

ARS □ ERS □ NASS □ NIFA

Policies and Procedures

Title: Flexible Work Schedules

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This P&P establishes the work schedules for the REE agencies, describes a variety of flexible schedules and addresses credit time.

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1. Purpose

This Policy and Procedure (P&P) sets policy, assigns responsibility, and explains the rules and procedures regarding hours of duty in the Research, Education and Economics (REE) mission area. REE is comprised of the Agricultural Research Service (ARS); National Institute for Food and Agriculture (NIFA); Economic Research Service (ERS); and National Agricultural Statistics Service (NASS). All REE employees except those on intermittent schedule are covered by the Flexible Work Schedule (hereafter referred to as FWS) Program.

2. Background

There are multiple work scheduling options within the FWS program designed to meet both management and employee needs. The scheduling flexibility will improve not only the quality of our customer service, but also the personal lives of employees. However, the individual choices available to employees are possibilities, not entitlements. No one has an inherent right to a particular work schedule. Furthermore, because supervisors must ensure office coverage during customer service hours and to meet mission requirements, individual preferences must be secondary. Employees will have to adjust their schedules to meet work requirements as determined by the supervisor or manager. To the extent that modifications in work schedules do not interfere with the efficient accomplishment of the agency's mission, supervisors are encouraged to accommodate employee requests due to religious beliefs and are mandated to accommodate employee needs in accordance with the Americans with Disabilities Act. Due to varied work requirements, employees may not all be accommodated in the same manner.

Locations having union bargaining units must contact the Labor Relations Specialist in the Employee Relations Branch, Human Resources Division (HRD), before implementation of or changes to the FWS Program.

3. Policy

3.1 Tour of Duty

The tour of duty defines the limits within which an employee must complete his or her basic work requirement. Under FWS, the agencies set the limits within which employees must complete their basic work requirements.

ARS: The basic tour of duty extends from 0000 (midnight) Sunday morning and ends at 2400 (midnight) Saturday night of the second week of the pay period. As such, it may involve a basic work requirement on Saturdays, Sundays or nights. Full-time employees who perform regularly scheduled non-overtime work during a period of duty, part of which is performed on Sunday, are entitled to Sunday premium pay for the entire period of work, up to 8 hours. For employees whose work shifts overlap the beginning or end of a pay period, the entire shift will be recorded in the pay period in which the majority of the hours of the shift fall.

NIFA and ERS: The basic tour of duty extends from 0600 (6 a.m.) to 1800 (6 p.m.) daily, Monday through Friday.

NASS: The basic tour of duty extends from 0615 (6:15 a.m.) to 1830 (6:30 p.m.) daily, Monday through Friday.

3.1.1 BASIC WORK REQUIREMENT

The basic work requirement of the FWS is the number of hours, excluding overtime hours, employees are required to work or otherwise account for by leave, credit hours, holiday hours, excused absence, compensatory time off, or time-off award hours. Full-time employees must account for 80 hours during a biweekly pay period. Agencies may also establish daily or weekly basic work requirements, (e.g., set a maximum of 8-12 hours a day). A part-time employee works fewer hours than a full-time employee (permanent part-time employees must be scheduled to work between 16 to 32 hours per week) within a specified period of time as determined by the conditions of employment.

3.1.2 CORE TIME

Core time is that part of the schedule of hours during the workday, workweek or pay period that is within the tour of duty and during which employees must be present at work or on leave. All employees on a flexible schedule must have designated core hours with the exception of intermittent employees.

ARS: The setting of core time is delegated down the supervisory chain of command. While there are no agency-wide core times, if core times are not set higher in the supervisory chain, it would fall to the first line supervisor to set the core times. When core times are changed by a supervisor, the employee(s) must be given a minimum of 7 days advance notice.

NIFA, ERS and NASS: The core times are 0900 (9 a.m.) to 1530 (3:30 p.m.), Monday through Friday.

