

**International Public Management Association for
Human Resources
HR-CENTER**

**June 2007
(Revised)**

Personnel Practices:
**Alternative Work Schedules
Policies**



***International Public Management Association
for Human Resources***

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ALTERATIVE WORK SCHEDULES POLICIES

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Is There a value to Alternative Work Schedules in the Workplace Today

By Emayeneme Gbemiye-Etta

Conflicts between work demands and personal life are now out in the open. It is no longer marginalized as a problem confined to working women with children. It is now recognized as a problem that concerns everyone, from senior executives to administrative assistants, to U.S. Presidents and Secretaries of State.

Alternative work schedules are flexible work options set up so that full-time and/or permanent employees can work the hours they are required to work but not in the normal traditional manner. A flexible work schedule can be a strategic tool when implemented effectively that leads to more loyal, dedicated and motivated staff. The Bureau of Labor Statistics reported in 2002 that 29 million full-time workers had flexible work schedules. Many believe that alternative work schedules have a positive impact on employee performance.

There are many advantages to an employee working an alternative work schedule but, for an employer to institute alternative work schedules, the organization also has to benefit from the arrangement. The obvious benefits are the employers' ability to accommodate the needs of high performance employees and thus retain those employees. A less obvious benefit is the decrease in overhead costs since employees may be able to share equipment if their schedules do not overlap. There is also the added benefit of being able to respond to customers in another time zone with those employees on a later work schedule. Community benefits could include less pollution and traffic with fewer cars on the road.

There are several types of working schedules that can be considered as being part and parcel of an alternative work schedule. These options are:

Flexible Leave Policies: Systems that allow accrued sick and annual leave to be combined for employees' use as they choose. Policies may include paid or unpaid personal leave time.

Parental Leave: Sometimes called "family leave," a flexible policy that provides time off for either mothers and/or fathers to care for a newborn or very young children.

Flex-Time: Work schedules that allow employees to vary their arrival and/or departure times as long as they work a prescribed number of hours per pay period and are present during a daily "core time" (usually peak business hours).

Job Sharing: Two (or more) workers share the duties of one full-time job, each working part-time; or two or more workers who have unrelated part-time assignments share the same budget line.

Compressed Work Week: A work schedule that enables full-time employees to work the equivalent of a full week in less than 5 days or for employees on biweekly pay schedule to work less than 10 full workdays.

Part-Time Employment: Refers to temporary or permanent employees who work a portion of the regular work hours usually on average between 20-30hrs a week. Part-time employment has been used for a number of years by both the public and private sectors.

Telecommuting: Employees can work at home or at a telecommuting worksite and are usually connected to their offices by computer and/or telephone.

Phased Retirement: Enables employees to transition gradually from full-time work to retirement with an interim period of part-time work, this period may be used to train a replacement worker.

Comp Time – or compensatory time, allows workers to exchange overtime pay for time off, and is a fairly popular idea with both employers and employees. In a poll conducted by the Employment policy foundation, 81% of women respondents favored comp time as an option. A word of caution in setting up an alternative work schedule, particularly in relation to flex-time schedules and telecommuting arrangements. They are not as trouble free as people may think. Both of these arrangements are affected by the Fair Labor Standards Act (FLSA), Workers' Compensation, the Occupational Safety and Health Act, and even anti-discrimination laws. In setting up any type of Alternative Work Schedule, an organization must remember that the policy must be legitimate, with objective standards spelled out in a written policy, concerning which positions are open to these arrangements and which are not. After the policy is established, the organization must ensure that the policy does not conflict with the FLSA. For non-exempt employees, it is ensuring that employees are paid 1 and 1/5 times their regular pay for every hour over 40 hours in a one week period. Employers must be careful not to treat exempt employees as hourly when setting up flextime because to some extent exempt employees are already entitled to some flexibility in accomplishing their jobs.

Work-Life Balance for Employees and Employers

A new concept that encompasses the alternative work schedule is called **the Work Life policy**. The work-life program in a workplace recognizes that people want more options to be able to do what they want to do outside the workplace. It is recognizing diversity and meeting each employee's needs. It is also a good way of attracting and retaining the best people. Given that many workers are under stress because of the competing demands of their work and their lives, offering work-life benefits and demonstrating that you have developed strategies to help employees balance work and life, are ways to gain competitive advantage in the hiring (and retention) process. The Families and Work Institute's Business Work-Life Study (BWLS) and National Study of the Changing Workforce (NSCW) found that employees with more supportive workplaces as well as better quality jobs are more likely than other workers to have:

- Higher levels of job satisfaction;
- More commitment to their companies' success;
- Greater loyalty to their companies; and
- A stronger intention to remain with their companies.

The study also found that employees with more demanding jobs and less supportive workplaces experience:

- More stress;

- Poorer coping;
- Worse moods; and
- Less energy off the job-all of which jeopardize their personal and family wellbeing.

Additionally, they found that when employees' personal and family well being is compromised by work, employees experience more negative spillover from home to work, which diminishes job performance.

Advantages and Disadvantages of Alternative Work Schedules

Advantages

- Alternative work schedules can reduce stress on parents
- Contributes to lower absenteeism and higher productivity
- Over-time costs are reduced
- Recruitment of candidates is enhanced, particularly for those employees who might not be available for a traditional work schedule
- Alternative work schedule can also help with retaining current employees particularly IT employees who do not necessarily work within the confines of a regular work schedule in the first place
- Business hours can be extended through the flex-time and compressed workweek options
- Flexible schedules allow for more economical use of office space and equipment
- Maximize the value of employee compensation and benefit expenses

Disadvantages

- Supervisors and employees may not work the same hours, which will require more coordination between the supervisor and employee.
- Administrative problems may arise with timekeeping or with the way the benefits are assigned, prorated, or split
- Administrative costs may be high when an option is first implemented, depending on existing systems and how quickly they can be adjusted
- Workplace coverage may be a problem with some options particularly where departments do not have enough coverage for customers during core business hours

Interestingly, a reasonable balance does not necessarily mean working less.

