



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO

JAG/COMNAVLEGSVCCOMINST 12620

Code 61

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JAG/COMNAVLEGSVCCOM INSTRUCTION 12620

From: Judge Advocate General
Commander, Naval Legal Service Command

Subj: FLEX HOUR PROGRAM

Ref: (a) 5 U.S.C. §§ 6122-6125
(b) 5 U.S.C. §§ 6129-6131
(c) 5 CFR 610, Subpart D
(d) OPM Handbook on Alternative Work Schedules
(e) MILPERSMAN 1050-280
(f) MILPERSMAN 1050-290
(g) OPNAVINST 6110.1H
(h) 5 U.S.C. §§ 5542 and 5547
(i) 29 U.S.C. § 201
(j) COMNAVLEGSVCCOM memo 12630 Ser 64.2/OU002
(k) COMNAVLEGSVCCOM memo 12630 Ser 64.2/OU003
(l) COMNAVLEGSVCCOM memo 12630 Ser 64.2/OU004

Encl: (1) Flex Hour Program Policies and Procedures
(2) Flex Hour Agreement for Active Duty Personnel
(3) Flex Hour Agreement for Civilian Personnel

1. Purpose. To implement the Judge Advocate General's (JAG) Corps' Flex Hour Program in accordance with references (a) through (f), allowing personnel to select flexible work hours while maintaining or exceeding current productivity and mission accomplishment.

2. Background. The JAG Corps supports flexible work schedules to promote quality of life while maintaining or increasing productivity.

3. Objective. The Flex Hour Program is designed to promote flexible work hours as a legitimate method of meeting mission requirements. The program helps promote the JAG Corps Legal Community as an employer of choice while improving recruiting efforts and retention of talented personnel.

4. Applicability. The provisions of this instruction apply to all personnel under the cognizance of Commander, Naval Legal

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Service Command and personnel assigned to the Office of the Judge Advocate General.

5. Policy. For participating personnel, the Flex Hour Program replaces fixed times of arrival and departure with a workday composed of "core hours" and "flexible hours." "Core hours" are designated hours when all employees must be present and available for work. "Flexible hours" are designated hours, outside core hours, during which employees may elect the time of arrival and departure from work. These flexible "start and stop" times are selected by each Flex Hour Program participant and approved by supervisors.

a. The Flex Hour Program is voluntary for eligible personnel. All selected participants are subject to the policies and procedures established in enclosure (1).

b. Office of the Judge Advocate General (OJAG) Division Directors and Naval Legal Service Command (NLSC) Commanding Officers may require Flex Hour Program participants to report during regular working hours despite prearranged flex hours based on operational requirements. Division Directors and Commanding Officers may also end an individual's Flex Hour Program participation should the selected flex hours prove unworkable or detrimental to mission accomplishment.

6. Active-Duty Personnel. The Flex Hour Program is adopted as a means to make daily routine more predictable; however, flex hours should not be construed as a daily entitlement or taking priority over mission accomplishment. Active-duty personnel are in a duty status at all times unless in an approved liberty status in accordance with references (e) and (f). All active duty service members approved to participate in the Flex Hour Program must sign the Flex Hour Participation Agreement for Active Duty Personnel at enclosure (2) prior to participating in the Flex Hour Program.

7. Civilian Personnel. Civilian employee participation in the Flex Hour Program must comply with Department of the Navy Office of Civilian Human Resources (OCHR) guidance and requirements for civilian flexible work schedule (specifically flex-tours). The Civilian Personnel Manager for the JAG Corps (Code 64) will be responsible for ensuring JAG Corps Flex Hour Program guidance and requirements comply with OCHR guidance and requirements. All civilian employee participants must sign the Flex Hour Program Participation Agreement for Civilian Personnel at enclosure (3) prior to beginning the Flex Hour Program.