3.1.3 FLEXIBLE TIME

Flexible times are the hours during the workday, workweek, or pay period that are within the tour of duty (time bands surrounding the core times) during which employees may request the starting and ending times of their regular work schedule. For example; the core hours for a unit could be 9:00 a.m. to 3:30 p.m. and the flexible time bands could be 7 a.m. to 9:00 a.m. and 3:30 p.m. to 5 p.m. An employee may request a schedule where they would begin work at 7 a.m. and work an 8 hour day (1/2 hour lunch) ending at 3:30 p.m., or the employee could request to work from 8 a.m. until 4:30 p.m. All proposed schedules need supervisory approval in advance.

Depending on the flexibility allowed by the supervisor, employees may also vary their times of arrival to and departure from the work site within the flexible time bands as long as they account for the number of hours they were scheduled for that day with work or leave. For

example, an employee in the situation above working an 8 hour day could come into work as early as 7 a.m. and work until 3:30 p.m., or come in as late as 8:30 a.m. and work until 5 p.m. However, employees cannot work (or account for with leave) for only 6 hours on one 8 hour day and then account for 10 hours on another 8 hour day.

ARS: The designation of flexible time is delegated down the supervisory chain of command. There are no set agency-wide flexible times.

NIFA and ERS: The flexible times are 0600 (6 a.m.) to 0900 (9 a.m.) and 1530 (3:30 p.m.) to 1800 (6 p.m.). The flexible time may be extended to 1830 (6:30 p.m.) solely for the purpose of earning credit hours, with supervisory approval.

NASS: The flexible times are 0615 (6:15 a.m.) to 0900 (9 a.m.) and 1530 (3:30 p.m.) to 1830 (6:30 p.m.).

3.1.4 GLIDING TIME

Supervisors may also put restrictions on the amount of flexibility an employee may exercise in deviating from their approved regular work schedule within the flexible time bands. This is usually referred to as a gliding time. Gliding time is a feature in which a supervisor allows an employee to vary a certain amount of time from their regular schedule. For example: an employee may come in no more than 30 minutes before or after their normal starting time. The employee must still account for all hours scheduled for that day through hours worked or some type of paid leave or unpaid leave.

ARS: The setting of gliding time is delegated down the supervisory chain of command. There is no set agency limit on the amount of gliding time permitted.

NIFA and NASS: A deviation of 15 minutes (or more with advance supervisory approval) in the start and end time is allowed if it is contained within the flexible time bands.

ERS: Employees may glide a maximum of 30 minutes as long as it is contained within the flexible time bands. Any deviation beyond this 30 minute limit requires advance supervisory approval.

3.1.5 MEAL TIME

Meal Time is a mandatory unpaid break of no less than 30 minutes.

ARS: Meal time or an unpaid break of no less than 30 minutes is required for each 7 hours or more of work. This break may not be at the beginning or end of the workday. Time and length of meal or unpaid break are dependent upon supervisory approval (as delegated down through the chain of command).

NIFA, ERS and NASS: Meal time or an unpaid break of 30, 45 or 60 minutes is required for more than 5 hours of work and must be scheduled between 1100 (11 a.m.) and 1400 (2 p.m.).

This break may not be at the beginning or end of the workday. Length of meal or unpaid break is dependent upon supervisory approval.

3.1.6 BREAKS

There is no inherent right to a paid break during working hours. Units and locations where unions have negotiated on this matter will abide by their negotiated agreements.

3.1.7 CUSTOMER SERVICE TIME

The hours during which all offices must have phone coverage and technical assistance available vary throughout REE. This band must be no less than 8 ½ hours between 0800 (8 a.m.) and 1700 (5 p.m.), Monday through Friday. All work units are encouraged to make arrangements with other work units in providing this coverage and to include part-time employees in considering alternatives for providing coverage during the required hours. Since this requirement may restrict the degree of scheduling choices an employee may have, supervisors are encouraged to avoid requiring the same worker to maintain a schedule throughout the entire year to meet customer service requirements.

