

Management System: Human Resources Advisory Office

Subject Area Description: Benefits and Quality of Work Life

Policy: EMCBC Work Schedule and Hours of Duty

Management System Owner: Jeff Williams

Subject Matter Expert: Robin Campbell

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1.0 Purpose

The Office of the Environmental Management Consolidated Business Center (EMCBC) will support utilization of a standard work schedule or alternative work schedules (AWS) such as a flexible work schedule (FWS) or a compressed work schedule (CWS) for Federal employees. EMCBC management may alter or curtail employees' work on AWS if there is a determination that there is a decrease in productivity, an increase in cost of operations, or a diminished level of services.

2.0 Scope & Applicability

This policy applies to all full-time and part-time Federal employees assigned to the EMCBC located in Cincinnati, OH. EMCBC employees may be duty stationed at various site locations. In these situations, the respective Assistant Director for these employees will coordinate work schedules with the appropriate site supervisor.

3.0 General Information

Employees must submit an Employee Work Schedule for Regular Hours and AWS form to their supervisor to request and obtain approval of their tour of duty. The Employee Work Schedule for Regular Hours and AWS form is maintained with the employees' time and attendance records. AWS is a privilege and is approved at the discretion of management.

3.1 Flexible Work Schedules (FWS):

FWS core hours are 9:00 a.m. to 3:00 p.m. each workday. A full time employee's basic work requirement is eight (8) hours per day forty (40) hours per week. An employee may request approval from his/her supervisor to adjust arrival and departure times on an ad hoc basis. This FWS results in a fixed work schedule with different starting and stopping times than the EMCBC standard work week.

In the case of a part-time employee who has a bi-weekly basic work requirement of less than 80 hours that allows an employee to request supervisory approval to establish a work schedule consistent with the requirements and limitations expressed herein.

Other FWS options available subject to supervisory approval:

- Maxiflex - A fixed tour of duty is required; however arrival and departure times may vary each day. Employees may work less than five (5) days per week and/or less than ten (10) days biweekly and are subject to core hours three (3) days per week. The maximum basic work requirement per day is ten (10) hours. Attachment A – Sample of Maxiflex Schedule.
- Gliding – A type of FWS in which an employee has a basic work requirement of eight (8) hours in each workday and forty (40) hours per week, but may select a starting and ending time each day, and may change this starting and ending time daily within the flexible hours. This is not a fixed schedule. Attachment B – Sample of Gliding Schedule.

3.2 Compressed Work Schedules (CWS)

CWS will comply with the following: Employees may begin work as early as 6:00 a.m. and work as late as 6:00 p.m., Monday through Friday. Employee's CWS may not be in excess of 10 hours a day as a scheduled workday. The 5/4-9 is the normal CWS at the EMCBC. If employees in similar or like positions request the same workday off or the work requirements restrict the available days off, the supervisor will attempt to have the employees involved resolve the issue of which employee receives first choice of the day off. If the employees cannot resolve the issue, the employee with the earliest Leave Service Computation Date will be used to determine an employee's scheduled day-off. If work requirements necessitate that an employee report to work on a scheduled day off, the supervisor may provide the employee an alternate day off within the same pay period, compensatory time, or overtime.

In the case of part-time employees, a CWS consists of a bi-weekly basic work requirement of less than 80 hours that is scheduled for less than ten (10) workdays and that may require the employee to work more than eight (8) hours in a day.

All EMCBC employees will request all leave through the Automated Time Attendance and Production System (ATAAPS) for supervisory approval. For each pay period, employees will input their time and attendance, including approved leave, in ATAAPS and submit to the certifying official by Close of Business (COB) on the second Friday of the pay period. The employee's time record will be retained in the timekeeper's payroll files.

Employees assigned to training, a Source Evaluation Board (SEB) or any other temporary duty assignment with an established schedule will adhere to the established schedule of the temporary assignment for the duration of the temporary duty assignment.

Circumstances may arise whereby management requires an employee to work more than the number of hours approved in his/her Tour of Duty in a given workday in order to meet a project deadline, mission requirements, or other mission related work. For those circumstances, overtime, compensatory time off, or credit hours may be approved or employee may choose to earn limited (up to 2 hours) credit hours.

