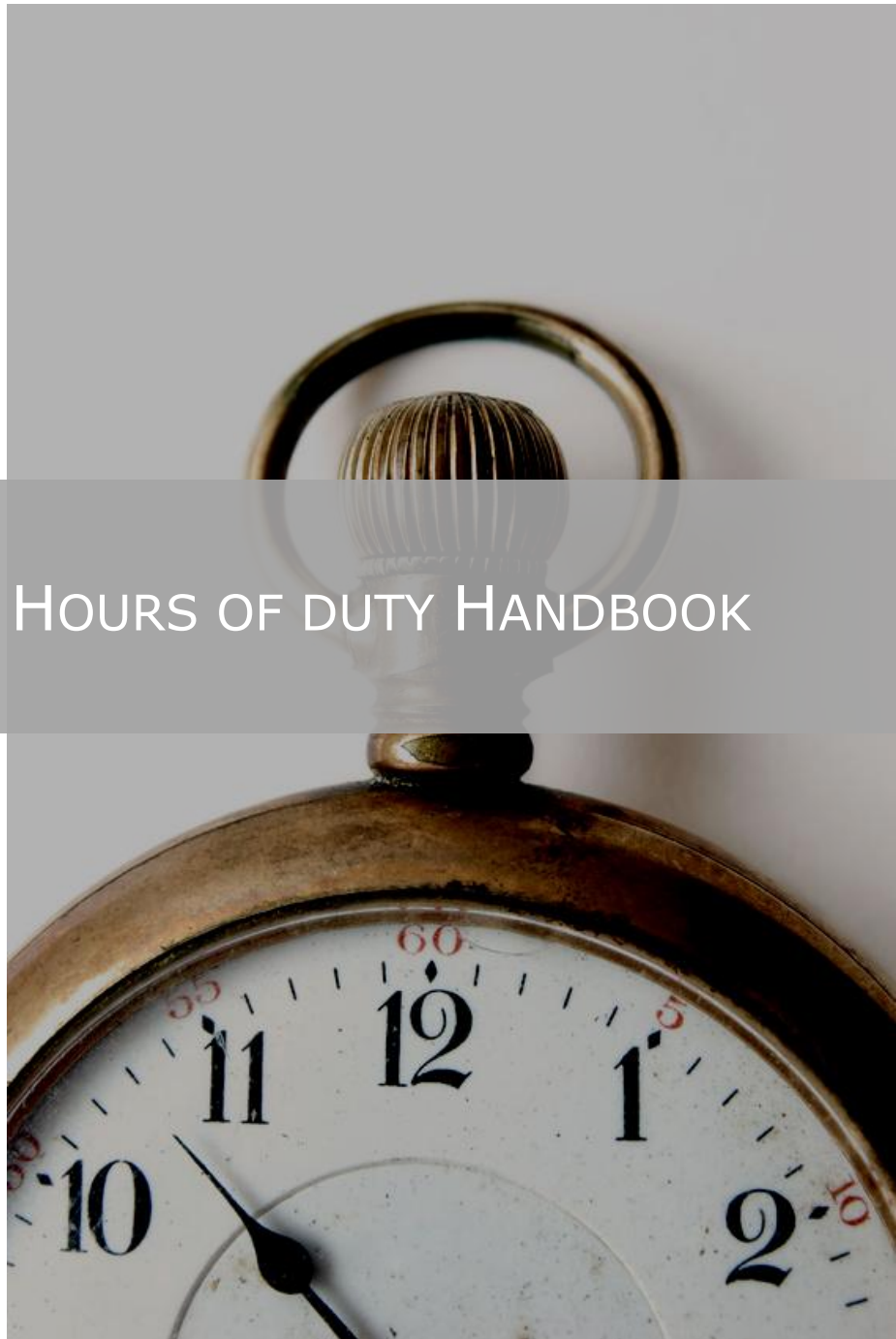


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Purpose

The purpose of the Hours of Duty Departmental Handbook is to establish Departmental Hours of Duty procedures. The Hours of Duty Departmental Handbook will accompany the DM 370 Chapter 610: Hours of Duty.

Where labor contracts exist, bureaus/offices are cautioned to follow negotiated collective bargaining agreements regarding topics covered in this handbook.

Chapter 1. Definitions

Administrative Workweek. A period of 7 consecutive calendar days. The administrative workweek for Department of the Interior employees is normally Sunday through Saturday. Bureau/office heads may establish a regularly scheduled administrative workweek which consists of the 40-hour basic work week plus such periods of overtime work or standby time as are regularly required.

Alternative Work Schedules (AWS). Schedules that allow employees some flexibility in the hours worked.

AWS Days Off. Under an alternative work schedule, the days out of the pay period that may be scheduled by the employees and supervisor/manager to be non-work days.

Basic Workweek. For full-time employees a 40-hour week that does not extend over more than 6 of any 7 consecutive days and that specifies the days and hours within the administrative workweek constituting the basic workweek. The basic workweek for an employee serving under a first 40-hour tour of duty (i.e., a tour without the requirement for specific days and hours within the administrative workweek) is the first 40 hours of work performed within a period of not more than 6 days of the administrative workweek. Although the first 40-hour tour of duty may be used in any situation when deemed necessary, it is typically used for an employee engaged in professional or technical engineering or scientific activities who is assigned to perform the duties of a professional or support technician position in the physical, mathematical, natural, medical, or social sciences or in engineering or architecture. Because a flexible or compressed work schedule may provide for a tour of duty that is other than the standard 40-hour workweek, an employee on either of these schedules has a basic work requirement rather than a basic workweek. For a part-time employee,

the basic workweek is the specific days and hours the employee is officially scheduled to work during the administrative workweek.

