United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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PERSONNEL BULLETIN NO. 09-14

SUBJECT: Alternative Work Schedules

1. Purpose/Policy:

The purpose of this Bulletin is to describe the various types of Alternative Work Schedules (AWS) available to Federal employees. It also assigns responsibilities and establishes the rules and procedures for administering AWS.

There are multiple options designed to meet both management and employee needs. The system's flexibility can improve not only the quality of our 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, non-discriminatory reasons.

2. Authority:

5 U.S.C., Chapter 61, Subchapter II – Flexible and Compressed Work Schedules; 5 CFR 610, Hours of Duty; OPM Handbook on Alternative Work Schedules, December 1996; 370 DM 610, Hours of Work; Labor Management Relations (LMR) Guidance Bulletin on Negotiating Flexible and Compressed Work Schedules, July 1995.

3. Coverage:

All Department of the Interior (DOI) employees with a basic work requirement may be eligible to participate in some form of AWS as established by a bureau/office subject to the approval of their supervisor or his/her designee. Senior Executive Service (SES) employees may request to participate, although they are prohibited from accruing credit hours. (See 5 CFR § 610.408). Where an exclusive bargaining unit exists, establishment of, or changes to, any flexible or compressed work schedule is subject to the provisions of applicable collective bargaining agreements.

4. 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. Responsibilities:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

6. Definitions:

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.

Compensatory Time - the paid absence from duty taken by a GS 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 needs to be used within 26 time periods or will expire.

Core Hours - 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, 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.

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).

Intermittent Employees - employees who serve without a regularly 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.

Maxiflex - flexible work schedule with a basic work requirement of 80 hours for the biweekly pay period for full-time employees.

Non-Core Work Hours - that part of the schedule 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 management/supervisor.

Non-exempt Employees - generally those administrative, technical and non-supervisory employees who are covered by the overtime provisions of the FLSA. 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.)

AWS Day(s) Off - under an alternative work schedule or Maxiflex schedule, the days out of the pay period that may be scheduled by the employees and management to be non-workdays.

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 in a pay period for an employee on an alternative work schedule, **which are officially ordered or approved in advance by management.** 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 Maxiflex 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.

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.

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 employees keep track of the beginning and ending time of each day's work.

Tour of Duty - under a flexible work schedule, identifies the limits set by an agency within which an employee must complete his or her 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).

Workday - that part of the day during which customers would expect the Department of the Interior to be "open". Supervisors must ensure that their offices are staffed during the workday.

7. 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***.

A. 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.

1. 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 of ten 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.

2. Maxiflex – 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 Maxiflex, employees have the option of working schedules similar to those under a compressed schedule as follows:

a. Maxiflex 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.

b. Maxiflex 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.

B. 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 a ½-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:

1. 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.

2. 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.

8. 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 carry over 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 (¼) 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.

9. 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 (½) 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.

10. 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.

11. 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 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.

12. 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 (as described in section 7B) 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 (as described in section 7A), 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.

13. 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.

14. 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.

15. 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

16. 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.

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