Steps to Develop An Alternative Work Schedule

Developing an alternative work schedule, if your organization does not have a program, requires some planning and cooperation of all employees and supervisors to make sure:

- (a) The program is implemented in a way that allows all interested employees and supervisors to participate; and it
- (b) Does not lead to some employees being perceived as favored above other employees.

Several steps can be taken before an alternative work schedule is established in an organization or department:

1. Conduct a needs assessment survey – A needs assessment survey should be conducted amongst employees to determine the interest in this type of program.
2. Consider establishing a management-employee committee to help plan the program or service. This committee then provides a forum for employees to provide input on the design features of the program or service.
3. Decide which alternative work schedule option(s) will be implemented. A decision on what type(s) should be based on the results of the needs assessment survey, the input of the management employee committee and any other tools that have been used to make the decision.
4. Advertise the selected alternative work schedule. Employees should be made aware of the alternative work schedule option(s) being considered and how it will address their specific needs. Managers and supervisors should also be made aware of the option(s) and how it will affect personnel decisions in their respective departments.
5. Implement necessary policy and administrative changes. Employers should ensure that appropriate policy changes are made and disseminated throughout the organization.
6. Design and establish a reporting mechanism. A reporting mechanism should be designed that allows for accurate tracking of hours worked, benefits due, and other administrative provisions possibly altered by the establishment of an alternative work schedule. At the same time costs of the program can be tracked to determine its cost effectiveness to the employer.
7. When an alternative work schedule is finally agreed upon, any agreements between employees and supervisors should be put in writing so that there is no confusion and any changes in supervisors does not create any problems. Differences in the type of schedules adopted by individual departments within an organization should also be recorded.

8. An organization, if not completely comfortable can adopt an option on a small scale and measure the results before implementing it throughout the organization.

Flexible Work Schedules (Flex-time)

Flex-Time is the most commonly known of the alternative work schedule options. The federal government began flex-time schedules on an experimental basis in 1979, and it was permanently authorized by Congress in 1985. The private sector has also adopted the use of flex-time, not only to help employees balance their work and family lives, but for sound business reasons including, better use of equipment and buildings; decreased traffic congestion; improved attendance, punctuality and productivity among employees.

Telecommuting

National survey statistics released by the International Telework Association and Council (ITAC) in October 2001, showed that one in five Americans is working away from the traditional office one or more days per week. According to the ITAC survey, approximately 29 million US workers participate in some form of teleworking, either at home (22%), on the road (24%), in telework centers (8%) or in satellite offices (4%), with 42% indicating that they combine working at home with some other form of teleworking. More than two-thirds of the teleworkers expressed greater job satisfaction and nearly 80% feel a greater commitment to their organizations. The biggest barrier to telework is still resistance by middle management. The surveillance type of management style, experts say, hasn't changed over time and altering it remains one of telecommuting's biggest challenges because it runs deep in some organizations. In getting management to accept telecommuting the HR department can use three basic staffing metrics which tie to work productivity and the bottom line. They are:

1. Cost of time and recruitment;
2. Rates of retention of valuable employees and;

Conclusion

As noted, workers schedules both professional and personal, are becoming more demanding and creating conflict and stress in workers. Alternative work schedules are welcomed by employees as a way to decrease their conflict and stress. There are a fairly large number of employers who do not provide the option of flexible work schedules of any kind. Establishing a flexible work schedule provides advantages to both employers and employees, particularly since it can be a great employee retention tool. With planning, most disadvantages to establishing an alternative work schedule system can be overcome. Also as indicated, an alternative work schedule can be started on a trial or departmental basis rather than organization wide and any glitches worked out before adopting the policy throughout the organization.

Flextime Resources

1. The Bureau of National Affairs, Inc. <http://www.bna.com>

2. Catalyst: www.catalystwomen.org
3. Ernest and Young – Flexible Work Arrangements (FWA)
4. Handbook on Alternative Work Schedules – www.opm.gov/oca/AWS/INDEX.HTM
5. Independent Women’s Forum – 1-800-224-6000; (703) 558-4991

Website: ww.iwf.org

E-mail: info@iwf.org

6. Sample Flex-Time Policy: www.womans-work.com/flex-time_policy.htm
7. The Alliance of Work/Life Professionals: <http://awlp.org>
8. The Boston College Center for Work and Family:
www.bc.edu/bc_org/avp/csom/executive
9. Work in America Institute: www.workinamerica.org
10. Work Trends: Americans’ Attitudes about Work. www.heldrich.rutgers.edu

Telecommuting Resources

1. Research on work/family issues, including flexible work arrangements.
www.catalystwomen.org
2. University of Pennsylvania Study in Flexible Work Arrangements. Sample forms are provided. www.hr.upenn.edu/quality/worklife/flexopitons/training.htm
3. ITAC, the International Telework Association & Council. www.telecommute.org
4. Resources for those working at home or wanting to work at home.
www.Homeworking.com
5. Sample Telecommuting agreement: www.workforce.com/telecommuting
6. The U.S. Office of Personnel Management, telecommuting page.
www.opm.gov/wrkfam/telecomm/telecomm.htm

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City departments may utilize work schedules other than the city’s established business hours of 8:00 a.m. to 5:00 p.m. to support City transportation and clean air initiatives. Adopting alternative work schedules and telework can contribute significantly to reducing automobile traffic or reducing automobile use at peak travel times, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. Creative work schedules may also enable departments to accomplish business needs more effectively, and enhance efforts to recruit and retain employees.

According to *City of Austin Personnel Policies*, I.C.1. Hours of Work, department directors are responsible for establishing employee work schedules. The policy further provides for use of varying work schedules in stating that, “Individual employees may be directed to work special hours or shifts as determined by the needs of the department.”

The purpose of these guidelines is to provide assistance to departments that are implementing alternative work schedules, including telework schedules.

ALTERNATIVE SCHEDULES

Flextime- A 40-hour workweek (for full-time employees) is completed but there is flexibility in establishing daily start and quit times. Days of the workweek may have varying start and quit times, but the pattern should recur predictably over each workweek.