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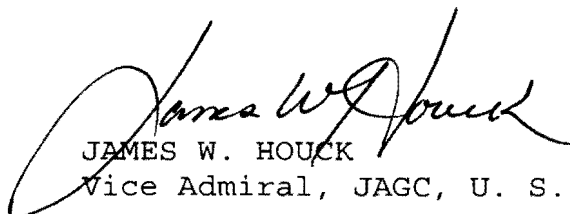
Supervisors of civilian Flex Hour Program participants must forward a completed copy of enclosure (3) to Code 64.

8. Performance Management. Evaluation criteria for work performance remains the same for employees participating in the Flex Hour Program. Work performance will be evaluated based on individual execution as measured against established standards, measurements, and expectations of the position.

9. Effective Date. This Flex Hour Program policy is effective immediately.



NANETTE M. DeRENZI
Rear Admiral, JAGC, U. S. Navy



JAMES W. HOUCK
Vice Admiral, JAGC, U. S. Navy

Distribution:

Electronic only via the OJAG website, <http://www.jag.navy.mil>, and the Navy Directives website, <http://neds.daps.dla.mil>.

Flex Hour Program Policies and Procedures

1. Program Objectives. This program is designed to improve JAG Corps community members' quality of life and help recruit and retain talented personnel. The Flex Hour Program improves participants' quality of life and morale by allowing flexibility to determine the times of arrival and departure from work. This flexibility helps manage family and personal obligations, reduces commute times, facilitates educational opportunities, and enables members to pursue other interests precluded or restricted by normal work hours. For civilian personnel, the Flex Hour Program is independent of, and may not be combined with, a compressed work week schedule.

2. Scope

a. Program cycle. Participation in the Flex Hour Program occurs in six-month cycles. At the end of each cycle, supervisors review each Flex Hour Program participant's productivity and evaluate impact of Flex Hours on mission accomplishment. This semi-annual review determines whether the selected Flex Hours should be revised or whether continued participation is appropriate. The semi-annual review does not impact supervisors' authority to immediately terminate participation in the program if the participant fails to meet productivity requirements, mission accomplishment is negatively impacted, or the supervisor determines that participation is no longer beneficial to the work center.

b. Although the purpose of the program is to enhance the participants' quality of life, the scheduling of Flex Hours is at the complete discretion of the chain of command.

c. Flex Hours may be approved on an *ad hoc* basis; however, scheduled Flex Hours are strongly preferred as they provide structure for participants, co-workers, the chain of command, and clients.

3. Terms

a. Flexible Work Schedule. This is a general term that encompasses various types of work schedules. In the case of full time employees with an 80-hour bi-weekly basic work requirement, it allows employees to determine their own schedules within the limits set by the agency. Part-time employees with a bi-weekly basic work requirement of less than

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80 hours may also determine their own schedules within the limits set by the agency.

b. Flex Hours. A type of flexible work schedule that requires employees to work 8 hours a day, and 40 hours each work week. The employee must be present for "core hours," but may choose arrival and departure times within the "flexible hours" determined by the terms of this instruction. Once an employee chooses a Flex Hour schedule, it remains fixed until the next opportunity to select a different schedule arises. Flex Hours is synonymous with "flex-tour" as defined by the Office of Personnel Management.

c. Core Hours. Designated hours during which all employees must be present and available for work, unless on leave.

d. Flexible Hours. Designated hours, outside the core hours, during which employees may elect the time of arrival and departure from work.

e. Meal Period. A meal period is a minimum of 30 minutes in the middle of the day. The meal period is not duty time. A meal period may not be applied to the beginning or ending of the basic work requirement of 8 duty hours per day to shorten the work day.

f. JAG Corps Regular Working Hours. The regular duty schedule for JAG Corps personnel is 0800 - 1630.

g. JAG Corps Flex Hour Schedule

(1) Core Hours. Personnel must be on duty between 0900 and 1500 (except for meal periods). At their discretion, Division Directors and Commanding Officers may establish different core hours for their commands and divisions to better suit mission requirements.

(2) Flexible Hours. The arrival period for Flex Hour Program participants is between 0600 and 0900. The departure period for Flex Hour Program participants is after 1500. At their discretion, Division Directors and Commanding Officers may adjust flexible hours for their commands and divisions to better suit mission requirements.