ARS: Electronic answering equipment may be used to provide this service if there is a commitment that the customer will be contacted within 24 hours.

NASS: The hours during which all offices must have phone coverage and technical assistance available are between 0800 (8:00 a.m.) and 1630 (4:30 p.m.), Monday through Friday.

3.2 Schedules

Supervisors approve work schedules by signing and dating the employee's master timesheet form. Supervisors may alter the employee's previously approved master schedule when necessary, but must provide at least 7 days advance notification of the change to the employee.

Supervisors shall initiate a revised master schedule for an employee if for more than 3 pay periods the employee, with supervisory approval, has established a pattern of work that is expected to continue and is different from their previously approved schedule. For part-time workers, an SF-52 (Request for Personnel Action) is required for a change, as stated above, if it is a change to the number of hours the employee works during the biweekly pay period.

There are various types of FWS arrangements that provide different degrees of flexibility. These include schedules which can vary the number of hours worked in a day or week and schedules in which the 80 hour biweekly requirement for a full-time employee can be worked in less than 10 days. Two of these types of schedules (Flexitour and Maxiflex) are discussed in this section. Flexible time rules as identified in Section 3.2 apply to all schedules, including Flexitour and Maxiflex.

3.2.1 FLEXITOUR SCHEDULE

A Flexitour schedule is an FWS that consists of 8 hours a day, 40 hours per week, and 80 hours in a biweekly pay period. The flexible time surrounds the core hours and is discussed in Section 3, Basic Work Requirement. Employees must account for missed core hours, if permitted, with leave, credit hours, compensatory time off or time off as an award. Employees schedule their arrival and departure times subject to management approval.

3.2.2 MAXIFLEX SCHEDULE

Maxiflex is an FWS that contains core hours on fewer than 10 workdays in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the bi-weekly pay period. An employee may vary the number of hours worked on a given workday, or the number of hours each week within the limits established by supervisory chain of command determinations.

- Schedule 1 example – a biweekly period of eight 10 hour days and two off days;
- Schedule 2 example – a biweekly period of eight 9 hour days, one 8 hour day and a day off.

Part-time employees may also select a maxiflex schedule. However, with supervisory approval and as permitted under a maxiflex schedule, a part-time employee can vary the number of hours worked each scheduled day as long as the total number of hours worked for the pay period equals the tour of duty hours on the SF-52. If the total number of scheduled hours changes, and the change is expected to continue, a new SF-52 must be submitted as mentioned above.

ARS: Employees may propose a variety of maxiflex options, varying the hours, days or weeks, including those examples shown above, as long as they have management approval. Employees select start and end points within their flexible times, subject to any agreements made with the union.

NIFA, ERS and NASS: Employees may select maxiflex option Schedule 2 example (as shown above) with employees selecting start and end points within their flexible times, subject to management approval.

NIFA and ERS: Employees may also select maxiflex option Schedule 1 example (as shown above) with employees selecting start and end points within their flexible times, subject to management approval.

3.2.3 TRAINING SCHEDULE

Management should change an employee's schedule during pay periods when 3 or more days of training are to take place. Since most training is limited to no more than 8 hours per day, it is strongly recommended that the schedule for that pay period also reflect 8 hour days. This eliminates the need for employees to make up or otherwise account for the additional hours in their schedule (e.g., a scheduled 9 or 10 hour day).

Note: Employees are entitled to an advance notice of 7 days for any schedule change.

3.3 Credit Hours

Credit hours are all hours in excess of an employee's basic work requirement which the employee elects to work and supervisor approves so as to vary the length of the workweek or workday. However, when an employee is directed by management to work beyond their basic work requirement, overtime or compensatory time must be granted (See P&P 402.3, Premium Pay). Depending on the supervisor's preferences, credit hour approval may be given before (pre-approval) or after (post-approval) the credit hours are worked.