Basic Work Requirement. The number of hours, excluding overtime hours, an employee must work or otherwise account for by leave, credit hours, holiday hours, excused absence, compensatory time off, or time off as an award.

Biweekly Pay Period. The 2-week period for which an employee is scheduled to perform work.

Compensatory Time. Paid absence from duty taken by an employee in lieu of monetary payment for an equivalent amount of irregular or unscheduled overtime worked. Compensatory time may be earned and used in as little as 15-minute increments. Compensatory time must be used within 26 pay periods or it will expire.

Compensatory Time Off for Travel. Compensatory time off for travel is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

Compressed Schedule. For a full-time employee, an 80-hour biweekly basic work requirement that is scheduled for a period that is less than 10 work days. For a part-time employee, a compressed schedule has a basic work requirement that is less than 80 hours that is scheduled for a period that is less than 10 work days and that may require the employee to work more than 8 hours in a day.

Core Hours. That part of the schedule of hours during the work day, workweek, or pay period that is within the tour of duty and during which employees must be present at work, on leave, or other excused absence.

Credit Hours. Hours in excess of the normal hours worked in a pay period that are worked voluntarily (and with supervisor's approval). A maximum of 24 credit hours can be accrued and carried over for use in another pay period. Members of the Senior Executive Service are prohibited from accruing credit hours.

Emergency Employees. Those who occupy critical positions; i.e., those jobs that may be vital to public health, safety, welfare, national defense, or the operation of essential facilities or functions.

Emergency Situation. A situation where a significant number of employees are prevented from reporting for work on time or where responsible officials in an area must temporarily shut down part or all of their activities. Area-wide emergencies are often announced by State or local authorities in public warnings or declarations of an emergency or a disaster; e.g., snow warnings, severe icing conditions, floods, earthquakes, hurricanes, air pollution, power failures, or interruption of public transportation. Some emergencies, such as equipment failures, fires, or lapsed appropriations, may affect only a part of an area or a limited number of employees in the area.

Excused Absence. Commonly referred to as administrative leave. An employee absence approved by a supervisor for which there is no charge made to the employee's annual or sick leave account. The appropriate official must charge the absence to the appropriate category of administrative leave. See Department Manual 370 DM 630 and/or bureau/office instructions for policy guidance for the limited use of excused absence within each bureau/office.

Exempt Employee. Exempt employees may be allowed to work beyond their scheduled 80 hours in a pay period without compensation under the Fair Labor Standards Act (FLSA) of 1938, as specified in 5 U.S.C. § 6123 and 6128.

First 40-Hour Tour of Duty. A supervisor will employ this tour of duty only in rare instances. When a supervisor finds that there is no other method of prescribing a regular schedule of definite hours for each work day of a regularly scheduled administrative workweek, they may find it necessary to employ this type of work schedule. Because the assignment of this tour of duty exposes the bureau/office to the potential of incurring additional premium pay costs, supervisors must document in writing the need for assigning this type of work schedule. Supervisors should not use this work schedule as a permanent arrangement. It is in the best interest of the Department and its employees for supervisors to determine, in advance of the administrative workweek, the work schedules for all of their employees. In situations where this is not possible, if the employee is a full-time employee, the first 40 hours of work performed within a period of not more than 6 days of the administrative workweek may be established as the basic workweek. All work performed by an employee within the first 40 hours is considered regularly scheduled work for premium pay and hours of duty purposes. Any additional hours of officially ordered or approved work within the administrative workweek are overtime work.

Flexible Time (flexitime). Flexible times are the hours during the workday, workweek, or pay period that are within the tour of duty and during

which employees may choose to vary their time of arrival to and departure from the work site. The flexible times will be determined by each bureau/office and may be delegated down to individual supervisors as deemed appropriate by the bureau/office. For example, in the Office of the Secretary, flexible times are 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 7:30 p.m. The starting and ending times of alternative work schedules must be consistent with these flexible times; therefore, in this example the earliest employees may begin work is 6:30 a.m., and the latest they normally may work is 7:30 p.m.

Flexible Work Schedule. A work schedule that:

(1) In the case of a full-time employee, has an 80-hour biweekly basic work requirement that allows an employee to determine their own schedule within the limits set by the supervisor in accordance with the requirements and guidance set forth in this handbook; or

(2) In the case of a part-time employee, has a biweekly basic work requirement of less than 80 hours that allows an employee to determine their own schedule within the limits set by the supervisor in accordance with the requirements and guidance set forth in this handbook.

Gliding Schedule. A type of flexible work schedule in which a full-time employee who has a basic work requirement of 8 hours in each day and 40 hours in each week may select a starting and stopping time each day and may change starting and stopping times daily within the established flexible hours.

Intermittent Employee. Employees who serve without a regular scheduled tour of duty. Intermittent employees are paid only for the hours they actually work when required and requested by their supervisor.

Irregularly Scheduled Overtime. Overtime that is not specific as to the employee, day, hour, and time to be worked, or is scheduled later than midnight Saturday of the pay period before it is to be performed.

Maxi-flex Schedule. Flexible work schedule with a basic work requirement of 80 hours for the biweekly pay period for full-time employees. This type of work schedule allows for the establishment of flexible arrival and departure times, including flexible lunch periods and requires that specific core hours are established when the employee is required to be present and available during the workweek. There is no daily or weekly requirement as long as employees work or account for their whereabouts, by leave, credit time, or compensatory time off, to

meet their bi-weekly work requirement (80 hours for full-time employees). Employees may vary the number of hours they work each day and each week for a maximum of two days off per pay period.

