

PART 2051 - HOURS AND PAY

Subpart F - Hours of Duty

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PART 2051 - HOURS AND PAY

Subpart F - Hours of Duty

§ 2051.251 Purpose.

(a) To establish a Family-Friendly Workplace authorizing Alternative Work Schedules (AWS) which enable Rural Development to meet its mission needs while allowing employees sufficient flexibility to meet both work and family needs. Management benefits by improved employee effectiveness and morale while giving employees more control over their lives. The AWS are in addition to the traditional 8 hour, 5 day workweek with the same starting and finishing time each day.

(b) This policy is for non-bargaining unit employees. Before implementing or applying this policy to bargaining unit employees, negotiations with the appropriate union local must be completed.

§ 2051.252 Definitions.

(a) Compressed Work Schedule (CWS). A fixed schedule that allows employees to complete their 80 hour biweekly work requirement in fewer than 10 days.

(b) Core Hours. Are the designated hours (9:00 a.m. to 2:30 p.m.) during which all full-time employees must be present during their normal tour unless on approved leave, scheduled lunch period, or the tour of duty has been changed in accordance with paragraph 2051.254 (a)(1) of this Instruction.

(c) Credit Hours. Those hours within a Flexible Work Schedule that an employee elects to work in excess of their basic work requirement so as to vary the length of a workweek or workday. Although credit hours are worked voluntarily, and are not ordered overtime, they are to be worked with the approval of the supervisor, usually in advance. Employees on CWS are not eligible to earn credit hours.

(d) Flexible hours. The part of the workday when employees on a Maxiflex or Gliding Schedule may vary their time of arrival, 6:00 a.m. to 9:00 a.m. with supervisory approval.

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(e) Flexible Work Schedules (FWS). Work schedules that allow employees to determine their own work schedule within the limits set by the Agency.

(f) Flexitour Schedule. A type of flexible work schedule in which an employee has a basic work requirement of 8 hours each day and 40 hours each week, and selects starting and stopping times within the flexible hours. The starting and stopping times do not have to be the same every day, however, once selected, the hours are fixed unless a change is authorized by the supervisor.

(g) Gliding schedule. A type of flexible work schedule in which an employee has a basic work requirement of 8 hours each day and 40 hours each week and may vary starting and stopping times daily within the flexible hours with supervisory approval.

(h) In Lieu of Holiday Full-time employees, including those on flexible or compressed work schedules, are entitled to an "in lieu of" holiday when a holiday falls on a nonworkday. Holidays are subsequently workdays immediately preceding the nonworkday. (For example, if the holiday falls on a Tuesday (nonworkday because of the holiday), Monday is the employee's in lieu of holiday.) There are three exceptions:

(1) If the nonworkday is Sunday (or an "in lieu of" Sunday), the next basic workday is the "in lieu of" holiday.

(2) For National Office employees only, if Inauguration Day falls on a nonworkday, there is no provision for an "in lieu of" holiday.

(3) If the Agency head determines a different "in lieu of" holiday is necessary to prevent "adverse agency impact," a different "in lieu of" holiday may be designated for full-time employees who work compressed work schedules.

(i) Lunch Band. The band of time, between the hours of 11:00 a.m. to 2:00 p.m., that a meal time may be scheduled.

(j) Lunch period. The thirty, four-five or sixty minute meal time requested by the employee and approved by the supervisor.

(k) Maxiflex Schedule. Allows an employee to vary his/her start and stop times and may work fewer than 10 days per two-week pay period so long as the 80 hour per pay period requirement is met.

(l) Official Hours. Are the hours when an office is open for business. This is 8:00 a.m. to 4:30 p.m.

§ 2051.253 Various Types of Work Schedules.

(a) Flexible Work Schedules. FWS consist of workdays composed of core hours and flexible hours. Employees may earn credit hours and are paid a maximum of 8 hours for a holiday. In the case of a full-time employee, they have an 80-hour biweekly basic work requirement that allows an employee to determine their own schedule within the limits set by the Agency. In the case of a part-time employee, they have 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 Agency. If a part-time employee is scheduled to work fewer than 8 hours on a holiday they are paid for the number of hours scheduled. FWS shall normally be established between the hours of 6:00 a.m. and 6:00 p.m. however on occasion the work day may be extended beyond 6:00 p.m. upon supervisory approval. Work after 6:00 p.m. that occurs on a regular and recurring basis shall be eligible for night differential pay. FWS are in addition to the traditional 8 hour, 5 day workweek with the same starting and finishing time each day.

(1) Maxiflex Schedule. Arrival time, departure time, number of hours worked per day and number of days worked per pay period all may vary so long as the biweekly requirement of 80 hours is met. Supervisors have the option of requiring an employee to record their arrival and departure times. The supervisor determines the method of recording.

(i) Employees select a starting time each day, e.g., 8:00 a.m., so the supervisor knows generally when to expect the employee. However, the employee may change the starting times daily within the established flexible hours of 6:00 a.m. to 9:00 a.m.