3.3.1 ELIGIBILITY

Credit hours may only be worked by employees covered under FWS Programs. Senior Executive Service and intermittent employees are not entitled to earn or use credit hours.

3.3.2 EARNING AND ACCRUING CREDIT HOURS

Credit hours may be earned in as little as 15 minute increments. Up to 24 credit hours may be carried over from one pay period to the next or from one leave year to the next. Any credit hours in excess of 24 at the end of a pay period will be forfeited. Part-time employees may carry over an amount equal to $\frac{1}{4}$ of their biweekly work schedule (e.g., a part-time worker with a biweekly tour of duty of 40 hours would be able to carry over 10 hours of credit time from one pay period to the next.)

Credit hours may not be earned while an employee is traveling (in transit). Travel time is not considered to be voluntary, and therefore does not meet the credit time definition of "electing to work."

Credit hours may be earned on a holiday as long as the credit hours are worked outside of the employee's regular tour of duty. Credit hours may also be earned on days when paid leave is taken, as long as the credit hours are worked outside of the regular tour of duty hours for that day.

ARS: Employees may earn credit hours on any day or night of the week, with supervisory permission. There are no agency-wide restrictions on the number of hours per day or when credit hours may be earned on a given day.

NIFA: Employees may earn up to 2 credit hours on 8 hour workdays; 1 credit hour on 9 hour workdays; no credit hours on 10 hour workdays; 10 credit hours on scheduled off day(s) under a maxiflex schedule. A special management approval is required to work credit hours on weekends. All credit hours worked and used require supervisory approval in advance. Credit hours may only be earned on weekdays from 0600 (6 a.m.) until 1830 (6:30 p.m.).

ERS: Employees may work a maximum of 2 hours of credit per day with supervisory approval. Employees on a maxiflex schedule may, with supervisory approval, earn any number of credit hours on their regular day(s) off. Credit hours may only be earned on weekdays from 0600 (6 a.m.) until 1830 (6:30 p.m.). Employees will automatically (unless approval is rescinded) be post-approved for up to 1 hour of credit worked on days when 8 or 9 hours are scheduled.

NASS: Employees may earn up to 2 credit hours, with supervisor approval. Employees must be scheduled to work 3 days in the office each week. All credit hours worked and used require supervisory approval in advance. Credit hours may only be earned on weekdays from 0615 (6:15 a.m.) until 1830 (6:30 p.m.).

3.3.3 USING CREDIT HOURS

Credit hours can be used in as little as 15 minute increments. Supervisors should encourage employees to use credit hours prior to using annual leave. Supervisors should also encourage usage prior to the employee's separation from Federal Service. A manager or supervisor may set a policy to require that credit hours be used before annual leave.

Credit hours may be used to liquidate advanced annual or sick leave. This flexibility would enable employees to more quickly achieve positive leave balances. Supervisors would still manage this flexibility since advanced leave and credit time worked always require supervisory approval. Timekeepers should notify the Pay and leave Staff when an employee requests this action by completing the form Request for Offset of Advanced Leave with Accrued Credit Hours (see Exhibits section) so that the leave can be changed simultaneously in both the Time & Attendance and National Finance Center databases.

Credit hours may be earned and used in the same pay period; however they cannot be used before they are earned. For example, they may be earned at the beginning of a day and used later in the same day.

Any unused credit leave must be paid at the current hourly pay rate when an employee:

- leaves REE and is unable to transfer them;
- is no longer subject to an FWS;
- is separated from service.

3.4 Time Accounting

REE employees shall submit a Validated and Affirmed WebTA time and attendance record (or a signed and dated WebTA Summary Page) to their timekeeper. Until NASS agency converts to WebTA, they will continue to follow approved validation and record keeping procedures. Fifteen minute increments are the smallest measurement to record time worked and time on leave.