Night Pay. Night pay is paid for regularly scheduled work performed at night. This generally means work scheduled before the beginning of the administrative workweek. However, night pay is also paid for night work on a temporary assignment to a different daily tour of duty during the administrative workweek. Generally, night work must be performed between the hours of 6 p.m. and 6 a.m., including night work under a compressed work schedule.

Non-Core Work Hours. That part of an alternative work schedule (except compressed schedules) of working hours during which employees may choose their time of arrival and departure from the work site, within limits, consistent with duties and requirements of the position as set by a manager/supervisor.

Non-Exempt Employees. Generally administrative, technical and non-supervisory employees who are covered by the overtime provisions of the FLSA of 1938, as specified in 5 U.S.C. §§ 6123 and 6128. Non-exempt employees cannot be permitted to work any hours beyond the 80 hours in a pay period without proper compensation (overtime or, if elected by the employee, compensatory time earned), unless voluntarily waived in accordance with alternative work schedule policy.

Overtime. All hours in excess of 8 in a day or 40 in an administrative workweek for an employee on a regular work schedule; or 80 hours in a pay period for an employee on an alternative work schedule, **which are officially ordered or approved in advance by a supervisor/manager.** Overtime may be earned and used in as little as 15-minute increments. Employees ordered to work overtime must do so, and management must compensate them with either overtime pay or compensatory time. Provisions of the FLSA apply.

Part-Time. Basic work requirements of less than 80 hours in a pay period which must be itemized by day and times on Form SF-52 (Request for Personnel Action). However, with supervisory approval and as permitted under a Maxi-flex schedule, a part-time employee can deviate from the hours documented on the SF-52, if the total number of hours worked remains the same. If the number of hours to be worked changes, a new SF-52 (Request for Personnel Action) must be submitted.

Prevailing Rate Employee. Known as Federal Wage employees. Employees that are paid under the Federal Wage System. The Federal Wage System is a uniform pay system for skilled blue collar employees.

Regularly Scheduled Administrative Workweek. For a full-time employee, the period within an administrative workweek that the employee is regularly scheduled to work. For a part-time employee, the officially prescribed days and hours within an administrative workweek that the employee is regularly scheduled to work.

Regularly Scheduled Overtime. Overtime that is scheduled in advance of the basic work requirement. To be regularly scheduled, overtime work must be specific as to the employee, day, hour, and the time to be worked, and must be scheduled no later than midnight Saturday of the period before it is to be performed. Overtime which does not meet all above conditions is defined as irregular or occasional.

Standby Time. When an employee has a tour of duty that includes a period during which they remain at or within the confines of their station in a standby status rather than performing actual work, their regularly scheduled administrative workweek is the total number of regularly scheduled hours of duty a week including time in a standby status except that allowed for sleep and meals. For standby employees serving on a rotating shift system, the supervisor may adopt the two-thirds rule: two-thirds of each hour on the job to represent time in a pay status and one-third as time out for sleeping and eating.

Suffer and Permit. Work that is not requested or ordered by the employer, but still allowed, is generally considered hours worked, since the employer knows or has reason to believe that the employee is continuing to work and the employer is benefiting from the work being done. This work creates an entitlement to overtime compensation for employees nonexempt from the Fair Labor Standards Act.

Sunday Premium Pay. An employee is entitled to 25 percent of his or her rate of basic pay for work performed during a regularly scheduled basic 8-hour tour of duty that begins or ends on a Sunday. That is, an employee is entitled to Sunday premium pay equal to 25 percent of his or her rate of basic pay for each hour of Sunday work. For this purpose, Sunday work consists of non-overtime work during an employee's regularly scheduled basic tour of duty (not to exceed 8 hours) that begins or ends on a Sunday. Notwithstanding the normal 8-hour limit, for an employee on a compressed work schedule, all non-overtime hours in the employee's regularly scheduled daily tour of duty beginning or ending on a

Sunday constitutes Sunday work. Sunday premium pay is equal to 25 percent of an employee's rate of basic pay.

Time Accounting. A system which requires the supervisor to have a personal knowledge that employees are entitled to their pay. The manager/supervisor may require that employee keep track of the beginning and ending time of each day's work.

Tour of Duty. Under Flexible Work Schedule, identifies the limits set by an agency within which an employee must complete their basic work requirement of 80 hours per pay period for a full-time employee. Under a compressed work schedule or other fixed schedule, tour of duty is synonymous with the basic work requirement (set hours per day and set hours per pay period).

Variable Day Schedule. Type of flexible work schedule containing core hours on each work day in the week and in which a full-time employee has a basic work requirement of 40 hours in each week of the pay period, but in which an employee may vary the number of hours worked on a given work day within the week within the limits established for the work unit, as authorized in this handbook.

Variable Week Schedule. A type of flexible work schedule containing core hours on each work day in a pay period and in which a full-time employee has a basic work requirement of 80 hours for the pay period, but in which an employee may vary the number of hours worked on a given work day or the number of hours each week within the limits established for the work unit, as authorized in this handbook.

Work Day. That part of the day during which customers would expect the Department of the Interior and/or bureaus/offices to be "open". Supervisors must ensure that their offices are staffed during the work day.

Work unit. An entity located in one place with a specific mission, with homogeneous procedures or technology, and headed by a supervisor or manager authorized to certify time and attendance reports and approve leave.