(ii) Supervisors may require that an employee provide advance notice when the employee will not be arriving within 30 minutes of their anticipated arrival time.

(iii) Employees may not work more than 12 hours in a day, exclusive of lunch period. This includes regular tour of duty and credit hours which they are entitled to earn.

(iv) The employee's scheduled number of hours for that day must be completed by 6:00 p.m. unless the tour of duty has been changed as described in paragraph § 2051.254(a)(1) of this Instruction.

(v) Full-time employees must schedule a minimum of 5 1/2 hours and a maximum of 10 hours, exclusive of lunch period, for each scheduled workday.

(vi) Employees will be allowed to request Maxiflex schedule changes as needed throughout the year. Employees should not presume automatic approval, supervisors must agree to schedule changes. The request should be made in sufficient time so that supervisors can ensure adequate coverage. Employee's scheduled tour of duty must be completed by 6:00 p.m.

(vii) A full time employee who is relieved or prevented from working on a day designated as a holiday (or "in lieu of" holiday) is entitled to their rate of basic pay for 8 hours. Employees scheduled to work more than 8 hours on that day must use one of the following to make up the difference:

- (A) Annual leave.
- (B) Earned credit hours.
- (C) Compensatory time.
- (D) Leave without pay.

(viii) Determining in lieu of holiday for full time employees (part time employees are not entitled to "in lieu of" holidays).

(A) When holidays fall on non-workdays (other than Sundays), the preceding workday becomes the employee's "in lieu of" holiday.

(B) When holidays fall on non-workday Sundays, the next workday becomes the employee's "in lieu of" holiday.

(2) Flexitour Schedule. A fixed work schedule that allows an employee to alternate arrival and departure times throughout the biweekly pay period.

(i) Report for work 8 hours a day, 5 days a week.

(ii) Once approved the start and stop times are fixed.

(iii) Employees will be allowed to request a change in Flexitour hours not to exceed four times per year. Employees should not presume automatic approval, supervisors must agree to schedule changes. The request should be made in sufficient time so that supervisors can ensure adequate coverage.

§ 2051.253(a) (Con.)

(3) Gliding Schedule. A work schedule that allows an employee to vary their arrival and departure times from one work day to the next.

(i) Report for work 8 hours a day, 5 days a week.

(ii) May vary their start and stop times. Employees select a starting time each day, e.g., 8:00 a.m. so that the supervisor may know generally when to expect the employee. However, the employee may change the starting times daily within the established flexible hours of 6:00 a.m. to 9:00 a.m. Supervisors may require that an employee provide advance notice when the employee will not be arriving within 30 minutes of their anticipated arrival time. Employee's scheduled tour of duty must be completed by 6:00 p.m.

(iii) Employees will be allowed to request Gliding Schedule changes as needed throughout the year.

(b) Compressed Work Schedule. A fixed work schedule that does not allow for arrival and departure times to vary but may enable the employee to fulfill their basic work requirement in less than 10 days during the biweekly pay period.

(1) Employees will be allowed to request a change in CWS not more than four times per year.

(2) In the case of a full-time employee, that enables them to complete their 80-hour per pay period work requirement in fewer than 10 workdays. There are two types of compressed work schedules:

(i) Four days per week, working 10 hours each of those days.

(ii) Eight days, working nine hours each of those days, and one eight hour day.

(3) In the case of a part-time employee, a basic work requirement of less than 80 hours that enables them to complete the number of part-time hours in fewer than 10 workdays. It may require an employee to work more than 8 hours a day.

(4) A full-time employee on a CWS who is relieved or prevented from working on a day designated as a holiday (or an "in lieu of" holiday) is entitled to their rate of basic pay for the number of hours of the CWS on the holiday (or "in lieu of" holiday).

(5) If a part-time employee on a CWS is relieved or prevented from working on a day designated as a holiday, he/she is entitled to their rate of basic pay for the number of hours of the CWS on the holiday. Part-time employees do not receive an "in lieu of" holiday.

(6) Determining "in lieu of" holiday. Full-time employees on a CWS who are not scheduled to work on a holiday receive an "in lieu of" holiday on the preceding workday. When a holiday falls on a Sunday, the next workday becomes the "in lieu of" holiday.

§ 2051.254 Responsibilities.

(a) Supervisors.

(1) Determines whether conditions such as office coverage restrict AWS participation. Approve or disapprove the biweekly work schedule submitted by the employee. When a supervisor cannot honor an employee's request the supervisor will meet with the employee to reach a mutually acceptable alternative. If an acceptable compromise cannot be reached the supervisor will make a final determination concerning the work schedule. Supervisors may change the tour of duty to no later than 12:00 a.m. for days when employees are required to attend night meetings.

(2) After discussion with the employee, the supervisor may make changes to an employee's work schedule to assure adequate coverage or because of workload, training, attendance at meetings, travel, an operational exigency, etc.

(b) Employees.

(1) Employees should submit a biweekly work schedule in writing to their supervisor for approval on Form AD-2001, "Designation of Tour of Duty". This schedule remains in effect until the employee requests and receives approval for a new schedule. Employee's scheduled tour of duty must be completed by 6:00 p.m. Though some schedules may appear to be similar, careful comparisons should be made prior to choosing.