3.3 Compensatory Time Off

Compensatory time off, also known as comp time, is an alternative form of payment for overtime work for both Federal Labor Standard Act (FLSA) exempt and nonexempt employees. Employees earn one hour of compensatory time for every one hour of overtime worked. Compensatory time off is subject to the bi-weekly pay limitation as referenced in 5 U.S.C. 5547.¹

Management may require an employee who makes more than a GS-10, step 10 to take compensatory time in place of overtime. Employees making less than a GS-10, step 10 have the option of receiving comp time instead of overtime pay.

An **FLSA-exempt employee** must use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned. An agency may provide that a FLSA-exempt employee who (1) fails to take earned compensatory time off within 26 pay periods or (2) transfers to another agency or separates from Federal service before the expiration of the 26 pay period time limit receive payment for the unused compensatory time off at the overtime rate in effect when earned or, forfeit the unused compensatory time off, unless failure to use the compensatory time off is due to an exigency of the service beyond the employee's control. (An FLSA-exempt employee whose earned compensatory time off would otherwise be forfeited due to an exigency of service beyond the employee's control must receive payment for the unused compensatory time off at the overtime rate in effect when earned).

An FLSA-exempt or nonexempt employee must be paid for compensatory time off not used by the end of the 26th pay period after the pay period during which it was earned at the overtime rate in effect when earned if the employee is unable to use the compensatory time off because of separation or placement in a leave without pay status (1) to perform service in the uniformed services or (2) because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81.

¹ Under 5 U.S.C. 5547(a) and 5 CFR 550.105, premium pay cannot be paid to General Schedule employees to the extent that doing so would cause an employee's basic pay, overtime pay, the dollar value of compensatory time off, night pay, annual premium pay, Sunday premium pay, and holiday premium pay to exceed the greater of the bi-weekly rate for: (1) GS-15, step 10 (including any applicable special salary rate or locality rate of pay); or (2) Level V of the Executive Schedule.

3.4 Credit Hours

Per 5 U.S.C. 6121(4), credit hours are only applicable for employees working on an approved FWS. Credit hours are hours that a full-time or part-time employee is approved to work in excess of the employee's basic work requirement under an FWS. The basic work requirement for full-time employees is 80 hours in a 2-week pay period. Per 5 U.S.C. 6123(b), members of the Senior Executive Service (SES) may not earn credit hours. Employees may earn up to two (2) credit hours per day between the hours of 6:00 a.m. and 6:00 p.m. by notifying their supervisor by email of the date and number of hours to be earned. Additional credit hours may be approved (in advance) by the supervisor based upon business needs. In exceptional circumstances and with supervisory pre-approval, employees may earn credit hours prior to 6:00 a.m. or after 6:00 p.m. Credit hours are earned in 15 minute increments.

Credit hours can be earned on any day except holidays and while on temporary duty (TDY). Employees may, however, request pre-approval to earn credit hours on days that an employee teleworks. Employees must notify their supervisor in advance of earning credit hours on a particular day.

The EMCBC Credit Hours Notification and Pre-Approval Form (FM-HRAO-332-01-F3) is submitted to the supervisor for concurrence of credit hours not requiring pre-approval and verification of pre-approved credit hours at the conclusion of the pay period. The completed and concurred/approved form is submitted to the timekeeper for coding earned credit hours (CD) in ATAAPS. The completed form is retained by the timekeeper for recordkeeping purposes.

Credit hours are paid out as basic pay and may not be used by an employee to create or increase entitlement to overtime pay. An employee may use credit hours during a subsequent day, week, or pay period, with supervisory approval, to allow the employee to be absent from work for an equal number of hours of the employee's basic work requirement with no loss in pay. Used credit hours will be coded as "CN" in ATAAPS by employees.