Chapter 2. Establishment of Workweeks

For pay and leave purposes, any period of seven (7) consecutive calendar days, Sunday through Saturday, whenever possible, as designated by each bureau/office head or their designee. If the business needs of the bureau/office

require, the administrative workweek need not coincide with the calendar week. Assignments to tours of duty shall be made with as much advance notice to employees as possible but the advance notice shall not be less than one week.

Chapter 3. Establishment of Work Schedules

Bureau/office heads should follow the general rules contained in 5 C.F.R. § 610.121 when establishing work schedules. On the other hand, if a bureau/office head determines that the general rule for establishing work schedules would cause a serious handicap in carrying out the work; would inhibit the utilization of employee carpools; or would substantially increase costs or reduce efficiency, a departure from the rule is authorized. However, records of variations in tours of duty, with the exception of staggered tours for normal operations, shall be maintained for purposes of leave and pay administration.

Unless bureau/office heads determine that their mission would be seriously handicapped in carrying out the functions or that costs would be substantially increased, they shall provide that:

- (1) Assignments to tours of duty are scheduled in advance of the administrative workweek over periods of not less than 1 week;
- (2) The basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;
- (3) The working hours in each day in the basic workweek are the same;
- (4) The basic non-overtime workday may not exceed 8 hours;
- (5) The concurrence of holidays may not affect the designation of the basic workweek; and
- (6) Breaks in working hours of more than 1 hour may not be scheduled in a basic workday.

When a bureau/office head or their designee knows in advance of an administrative workweek that the specific days and/or hours of a day actually required of an employee in that administrative workweek will differ from those required in the current administrative workweek, they will reschedule the employee's regularly scheduled administrative workweek to correspond with

those specific days and hours. The bureau/office head or their designee will inform the employee of the change and record the change on the employee's time and attendance report.

All work, including overtime, non-overtime Sunday work, and night work that is scheduled is considered regularly scheduled work for purposes of pay and leave administration. Failure to schedule a known work requirement as part of an employee's administrative workweek may entitle the employee to premium pay when the bureau/office head or their designee had:

(1) Specific knowledge of the employee's work requirement in advance of the start of the administrative workweek; and

(2) The opportunity to determine which employee needed to be scheduled or rescheduled to meet the specific days and hours of that work requirement.

Bureau/office heads or their designee must ensure that all employee requests to alter the normal administrative workweek and approvals are fully documented. In addition, a copy of the documentation must be maintained for record purposes.

3-1. Variation in Work Schedules for Educational Purposes

A bureau/office head may authorize policy that permits employees to take one or more courses in a college, university, or other educational institution, provided that:

(1) The courses being taken are not made available or provided for by the bureau/office;

(2) The rearrangement of the employee's tour of duty will not significantly interfere with the accomplishment of the work required to be performed;

(3) Additional costs for personal services will not be incurred; and

(4) Completion of the courses will furnish the employee with skills necessary to perform more effective work in the bureau/office.

The employee may not receive any premium pay solely because the special tour of duty authorized under this section causes them to work on a day, or at a time during the day, for which premium pay would otherwise be payable.

3-2. Meal Time and Breaks

Meal time. An unpaid break of no less than 30 minutes and no more than one hour is required for each 6 hours or longer of work. The meal time or unpaid break may not be taken at the beginning or end of the normal scheduled workday. Unless provided for in a labor agreement, an employee has no entitlement to a paid break during work hours. Employees must work the number of hours appropriate to their work schedule.

Breaks. Agency heads have the authority to schedule “breaks” in an employee's workday of no greater than 1 hour. An example of such a break would be a break for lunch. During this period, an employee is off duty and in a nonpay status unless he/she is required to perform substantial official duties during the period. Lunch breaks are provided for either administratively or through negotiated agreements between agencies and unions.

3-3. Travel and Hours of Duty. To the maximum extent possible, supervisors will not require employees to travel during non-duty hours. When a supervisor determines that there is no choice but to require travel outside the regularly scheduled workweek, and the result is that the employee will not be paid overtime under 5 C.F.R. § 550.112(e), the supervisor will record their reasons for ordering travel at those hours and will, upon request, furnish a copy of the statement to the employee concerned. Details can be found regarding payment of overtime for travel in 5 U.S.C. Chapter 55 and 5 C.F.R § 550. When a supervisor directs an employee who is on a compressed work schedule to travel or attend training for a period of more than 1 week, they must place the employee on a normal work schedule of 8 hours per day, 5 days per week for the pay period(s) during which they attend the training or are on travel. When an employee is on travel, the supervisor may make an exception to this policy in cases where the employee can account for working the scheduled number of hours in each work day during the period of travel. For employees on a compressed work schedule, this will rarely be the case. In situations where the employee is in training, it would be an extremely rare situation in which the employee would be able to account for more than 8 hours a day. A supervisor may not change the administrative workweek of an employee to compensate the employee for travel on a day that would otherwise be a non-work day.

Chapter 4. Weather Related or Excused Absence in Emergency Situations

Bureau/office heads may grant absence from duty without charge to leave or without loss of compensation under planned or emergency situations where office operations must be curtailed. Moreover, bureau/office heads can further delegate or assign responsibility for granting administrative dismissals as they deem necessary; however, this delegation must be documented in writing. This guidance applies to planned or emergency situations where agency operations must be curtailed for the following reasons:

- (1) Extreme weather conditions;
- (2) Interruption of transportation or building services; and
- (3) Better utilization of funds or resources.