§ 2051.254(b) (Con.)

(2) Employees should choose a thirty, forty-five, or sixty minute lunch period. This choice should be communicated to the supervisor using form AD-2001. On occasion, with supervisory approval, employees on a Maxiflex work schedule may expand their lunch period within the established lunch band and make it up at the end of the day without a charge to leave.

(3) Employees should observe designated duty hours and must be punctual in reporting for work and returning from lunch.

§ 2051.255 Credit Hours.

(a) Credit hours are worked on a voluntary basis. However, they are worked with the approval of the supervisor.

(b) Credit hours may be earned by employees on a FWS.

(c) Full-time employees may carry over no more than 24 credit hours from pay period to pay period.

(d) Part-time employees are limited on a pro-rata basis and may carry over an amount of credit hours equal to one-fourth of their biweekly work requirement.

(e) Credit hours may be earned in the following manner:

(1) 15 minute increments;

(2) Monday through Friday between the hours of 6:00 a.m. to 6:00 p.m.; and

(3) After 6:00 p.m. to 12:00 a.m. to attend night meetings with supervisory approval.

(f) There is no limit on the number of credit hours that may be earned in a workday so long as the total credit hours and regular tour of duty do not exceed 12 hours, exclusive of lunch period. Employees can exceed 24 credit hours during the pay period, but only 24 of those may be carried over to the next pay period. For example, when an employee begins the pay period with 24 credit hours, works 8 credit hours during the same pay period, takes the last day of the pay period off, using up the excess credit hours, they will not carry over more than 24 hours.

(g) Employees on FWS may earn credit hours. Employees on CWS and members of the Senior Executive Service may not earn credit hours.

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§ 2051.256 Legal Authorities.

(a) 5 CFR 610.

(b) 5 USC Chapter 61.

(c) OPM Handbook on Alternative Work Schedules.

§ 2051.257 - 2051.300 [Reserved]

Attachments: Exhibit A and B

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Examples of Maxiflex Work Schedules

Under Maxiflex, work schedules may vary. Employees may work:

Example 1: 1st week: M - 10 hours,
 T - 10 hours,
 W - 6 hours,
 Th- 10 hours,
 F - 8 hours;
 2nd week: M - 7 hours,
 T - 7 hours,
 W - 7 hours,
 Th- 7 hours,
 F - 8 hours.

Example 2: A traditional 8-hour, 5-day workweek.

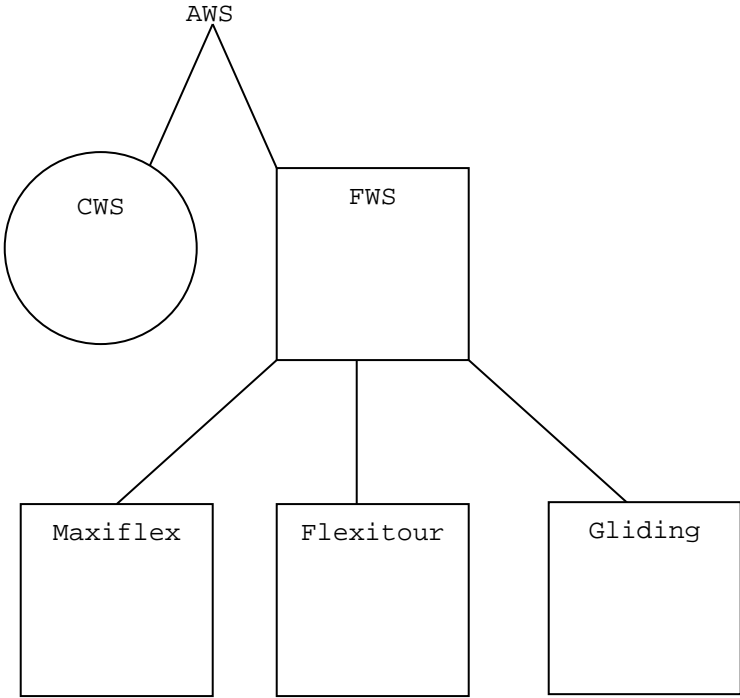
Example 3: 1st week: M-F - 9 hours,
 2nd week: M-W - 9 hours,
 Th - 8 hours.

While example 3 appears to be a 5/4-9 CWS, the employee is under Maxiflex and is eligible to earn credit hours. In addition, the employee earns 8 hours of pay for a holiday.

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Work Schedules Graphics

	Fixed	Credit Hours	Vary Arrival & Departure	Work Less than 10 Days	Change Schedule
Maxiflex	No	Yes	Yes	Optional	With Supervisory Approval
Flexitour	Yes	Yes	No	No	With Supervisory Approval, No More Than 4 Times a Year
Gliding	No (01-29-18) PN 507	Yes	Yes	No	With Supervisory Approval
Compressed Work Schedule (CWS)	Yes	No	No	Yes	With Supervisory Approval, No More Than 4 Times a Year



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