

<p>U.S. DEPARTMENT OF EDUCATION</p> <p>PERSONNEL MANUAL INSTRUCTION</p>	<p>PMI_610-3*</p> <p>DATE <u>September 27, 1996</u></p> <p>APPROVED:</p> <p><i><u>VERONICA D. TRIETSCH</u></i></p> <p>Director, Human Resources Group</p>
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*Supersedes PMI 610-3, dated March 9, 1993, as amended.

*Amendment 1 - Dated 7/10/00;

*Amendment 2 - Dated 4/14/02;

*Amendment 3 - Dated 5/14/02;

*Amendment 4 - Dated 7/29/08

SUBJECT: ALTERNATIVE WORK SCHEDULES FOR NON-BARGAINING UNIT EMPLOYEES (Bargaining Unit Employees should refer to Article 40 of the Collective Bargaining Agreement.)

I. AUTHORITY

The contents of this Instruction conform to and, as appropriate, should be used in conjunction with the requirements of: Title 5, United States Code (USC), Chapter 61, Subchapter II; and Title 5, Code of Federal Regulations (CFR), Part 610, Subpart D; and Section 3(a) of Executive Order 11582, dated February 11, 1971.

II. POLICY

Alternative work schedules (AWS) are available to non-bargaining unit employees of the Department of Education (ED) and permit supervisors and employees flexibility in setting arrival and departure times that vary from ED's standard workday of 8:00 a.m. to 4:30 p.m. All full-time schedules must provide for 80 hours of work during a pay period. Except for the Gliding Schedule, arrival and departure times must be on the quarter- or half-hour. Part-time employees should establish schedules that are consistent with the hours that they work. All schedules described in this Instruction provide for a standard 30-minute lunch break to be taken between 11:00 a.m. and 2:00 p.m.

Supervisors should approve employees' requests for specific AWS to the extent that they do not compromise the efficiency of ED operations, increase costs, reduce productivity, or diminish the level of service to the public.

III. APPLICABILITY

AWS in ED are of two distinct types - **Flexible Schedules** and **Compressed Schedules** apply as described in Sections VI and VII to all ED employees whose positions are not covered by the Collective Bargaining Agreement, but do not apply to Presidential appointees. The various schedules are further outlined in chart form in Exhibit I.

IV. DEFINITIONS

- o Approved Absence - Leave (annual, sick, leave without pay, excused absence, etc.), compensatory time off, or credit hours taken.
- o Basic Workweek - ED's basic workweek for full-time employees is 40 hours, composed of five 8-hour days, Monday through Friday. The workweek for part-time employees will normally be no less than 16 hours nor more than 32 hours, scheduled during the basic workweek, Monday through Friday.
- o Basic Work Requirement - The number of hours, excluding overtime hours, an employee is required to work or otherwise account for by an approved absence or holiday. The basic work requirement (excluding credit hours) must be accomplished between 6:30 a.m. and 6:00 p.m.
- o Compensatory Time Off - Time off duty granted to an employee for an equivalent amount of authorized irregular or occasional overtime work. It is distinguished from credit hours in that compensatory time off is derived from entitlement to pay for overtime work. (See PMI 550-3.)
- o Core Time - Hours between 9:30 a.m. and 3:00 p.m., excluding the lunch period, which represent the designated hours when all full-time ED employees must be present for work unless on an approved absence.
- o Credit Hours - Hours under a flexible schedule that an employee elects to work with the prior approval of his/her supervisor in excess of his/her basic work requirement so as to vary the length of a workweek or workday. Credit hours may be earned either at the beginning or at the end of the workday and must be earned in 15 minute increments.
- o Compressed Work Schedule - In the case of a full-time employee, an 80-hour bi-weekly basic work requirement which is scheduled for less than 10 workdays; or of a part-time employee, a bi-weekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays.
- o Flexible Work Schedule - A schedule in which an employee selects, subject to supervisory approval, starting and stopping times outside of ED's standard workday of 8:00 a.m. to 4:30 p.m. Once established, the employee is expected to adhere to this schedule within the limits of this Instruction, unless a new flexible work schedule is established.
- o Overtime - Hours of work in excess of eight in a day or 40 in a week that are officially ordered in advance by management.

o Tour of Duty

Under a **flexible work schedule** - the hours set by an agency within which an employee must complete his/her basic work requirement and any credit hours earned. In ED, these limits are between 6:30 a.m. and 8:00 p.m., Monday through Friday.