Generally, management expects employees to be prepared to cope with difficult driving conditions and minor disruptions of public transportation systems. However, on occasion, emergency situations that are beyond the control of management or employees may arise and prevent the opening of all or some Federal offices or activities, prevent employees from reporting for work on time, or necessitate the early dismissal of employees. An emergency situation occurring at the worksite may also require management to close an office, or portions thereof, for short periods. A hazardous/emergency situation may result from snow emergencies, severe icing conditions, fires, floods, earthquakes, hurricanes, air pollution, power failures, interruptions of public transportation, or other conditions that affect significant numbers of employees, depending on the specific organization. Supervisors may excuse employee absences (grant administrative leave) when such absences are due to hazardous/emergency situations that are general rather than personal in scope and impact. Some emergencies such as equipment failures, fires, or lapsed appropriations may not affect all employees.

Managers/supervisors should rarely authorize group dismissal or closure and only when conditions are severe or where normal agency operations are significantly disrupted.

Managers/supervisors will not normally excuse absences for group dismissal for more than 3 work days for any single situation. If the need to curtail or shut down operations continues longer, managers/supervisors should consider other options, such as details to other duties, working at an alternative work site, or furlough.

Officials responsible for approving a group dismissal must:

- (a) Base decisions for dismissal and leave charges on the extent to which employees are prevented from reporting to work or performing normal duties;
- (b) Coordinate the impact of dismissals with the local governments and transit systems; and
- (c) Promote equitable treatment of affected employees.

4-1. Emergencies Occurring During the Normal Work day.

(1) Supervisors should grant excused absences (administrative leave) to employees on duty at the time of the announced dismissal for the remainder of the day, even if they were scheduled to take leave later in the day.

(2) An employee who leaves (with supervisory approval) after receiving official word of a pending dismissal but before the time set for dismissal must sign for leave for the period beginning with the departure time approved by the supervisor until the employee's official announced dismissal time.

(3) An employee who leaves before receiving official word of a pending dismissal must sign for annual leave, sick leave, or LWOP, as appropriate, for the remainder of the work day. In the event the employee refuses to sign for the appropriate category of leave, the supervisor will charge the employee with AWOL.

(4) An employee who is scheduled to return from leave during the period of dismissal must sign for leave from the time of the initial grant of leave to the time they were scheduled to return to duty. The supervisor will grant excused absence to the employee for any continuing absence beyond the time of the employee's scheduled return to duty that is due to the emergency.

(5) The supervisor of an employee who is absent on previously approved annual leave, sick leave, or LWOP for the entire work day must charge the scheduled leave for the entire work day.

(6) The supervisor of an employee who is scheduled to report for work before the time set for dismissal, but who fails to do so, must charge the employee annual leave, sick leave, LWOP, or other form of leave as appropriate, for the entire work day.

(7) Bureau/office heads should encourage supervisors and managers to develop and initiate telework agreements to support Continuity of Operations Plans, and continue the work during Continuity events, public health emergencies, severe weather situations, and other emergency situations where employees may not be able to work from their normal worksite.

For additional guidance on Dismissal and Closure Procedures in the Washington DC Area, see: <http://www.opm.gov/oca/compmemo/dismissal.pdf> (If link does not open, please contact your servicing human resources office for further details.)

Chapter 5. Alternative Work Schedules (AWS).

There are multiple options designed to meet both management and employee needs. The system's flexibility can improve not only the quality of customer service, but also the personal lives of employees. Each bureau/office will determine whether implementation of these flexibilities contributes to the effective management of an office and what specific types of AWS, if any, will be made available to employees. Where AWS is authorized, supervisors are encouraged to work with individual employees to ensure that all work schedules maintain office coverage and achieve performance results and accommodate the personal needs of employees to the maximum extent reasonable and practicable. Officials with the responsibility of approving/disapproving AWS must ensure that their decisions regarding individual requests are rational, fair, and based on legitimate, nondiscriminatory reasons.

5-1. Performance Requirement.

The mission requirements and organizational goals and objectives of the Department as well as the established performance objectives of individual employees must continue to be met when an office utilizes AWS. If at any time organizational effectiveness, productivity, efficiency, or individual performance is negatively impacted, AWS arrangements may be restricted or terminated as necessary.

5.2. Responsibilities.

Bureau Directors and Equivalent Offices - establish and/or modify AWS programs to meet the mission of their organization. The authority may be delegated as deemed appropriate.

Bureau Human Resources Offices - generally establish procedures to facilitate the provisions of establishing AWS in accordance with applicable laws, regulations, Departmental policy, and collective bargaining agreements.

Supervisors and Managers - approve or modify individual employee work schedules based on their assessment of the needs of the office and each employee's conduct and performance, and in order to accommodate, whenever reasonable and practicable, the employee's preferred arrival and departure times. Supervisors' monitor staff attendance and work practices to determine whether abuses are occurring in the use of AWS and will also assess the impact of the staff schedules on the functioning of the office. As a result of such monitoring or assessments, supervisors may restrict, modify, or cancel an employee's participation in AWS.

Employees - must coordinate their work schedules with their supervisors for approval in advance. Additionally, employees must adhere to the office attendance requirements (including the proper and accurate reporting of the actual hours they work) and adjust their work schedules, as required by their superiors, to ensure that the needs of the office are met.

Timekeepers - will monitor automated time and attendance (T&A) systems, work schedule forms and other required time accounting forms. Apparent discrepancies, such as unapproved overtime or unreported leave will be brought to the attention of the supervisor before the final T&A is submitted. T&A reports, T&A logs, and supporting documentation will be retained in accordance with regulatory guidance.