Regardless of the system, each employee must have:

- A supervisory approved master schedule with daily hours that are to be worked;
- An accounting each pay period of all paid time (including overtime), unpaid leave, compensatory time earned, credit hours earned, time-off awards and allowances and differentials, etc.

If deemed necessary by the agency or approving supervisory official, employees may indicate start and end times in WebTA or on a written log or worksheet by the number of hours to be worked on each day of the biweekly pay period or by the starting and ending times each day.

- Example 1: 8 hours for Monday, 9 hours for Tuesday, etc.
- Example 2: 7:30 a.m. to 4 p.m. on Monday, 8 a.m. to 4:30 p.m. Tuesday, etc.

In and out times may be required by the supervisor when employee deviates from their master record schedule.

3.4.1 TIMELINE FOR T&A SUBMISSION PROCESS

- Step 1 - By close of business last workday of the pay period: employee validates and affirms T&A record or submits signed (or initialed) and dated T&A worksheet to timekeeper (signature/initials not needed for electronically submitted T&A.)
- Step 2 - By close of business on Monday after the end of the pay period: timekeeper reviews and validates T&A record (or prepares T&A record from worksheet, attaches WebTA Summary and supporting documents, and provides to employee for review and signature.
- Step 3 - Before close of business Tuesday after the end of the pay period: supervisor reviews and certifies T&A.
- Step 4 – Certified T&A records are picked up and built (see <http://www.afm.ars.usda.gov/hrd/payleave/webta.htm> for Build Schedule).

4. Responsibilities

Agency Heads

Agency Heads have the authority to:

- Establish an FWS program and the agency's official tour of duty.
- Monitor effectiveness of FWS program to ensure there is no adverse agency impact.
- Discontinue or modify FWS programs if adverse agency impact is found.

ARS – Headquarters Staff Heads / Area Directors

Each management official directly reporting to the agency head is delegated the authority to:

- Establish or discontinue an FWS.
- Re-delegate or rescind all or any segment of these schedules to or from any subordinate level supervised.

Subsequent subordinate supervisors, upon re-delegation from management officials above, have the authority to re-delegate or rescind all of any segment of this schedule through the supervisory chain to first line supervisors, e.g., approval or disapproval of the workweek and workday, the use of credit hours or gliding time and the use of days off.

NIFA – Deputy Administrators / OA Directors

- Approve, in writing, any starting or ending times outside the flexible bands that are necessitated by work priorities. (Convenience to the employee is not a factor in granting exceptions.)
- Resolve scheduling differences.
- Approve or disapprove work schedules proposed by employees.
- Set employees' basic work requirements if proposed schedule is not acceptable. (Cannot require employee to work more than 8 hours in a day, 5 days a week except in the case of regularly scheduled overtime.)
- Change employee's previously established work schedule because of job requirements. This includes changing a maxiflex off day due to critical job assignments. The alternative off day must be scheduled during the same pay period. Employee must be notified of work schedule changes 7 days in advance.
- Approve or disapprove employee request to change their off day(s) under a maxiflex schedule. The alternative off day(s) must be scheduled during the same pay period.

ERS – Division Directors / NASS – Deputy Administrators

- Approve, in writing, any starting or ending times outside the flexible bands that are necessitated by work priorities. (Convenience to the employee is not a factor in granting exceptions.)
- Resolve scheduling differences.

REE Supervisors

- Plan and organize staff work assignments to make efficient use of flexible schedules.
- Schedule meetings within core times when possible.
- Ensure office coverage during customer service hours.
- Approve or disapprove the earning and using of credit hours.
- Electronically certify employees' time and attendance record or initial (or sign) and date the WebTA summary report to certify that the data is correct.
- Have the authority to set employees' work schedules, even if this does not agree with the work schedules proposed by employees. However, supervisors cannot require an employee to work a maxiflex schedule.
- Approve or disapprove any proposed schedule by signing and dating the schedule

section on the employee's master schedule. Even if Time and Attendance record (hereafter referred to as T&A) is submitted electronically, there must still be a master schedule on file.

