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HRDG 4610 - Tours of Duty - Section K

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Subchapter 4610

Tours of Duty

Section K - Alternative Work Schedules: Compressed and Flexible

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Background

Federal agencies are authorized to use flexible and compressed work schedules under Section 6120 of Title 5 U.S. Code. These schedules may require more effort on the part of managers and supervisors in order to ensure adequate office coverage and availability of personnel. The rewards of these work schedules can be considerable. They may include increased morale and greater productivity, longer service hours, reduction of tardiness, quieter working hours, improved job concentration, and improvement of the quality of life for employees.

Supervisors may require employees to be available for work when their presence is needed at the duty station. Supervisors may schedule their employees during certain days and hours in order to meet work requirements.

Work Scheduling

For flexible schedules, efforts should be made to keep requirements to a minimum so that the benefits (such as gliding, core time deviations, earning or using credit hours, etc.) of the flexible schedule will be preserved; however, work requirements take precedence over the convenience of the employee.

Employee Responsibilities

Employees are responsible for ensuring that they are available for meetings and for other work requirements. This is especially critical for employees on flexible schedules. Flexible and compressed work schedules require a high degree of professionalism on the part of employees if they are to succeed. Employees who do not comply with the requirements of flexible or compressed work schedules may be returned to a standard tour of duty.

Schedule changes are effective at the beginning of a pay period and cannot be approved retroactively.

Schedule changes must be approved in writing before the pay period begins and documentation must be attached to the T&A report.

Exceptions:

Schedule Changes

- Employees on flexible schedules (i.e., maxiflex and flexitime) are not precluded from using glide time and core time deviations once the pay period has started. (Flexitour employees may use core time deviations but may only glide up to a maximum of 15 minutes on either side of the arrival time).
- Changes within 5-4/9 and 4/10 compressed schedules are limited to changes to the day off required by the work situation.

Restrictions

Managers and supervisors have authority to restrict employees to a standard schedule if an employee is abusing a flexible or compressed work schedule or if the work situation so requires. Where a flexible or compressed work schedule has been established for a particular duty location, employees who have been placed on a standard or other type of tour should be notified in writing. The final authority for approval of work schedules and tours of duty rests with management.

Operating guidelines are provided for each tour of duty available in the appropriate section of this Guide. The features of each separate schedule are not interchangeable. Follow plans as written.

Operating Guidelines

Example 1: Credit hours can be used only under maxiflex, not under compressed work schedules (5-4/9 or 4-10).

Example 2: Employees under a compressed 5-4/9 plan cannot vary arrival times. Only flexitime, flexitour, and maxiflex allow employees to vary arrival times.

Supervisors may restrict an employee to a fixed standard tour of duty if the employee fails to meet the requirements for the flexible or compressed schedule or if the work situation so requires. Each case will be documented in writing and a copy given to the employee.

The following table shows the tours of duty and hours of service established for headquarters employees in the Washington D.C. Metropolitan Area:

Hours of Duty for Headquarters Employees in the Washington D. C. Metro Area

Agency:	Tour of Duty:	Customer Service Bands:	Duty Locations:
AMS	Maxiflex	8 a.m. to 4:30 p.m.	Washington, D.C. and Kansas City, MO (TSD only)
APHIS	Maxiflex	8 a.m. to 4:30 p.m.	Washington, D.C., Riverdale, and Beltsville, MD

Offices may establish tours of duty under the flexible or compressed work schedules established in the appropriate section of this Guide as long as:

**Hours of Duty for
Field Employees**

- They have the prior approval of the appropriate official to whom this authority has been delegated, and
- The office or duty location meets the legal and any additional agency requirements for use of the selected schedule as provided in the appropriate section of this Guide.

Note: Flexible schedules may not be used by APHIS employees who are eligible to perform overtime work paid under the provisions of the Import/Export Act, Title 7 U.S.C. 2260, because compensation is computed on the basis of the set hours of the employees' tour.

Flexible and compressed work schedules may be approved only when the appropriate official ascertains that the schedule will not result in:

**Criteria for
Approving
Flexible or
Compressed
Work Schedules**

- A reduction of the productivity of the agency,
- A diminished level of service furnished to the public by the agency, or
- An increase in the cost of agency operations (other than a reasonable administrative cost relating to the process of establishing a flexible or compressed schedule).

Responsible officials to whom authority has been delegated are authorized to establish any of the flexible or compressed work schedules outlined in this Guide if they show that the schedules meet the criteria for approval, that they benefit the agency, and that the impacted employees (or the union if the work unit has an exclusive representative) have been consulted.

The authorizing official will complete and maintain this for record keeping purposes.

Exception: APHIS work units that perform Import/Export work that is paid under the provisions of Title 7 U.S.C. 2260 may not implement any form of a flexible work schedule.

(1) For work units without a bargaining unit, a majority of employees must agree to a compressed tour, otherwise employees may not be required to participate. Title 5 U.S.C. 6132 protects employees against coercion when voting for or against inclusion of the work unit in a compressed tour and affirms the right of employees to request, because of hardship, not to participate in a compressed tour (see 5 U.S.C. 6127[b]).

Employees may contact the Office of Special Counsel (OSC) to file a complaint regarding allegations of coercion prohibited by 5 U.S.C. 6132. Violations of 5 U.S.C. 6132 are subject to investigation by the OSC.