Under a **compressed work schedule** - the hours set by an agency within which an employee must complete his/her basic work requirement. In ED, these limits are between 6:30 a.m. and 6:00 p.m., Monday through Friday.

o Workday - The period of time, including a 30-minute lunch period, during which an employee is normally scheduled to be at work.

V. RESPONSIBILITIES

Senior Officers are responsible for administering AWS within their organizations to ensure that flexible and compressed schedules do not interfere with mission accomplishment.

Supervisors are responsible for ensuring adequate coverage during the hours of 8:00 a.m. and 4:30 p.m.; ensuring the accuracy of time and attendance reports; ensuring compliance with AWS procedures; ensuring accountability and productivity of employees, including work performed on credit hours; taking corrective disciplinary action when necessary; approving and monitoring changes to work schedules; furnishing, upon request, written notification and justification for all employees whose requested AWS are denied; and notifying employees as far in advance as possible when it is necessary to suspend or change their work schedules because of operational needs or interference with the Department's mission.

Employees are responsible for preparing the AWS Request for Approval by their supervisors; adhering to their approved arrival and departure times as provided in this Instruction; requesting approval from their supervisors prior to working or using credit hours; and obtaining supervisory approval for all absences (except lunch).

VI. FLEXIBLE SCHEDULES are based on: an 8-hour workday (excluding lunch break); a 40-hour workweek Monday through Friday; and a core time period between 9:30 a.m. and 3:00 p.m. when employees must be at work unless on approved absence. Flexible schedules provided are: Flexitour with credit hours; Flexitour without credit hours; Gliding Schedule with credit hours; and Gliding Schedule without credit hours.

A. Flexitour With Credit Hours is available to all employees except those in the Senior Executive Service (SES). This option allows employees to select from a range of starting times and to earn and use credit hours. Specifically:

1. A bi-weekly work schedule shall provide for workdays, Monday through Friday, each week. Each workday shall be scheduled for 8 1/2 hours, including lunch break, beginning as early as 6:30 a.m. or as late as 9:30 a.m. Each work schedule must indicate reporting and departure times for each workday. Reporting times shall be established in quarter-hour increments (e.g., 8:00, 8:15, 8:30, etc).
 2. An employee may report for work up to 15 minutes before or 15 minutes after his/her scheduled reporting time (30 minutes with supervisory approval), but in no event earlier than 6:30 a.m. or later than 9:30 a.m. The employee's time of departure must be adjusted accordingly.
- B. **Flexitour Without Credit Hours** is available to all employees.
- C. **Gliding Schedule With Credit Hours** is available to all employees, except SES employees. This option allows employees to vary their starting time on a daily basis, without supervisory approval, between 7:30 a.m. and 9:30 a.m. and to earn and use credit hours. Specifically: A bi-weekly work schedule shall provide for workdays, Monday through Friday, each week. Each workday shall be scheduled for 8 1/2 hours after arrival. Because of the nature of this option, the work schedule will not indicate specific reporting and departure times for each workday.
- D. **Gliding Schedule Without Credit Hours** is available to all employees.
- E. **Credit Hours Under Flexible Schedules** are extra hours that an eligible employee elects to work in addition to his/her scheduled 8-hour workday which may be used to vary the actual hours worked in any subsequent workday or workweek. The following rules apply:
- a. Supervisory approval is required before an employee can earn or use credit hours. In emergency or unavoidable situations, credit hours can be approved as soon as possible after they have been worked.
 - b. Credit hours must be earned within the time parameters of the basic tour of duty, i.e., 6:30 a.m. to 8:00 p.m., Monday through Friday.
 - c. Credit hours may be earned at either the beginning or the end of the workday.
 - d. A maximum of two credit hours may be earned on any regularly scheduled workday.
 - e. Credit hours must be earned before they are used and can only be earned or used in 15 minute increments.

