



**Environmental Management Consolidated Business Center (EMCBC)**

**Subject: EMCBC WORK SCHEDULE POLICY**

Policy, Procedure  
and Plan

APPROVED: (Signature on File)  
EMCBC Director

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**1. Policy**

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. Applicability**

- A. This policy applies to all full-time and part-time Federal employees assigned to the EMCBC located in Cincinnati, OH.
- B. 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. References**

- A. 5 USC, Part III, Subpart A, General Provisions
- B. 5 USC, Part III, Subpart D, Pay and Allowances
- C. 5 USC, Part III, Subpart E, Attendance and Leave
- D. 5 CFR, Part 340, Other Than Full-Time Career Employment (Part-time, Seasonal, On-Call, AND Intermittent)
- E. 5 CFR Part 550, Pay Administration (General)
- F. 5 CFR Part 551, Pay Administration Under the Fair Labor Standards Act
- G. 5 CFR Part 610, Hours of Duty
- H. U.S. Office of Personnel Management Handbook on Alternative Work Schedules

- I. DOE Order 322.1B, Pay and Leave Administration and Hours of Work
- J. DOE Supplemental Guidance Regarding Compensatory Time Off For Travel, dated May 17, 2007.

#### 4. Definitions

- A. **Administrative Workweek:** Begins at 12:01 a.m. Sunday and ends at 12:00 p.m. on the following Saturday.
- B. **Alternate Work Schedules (AWS):** Work schedules made up of FWS or CWS.
- C. **Basic Work Requirement:** The number of scheduled hours per week, excluding overtime hours, an employee is required to work or to account for by charging leave, credit hours, excused absence, holiday hours, compensatory time off, or time off as an award.
- D. **Compensatory Time Off:** Commonly referred to as “comp time,” this is time off on an hour-for-hour basis in lieu of overtime pay. Management may require comp time if the employee’s basic pay rate is above GS-10, Step 10. Employees making less than a GS-10, Step 10 has the option of receiving comp time instead of overtime pay.
- E. **Compensatory Time Off for Official Travel:** Allows federal employees to be credited with time-off for uncompensated periods of official travel that occur during non-work hours. Travel status is the time an employee actually spends traveling between the official duty station and a temporary duty station. Travel status also includes the “usual waiting time” that precedes or interrupts travel.
- F. **Compressed Work Schedule (CWS):**
  - (1) In the case of full-time employees, a CWS consists of an 80-hour bi-weekly basic work requirement which is scheduled for less than ten workdays. The CWS used most often is the 5-4/9. The 4-4/10 work schedule is available but will only be approved if it consistent with organizational requirements. In the 5-4/9 work schedule, full-time employees work eight nine-hour days and one eight hour day in a pay period. In the 4-4/10 work schedule, full-time employees work four ten-hour days.
  - (2) 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 10 workdays and that may require the employee to work more than 8 hours in a day.
- G. **Core Hours:** Designated time periods during the workday, workweek, or pay period that are within the tour of duty during which an employee covered by an FWS is required to be present for work. FWS core time is 9:00 a.m. to 3:00 p.m. on each workday.
- H. **Credit Hours:** Those hours within a FWS that an employee requests to work in excess of his or her basic work requirement so as to vary the length of a workweek or a workday. Credit Hours may only be worked by employees covered by a FWS. The employee’s supervisor must approve an employee’s request to work credit hours in

advance, which may be used as an approved absence from work during another workday, workweek, or bi-weekly pay period. An employee may accumulate up to a maximum of 24 credit hours.

I. **Employee:** (See definition provided under 5 U.S.C. 2105).

J. **Flexible Work Schedule (FWS):** A work schedule that:

(1) in the case of full-time employees, has an 80-hour bi-weekly basic work requirement that allows an employee to request supervisory approval to work his or her own schedule within the limits set by this directive; and

(2) in the case of a part-time employee which has a bi-weekly basic work requirement of less than 80 hours that allows an employee to request supervisory approval to work his or her own schedule within the limits set by this directive.

K. **Lunch Period:** The period of time (30 to 60 minutes of uncompensated time), normally scheduled between 11:00 a.m. and 1:00 p.m. to allow full-time employees to eat or engage in personal activities. A minimum 30 minute lunch period is required for part-time employees scheduled to work more than five hours in a day.

L. **Overtime:** 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.

M. **Regular Day Off (RDO):** An employee's regularly scheduled day off in a CWS.

N. **Standard 40-hour Work Week:** Consists of five consecutive eight hour days, Monday through Friday, 8:00 a.m. to 5:00 p.m., with a one hour lunch period.

O. **Tour of Duty:** Hours of a day (starting and stopping times) and days of an administrative workweek that constitute an employee's scheduled administrative work week. The tour of duty must be scheduled between the hours of 6:00 a.m. and 6:00 p.m.

## 5. Alternative Work Schedules

Employees must submit an Employee Work Schedule for Regular Hours and AWS Form (Attachment A) 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.

A. **Flexible Work Schedules will comply with the following:** FWS core hours are 9:00 a.m. to 3:00 p.m. on each workday. A full-time employee's basic work requirement is eight hours per day and 40 hours per week. An employee may request approval from their supervisor to flex their arrival and departure times. This FWS results in a fixed work schedule with different starting and stopping times than the EMCBC standard work week. An employee may request approval from their supervisor to adjust arrival and departure times on an ad-hoc basis to accommodate personal situations.

- B. 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. Employees 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.