Examples of flextime schedules include:

7:00 a.m. to 4:00 p.m.	9:00 a.m. to 6:00 p.m.
7:30 a.m. to 4:30 p.m.	9:15 a.m. to 6:15 p.m.
7:00 a.m. to 4:00 p.m. (M, W, F) and	9:00 a.m. to 6:00 p.m. (T, TH)

NOTE: For safety considerations and to assure the highest quality of performance, supervisors are encouraged to include a meal break of at least 30 minutes in full work day schedules.

Compressed Work Week- An employee completes a 40-hour workweek in less than five full workdays.

Examples of compressed schedules include:

7:00 a.m. to 6:00 p.m. (T through F; four 10-hour days; one-hour meal break)
8:30 a.m. to 7:00 p.m. (M,T,Th,F; half-hour meal break)
7:00 a.m. to 5:00 p.m. (M through Th, hour meal break); (F- 7:00 a.m. to 11:00 a.m.);
*four nine-hour days, one four-hour day

NOTE: For safety considerations and to assure the highest quality of performance, supervisors are encouraged to include a meal break of at least 30 minutes in full work day schedules.

***Rotating Days Off-** Schedules within a work group are designed so that employees with same or similar job duties can rotate desirable days off.

***Job Sharing-** Two employees share the duties of one full-time position. Work hours of each employee may vary.

Telework- Work on one or more days each week is completed at home or at an office near home by substituting telecommunications technology for commuting to the central work place. While teleworking, an employee may be assigned a flextime, compressed, or conventional work schedule. Guide lines for telework are found in *City of Austin Personnel Procedures- Telework* (revised June 30, 1999).

****Although this schedule may support business needs, it may not necessarily support air quality goals if not planned carefully.***

RESPONSIBILITIES

Department directors, managers, and supervisors may consider and approve work schedules based on business needs. Approval of alternative work schedules should ensure that:

- the level and quality of customer service is maintained or increased,
- schedules coordinate with needs of internal and external customers,
- schedules coordinate effectively with other City departments impacted,
- resources are used efficiently and effectively,
- operational deadlines are met without increased overtime or comp time accrual,
- schedules meet guidelines that support air quality.

Managers should continually monitor the effectiveness of work schedules and make adjustments that are in the best interest of productivity.

Employees who work alternative schedules should be accountable for:

- completing assigned work,
- using work time effectively,
- assuring the same or improved level of customer service,
- maintaining dependable attendance,
- documenting timekeeping accurately, and
- communicating work problems and needs to supervisors.

ESTABLISHING ALTERNATIVE SCHEDULES

Options for establishing alternative work schedules rest with each department. Employees within a work group can be invited to suggest work schedules that will accommodate their personal preferences or family needs while accomplishing work requirements. Or, the nature of a group's collective work requirements may naturally suggest staffing patterns with staggered hours, overlapping schedules, or concentration of work on certain days of the week or hours of the day. Individual schedules may be solicited, offered, or directed. However, whether by employee request or by concerted design, establishing work schedules should be coordinated within the entire work group, division, or department. Each employee's schedule should be pre-approved through a process established by the department.

Part-time, probationary, and temporary employees may also be assigned alternative schedules at the discretion of the department. Alternative work schedules may be cancelled or adjusted by management at any time. Reasonable notice to the employees concerned will support a positive work environment.

Contingency plans should be developed in the event of unplanned short-term and long-term employee absences, emergencies, and vacations. It may also be necessary to plan for regular or occasional staff meetings.

The evaluation and approval process may include having employees complete a request form. An Alternative Work Schedule Request Form is attached to these guidelines. However, a department may design its own form.

EVALUATING EMPLOYEE REQUESTS

Supervisors who evaluate employee requests for alternative work schedules and telework should base a decision to approve or deny the request on objective business reasons. Due care should be taken to:

- coordinate schedules with needs of internal and external customers,
- coordinate schedules effectively with other City departments impacted,
- provide necessary means of communication between employees and supervisors,
- provide for adequate supervision and support of workers on non-traditional shifts,
- ensure that criteria for work schedule decisions are consistently applied to employees in similar circumstances,
- comply with overtime provisions of the City of Austin compensation policy,
- avoid additional hiring or operational cost.

TIMEKEEPING AND PAYROLL

Contact department human resources staff for assistance in making sure that work schedules comply with time keeping and payroll procedures, City compensation policy, and overtime provisions of the Fair Labor Standards Act. Work schedules should recur regularly and be as predictable as possible to conform to overtime rules and avoid payroll errors. Requests to deviate from an approved schedule should be minimized. Changes should occur only with supervisor approval.

Special consideration must be given to City holidays. If an employee is scheduled to work ten hours on an observed eight-hour holiday, he or she must use other accrued leave, i.e., vacation, to be absent for the entire shift. Conversely, if an employee works ten hours on an eight-hour holiday, the employee accrues only eight hours of exception vacation leave. If an employee's regular day off falls on an observed holiday, the employee will have the holiday hours added to the exception vacation balance or be paid for that day, as determined by department policy.

Another option is to have all alternative schedules revert to eight-hour M-F schedules during workweeks that include an observed holiday.

Questions regarding time keeping and compensation for employees on alternative work schedules should be directed to the department human resources office.

TIMEKEEPING FOR EXEMPT EMPLOYEES

The following questions and answers relate to timekeeping for exempt employees working compressed workweeks or flexible schedules.

Q. Are there any Banner issues, specifically timekeeping, that would interfere with enabling exempt employees to work flexible schedules or "uneven" weeks across a pay period?

A. No, for employees in an FLSA-exempt classification, there are no Banner issues that will interfere with an unevenly distributed work cycle.

There are also no issues from the Banner system that will affect, edit, or otherwise limit, how many hours are reported for a given day for an exempt employee.

Examples of unevenly distributed work cycles:

80-hr. biweekly schedule worked as 44 REG in Week-1 and 36 REG in Week-2, or vice versa.

80-hr. biweekly schedule worked as 30 REG in Week-1 and 50 REG in Week-2, or vice versa.

60-hr. biweekly schedule worked as 25 REG in Week-1 and 35 REG in Week-2, or vice versa.