- f. Full-time employees can carry over no more than 24 credit hours from one pay period to another. Part-time employees can carry over up to one-fourth of the number of hours in their bi-weekly work schedule (e.g., an employee who works 40 hours a pay period can carry over a maximum of 10 hours from one pay period to another). Any credit hours accumulated in excess of these limits at the end of any pay period will be forfeited.
- g. An SF-71, Application for Leave, must be used when requesting to use earned credit hours.
- h. An employee may use approved credit hours in lieu of annual or sick leave in order to preserve such leave. However, such substitution must be approved in the same manner as provided for approval of annual leave. (See PMI 630-1.)
- i. Supervisors and employees should plan work schedules so that employees will use their accumulated credit hours before they leave ED.

VII. **COMPRESSED SCHEDULES (CWS)** are available to all employees, except SES employees, and are fixed schedules with set times for arrival and departure, with no provision for daily variation. Supervisors may NOT approve CWS for a Schedule C without the concurrence of the White House Liaison. **Credit hours are not permitted under compressed schedules.**

There are two types of compressed schedules, specifically:

- A. 5-4-9 is a schedule in which an employee works 8 9-hour days and 1 8-hour day within a 10-day pay period; and 4-10 is a schedule in which an employee works 4 10-hour days each week in a pay period.
- B. A bi-weekly work schedule under either of these options shall provide for the appropriate number of workdays between Monday and Friday of each week. The schedule must indicate reporting and departure times each workday. Reporting time for an employee on a 5-4-9 schedule will be established between 6:30 a.m. and 8:30 a.m.; for an employee on a 4-10 schedule, between 6:30 a.m. and 7:30 a.m. (All compressed schedules will be established in quarter-hour increments, e.g., 6:30 a.m., 6:45 a.m., 7:00 a.m, etc.) Each workday must include a 1/2 hour lunch break (e.g., a workday for an employee on a 4-10 schedule shall be of 10 1/2 hours duration).
- C. A full day's leave or other absence shall be charged for the number of hours scheduled for work that day.

D. Holidays:

1. A full-time employee who is relieved or prevented from working on a holiday (or an "in lieu of" holiday) is entitled to pay for the number of hours he/she would have been scheduled to work that day.
2. When a holiday falls on a non-workday outside a full-time employee's basic workweek, the day to be treated as his/her "in lieu of" holiday is the workday immediately before the nonworkday **except when the nonworkday is Sunday**, in which case the subsequent workday is the "in lieu of" holiday. (Therefore, for a full-time employee who has Monday as a regularly scheduled day off and a holiday falls on Monday, the "in lieu of" holiday will be the preceding Friday; if the holiday falls on Saturday, the "in lieu of holiday will also be the preceding Friday; and if the holiday falls on Sunday, then the following Tuesday will be the "in lieu of" holiday for that employee.)

VIII. PROGRAM REQUIREMENTS

A. Establishing the Regular Work Schedule

Each employee will submit a completed AWS Request (Exhibit II) to his/her supervisor for approval indicating the type of schedule preferred. An employee should not presume that an AWS Request has been granted unless so notified by his/her supervisor. Arrival and departure times must be on the quarter-hour, half-hour, or hour. Part-time employees should establish flexitime schedules that are consistent with the hours that they work.

The supervisor will approve or disapprove AWS Requests, based on workload needs and mission requirements. The supervisor will provide the employee with a signed copy of the approved request, which becomes the employee's established work schedule.

An employee whose request has been denied, substantially modified, or involuntarily terminated, may pursue the matter through the Department's Administrative Grievance Procedure as outlined in PMI 771-1.