## 6. Timekeeping

All EMCBC employees will:

- A. Request all leave through the Automated Time Attendance and Production System (ATAAPS) for supervisory approval.
- B. For each pay period, employees will input their time and attendance, including approved leave, in ATAAPS and submit to the certifying official by COB on the second Friday of the pay period. The Employee's Time Record will be retained in the timekeeper's payroll files.
- C. Employees assigned to training, 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.

## 7. Compensatory Time, Credit Hours, and Overtime

Circumstances may arise whereby management requires an employee to work more than the number of hours approved in their Tour of Duty in a given workday in order to meet a project deadline, mission requirements, etc.

### A. Compensatory Time Off

Compensatory Time Off 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 comp 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.\*

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.

A FLSA-exempt employee must use accrued compensatory time off by the end of the 26<sup>th</sup> 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. (A 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).

#### FLSA-nonexempt employees

A FLSA-nonexempt employee must use accrued compensatory time off by the end of the 26<sup>th</sup> pay period after the pay period during which it was earned.

If accrued compensatory time off is not used by a FLSA-nonexempt employee within 26 pay periods or if the FLSA-nonexempt employee transfers to another agency or separates from Federal service before the expiration of the 26 pay period time limit, the employee must be paid for the earned compensatory time off at the overtime rate in effect when earned.

A FLSA-exempt or nonexempt employee must be paid for compensatory time off not used by the end of the 26<sup>th</sup> 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.

See 5 CFR 550.114(e) and 551.531(e) for special rules regarding the administration of compensatory time off to an employee's credit as of May 14, 2007.

DOE Form 2220.20, Overtime Request and Authorization for Payment Form (Attachment B) is to be used for the purpose of obtaining and documenting approval of overtime work.

#### **B. Compensatory Time Off for Official Travel:**

All EMCBC employees are eligible for compensatory time off for official travel except for SES, prevailing rate employees, student-employees and employees covered by other forms of overtime compensation. The employee must complete and provide adequate documentation on Compensatory Time for Non-Local Travel Determination Form (Attachment C) to their supervisor for approval. Compensatory time for travel must be

requested by the date that an employee's travel voucher is completed. The time should be reported during the pay period in which it is earned to avoid a supplemental time record. The supervisor will evaluate the documentation and officially approve the time. The approved sheet will be maintained with the individual's 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 26<sup>th</sup> 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, 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 and M 552.1. 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.

### C. 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 employees basic work requirement under an FWS. The basic work requirement for full-time employees is 80 hours in a 2-week pay period. Employees

should obtain their supervisor's approval to work credit hours to meet project deadlines, mission requirements, etc. Per 5 U.S.C. 6123(b), members of the Senior Executive Service (SES) may not earn credit hours.

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 employees basic work requirement with no loss in pay.

For full-time employees, a maximum of 24 credit hours may be carried over to the following pay period; one-fourth of a part-time employee's bi-weekly work requirement. Credit hours earned do not expire at the end of the year. They can continue to be carried over from one pay period to the next as long as the total hours do not exceed 24. 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 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.

#### **D. 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 pay for hours of work in excess of eight hours in a day 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 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 rates of basic pay are 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 (Attachment 2) is to be used for the purpose of obtaining and documenting approval of overtime work.

#### **E. \*Limitations**

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.

### **8. Work Schedule Changes**

- A. 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 may include, but are not limited to, special project workload, contractor oversight requirements, or other special mission needs.
- B. The EMCBC may direct employees 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.

- C. 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.

**EMPLOYEE WORK SCHEDULE FOR REGULAR HOURS AND AWS**

Employee Name: \_\_\_\_\_ Effective Pay Period: \_\_\_\_\_

Termination Date: \_\_\_\_\_

	MON	TUES	WED	THURS	FRI		MON	TUES	WED	THURS	FRI
Start Time											
End Time											
Hours Worked											
*Regular Hours											
*AWS											

\*Please indicate in the appropriate block above by check mark or X which schedule you will work (regular hours or AWS).

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Approval: \_\_\_\_\_ Date: \_\_\_\_\_

\* This document becomes effective as of May 1, 2005.



COMPENSATORY TIME FOR NON-LOCAL TRAVEL DETERMINATION FORM

PS-322-01, Rev. 2  
Attachment C

Last Name	First	PP/Series/Grade	Commute to Work	Tour-of-Duty	Start	Stop			
							Employee's Signature		Date

TRAVELING BY AIR

TRAVELER COMPLETES SECTIONS BELOW								SUPERVISOR/TIMEKEEPER COMPLETES			
Date	Depart	Arrive-at-Airport	Wait-at-Airport	Lunch/Dinner	Flight	Drive Site/Home	Total	Minus Reg Hours	Commute Time	Mealtime	Comp Time

ADDITIONAL COMMENTS:

TRAVELING BY PRIVATELY OWNED VEHICLE

TRAVELER COMPLETES SECTIONS BELOW							SUPERVISOR/TIMEKEEPER COMPLETES				
Date	Depart	Arrive-at-Location	Lunch/Dinner	Date	Depart	Arrive Home	Total	Minus Reg Hours	Commute Time	Mealtime	Comp Time

ADDITIONAL COMMENTS:

						TOTAL COMPENSATORY TIME APPROVED			
SIGNATURE OF AUTHORIZING AND APPROVING OFFICIAL				DATE					

ATAAPS codes for compensatory time for travel are CB for earned travel compensatory time and CF for used travel compensatory time.

**EMCBC RECORD OF REVISION****DOCUMENT**

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

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<b>Rev. No.</b>	<b>Description of Changes</b>	<b>Revision on Pages</b>	<b>Date</b>
1	Initial Procedure	All	03/30/06
2	Complete Re-write	All	10/05/07