Banner computation of gross pay would not be affected
PHPCALC, Banner's computation of a salaried employee's gross pay, actually arrives at the pay-period-salary first, and then backs into the hourly pay rate to display on the employee's pay stubs. The computation is not affected by which week of the biweekly cycle these exempt hours are reported or whether the hours are evenly distributed throughout the two - week cycle.

Hours reporting would not be affected

Banner's PZAMTIM (time sheet) screen is a biweekly screen, and the timekeeper can show an exempt employee's time on any combination of days across the pay period without affecting this screen's edits and without having any new edits imposed.

Reporting time for a terminating employee would not be affected

Occasionally, some timekeepers make mistakes in reporting time for an exempt employee who is terminating at a date other than the end of a pay period. None of these final-time-sheet issues would be affected (for better or worse) by uneven work schedules for exempt employees.

Q. Are timesheet necessary for exempt employees at all?

A. Yes, if they are charging time to more than one labor distribution code or to a single code other than that which has been saved as their default code in NBAJOBS.

MANAGING ALTERNATIVE WORK SCHEDULES

Here are some suggestions for transition to alternative schedules:

- Start alternative work schedules as a pilot and evaluate results to determine if they should continue. This allows for adjustments to be made without employees making long-term plans prematurely.
- Work as a team to develop alternative schedules that maximize success.
- Regularly hold group discussions in staff meetings about alternative work schedules to identify problems and find solutions early on.
- Expect an adjustment period for everyone. Employees will not always be available during the same hours as the supervisor and coworkers. This may be frustrating to some. It may be necessary for a workgroup to adapt new systems. The group may need to rely more on telephone, voice mail, email, or written messages.
- Consider having a system to remind people of new schedules. For example, require employees on an alternative work schedule to post their schedules at their office with instructions to walk-in customers advising where to go for assistance.
- Help group members to become familiar with each other's records and file management system so that case files can be located in an employee's absence.
- Help group members become more familiar with each other's workload, for backup coverage when an employee is off duty.

Contact the Human Resource Department at 974-3400 for more information or assistance.

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City of Colorado Springs

POLICY AND PROCEDURE # 9 WORK SCHEDULE

Policy Statement: The normal work year, beginning January 1st and ending December 31st, consists of 52, 40-hour weeks. The designated workweek is the period from 00:01 hours Sunday to 24:00 hours Saturday.

All full-time regular and special employees are scheduled to work 40 hours per workweek, excluding designated, paid City holidays. Unpaid meal periods are not included in hours worked.

In order to meet operational requirements, the Group/Unit Manager/Council Appointee or designee shall establish the appropriate Sunday through Saturday work schedule for each employee.

Flex-time

Many operations of the City allow for the flexible scheduling of the employee's work day. The following factors must be considered when implementing a flex-time program: City administrative offices are to be open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Flex-time schedules must be approved by the Group/Unit Manager/Council Appointee or designee.

Nonexempt employees must keep a record of daily hours worked, if it is other than a fixed schedule. (This can be an informal log maintained on a calendar.)

Nonexempt employees may not establish a work schedule that exceeds 40 hours per week.

Changes in Work Schedule

The Group/Unit Manager/Council Appointee or designee may change an employee's established work schedule to meet operational requirements. Changes in the work schedule, for other than emergency situations, should be announced at least 72 hours prior to implementation.

Rates of Pay

Employees eligible for overtime, who do not receive 72 hours advanced notice, shall be eligible for additional pay on the first day of the schedule change if one of the following conditions are met:

The schedule change differs from the prior work schedule by 4 or more hours or in an emergency situation, the employee received less than 12 hours notice

The rate of pay for the first day shall be 1½ times the base hourly rate, unless it is an official City holiday. In that instance, the rate shall be 2 times the base hourly rate. On the second day of the new work schedule the rate of pay shall revert to the base hourly rate.

Release From Work

For employees who have worked extensive overtime, the immediate supervisor may send an employee home or direct the employee to report to work late when, in the supervisor's sole judgment, the employee's lack of adequate rest poses safety risks to the employee or co-workers. Scheduled hours not worked by the employee shall be paid at straight time.

Meal Periods and Breaks

The nonexempt employee's normal work schedule will include a minimum of a 30-minute, unpaid meal period and one, 15-minute, paid break period for every 4 hours worked.

Break and meal periods include all time that an employee is away from work.

Operational requirements may prevent the use of break periods. No additional compensation shall be paid in lieu of the missed break. Break periods shall not be cumulative in order to shorten the workday.

Field employees will take their breaks and meal period at the work site. Employees who traveling between work sites may take their break and/or meal period en route if authorized by the immediate supervisor.

For designated shift workers, the meal period is a paid part of the workday.

DISCLAIMER

The information contained in this Personnel Policies and Procedures Manual (PPM) supersedes all previous Civilian personnel policies and administrative regulations. The PPM is not legally binding and does not create a contract of employment, either expressed or implied. (Provisions of the PPM are only guidelines, which the City may or may not follow.) In accordance with the City Code, the City Manager retains the right to modify, suspend, interpret or cancel any provision at any time, at the City Manager's complete and sole discretion without prior notice.

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Delaware County

Chapter 4: Compensation and Hours of Work

Section 4.1. Pay Period

- A. There are normally twenty-six (26) pay periods per year. All employees are to be paid every other Wednesday for the two (2) week pay period immediately preceding payday. The biweekly payroll period for all employees is from 12:01 a.m. Thursday through 12:00 midnight the second Wednesday (although overtime is calculated on a weekly basis - see Section 4.4, Overtime). Some Appointing Authorities may have a different pay period, as may departments, with the approval of the Appointing Authority.
- B. If a holiday occurs on a Wednesday on which a payday falls, paychecks will be issued on the preceding Tuesday, except under extenuating circumstances, in which case paychecks will be issued as soon as they are available.
- C. Supervisors are to receive any questions regarding an employee's pay and are responsible for making the necessary explanations or inquiries to resolve the matter.
- D. Pay advances of any kind are not permitted.