Full-time employees may carryover a maximum of twenty-four (24) credit hours to the following pay period; part-time employees may carryover one-fourth of their bi-weekly work requirement, i.e., a part-time employee who works sixty (60) hours a pay period can carry over fifteen (15) credit hours to the following pay period. Credit hours earned do not expire at the end of the leave year. They can continue to be carried over from one pay period to the next as long as the total hours do not exceed twenty-four (24). Credit hours in excess of the maximum carryover are forfeited. At the point when an employee is not participating in a Flexible Work Schedule, the employee must be paid for accumulated credit hours at his or her current rate of pay, limited to payment for a maximum of twenty-four (24) hours for a full-time employee. For a part-time employee, the limit is one-quarter of the employee's bi-weekly work requirement.

3.5 Overtime

Overtime is work hours in excess of eight hours in a day or 40 hours in a week that are officially ordered in advance, approved in writing, and worked. For employees under FWS programs, overtime is paid for hours of work in excess of the scheduled hours in a day and/or 40 hours in an administrative workweek. With respect to CWS programs, overtime hours refer to any hours in excess of those specified hours for full-time employees that constitute the CWS. For part-time employees, overtime hours are hours in excess of the CWS for a day (must be more than 8 hours) or, for a week (but must be more than 40 hours).

FLSA exempt employees, as defined in 5 U.S.C. 5541(2), who work full-time, part-time, or intermittent tours of duty, are eligible for Title 5 overtime pay. Included in this category are senior-level (SL) and scientific or professional (ST) positions who are covered by the premium pay provisions in subchapter V of chapter 55 of Title 5. Exempt employees make up the majority of the workforce serviced by the EMCBC. As a general rule, employees at the GS-09 level and above are normally exempt. For employees eligible for overtime under Title 5 with rates of basic pay equal to or less than the rate of basic pay for GS-10, step 1, the overtime hourly rate is the employee's hourly rate of basic pay multiplied by 1.5. If the employee's rate of basic pay is greater than the basic pay for GS-10, step 1, the overtime hourly rate is the greater of:

- (1) The hourly rate of basic pay for GS-10, step 1, multiplied by 1.5, or
- (2) The employee's hourly rate of basic pay.

These hourly overtime pay limitations do not apply to employees who are eligible for overtime under FLSA (normally those assigned to positions graded below the GS-09 level). No overtime or compensatory time is permitted for higher graded exempt employees unless it is officially ordered in advance, and approved in writing by management. Employees at the GS-09 level and above, with program responsibility may take the initiative to work additional hours to keep their programs on track. In these cases no overtime or compensatory time is required to be paid.

Under FLSA, nonexempt employees should be compensated for work prior to or after an established shift or during the lunch period in excess of 40 hours in a workweek when the supervisor is aware of or believes the work is being performed even though it was not ordered and approved in advance, unless on an FWS. This is commonly referred to as suffering and permitting. As long as the supervisor requires or allows the employee to work, the time spent is generally hours worked and should be properly compensated. A supervisor cannot accept a nonexempt employee's offer to work without compensation. Attempts by the employee to work without compensation should result in warnings and in extreme cases, disciplinary action.

The overtime rate under FLSA is one and one-half times the regular rate of pay, including premium pay, with no ceiling. DOE Form 2220.20, Overtime Request and Authorization

for Payment Form is to be used for the purpose of obtaining and documenting approval of overtime work.

3.6 Compensatory Time Off for Travel

All EMCBC employees are eligible for **compensatory time off for official travel** except for SES employees, prevailing rate employees, student-employees and employees covered by other forms of overtime compensation. The employee must complete and provide adequate documentation on the Compensatory Time for Non-Local Travel Determination Form (FM-HRAO-332-01-F2) to his/her supervisor for approval. Compensatory time for travel should be requested by the date that an employee's travel voucher is completed; it should be reported during the pay period in which it is earned or used to the extent possible to avoid a supplemental time record. Compensatory time for travel may be denied if not reported on time in accordance with 5 CFR 550.1405(b). The supervisor will evaluate the documentation and officially approve the time. The approved sheet will be maintained with the individual's time and attendance (T&A) records.

Compensatory time off for official travel is earned for such commonplace occurrences as layovers for connecting flights and weather-related flight delays. The rules allow employees to accumulate compensatory time in increments of 15 minutes. With few exceptions, accrued compensatory time off for official travel is forfeited if not used by the end of the 26th pay period after the pay period during which it was earned, upon voluntary transfer to another agency, upon movement to a non-covered position, or upon separation from the Federal government. Under no circumstances may an employee receive payment for unused compensatory time off for travel. It is essential to accurately code the compensatory time for travel in ATAAPS. The two ATAAPS codes are CB for earned travel compensatory time and CF for used travel compensatory time. Additional guidance from DFAS is posted to the payroll website at: <http://chris.inel.gov/payroll>.