- Approve or disapprove the use of credit hours or gliding time to vary the workday, the employee's arrival and departure times, or their off days.
- Assure workdays and workweeks encompass core time and provide the necessary coverage during customer service time.
- Coordinate and maintain the work schedules of their staff, especially ensuring that when safety and health considerations so dictate, that there must be more than one employee present.
- May alter an employee's previously approved schedule when necessary, but must provide at least 7 days notification of the change to the employee.
- Ensure that all employees have approved schedules and fulfill their established basic work requirement.
- Exclude from FWS those positions incompatible with flexible schedules and those employees who abuse the use of flexible schedules.
- Adjust work schedules when necessary to provide for special events, such as meetings, team efforts, special staffing situations, training, etc.
- Sign leave audits, and ensure that leave records are kept for 6 years plus current year.

Timekeepers

- Accurately Prepare the T&A from Agency Forms or review electronically submitted WebTA Time and Attendance records (when applicable).
- Bring apparent discrepancies such as unapproved overtime or unreported leave to the supervisor's attention before the final T&A is certified (when applicable).
- Notify supervisor of electronically submitted T&A ready for certification or provide WebTA Summary page to employee for signature (when applicable).
- Retain all printed copies of supporting documents for 6 years in addition to current year.

Employees

- Submit a request to the supervisor for a work schedule or change in work schedule. Requests must be submitted in advance and in writing.
- Work with management to select work schedule options that best serve the interests of the agencies and the public.
- Understand the hours of duty requirements, inquire about unclear items and suggest changes to management.
- Accurately complete, on a daily basis, their WebTA time and attendance record (or complete the log worksheet and submit it to the timekeeper at the end of each pay period).
- Review, Validate and Affirm WebTA record (or in the case where a log worksheet is submitted for input by the timekeeper, initial the WebTA summary report to certify that the data is correct).

5. Authorities

- 5 U.S.C. 6120 - 6126; and 5 U.S.C. 6129 - 6133
- 5 CFR part 610, subpart D
- OPM Handbook on Alternative Work Schedules
<http://www.opm.gov/flsa/oca/AWS/INDEX.asp>

6. Definitions

Intermittent Employee. This is an employee who serves without a regular schedule. There should be no master schedule on file for an intermittent employee. Only hours worked are recorded.

Part-Time. This employee has a basic work requirement of fewer than 80 hours in a pay period, which must be itemized by day and times on the timesheet and on form SF-52, Request for Personnel Action.

Time Accounting. This is a system which provides the supervisor with a record of time worked that entitles employees to pay. The manager/supervisor may require that employees keep track of the beginning and ending time of each day's work.

WebTA. USDA's web based Time and Attendance record keeping system.

Joon Park
Director, Human Resources Division

Date

7. Exhibits

SUBJECT: Request for Offset of Advanced Leave with Accrued Credit Hours

TO: Human Resources
Pay & Leave Staff
FAX: 301-504-1493

FROM: Timekeeper's Name: _____

Timekeeper's Phone #: _____

Timekeeper's Email: _____

Employee Name: _____

T&A Contact Point #: _____

Number of Credit Hours to be used for this purpose: _____

(Note: 8 credit hours minimum are required)

I am requesting the offset of advanced leave using the credit hours indicated above as follows:

Number of Advanced Annual Leave Hours: _____

Number of Advanced Sick Leave Hours: _____

My signature below indicates my authorization of the above request.

Signature of employee

Date

Supervisor's Signature

Date

TIMEKEEPER: To keep volume of requests to a manageable level, do not submit a request with fewer than 8 hours. Please fax completed request to 301-504-1493 and retain original for your records. You will be notified and given instructions once the request has been processed in our office.