B. Certification of Attendance

1. On a daily basis, each employee must maintain the ED Flexible Schedule Certification Form (Exhibit III), and keep it in a place that is accessible for review by his/her supervisor. The form provides blocks for the employee to record arrival and departure times, earning and use of credit hours, leave use, etc. for each workday.
2. On the designated day in each pay period when the Time and Attendance Reports are prepared, employees must submit their completed Certification Forms to their timekeepers. The signed Flexible Schedule Certification Form

serves as the basis for preparation of the Time and Attendance Reports. If an employee is ill, on leave or travel, or otherwise unable to provide the completed form to the timekeeper, he/she should make arrangements with the supervisor to have this done. If no arrangements are made, the supervisor is still responsible for ensuring that the Time and Attendance Report for each absent employee is prepared to the best of his/her knowledge of the absent employee's schedule for that pay period.

E. Recordkeeping Requirements

Copies of approved Flexible Work Schedule Requests and Flexible Schedule Certification Forms must be maintained with the timekeeping records in the work unit for a minimum of two years. Records and documentation should provide an adequate "audit trail" for review by management when evaluating the flexitime program.

IX. EXTENDED GLIDING SCHEDULES FOR CRIMINAL INVESTIGATOR (GS-1811) WORK SCHEDULES

- A. All Criminal Investigators will work gliding schedules without credit hours and will normally adhere to Department-wide standard core hours (see Section IV) and limits on gliding schedules as described in Section VI. C. and D. (i.e., arrival between 7:30 a.m. and 9:30 a.m. with core hours of 9:30 a.m. to 3:00 p.m.) except when extended duty hours or extremely early reporting times may necessitate an adjustment.
- B. Because of the nature of law enforcement duties, a Criminal Investigator may be required to remain on duty for extended periods in excess of his or her normal work requirement. Other times, a Criminal Investigator may be required to begin the workday very early in the morning to apprehend individuals suspected of criminal activity, carry out surveillance on individuals, serve one or more subpoenas or engage in other law enforcement activities. When necessary to accommodate these work scheduling requirements, supervisors may approve a Criminal Investigator to work an extended gliding schedule.
- C. Extended gliding schedules for Criminal Investigators allow an additional two hours of flexibility in reporting time beyond that allowed under the Department's standard gliding work schedule rules (see Section VI. C.). With supervisory permission, a Criminal Investigator may report for duty as early as 5:30 a.m. or as late as 11:30 a.m. Under an extended gliding schedule, core hours will be from 11:30 a.m. to 2:00.

- D. Like all other gliding schedules at the Department, the extended gliding schedule for Criminal Investigators will include a workday of 8 duty hours and a 30-minute lunch period. Criminal Investigators approved to work the extended gliding schedule are exempt from the requirement in Section II that the lunch period be scheduled between the hours of 11:00 a.m. and 2:00 p.m. However, in no case may the lunch period be altered so as to delay arrival at the beginning of the tour or accelerate departure at the end of the 8-hour tour

*All schedules include 30 minute lunch periods

Compressed Schedules	Gliding Schedule with Credit Hours	Flexitour with Credit Hours
<ul style="list-style-type: none"> • Compressed schedules are <u>fixed</u> schedules; there is no daily flexibility in arrival and departure times • 5-4-9*: Work 9 1/2 hours for 8 days and 8 1/2 hours for 1 day with the remaining day off; arrival must be between 6:30 and 8:30 am • 4-10*: Works 10 1/2 hours for 4 days each week; arrival between 6:30 and 7:30 am • No provision for credit hours • Schedule must indicate reporting and departure time for each day and be in quarter-hour increments • Departure cannot be later than 6:00 pm • Holiday pay based on number of hours scheduled to work; provision for "in lieu of" holidays when holiday falls on nonworkdays 	<ul style="list-style-type: none"> • Allows variation of starting times on a daily basis between 7:30 and 9:30 am • Work 8 1/2 hour days* • Up to two credit hours can be worked Monday through Friday, before or after the scheduled workday, and between 6:30 am and 8:00 pm • Up to 24 credit hours may be carried forward into succeeding pay periods 	<ul style="list-style-type: none"> • Allows selection of arrival time from 6:30 to 9:30 am, in quarter-hour increments • Work 8 1/2 hour days* • May report up to 15 minutes before or 15 minutes after scheduled reporting time; departure time must be adjusted accordingly. • Additional adjustment of 15 minutes can be granted with prior supervisory approval, as long as arrival remains within the 6:30 to 9:30 am time frame. • Up to two credit hours can be worked Monday through Friday, before or after the scheduled workday, and between 6:30 am and 8:00 pm • Up to 24 credit hours may be carried forward into succeeding pay periods

All Employees, **except** SES. (Supervisors may **NOT** approve CWS for a Schedule C without the concurrence of the White House Liaison.)

