

Department of the Interior
DEPARTMENTAL MANUAL

Personnel

Part 370 DM Addition to FPM

Chapter 610 Hours of Duty

370 DM 610,1.1

Subchapter 1. Weekly and Daily Scheduling of Work

.1 Establishment of Workweeks.

A. For pay and leave purposes, there is established throughout the Department an administrative workweek comprised of seven consecutive calendar days, Sunday through Saturday whenever possible. If the exigencies of the service so require, the administrative workweek need not coincide with the calendar week. Assignments to tours of duty shall be made with as much advance notice to employees as possible but the advance notice shall not be less than one week.

B. There is also established throughout the Department a basic workweek of 40 hours (Monday through Friday whenever possible). The two days outside the basic workweek shall be consecutive. The 40 hours of work in the basic workweek shall not be spread over more than six days of the administrative workweek.

(1) The basic workweek for the Metropolitan Washington, D.C., area shall be five eight-hour days, Monday through Friday. All requests for variations in this workweek and in daily hours of duty shall be submitted to the Director of Management Operations, Office of the Assistant Secretary - Management, for approval. This is not required for those situations described in 370 DM 610, 1.2F.

C. Heads of bureaus or their designated representatives may establish a regularly scheduled administrative workweek which consists of the 40-hour basic workweek plus such periods of overtime work or standby time as are regularly required.

D. When Heads of bureaus or their designated representatives determine that it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, they may officially establish as the basic workweek the first 40 hours of duty performed within a period of not more than six days of the administrative workweek. Additional hours of officially ordered or approved duty within the administrative workweek are overtime work.

E. For employees performing standby duty other than those paid on an annual percentage basis under 5 USC 5545, the regularly scheduled

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administrative workweek includes regularly scheduled standby time except time allowed for sleeping and eating. In this Department eight hours out of each 24 hours on the job may be counted as sleeping and eating time.

F. Insofar as practicable travel during nonduty hours shall not be required of an employee. When it is essential that travel during nonduty hours be required and the employee may not be paid overtime, the official concerned shall record his reasons for ordering travel at those hours and shall, upon request, furnish a copy of his statement to the employee concerned.

.2 Establishment of Work Schedules.

A. In the establishment of work schedules, heads of bureaus or their designated representatives shall follow the general rule contained in FPM 610, 1-4a.

B. If the heads of bureaus or their designated representatives determine that the general rule for establishing work schedules would cause a serious handicap in carrying out the work, would inhibit the utilization of employee carpools, or would substantially increase costs or reduce efficiency a departure from the rule is authorized. Records of variations in tours of duty, with the exception of staggered tours for normal operations, shall be maintained for purposes of leave and pay administration.

C. Heads of bureaus or their designated representatives may authorize night and holiday work, and occasional overtime work. Regularly scheduled overtime work may be authorized when justified in terms of efficiency and economy in operations. For work to be considered "regularly scheduled" it must be duly authorized in advance and must be scheduled to recur on successive days or after specified intervals (40 CG 397). The following examples are typical of repetitive operating situations which justify regularly scheduled overtime work:

(1) Seasonal requirements in irrigation operations for the maintenance of water deliveries during the critical growing season and for the inspection and protection of irrigation facilities.

(2) Inspection and control responsibilities on contract construction work requiring coordination with contractors' work schedules.

(3) Seasonal park operations in the construction, maintenance and repair of back country trails during the short working season.

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(4) Seasonal work scheduled during favorable weather conditions by cadastral survey and forestry crews, for mapping operations, and similar projects.

D. Work should be scheduled to hold overtime hours to the minimum necessary for effective and economical operations. Periodic reviews and analysis of overtime hours worked should be made to identify operations where overtime can be reduced or eliminated without loss of efficiency. Opportunities for such savings may occur where:

(1) Round-the-clock or continuous coverage is necessary, the hours of the shifts can be fixed to avoid overtime. For example, the time for starting or ending a shift, considering lunch periods, may be fixed to provide overlap in operations as the shifts change without requiring overtime.

(2) Costly facilities and equipment are worked more than an eight-hour day in order to obtain best utilization, employees may be assigned on a shift basis (as may be the case with automatic data processing equipment).

(3) Service to the public needs to be provided for more than a 40-hour week, individual employees may be assigned to working hours to permit this with little or no overtime.

E. Under the Fair Labor Standards Act (FLSA) a nonexempt employee is entitled to overtime compensation (for hours worked in excess of 40 a week) for all work which management "suffers or permits" to be performed. Supervisors are responsible for ensuring that overtime work is not performed by nonexempt employees except when payment for such overtime is intended.

F. Heads of bureaus or their designated representatives may establish special tours of duty (of not less than 40-hours) in order to enable officers and employees to take courses in nearby colleges, universities, or other educational institutions which will equip them for more effective work in the agency. Premium compensation shall not be paid to any officer or employee solely because his special tour of duty results in his working on a day or at a time of day for which premium compensation is otherwise authorized. However, if an employee is assigned to a regularly scheduled shift requiring premium pay, then the rescheduling is not solely for the employee's benefit and he must receive the premium pay.

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370 DM 610,1.3

.3 Relationships with Labor Organizations. When labor organizations hold exclusive recognition or national consultation rights, due regard shall be given to the status of the organizations and any management obligations for consultation or negotiation which may be appropriate.

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370 DM 610,3.1

Subchapter 3. Administrative Dismissals of Employees.

.1 Absence Not Chargeable to Leave. Absence from duty without charge to leave or without loss of compensation, except for groups of employees in Washington, D.C., may be granted by heads of bureaus or their authorized representatives under the conditions outlined below to employees under their jurisdictions including those compensated at a per diem, per hour, or piece-work rate. Extreme caution shall be used in the exercise of this authority. Excused absence release of groups of employees in Washington, D.C., shall be granted only after being advised by the Director of Management Operations, Office of the Assistant Secretary - Management.

A. Groups of employees may be excused from duty when:

(1) Normal operations are interrupted by event or emergencies beyond the control of management or employees, such as extreme weather conditions, serious interruption to public transportation services, disasters such as fire, flood, earthquake, or other conditions preventing employees from working or reporting to work.

(2) The office or project must be closed for short periods, usually one day or less, but not to exceed three days, for making repairs, retooling, power failure, or for other managerial reasons; but for longer periods, annual leave or leave without pay shall be scheduled. In the event of a temporary shut down, arrangements shall be made, insofar as practicable, to continue the conduct of public business.

(3) Field employees in the United States may be excused from duty without charge to annual leave on local and State holidays when the head of the bureau determines that Federal work cannot be properly performed. Experts and consultants with regular tours of duty who are compensated at per diem or per hour rates and who are not in leave status will be charged annual leave, sick leave if applicable, or leave without pay when excused from the performance of their duties under these circumstances.

(4) Unless provided otherwise by negotiated agreement, regular employees who have worked an emergency tour of sixteen hours or more shall be entitled to an eight-hour rest period before they return to work. If the eight-hour rest period extends into their basic workday, they shall be excused without charge to leave or loss of pay for any portion thereof required to complete this rest period.

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.2 Relationships with Labor Organizations. When labor organizations hold exclusive recognition or national consultation rights, due regard shall be given to the status of the organizations and any management obligations for consultation or negotiation which may be appropriate.