Section 4.2. Payroll Deductions

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee and authorized by law. These deductions are itemized on the employee's pay statement, which accompanies his or her biweekly paycheck. Deductions include:

1. PERF: The state law requires that employees contribute to the Public Employee Retirement Fund.
2. Income Taxes: Federal and state laws and some city ordinances require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the County Payroll office by the Indiana

Department of Taxation and various Indiana cities, and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Human Resource office of any dependency change whenever such change occurs.

3. Miscellaneous: Examples include garnishments, deferred compensation, child support, credit union, employee insurance contributions, etc.
4. The Delaware County Auditor may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts, which occur at irregular intervals, or for another similar cause. Other than those deductions required by law, the Auditor may decline to make a deduction that the employee's check is insufficient to cover.
5. All requests for payroll deductions must be presented to the Appointing Authority for authorization.

Section 4.3. Work Scheduling

- A. The Employer shall establish the standard workday, workweek, and starting and quitting times for each department, taking into account current and anticipated workloads, public service needs, and other factors. No established schedule shall be construed as a guarantee of work hours or as a restriction on the Employer's right to restructure the workday or workweek.
- B. Subject to the discretion of the Employer, employees may be authorized to take break periods each full working day. Such breaks shall not interfere with the proper performance of the employee's work responsibilities and will be set by the Appointing Authority and are subject to change.
- C. Each department's or office's standard workday, workweek, and starting and quitting times shall be appropriately communicated to the affected employee(s).

Section 4.4. Overtime

- A. Any employee may be required to work in excess of the normal workday or workweek to meet operational demands. Nonexempt employees under the FLSA shall be paid at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) in any workweek, except nonexempt police officers under the FLSA, who shall be paid at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of 170 hours in a twenty-eight (28) day work period.
- B. Eligibility for overtime shall be based upon all hours in "active pay status."

- C. Overtime is generally discouraged and is usually performed only when the Employer determines it is necessary. All overtime must be approved by the employee's supervisor in advance, except in unusual or emergency situations. The employee's supervisor shall closely examine any overtime request not approved in advance.
- D. All employees holding employment in more than one (1) position with the County shall notify the Department of Human Resources in writing of such joint employment.
- E. Each employee who must work overtime shall complete an "Overtime Authorization" form and present it to the employee's supervisor for approval. Any overtime should be discussed and at that time a determination made whether overtime will be paid in cash or accrued in compensatory time. FLSA allows public sector employees to offer "comp" time in lieu of overtime pay. "Comp" time must be used as expeditiously as possible and cannot accumulate more than 240 hours before compensation must be made in cash. "Comp" time is wages earned and must be treated as such. Accrued "comp time" will be paid as wages upon separation.

Section 4.5. Exempt Employees

A. Salaried employees determined to be exempt from the overtime requirements of the FLSA shall not be eligible for overtime pay as defined herein. Such employees shall not receive a reduction in pay for absences of less than one (1) day. However, absences of one (1) full day or more shall be deducted from the employee's sick leave or vacation leave if the employee has such leave accumulated.

Section 4.6. Flex Time

- A. The Employer may utilize "time off" or flexible hours in order to avoid having employees work in excess of forty (40) hours in a workweek. Flex-time scheduling must be approved by the department head and/or the Appointing Authority.

David Cieslewicz – City of Madison
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866 704 2340

**FROM THE OFFICE OF THE MAYOR ADMINISTRATIVE PROCEDURE
MEMORANDUM NO. 2-35**

SUBJECT: ALTERNATIVE AND FLEXIBLE WORK SCHEDULES

Designation: Division/Department Heads and the Human Resource Director have the authority to create and approve alternative work schedules and flexible scheduling within the parameters of this policy.

Eligibility: This policy is specifically designed for all non-represented, permanent employees. Represented employees may utilize flexible scheduling in accordance with union contracts and Memoranda of Understanding (MOU.)

Background: The City of Madison supports management’s role in establishing alternative and flexible work schedules that allow departments and their employees to address the needs of the citizens of Madison.

As part of providing this flexibility, however, the City of Madison must follow ordinances and federal laws that regulate work hours on a weekly basis and these should be taken into account when developing alternative and flexible work schedules. (See below)

FLSA: The Fair Labor Standards Act (FLSA) defines an employee’s workweek as a fixed and regularly recurring period of 168 hours—7 consecutive 24-hour periods. Additionally it defines the maximum number of hours an employee can work, without incurring an overtime obligation, as 40 hours per week.

MGO 3.36 (4): Standard Hours per Week / per Day: Per MGO 3.36 (4) “for non-represented field personnel a standard workweek shall be 40 hours, for non-represented, office personnel the standard hours per week is 38 ¾ hours.” In addition, “standard hours per day for non-represented field personnel shall be 8 hours and for non-represented, office personnel 7 ¾ hours.” The MGO also states that the standard number of days per week, during which all non-represented employees shall be on duty, is 5 days.

This means that when looking at alternative and flexible work schedules, non-represented field personnel working more than 40-hours/week, and non-represented office personnel working more than 38-3/4 hours/week, must be paid overtime or compensatory time according to their grade level. (See MGO 3.38 (11) Overtime Compensation.)

Definitions:

Flexible Work Schedule: Flexible work schedules are changes made to the starting and ending times of an employee’s workday.

Alternative Work Schedule (AWS): An alternative work schedule is a pre-scheduled, fixed, continuous schedule of hours that deviates from the standard schedule of an agency.

Policy Guidelines: When reviewing requests from non-represented, permanent employees, the following criteria should be considered.

Flexible Work Schedule: Flexible work schedules always relate to the predetermined core set of hours when an employee must be present to do the work of an agency.

Example: Office Core Hours are 8:00 a.m. - 4:30 p.m.

Flexible work schedules might include, 7:00 a.m. to 3:30 p.m.; 8:30 a.m. to 5:00 p.m.; 7:30 a.m. to 4:00 p.m. MWF and 8:30 a.m. to 5:00 p.m., T/Thur., depending on needs.

Flexible scheduling of starting and ending times may be authorized by Department/Division Heads to maximize personal, service and production efficiency, remove artificial barriers to employment, improve employee morale and job satisfaction, as well as provide more efficient use of energy and transit systems.