5-3. Types of AWS.

The following describes the types of AWS; however, each bureau/office will determine which specific schedules are available to their employees and establish guidelines/procedures for the implementation of such schedules.

5-4. Flexible Work Schedules.

Flexible Work Schedules have a work requirement of 80 hours within a pay period. Each flexible schedule has a designated core time when employees are expected to be at work or on approved leave. The core time usually coincides with the busiest customer service times.

Management establishes the parameters of employee options. Employees under flexible work schedules may work more than 8 hours a day as long as they stay within the established parameters.

Flexitime - commonly referred to as the "gliding schedule," this type of AWS provides for flexible arrival, departure and lunch periods and has specified core hours in each of 10 workdays in the pay period. Full-time employees are required to work during their scheduled work hours, or use leave credit time, and/or compensatory time off during specified core hours and eight regular hours on each often workdays in the bi-weekly pay period. Employees may be allowed to earn credit hours under the guidelines in this policy after the bi-weekly work requirement is met.

Maxi-flex - this type of AWS allows for the establishment of flexible arrival and departure times, and flexible lunch periods and requires that specific core hours be established on at least 3 days of the work week. There is no daily or weekly requirement.

Employees must work or account for their whereabouts, by leave, credit time, or compensatory time off, to meet their bi-weekly work requirement (80 hours for full-time employees). Employees may vary the number of hours they work each day and each week for a maximum of two days off per pay period. Employees working under this type of AWS should gain approval from their immediate supervisor for their "planned" schedule by the beginning of each pay period. Credit hours may be earned with supervisory approval, but will not accrue until after the biweekly work requirement is met.

In addition to full Maxi-flex, employees have the option of working schedules similar to those under a compressed schedule as follows:

Maxi-flex 5/4-9 - requires the employee to establish a daily schedule of 9 hours on each of 8 work days, 8 hours on 1 work day and 1 AWS day off per pay period. The AWS day off is established but may be "swapped" for another day within a pay period, with prior supervisory approval. Arrival and departure time bands and core hours are established for days on which work is scheduled. Flexible lunch periods are allowed, with prior supervisory approval. Credit hours may be earned, but will not accrue until after the bi-weekly work requirement has been met.

Maxi-flex 4/10 - requires the employee to establish a daily schedule of 10 hours on each of 4 workdays each week with 1 AWS day off per week. The AWS day off

is scheduled on a recurring basis, but may be "swapped" for another day within a pay period, with prior supervisory approval. Arrival and departure time bands and core hours are established for days on which work is scheduled. Flexible lunch periods are allowed with prior supervisory approval. Credit hours may be earned, but will not accrue until the bi-weekly work requirement has been met.

5-5. Compressed Work Schedules.

This type of AWS requires a fixed schedule where the employee may fulfill the bi-weekly work requirement on less than 10 workdays in the pay period. Arrival and departure times are fixed. There are no core hours, flexible time bands, or flexible lunch periods. Employees are limited to an hour uncompensated lunch period. Credit hours may not be earned.

Employees may select, with supervisory approval, a set arrival time and may work one of the following schedules:

Compressed 5/4-9 - under this schedule, employees work 9 hours on 8 workdays in the pay period, 8 hours on 1 day in the pay period and have 1 AWS day off. The AWS day off is fixed at the time the schedule is established and may not be "swapped" for another day.

Compressed 4/10 - under this schedule, employees work four 10-hour days each week of the biweekly pay period and have 1 AWS day off each week. The AWS day off is fixed at the time the schedule is established and may not be "swapped" for another day.

5-6. Credit Hours.

Credit hours, where authorized, are hours an employee works voluntarily, with prior supervisory approval, in excess of the normal hours worked in a pay period.

Credit hours can be carried over for use in another pay period. Supervisory approval is generally required to earn and use credit hours.

Credit hours must be earned within the time period established for the length of the workday. Credit hours may be earned in 15-minute increments.

Members of the Senior Executive Service are prohibited from accruing credit hours under an AWS. (See 5 CFR § 610.408)

Full time employees may only carryover a maximum of 24 credit hours from one pay period to the next. Part time employees may only carry over a maximum number of credit hours equal to one quarter (114) of their regular bi-weekly work requirement. Credit hours in excess of 24 hours are forfeited and do not entitle the employee to overtime compensation. Credit hours may not be earned or used by employees working under a compressed schedule.

5-7. Core Hours.

Core hours are that part of the schedule of hours during the workday, workweek, or pay period that is within the tour of duty and during which employees must be present at work or on leave, or other excused absence. Core hours will be determined by each bureau/office and may be delegated to individual supervisors as deemed appropriate by the bureau/office. For example, in the Office of the Secretary the core hours are 9:30 a.m. to 3:30 p.m., with a break of either one half or 1 hour mid-day for lunch. Employees must be present at work during core hours, except for their scheduled lunch break, or must account for absent time with credit hours, compensatory time off, or appropriate charge to leave, or other excused absence.

5-8. Flexible Time.

Flexible times are the hours during the workday, workweek, or pay period that are within the tour of duty and during which employees may choose to vary their time of arrival to and departure from the work site.

The flexible times will be determined by each bureau/office and may be delegated to individual supervisors as deemed appropriate by the bureau/office. For example, in the Office of the Secretary, flexible times are 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 7:30 p.m. The starting and ending times of alternative work schedules must be consistent with these flexible times; therefore, in this example the earliest employees may begin work is 6:30 a.m., and the latest they normally may work is 7:30 p.m.

5-9. Meal Time/Break.