All employees except SES. SES employees may use Gliding Schedules **without** credit hours.

All employees (SES **may not** earn credit hours).

NAME:
 ORGANIZATION:
 PAY PERIOD ENDING:

	Week One	Scheduled Hours Week Two
M		M
T		T
W		W
TH		TH
F		F

Flexible Schedule Certification Form

DAY	DATE	ARRIVE	DEPART	TIME IN DUTY STATION					TIME ABSENT			REMARKS	
				REG	OT	COMP	LWOP	HOL	ANN	SICK	COMP		
SUN													
MON				8									
TUE				8									
WED				8									
THUR				8									
FRI				8									
SAT													
SUN													
MON				8									
TUE				8									
WED				8									
THUR				8									
FRI				8									
SAT													
				REG 80	OT	COMP	LWOP	HOL 0	ANN	SICK	CMP		

COMPLETE FORM MUST BE TURNED IN TO YOUR TIMEKEEPER AT THE END OF EACH PAY PERIOD

EMPLOYEE SIGNATURE _____

Table of Changes

The following changes allow Non-Bargaining Unit Employees working on Flexible Schedules to earn and use credit hours in 15 minute increments.

Section IV, (Definitions/Credit hours) page 2, line 29, is revised to read:

“Credit hours may be earned either at the beginning or at the end of the workday and must be earned in 15 minute increments.”

Section VI.E.e. (Credit Hours Under Flexible Schedules) page 5, line 27, is revised to read:

“Credit hours must be earned before they are used and can only be earned or used in 15 minute increments.”

Table of Changes

The following changes institute special work scheduling provisions for Criminal Investigators (GS-1811) at the Department of Education. These changes place all Criminal Investigators on gliding schedules and allow supervisors of Criminal Investigators to approve an extended gliding schedule when necessary to accommodate unusual duty periods and reporting times that may be required in the performance of law enforcement duties.

A new Section IX is added as follows:

- IX. Extended Gliding Schedules for Criminal Investigator (GS-1811) Work Schedules
- A. All Criminal Investigators will work gliding schedules without credit hours and will normally adhere to Department-wide standard core hours (see Section IV) and limits on gliding schedules as described in Section VI. C. and D. (i.e., arrival between 7:30 a.m. and 9:30 a.m. with core hours of 9:30 a.m. to 3:00 p.m.). except when extended duty hours or extremely early reporting times may necessitate an adjustment.
 - B. Because of the nature of law enforcement duties, a Criminal Investigator may be required to remain on duty for extended periods in excess of his or her normal work requirement. Other times, a Criminal Investigator may be required to begin the workday very early in the morning to apprehend individuals suspected of criminal activity, carry out surveillance on individuals, serve one or more subpoenas or engage in other law enforcement activities. When necessary to accommodate these work scheduling requirements, supervisors may approve a Criminal Investigator to work an extended gliding schedule.
 - C. Extended gliding schedules for Criminal Investigators allow an additional two hours of flexibility in reporting time beyond that allowed under the Department's standard gliding work schedule rules (see Section VI. C.). With supervisory permission, a Criminal Investigator may report for duty as early as 5:30 a.m. or as late as 11:30 a.m. Under an extended gliding schedule, core hours will be from 11:30 a.m. to 2:00.

D. Like all other gliding schedules at the Department, the extended gliding schedule for Criminal Investigators will include a workday of 8 duty hours and a 30-minute lunch period. Criminal Investigators approved to work the extended gliding schedule are exempt from the requirement in Section II that the lunch period be scheduled between the hours of 11:00 a.m. and 2:00 p.m. However, in no case may the lunch period be altered so as to delay arrival at the beginning of the tour or accelerate departure at the end of the 8-hour tour.