Alternative Work Schedule (AWS): As stated above, an AWS is a pre-scheduled, fixed, continuous schedule of hours that deviates from the standard schedule of an agency. Alternative work schedules can be created for two reasons:

1. To meet a department's scheduling needs
2. To meet the needs of a specific employee.

This non-standard hours schedule becomes the employee's regular schedule.

Examples include:

- Four, ten-hour days;
- Four, nine-hour days and one, four-hour day;
- A regular workweek that includes a weekend day.

Management has the right to mandate an alternative work schedule for such things as increasing service efficiency, cost savings, providing for appropriate supervision of workers and declared emergencies.

Approval of an alternative work schedule must be obtained from the Department/Division Head and the HR Director.

Other Criteria:

Management must be able to verify the hours worked by an employee.

Flexible scheduling must not be detrimental to the City. Items to be considered by the Department/ Division Head prior to approval of an alternative or flexible work schedule include:

- Budgetary Limitations
- Safety Concerns
- Liability Issues
- Customer Service Requirements
- Communication With Co-Workers
- Equipment Availability
- Access To Support Staff
- Undue Administrative Burden

- Need For Supervision
- FLSA Concerns

Department/Division Heads have the right to return employees to a standard schedule with reasonable notice.

The schedule should not create any additional health, safety or liability concerns for the employee or the City.

The HR Director reviews and resolves intra-departmental disputes on schedules.

Procedure:

Alternative Work Schedules:

To ensure compliance with MGOs, APMs, State and Federal guidelines, alternative work schedules, such as, four, ten-hour days, five-day workweeks that include a weekend day, etc. are approved by Department / Division Heads along with the HR Director.

An employee completes an AWS Form and routes it to his or her supervisor for review. The Supervisor forwards the form to the Department / Division Head and the HR Director for review and approval. (See attached AWS Form)

An AWS Form must also be completed by the Department /Division Head if they decided to cancel or change the alternative work schedule of an employee. This form is forwarded to the HR Director for review and approval.

The HR Director reviews and resolves any intra-departmental disputes on schedules.

Flexible Work Schedules:

In accordance with MGO 3.36 (4), “the appointing authorities may establish reasonable daily starting and ending times to meet the needs of their respective departments and divisions.” Division and Department heads can establish daily start and end times for employees in their area based on the criteria listed above. No formal paperwork is required.

Also, the Department and Division heads may permit employees to work other than standard daily hours to avoid incurring overtime.

**National Institute of Environmental
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BACKGROUND: For over 30 years there has been a growing interest in non-standard, more flexible work hours to relieve traffic congestion, improve productivity, expand hours of service to the public, and provide greater employment opportunities for those who cannot work standard fixed work hours. With passage of the Federal Employee Flexible and Compressed Work Schedules Act of 1978, Federal employees were first granted the authority to utilize Alternative Work Schedules.

In 1980 NIEHS announced its participation in a Flexible Work Schedule Program. The announcement and guidance for this program consisted of a short memorandum issued by the Executive Officer. This policy is being updated to conform to current regulations regarding credit hours.

PURPOSE: The purpose of this issuance is twofold. One, since passage of the original legislation in 1978 there has been a very significant evolution of the Alternative Work Schedules Program within the Federal Government. Much of this evolution has resulted in many more options becoming available to employees. Therefore, our first goal is to make staff aware of what is currently available. Two, it is important that we move beyond the simple memorandum from the Executive Officer to a more comprehensive set of guidelines and procedures. This is being undertaken to enable supervisors and employees to understand their roles and responsibilities as we move to an Institute policy, which permits more flexibility in allowing employees to establish their hours of work.

DISCLAIMER: This issuance describes the basics of the flexible and compressed work schedules, jointly referred to as "alternative work schedules" or "AWS," available to employees of the NIEHS. It also states the basic responsibilities, requirements, and procedures for administering the AWS at NIEHS. This issuance does not, and is not intended to, provide guidance on every situation that may arise under an AWS. Additional guidance can be found in Agency and Departmental issues on the topic of AWS. Of particular importance is NIH Manual Issuance 2300-610-4 titled "Alternative Work Schedules" dated September 24, 1993. Your Administrative Officer has a supply of that document. The NIH policy can be found on the Internet at: <http://www1.od.nih.gov/ohrm/issuances/610-4-AWS/Default.htm>.

COVERAGE: The AWS Program has been established for all full- and part-time civil service employees in the competitive or excepted services. At NIEHS this means all employees in the following areas are eligible to participate in AWS Programs with the approval of their

supervisor: General Schedule, Wage Grade, Commissioned Corps, Senior Executive Service, Special Experts, Step (Student Temporary Employment Program), Research Fellows, Senior Research Fellows, Visiting Associates and Visiting Scientists. Those NOT eligible to participate include: IRTAs, Visiting Fellows, Guest Researchers, Volunteers, and Experts/Consultants. There are two significant exceptions for Commissioned Officers (COs)

and Senior Executive Service (SES) personnel regarding their participating in AWS. NIH Policy Manual 2300-610-4 (9/24/93) should be consulted for specifics regarding applicability of AWS options to COs and SES personnel.

PARTICIPATION: Supervisors are encouraged to provide maximum flexibility for all employees; however, based on specific job requirements, the same degree of flexibility may not be available to all employees. Supervisors at each organizational level have the authority to approve or disapprove NIEHS Alternate Work Schedules appropriate for their organization.

OBJECTIVES OF THE ALTERNATIVE WORK SCHEDULE PROGRAM: AWS programs provide managers and supervisors an alternative methodology for meeting program goals while allowing employees to be more flexible in scheduling their activities. Flexibility in work hours provides employees the opportunity to balance work and family responsibilities, become involved in volunteer activities, and take advantage of educational opportunities, etc. AWS benefits may also be useful for recruitment and retention purposes.

NIEHS management supports AWS programs and encourages managers and supervisors to consider the implementation and continuance of AWS programs when they do not result in diminished levels of service, reductions in productivity, or substantial increases in operating costs other than the reasonable administrative costs of establishing the programs.