Meal time or an unpaid break of no less than 30 minutes and no more than one hour is required for each 6 hours or longer of work. The meal time or unpaid break may not be taken at the beginning or end of the workday. Unless provided for in a labor agreement, an employee has no entitlement to a paid break during work hours. Employees must work the number of hours appropriate to their work schedule.

5-10. Holidays.

Normal regulations regarding pay status before or after a holiday apply under AWS. Part-time employees will be paid under the appropriate regulations for holidays commensurate with their schedule. Employees working under a compressed work schedule will be paid the number of hours for which they were scheduled to work on the holiday.

For example, an employee who works a compressed 4/10 schedule will receive 10 hours of holiday pay. If the holiday falls on the AWS day off and that day is a Monday, the employee will be scheduled to take Tuesday off in lieu of the holiday and will be paid the number of hours they are scheduled to work on that day. If the holiday falls on an AWS day off and that day is a Friday, the employee will be scheduled to take Thursday off in lieu of the holiday and will be paid the number of hours they are scheduled to work on that day.

Full-time employees working under a flexible work schedule shall receive only 8 hours holiday pay for holidays. Under a flexible work schedule, if the AWS day off is the same day as the holiday, the employee and supervisor will determine which day within the same pay period will be taken as the AWS day off.

5-11. Leave or Other Excused Absence.

AWS has no effect on an employee's right to use annual or sick leave. All requirements for the advanced approval of non-emergency leave remain in effect. Responsibilities of employees and supervisors with regard to requesting and approving or disapproving leave, both annual and sick, remain the same.

Time off during an employee's basic work schedule must be charged to an appropriate leave category, compensatory time off, credit hours, or other excused absence. Approved leave taken for the entire day will be charged according to the number of hours that would normally have been worked. If an AWS employee uses annual or sick leave on a day the employee was otherwise scheduled to work, the employee must be charged leave for the total number of hours required by the work schedule on that day.

Excused absence may be granted to employees on AWS under the same circumstances as with employees on other work schedules.

5-12. Travel, Training, Meetings and Conferences.

Advanced planning is required to ensure that employees are able to attend required training, conferences, or temporary duty assignments without overtime authorization resulting from schedule conflicts. In cases where the training, travel, conference, or temporary assignments do not conflict with the normal

work schedule, no change is necessary. Employees must work with their supervisors to amend their schedule as needed to attend conferences, training, and report for temporary duty assignments away from the regular duty station.

The amendment need not require the employee to revert to a normal 8-hour a day schedule, but may require switching the AWS day, or in the case of an employee working a 4/10 schedule, the employee may be required to work the 4/10 one week of the pay period and revert to five (5) eight-hour days for the week of training, travel or the conference.

5-13. Time Accounting.

With AWS, greater responsibility is placed on both the supervisor and the employee for scheduling, recording, and monitoring arrival and departure times. It is recommended that sign-in/ sign-out logs are used to record arrival and departure times of all employees in offices that implement the flexible work schedules

5-14. AWS Agreement.

Where AWS is authorized, an AWS agreement is strongly encouraged for participation. Each bureau/office will determine the specific agreement format to be used and process employees should use to request an AWS. Bureaus/offices are expected to establish a fair and equitable method for resolving schedule conflicts among their employees.

Appendix 1

Overview of Flexible and Compressed Work Schedules

Flexible Work Schedules	Compressed Work Schedules
Basic Work Requirement Full-time employees are required to work 80 hours in a biweekly pay period. Supervisors may set daily or weekly work requirements. Employees may fulfill or complete their basic work requirement in less than 10 work days.	Basic Work Requirement A full-time employee must work 80 hours in a biweekly pay period and must be scheduled to work on fewer than 10 work days. A part-time employee has a fixed schedule of fewer than 80 hours in a biweekly pay period and must be scheduled to work on fewer than 10 work days.
Tour of Duty The tour of duty defines the limits within which an employee must complete their basic work requirement.	Tour of Duty The tour of duty is defined by the fixed compressed work schedule that the supervisor established for the employee.
Credit Hours Credit hours may be accrued if employees worked in excess of the basic workweek at the option of the employee and supervisor. Not all flexible work schedule programs provide for credit hours.	Credit Hours Employees cannot accrue or use credit hours under a compressed work schedule.

<p>Flexible Work Schedules</p> <p>Overtime Work</p> <p>Overtime work consists of hours of work that are officially ordered in advance and in excess of 8 hours in a day or 40 hours in a week, but does not include hours that are worked voluntarily, including credit hours, or hours that an employee is "suffered or permitted" to work which are not officially ordered in advance.</p>	<p>Compressed Work Schedules</p> <p>Overtime Work</p> <p>For a full-time employee, overtime work consists of all hours of work in excess of the established compressed work schedule. For a part-time employee, overtime work must be hours in excess of the compressed work schedule for the day (more than at least 8 hours) or for the week (more than at least 40 hours).</p>
<p>Compensatory Time Off</p> <p>A supervisor may, at the request of an employee, approve compensatory time off in lieu of overtime pay for non-SES employees. Mandatory compensatory time off is limited to FLSA-exempt employees (who are not prevailing rate employees) whose rate of basic pay is greater than the rate for GS-10, step 10.</p>	<p>Compensatory Time Off</p> <p>Compensatory time off may be approved in lieu of overtime pay only for irregular or occasional overtime work by an employee other than an SES member. Mandatory compensatory time off is limited to FLSA-exempt employees (who are not prevailing rate employees) whose rate of basic pay is greater than the rate for GS-10, step 10.</p>
<p>f. Night Pay Differential</p> <p>Employees must receive night pay for those hours that are regularly scheduled between 6:00 p.m. and 6:00 a.m. to complete an 8-hour tour of duty. Employees must receive night pay for all designated core hours worked between 6:00 p.m. and 6:00 a.m. and for any regularly scheduled overtime work between those hours.</p>	<p>Night Pay Differential</p> <p>The regular rules governing entitlement to night pay apply.</p>