Questions concerning filing complaints may be directed to the servicing employee relations specialist or directly to the OSC.

Each program is responsible for designating a responsible management official(s) (RMO) to decide personal hardship cases. (This could be a 1st/2nd level supervisor. If the decision is made to deny the waiver, then the employee may grieve the decision in accordance with the agency's grievance directive.) If it is decided that a personal hardship exists, the employee will be excluded from the schedule or be reassigned.

Responsibilities

Both the law and its legislative history are silent with respect to the definition of "personal hardship." The RMO should be sensitive to the possibility that a compressed tour could have an adverse effect on certain employees, particularly disabled employees and those who are responsible for the care of

Alternative Work Schedules Not Specifically Authorized in this Guide

Organizations wishing to use work schedules not specifically authorized in this Guide must provide the Director, Human Resources, a copy of the desired policy for review. The cover letter to the policy should include the reasons that the organization cannot use one of the preestablished alternative work schedules and it must be submitted along with documentation that addresses the criteria for approval of flexible and compressed work schedules that are listed below. These changes will be reviewed to ensure they do not violate any law, rule, or regulation. The program then will forward the new policy to the respective Agency Administrator for approval.

Limitations on Use of Flexible Schedules for Import/Export Work in APHIS

Flexible schedules may not be approved for employees who are eligible to receive premium pay under Title 7 U.S.C. 2260 (Import-Export Act). Flexible schedules include flexitour, flexitime, and maxiflex. There is no prohibition against using fixed 5-4/9 and 4/10 compressed tours for these employees if the work unit meets the criteria for use of these tours of duty.

Locations requesting approval for flexible or compressed work schedules other than those listed in this Guide must include the following information in their request to the Director, HRD:

**Documentation
Required**

- The flexible or compressed work schedule selected;
- The number of employees who will be on the schedule;
- The work schedule in effect at the work unit before the flexible or compressed schedule;
- The current hours of service at the duty location and the hours of service under the proposed schedule;
- A certification that the new schedule will not increase costs to the Government or to industry (if costs will decrease, this should be noted);
- The benefits to the agency, industry, or to employees that will justify approval of the flexible or compressed schedule; and
- A certification that the same or better service will be provided to the public/industry under the flexible or compressed tour.

Locations that select one of the tours listed in this Guide should retain the above information locally as part of their documentation for adopting a flexible or compressed tour.

**Timekeeper
Instructions**

It is essential that timekeepers follow the operating instructions in coding time and attendance reports and that guidelines concerning leave and premium pay are followed.

**Compressed
Schedules**

The 5-4/9 and 4/10 schedules are fixed schedules. The starting and ending times and the length of the meal period are fixed in advance of the start of the pay period by the agency.

Deviations from the preset schedule must be accounted for by using the appropriate category of leave.

**Schedule C
Employees**

By memorandum dated May 14, 1997, Terry Medley, Administrator, relayed Assistant Secretary Dunn's decision that all Schedule C employees were to be on a standard tour of duty of 5 days per week. Schedule C employees may not work any form of alternative work schedules (including maxiflex) and may not earn credit hours.

**Charging Leave
Under Maxiflex**

Maxiflex schedules allow for glide time, core time deviations, and credit hours. Employees are not charged leave if they work 80 hours in the pay period during flexible and core hours. Employees must sign in and out at the beginning and end of the day and for the meal break, if a deviation to the regularly scheduled tour of duty occurred, e.g., if the lunch was longer than 30 minutes and/or the workday was extended due to the earning/taking of leave, credit hours, compensatory time, or overtime.

Note: Full-time employees working under maxiflex who do not work 80 hours in a pay period must be charged annual leave, sick leave, leave without pay, or absence without leave or use previously earned credit hours, as appropriate, in order to make up the 80 hour requirement.

Note: AMS employees must maintain a daily time log.

**Overtime
Entitlements
Under
Compressed and
Flexible
Schedules**

Employees working under compressed and flexible schedules must meet different criteria for entitlement to overtime pay. Please consult the overtime charts included in this Guide for entitlement to overtime and premium pay under each schedule. The T&A manual gives detailed instructions for coding overtime on the T&A report.

When an employee starts a flexible or compressed schedule, timekeepers must code the T&A in accordance with instructions given in the T&A manual.

Starting and Ending a Flexible or Compressed Tour

The T&A block must be completed in the first pay period in which the flexible or compressed work schedule begins or changes. A code will not have to be entered for subsequent pay periods unless the employee's tour changes or he/she is returned to a regular work schedule.

When an employee stops a flexible or compressed schedule, a code must be entered in the appropriate block of the T&A. If the employee is subsequently returned to a flexible or compressed schedule, he/she must again be coded with the appropriate schedule code shown for starting a tour.

Coding Credit Hours

Follow instructions in the T&A manual for coding credit hours earned or used. Note that different codes are used for each purpose. See Section K, subsection e, for additional information.

Note: Credit hours cannot be earned until the employee has completed the basic work requirement of 80 hours in the pay period.

Instructions on Timekeeping

Detailed instructions on timekeeping requirements are available in the T&A manual published by the National Finance Center (NFC). Timekeepers should review this manual for answers to specific timekeeping problems.

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