Implementation of AWS is a matter of management and supervisory discretion.

SUPERVISORY RESPONSIBILITY: Supervisors are responsible for:

- Arranging schedules to ensure adequate coverage within their staff during the 8:30 a.m. - 5:00 p.m. period. There will be no overtime or compensatory time granted to provide adequate supervision or coverage.
- Planning and organizing assignments during the employee's approved work hours.
- Ensuring proper reporting of hours of work and leave by employees in the ITAS time and attendance system.
- Ensuring that employees know whom to contact in case of an emergency.
- Requiring work schedule adjustments necessary to accommodate essential work related activities such as meetings, travel, training, conferences, etc. at any time.
- Periodically evaluating the impact alternative work schedules have on coverage, service to the public, and accomplishment of Institute goals.

EMPLOYEE RESPONSIBILITY: Flexible work schedules give employees a measure of personal control over their work environment, accompanied by an equal degree of responsibility. Full-time employees are expected to be present during core hours on scheduled workdays, and to account for a full 80hour biweekly pay period. Part-time employees are expected to account for a prearranged part-time schedule as approved by their supervisor. All employees must receive the approval of their supervisor to participate in any of the available AWS Programs at NIEHS.

DEFINITIONS AND REQUIREMENTS:

- NIEHS Operating Hours: 8:30 a.m. to 5:00 p.m. (Monday through Friday)
- Basic Work Requirement: The number of non-overtime hours an employee is required to work or account for by leave or otherwise. See attachment A for more details.
- Core Hours: 9:30 a.m. to 11:30 a.m. and 1:30 p.m. to 3:30 p.m. Core hours are the hours when all full-time employees must be on duty during their scheduled workdays, or in an appropriate leave status.
- Flexible Hours: 7:00 a.m. to 9:30 a.m., 11:30 a.m. to 1:30 p.m. and 3:30 p.m. to 6:00 p.m. Flexible hours are those hours of the workday in which the employee has the option to request approval for arrival and departure times. An employee's work hours may begin as early as 7:00 a.m. or may end as late as 6:00 p.m.
- Credit Hour Bands: Credit hours may be earned only during those hours, which are adjacent to an employee's scheduled tour of duty. The band in which credit hours may be earned at NIEHS is as early as 6:00 a.m. and as late as 8:00 p.m.

ALTERNATE WORK SCHEDULE AVAILABLE AT NIEHS: Under the umbrella of Alternative Work Schedules there are two basic types of plans. These include those commonly referred to as Flexible Work Schedules (FWS) and those referred to as Compressed Work Schedules (CWS). At NIEHS there are three options available under FWS and one available under CWS. Each of these is discussed in more detail below:

Flexible Work Schedules:

- Flexitour -- Employee picks a tour, which includes 8 hours per day, 40hours a week, and 80 hours a pay period. This is the same fixed schedule every day. Technically speaking, 8:30 a.m. - 5:00 p.m. could be one of the selected flexitour tours of duty.
- Gliding Schedule -- Employee is required to work 8 hours per day, 40hours a week, and 80 hours a pay period. However, employees working the gliding work schedule may vary their arrival and departure time each day. Specifically, they may arrive anytime between 7:00 a.m. and 9:30 a.m. and depart 8 1/2 hours after their arrival time.
- Variable Day Schedule -- Employee is responsible for working 40 hours in a week and must be present during core hours each day or on approved leave. For example, the employee could work 7 hours on Monday, 9 hours on Tuesday, 8 hours on Wednesday, 10 hours on Thursday, and 6 hours on Friday -- a total of 40 hours.

Compressed Work Schedule (5-4/9): See Work Schedule model below for more details.

Under the NIEHS Compressed Work Schedule, employees work eight 9-hour days and one 8-hour day and one day off to effect a 9-day, biweekly work period. The day off during a biweekly work period may be any day as approved by the supervisor. The day off each biweekly period shall remain the same unless the employee receives prior supervisory approval to change the day. If a supervisor determines that an employee working the 5-4/9 CWS must work on their regularly scheduled day off, the employee must be paid overtime or compensatory time.

CREDIT HOURS: Credit hours are any hours in excess of an employee's basic work requirement that an employee requests to work to vary the length of a succeeding workweek or workday, providing work is available to accomplish. The accumulation and use of credit

hours must be approved in advance by the employee's supervisor. Credit hours may be earned and used in increments of one-quarter hour.

Full-time employees may carry over a maximum of 24 credit hours from one pay period to another. Part-time employees may carry over an amount of credit hours equal to one-fourth of their biweekly basic work requirement.

As a guide it is suggested that the earning of credit hours be limited to two hours per day. This guide may be exceeded provided the employee obtains their supervisor's permission in advance and that work is available to be accomplished. However, based upon the definition of Credit Hours Bands above, the number of credit hours, which may be earned on a workday is no more than five. The use of credit hours is not specifically limited, except, the number of credit hours used on any day may not exceed the number of hours in the employee's tour of duty for that day.

There are three limitations associated with the credit hour option:

- Credit hours are NOT available to employees utilizing the 5-4/9 Compressed Work Schedule.
- Credit hours are NOT available to employees who elect not to participate in any form of the AWS program.
- Credit hours may not be used before they are earned.

OVERTIME, HOLIDAY, AND COMPENSATORY TIME: Overtime, holiday, and compensatory time provisions have not changed except for employees working the 5-4/9 CWS. For employee working the 5-4/9 CWS, when a holiday or "in-lieu of holiday" falls on the employees regularly scheduled day off the employee's day off remains the same. Holiday pay will be granted for the day before or day after the regularly scheduled day off in accordance with the NIH Policy Manual 2300-610-4, dated 9/24/93, p. 17. Holiday pay will be granted for the number of hours the employees is regularly scheduled to work on the day on which the holiday falls. For example, employees working the 5-4/9 CWS will be paid for 9 hours when "their" holiday falls on one of their regularly scheduled 9hour workdays.

If an employee is required by management to work hours that are in excess of the basic work requirement, such hours are not credit hours. These hours must be paid as overtime according to the premium pay provisions of Title 5 and Title 38 of the United States Code and the overtime provisions of the Fair Labor Standards Act. However, an employee who is eligible to earn credit hours may choose to earn credit hours in lieu of overtime.