<p>Flexible Work Schedules</p> <p>Pay for Holiday Work</p> <p>Holiday premium pay for non-overtime work is limited to a maximum of 8 hours in a day for full-time or part-time employees. A part-time employee scheduled to work on a day designated as an "in lieu of" holiday for full-time employees is not entitled to holiday premium pay for work performed on that day.</p>	<p>Compressed Work Schedules</p> <p>Pay for Holiday Work</p> <p>Holiday premium pay for non-overtime work is limited to the number of hours normally scheduled for that day. A part-time employee scheduled to work on a day designated as an "in lieu of" holiday for full-time employees is not entitled to holiday premium pay for work performed on that day.</p>
<p>Pay for Sunday Work</p> <p>A full-time employee who performs regularly scheduled non-overtime work during a period of duty, part of which is performed on Sunday, is entitled to Sunday premium pay (25 percent of the rate of basic pay) for the entire period of work up to 8 hours. A part-time employee is not entitled to Sunday premium pay for Sunday work.</p>	<p>Pay for Sunday Work</p> <p>A full-time employee who performs regularly scheduled non-overtime work during a period of duty, part of which is performed on a Sunday, is entitled to Sunday premium pay (25 percent of the rate of basic pay) for the entire scheduled period of duty that day. A part-time employee is not entitled to premium pay for Sunday work.</p>
<p>Holidays</p> <p>A full-time employee prevented from working on a holiday (or an "in lieu of" holiday) is entitled to pay for 8 hours for that day. A part-time employee prevented from working on a holiday is entitled to pay for the number of hours he or she would have worked but for the holiday, not to exceed 8 hours. When a holiday falls on a non-work day for a part-time employee, there is no entitlement for an "in lieu of" holiday.</p>	<p>Holidays</p> <p>A full-time employee prevented from working on a holiday (or an "in lieu of" holiday) is entitled to pay for the number of hours of the compressed work schedule for the employee on that day. A part-time employee prevented from working on a holiday is entitled to pay for the number of hours of the compressed work scheduled on that day. When a holiday falls on a non-work day of a part-time employee, there is no entitlement to pay or an "in lieu of" holiday.</p>

Flexible Work Schedules	Compressed Work Schedules
<p>Excused Absence</p> <p>The amount of excused absence a supervisor may grant an employee covered by a flexible work schedule is based on the employee's typical schedule.</p>	<p>Excused Absence</p> <p>All compressed work schedules are fixed schedules. The regular practices applicable to administration of excused absence apply.</p>
<p>Temporary Duty</p> <p>The supervisor may allow an employee on a flexible work schedule to continue the existing schedule, modify it, or require them to follow the schedule used at the temporary work site.</p>	<p>Temporary Duty</p> <p>(Same as Flexible Work Schedules)</p>
<p>Travel</p> <p>Time spent in a travel status is considered to be hours of work only for FLSA exempt employees, and as provided in <u>5 C.F.R. § 550.112(q)</u> or <u>5 U.S.C. § 5544</u> and <u>5 C.F.R. § 551.422</u> for nonexempt employees. Supervisors must determine whether or not they are required to place employees on a standard fixed schedule when traveling.</p>	<p>Travel</p> <p>(Same as Flexible Work Schedules)</p>

Flexible Work Schedules

Determining Hardships under Flexible Work Schedules

Because flexible work schedule programs generally provide employees the flexibility to continue to work traditional schedules, it is not necessary to consider exclusion of an employee from the flexible work schedule program for personal hardship.

Compressed Work Schedules

Determining Hardships under Compressed Work Schedules

An employee for whom a compressed work schedule program would impose a personal hardship may request exclusion from the program. The affected employee must submit such a request in writing to their supervisor. The supervisor must determine whether a personal hardship exists. If so, the supervisor, or other appropriate official, must except the employee from the compressed work schedule program or arrange for their reassignment to the first position that meets the criteria in 5 U.S.C. § 6127(b)(2)(B).

Appendix 2

Comparison of Alternative Work Schedule Options

Type of AWS	Earn Credit Hours	Established Core Time/Hours	Flexible Time Bands	AWS Day Off	Flexi-Lunch with Supervisor Approval	"Swap" AWS Day Off	Holidays	Leave	Admin Leave
Flexitime (Gliding Schedule)	Yes	Yes	Yes	None	Yes	N/A	8 hours	8 hours	Up to 8 hours
Full Maxi-flex	Yes	Yes	Yes	2 per pay period	Yes	Yes	8 hours	Up to 12 hours	Up to 8 hours
Maxi-flex 5/4-9	Yes	Yes	Yes	1 per pay period	Yes	Yes	8 hours	Up to 9 hours	Up to 9 hours
Maxi-flex 4/10	Yes	Yes	Yes	1 per week	Yes	Yes	8 hours	Up to 10 hours	Up to 10 hours
Compressed 5/4-9	No	No	No	1 per pay period	No	No	Up to 9 hours	Up to 9 hours	Up to 9 hours
Compressed 4/10	No	No	No	1 per week	No	No	Up to 10 hours	Up to 10 hours	Up to 10 hours