(3) Tour of Duty. The hours of a day (a daily tour of duty) and the days of an administrative work week (a weekly tour of duty) that constitute an employee's regularly scheduled

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administrative work week. Tour of duty is synonymous with the basic work requirement.

(4) Basic Work Requirement. The number of hours, excluding overtime hours, a civilian employee is required to work or to account for by charging leave, excused absence, holiday hours, compensatory time off, or time off award.

4. Participants

a. This program is available to active-duty service members and civilian personnel (full-time and part-time) at every level in the chain of command. Civilian participants are also subject to flexible work hour (specifically flex-tour) policies and procedures promulgated by the Office of Personnel Management and the Department of Navy Office of Navy Civilian Human Resources.

b. Suitability of Work. Supervisors will determine whether a position is suitable for Flex Hours by focusing on the nature of the work and job characteristics. Flex Hours may not be appropriate for individuals who require extensive face-to-face contact with supervisors, staff, clients, or the general public during normal working hours.

c. Suitability of Service Member or Civilian Employee

(1) Individual participation by individuals in the Flex Hour Program will begin when determined appropriate by the responsible Division Director or Commanding Officer.

(2) Flex Hours may not be suitable for service members or civilian employees who must be at the worksite during regular working hours to learn about the organization, who require on-the-job training, or who need close supervision.

d. Physical Fitness.

(1) Active-Duty Personnel. While participating in the Flex Hour Program, active-duty personnel shall continue to maintain personal physical fitness by regular exercise and proper nutrition in accordance with reference (g).

(2) Civilian Personnel. While participating in the Flex Hour Program, civilian personnel are authorized short periods of excused absences for officially sponsored and administered physical fitness programs and/or health education classes at the

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discretion of Division Directors and Commanding Officers in accordance with reference (d).

5. Civilian Personnel Policies/Procedures

a. Official Duty Station. Flex Hour Program participants' official duty stations are unaffected by this program.

b. Basic Work Requirements and Tours of Duty. Existing rules for basic work requirements and tours of duty apply to Flex Hour Program participants. Supervisors determine employee work schedules consistent with the requirements of the work group and provisions of any applicable collective bargaining agreements. The Division Director or Commanding Officer, or his/her designees, may approve the Flex Hour Program participants' work schedule. Program participants are required to report for duty during regular working hours when directed by the Division Director, Commanding Officer, or his/her designee.

c. Pay and Leave. Existing rules on pay and leave apply to Flex Hour Program participants. Pay and leave rules depend on work schedules.

d. Compensatory Time and Overtime. The existing rules on compensatory and overtime under references (h) and (i) apply to Flex Hour Program participants. Supervisors should ensure all compensatory time and overtime is preapproved. Flex Hour privileges will be cancelled for employees who continue to work unapproved compensatory time or overtime.

e. Credit hours. Credit hours are not authorized under this program.

f. Certification and Control of Time and Attendance. Supervisors are responsible for reporting accurate time and attendance for Flex Hour Program participants. Further clarification of specific civilian time and attendance policy is contained in references (j) through (l).

g. Accountability. Civilian supervisors should use a sign in and out attendance sheet to track of their employees' hours.

6. Cancellation. Participation in the Flex Hour Program may be cancelled and participants may resume regular working hours. When practicable, two weeks advance notice will be provided to supervisors prior to individuals resuming regular working hours. Division Directors, Commanding Officers, or his/her designees

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may end participation in the Flex Hour Program if the participants' Flex Hours fail to benefit organizational needs. In those circumstances, and when practicable, two weeks advance notice will be provided to the Flex Hour Program participant. The Flex Hour Program participant and the supervisor must sign the original Flex Hour Participation Agreement to document termination of the Flex Hour arrangement. Supervisors shall retain a copy of the terminated agreement until the military member or civilian transfers from the command, and in the case of civilians, provide the original to Code 64.