Table of Changes

The following changes allow Schedule C employees to work on Flexitours with Credit Hours and Gliding Schedules with Credit Hours:

Section VI (FLEXIBLE SCHEDULES):

- (A) Flexitour With Credit Hours.
Replace the sentence "Flexitour With Credit Hours is available only to non-supervisory, non-Schedule C employees and non-Senior Executive Service (SES) supervisors" with the sentence "Flexitour With Credit Hours is available to all employees except those in the Senior Executive Service (SES)."
- (B) Flexitour Without Credit Hours.
Replace the sentence "Flexitour Without Credit Hours is available to SES members and Schedule C employees" with the sentence "Flexitour Without Credit Hours is available to all employees."
- (C) Gliding Schedule With Credit Hours.
Replace the sentence "Gliding Schedule With Credit Hours is available only to nonsupervisory non-Schedule C employees" with the sentence "Gliding Schedule With Credit Hours is available only to nonsupervisory non-SES employees."
- (D) Gliding Schedule Without Credit Hours.
Replace the sentence "Gliding Schedule Without Credit Hours is available only to non-SES supervisors, SES members, and Schedule C employees" with the sentence "Gliding Schedule Without Credit Hours is available to all employees."

AND

EXHIBIT I (CHART) ALTERNATIVE WORK SCHEDULES IN THE DEPARTMENT OF EDUCATION:

In the lower margin of the chart:

Column 1; replace "non-supervisors (non-Schedule C)" with "Non-supervisory employees other than Schedule C."

Column 2; replace "non-supervisors/non-SES supervisors (no credit hours)/SES (no credit hours)/Schedule C (no credit hours)" with "All nonsupervisory employees. Supervisors and SES employees may use the Gliding Schedules without credit hours."

Column 3: replace "non-supervisors/non-SES supervisors/SES (no credit hours)/Schedule C (no credit hours)" with "All employees (SES may not earn credit hours)."

Table of Changes

The following changes allow all employees, except SES, to work on Gliding Schedules with Credit Hours. The change would also allow all employees (except SES) to work on a Compressed Schedules (CWS).

VI. FLEXIBLE SCHEDULES:

C: Gliding Schedule With Credit Hours

Replace:

Gliding Schedule With Credit Hours is available only to nonsupervisory non-SES employees. This option allows employees to vary their starting time on a daily basis, without supervisory approval, between 7:30 a.m. and 9:30 a.m. and to earn and use credit hours. Specifically: A bi-weekly work schedule shall provide for workdays, Monday through Friday, each week. Each workday shall be scheduled for 8 1/2 hours after arrival. Because of the nature of this option, the work schedule will indicate specific reporting and departure times for each workday.

With:

C: Gliding Schedule With Credit Hours is available to all employees, except SES employees. This option allows employees to vary their starting time on a daily basis, without supervisory approval, between 7:30 a.m. and 9:30 a.m. and to earn and use credit hours. Specifically: A bi-weekly work schedule shall provide for workdays, Monday through Friday, each week. Each workday shall be scheduled for 8 1/2 hours after arrival. Because of the nature of this option, the work schedule will not indicate specific reporting and departure times for each workday.

AND

VII. COMPRESSED SCHEDULES

Replace:

VII. COMPRESSED SCHEDULES are available to non-supervisory, non-Schedule C employees only and are fixed schedules with set times for arrival and departure, with no provision for daily variation.

With:

VII. COMPRESSED SCHEDULES (CWS) are available to all employees, except SES employees, and are fixed schedules with set times for arrival and departure, with no provision for daily variation. Supervisors may NOT approve CWS for a Schedule C without the concurrence of the White House Liaison.

AND

Exhibit I

Replace: (On Exhibit I table, under Compressed Schedule column.)
Non-supervisory employees other than Schedule C.

With:

All Employees, except SES. (Supervisors may NOT approve CWS for a Schedule C without the concurrence of the White House Liaison.)

AND

Replace: (On Exhibit I table, under Gliding Schedule with Credit Hours column.)
All nonsupervisory employees. Supervisors and SES employees may use Gliding Schedules without credit hours.

With:

All employees except SES. SES employees may use Gliding Schedules without credit hours.