The Department's application of "usual waiting time" is the actual waiting time up to 2 hours for a domestic flight or 3 hours for an international flight, reduced by any time during the employee's regular duty hours. The time begins when the employee is physically in the terminal, including waiting in line to check in/or clear security but not time in the parking lot or traveling from the parking lot to the terminal.

Waiting time for a delayed or cancelled flight or train is credited for non-duty hours up to the time that the employee is notified of the cancellation, but no more than 2 hours for a domestic flight or 3 hours for an international flight, reduced by any time for rest and/or sleep, or personal use, e.g., shopping in a terminal. Since the extended waiting time that is outside the employee's regular working hours is not creditable waiting time, the maximum creditable waiting time, for whatever reason, is 2 hours for a domestic flight or 3 hours for an international flight. If the cancellation occurs at the initial departure terminal, then the employee's travel time back home (reduced by the employee's normal commute time) or to his/her hotel may be credited for compensatory time for travel if travel occurs outside the employee's regular duty hours. If cancellation occurs at an intervening terminal, then the travel time to and from a hotel for an overnight stay is

creditable time if it occurs outside the employee's regular duty hours, but the time at the hotel is not creditable because it is regarded as personal time for rest and/or sleep. DOE has established a 50-mile limit consistent with the limits for determining per diem in the Federal Travel Regulation (FTR) and DOE O 552.1 A, Admin Change 1, Travel Policy and Procedures and DOE M 552.1-1A-1, U.S. Department of Energy Travel Manual. The 50 miles is determined from the worksite, not the employee's residence, to a terminal. Therefore employees will probably not receive credit for commuting to the airport because the EMCBC is within 50 miles of the Greater Cincinnati International Airport.

3.7 Work Schedule Changes

Management reserves the right to establish work schedules to address mission needs outside the basic work requirement (6:00 a.m. to 6:00 p.m.). Examples could be special project workload, contractor oversight requirements, or other special mission needs. The EMCBC may direct employees to temporarily change their tour of duty to address emergency or unforeseen mission requirements, personnel absences, or evening meetings with stakeholders. The supervisor may offer the employee the choice of an alternative time off within the same pay period (subject to mission need); compensatory time; or overtime.

Changes in flexible work schedules may be approved once per quarter. In unusual circumstances, supervisors may approve one additional change during the quarter. When an employee is no longer subject to an FWS, the employee must be paid for accumulated credit hours at his or her current rate of pay.

Nothing in this policy precludes the EMCBC from taking the necessary steps and direction to deal with emergency situations in accordance with law and applicable regulations.

4.0 Exhibits

4.1 Forms

- 4.1.1 Form - FM-HRAO-332-01-F1 - *Employee Work Schedule for Regular Hours and AWS*
- 4.1.2 Form - FM-HRAO-332-01-F2 - *Compensatory Time for Travel Worksheet/Non-Local Travel*
- 4.1.3 Form - FM-HRAO-332-01-F3 - *Credit Hours Notification and Pre-Approval*
- 4.1.4 DOE Form 2220.20, Overtime Request and Authorization for Payment Form

4.2 Attachments

- 4.2.1 Example of Maxiflex Schedule
- 4.2.2 Example of Gliding Schedule

5.0 Definitions – Located at the top of the MSD Home Page

EMCBC RECORD OF REVISION

DOCUMENT TITLE: EMCBC Work Schedule and Hours of Duty

If there are changes to the controlled document before the two-year review cycle, the revision number stays the same; one of the following will indicate the change:

- I** Placing a vertical black line in the left margin adjacent to sentence or paragraph that was revised; or
- I** Placing the words GENERAL REVISION at the beginning of the text. This statement is used when entire sections of the document are revised.

If changes and updates occur at the two-year review cycle, the revision number increases by one.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Reformatted original to comply with current MS template.	All	12/17/2015