Flex Hour Agreement for Active Duty Personnel

NAME: _____
COMMAND/CODE: _____
TITLE: _____
HOME NUMBERS: _____
CELL NUMBERS: _____
WORK E-MAIL ADDRESS: _____
REGULAR WORKING HOURS: _____
START DATE: _____
END DATE (6 MONTHS LATER): _____

Work Schedule

DAY	START TIME	END TIME
MONDAY		
TUESDAY		
WEDNESDAY		
THURSDAY		
FRIDAY		

1. Participation Request. I voluntarily request to work the hours listed above and agree to follow all applicable policies and procedures. I recognize that having a flexible work schedule is not a right or employee benefit, but a method of accomplishing work during hours of my selection. My supervisor may cancel my participation in this program at any time. I shall complete all assigned work during the hours listed above and according to procedures determined by my supervisor.

2. Cancellation. Upon my request, I may cancel my participation in the Flex Hour Program and resume working during regular working hours. When practicable, two weeks advance written notice will be provided. At any time, and without prior notice, my supervisor may require me to resume working during regular working hours. When practicable, two weeks advance written notice will be provided. Reasons for cancellation include but are not limited to: performance declines, flex hours fail to benefit organizational needs, or other work-related reasons.

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3. Date of Commencement

The flex hour arrangement covered by this agreement will commence on _____.

4. Signatures

Employee Date

Supervisor Date

Division Director/NLSC CO Date

If Cancellation is Necessary

Signatures acknowledging cancellation:

Employee Date

Supervisor Date

Division Director/NLSC CO Date

FLEX HOUR AGREEMENT FOR CIVILIANS

1. The following constitutes the terms and conditions of the Flex Hour Program agreement between

Employee: _____
 LAST NAME FIRST NAME MI

 TITLE

 PAY PLAN - SERIES-GRADE

2. Approved Flex Hour Schedule

The employee is approved to begin and end work as specified below. The employee's work schedule is:

DAY	START TIME	END TIME
MONDAY		
TUESDAY		
WEDNESDAY		
THURSDAY		
FRIDAY		

3. Changes to the Flex Hour Arrangement

Employees who choose to participate in the Flex Hour Program must be available to work regular work hours on an occasional basis if necessitated by work requirements. Requests by the employee to occasionally change his or her flex hour schedule should be accommodated by the supervisor, whenever practicable, consistent with mission requirements.

This Flex Hour Agreement will be reviewed 6 months from the start date to ensure the employee's performance meets prescribed standards and organizational requirements. Should there be a need to alter the original Flex Hour Agreement, a new Flex Hour Agreement must be executed to effect a permanent change in the flex hour arrangement.

4. Time and Attendance, Work Performance, and Overtime

Enclosure (3)

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Hours worked while on a flex hour schedule must be accounted for and reported in the same manner as if the employee reported for duty during regular working hours. The employee is required to satisfactorily complete all assigned work, consistent with the approach adopted for all employees in the work group, and according to standards and guidelines in the employee's performance plan. Employees may not work overtime or compensatory time without prior approval. Those who do, may be subject to administrative or disciplinary action.

5. Termination of Flex Hour Program Participation

This Flex Hour Agreement may be terminated by either the employee or the supervisor. When practicable, two weeks advance written notice will be provided by whoever is terminating program participation. Management shall terminate the flex hour agreement if employee's performance does not meet the prescribed standard, or the flex hour arrangement fails to meet organizational needs.

If this agreement is for a temporary period of time, the flex hour arrangement covered by this agreement will terminate on _____.

6. Other Provisions Not Listed Elsewhere in the Agreement

[Insert any special arrangement for the employee in this paragraph. All special arrangements and additions to this agreement require the approval of the Office of the Judge Advocate General Civilian Personnel Manager (Code 64)]

7. Date of Commencement

The flex hour arrangement covered by this agreement will commence on _____.

Signatures

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Employee Date

Supervisor Date

Division Director/NLSC CO Date

If Cancellation is Necessary

Signatures Acknowledging Cancellation:

Employee Date

Supervisor Date

Division Director/NLSC CO Date

Copy to:

(1) OJAG Civilian Personnel Manager (Code 64)