PROCEDURES FOR IMPLEMENTING AWS PROGRAMS AT NIEHS: Employees may not be directed to participate in the AWS Program.

Copies of the approved plan, approved tours of duty, approved exceptions, further implementing instructions and training will be provided to supervisors, timekeepers and employees.

Organizations using AWS programs must maintain and provide data to the ICD Approving Official, the Associate Director for Management, that assesses the impact of AWS Programs on productivity, service to the public, costs, etc. within their organization.

ALTERNATE WORK SCHEDULE PROGRAM TERMINATION: An employee's AWS should be modified or terminated if necessary, should he/she require closer supervision than is generally available or develops performance or conduct problems. These employees should be precluded from participating under an AWS until there is no longer a need for closer supervision or until the deficiency is corrected.

TIME AND ATTENDANCE REPORTING: An accurate account of the varied working hours of participants must be maintained. Whether participating in the Flexible Work Schedule program or not, each NIEHS employee will document arrival and departure times each day using the ITAS time and attendance system. Regardless of what system is used, the supervisor who certifies time and attendance must have affirmative or personal knowledge of the employees' entitlement to pay by showing the number of hours of duty, attendance, and nature and length of absences.

LUNCH PERIODS: Lunch periods remain the same under AWS. Employees may not save lunch-time in order to leave early.

LEAVE USAGE: Flexible work hours provide employees the opportunity to schedule their time off to make better use of annual and sick leave. This enables employees to conserve sick leave for use in case of a major illness. It is not required for employees to use the flexible time periods for doctor or dental appointments or other personal matters. Employees have the right to request annual, sick or other appropriate leave during core or flexible hours as needed.

Supervisors retain the authority to approve requests for leave in advance; therefore, employees should continue submitting leave requests in advance. Time off using credit hours must also be requested in advance.

When employees working the 5-4/9 CWS are absent an entire day they are required to take appropriate leave to cover the number of hours they were scheduled to work on that day. For example, if an employee requests leave on a regularly scheduled 9 hour workday the employee will be required to use 9 hours sick, annual or other appropriate leave.

DOCUMENTING THE TOUR OF DUTY: Each employee requesting an AWS must document their tour of duty, in writing and acquire supervisory approval. It can be documented by memorandum or other suitable document. The supervisor must provide a copy of the approved tour of duty, in writing to each employee's timekeeper.

OPEN SEASON: The first weeks of January and July each year will be "open seasons" for employees to request a change in their previously approved work schedule. Supervisors have the authority to make necessary changes any time, as needed. Employees requesting an emergency change for any length of time, must acquire prior supervisory approval. Approved changes become effective the beginning of the following pay period.

PROGRAM EVALUATION: An AWS evaluation must be conducted during or immediately after the first year implementation and every 5 years after implementation. Assessments must focus on productivity, service to the public, costs, etc.

RECORDS RETENTION AND DISPOSAL: Records pertaining to AWS are retained and disposed of under the authority of NIH Manual 1743 "Keeping and Destroying Records," Appendix 1, NIH Records Control Schedule", Item 1100-M-1-b as follows:

- ICs - **Retain** AWS plans and approved employee request for tours of duty as long as they are accurate, i.e. reflect the current situation. **Destroy** the records two years after the retention period ends.
- DPS - **Retains** IC AWS plans for as long as they are needed for administrative purposes. **Destroys** the IC plans and all related information two years after they are no longer needed.

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**State of New Jersey
NEW JERSEY ADMINISTRATIVE CODE
TITLE 4A. DEPARTMENT OF PERSONNEL
CHAPTER 6. LEAVES, HOURS OF WORK AND EMPLOYEE DEVELOPMENT
SUBCHAPTER 2. HOURS OF WORK**

Current through December 17, 2001; 33 N.J. Reg. No. 24.

4A: 6-2.6 Flexitime programs: State service

(a) Appointing authorities may establish flexitime programs to accommodate operational and/or employee needs, and shall provide for:

1. Core time, which is the period of time during which all employees must be present;
2. Flexible time, which is the period of time before and after the core time in which the employees may choose, subject to appointing authority approval, time of arrival and departure;
3. A meal period, which may be flexible in duration and scheduling.

(b) An appointing authority may limit participation in a flexitime program to selected groups of job titles, work units and/or work locations to accommodate operational needs.

(c) Department of Personnel assigned workweeks for affected titles, for example, 35 or 40 hours, shall be retained.

(d) Establishment, modification or termination of a flexitime program shall not become effective without the approval of the Commissioner. Requests for these actions shall be submitted at least 30 days in advance of the proposed effective date to the Department of Personnel and shall include:

1. Justification which relates the requested action to operational and employee needs;
2. Statement of impact on services to the public or agency clientele;
3. Details of the core time, flexible time and meal periods;
4. Groups of job titles, work units and/or work locations to be covered by the program;
5. Procedures governing employee participation in the program;

6. Approval procedures for individual flexitime schedules and changes;
7. Provisions for giving employees at least two weeks notice of termination of the program;
8. Monitoring and evaluation procedures; and
9. Name, address and telephone number of the program administrator.

(e) An appointing authority may authorize a complete or partial temporary suspension of the flexitime program if required by operational needs. Within 10 days of the suspension of the program, the appointing authority shall submit to the Commissioner a fully detailed justification and specify the duration of the suspension.

(f) Appointing authorities should consult with affected negotiations representatives concerning flexitime programs before implementation.

(g) A description of an appointing authority's flexitime program shall be made available to employees upon request.

(h) Overtime compensation for employees in flexitime programs shall be regulated in the same manner as for all other employees.

4A: 6-2.7 Alternative workweek programs: State service

(a) Appointing authorities may establish alternative workweek programs, such as a four day workweek, to accommodate operational and/or employee needs.

(b) A program may be developed for year-round use or for a specific portion of a year.

(c) An appointing authority may limit participation in an alternative workweek program to selected groups of job titles, work units and/or work locations to accommodate operational needs.

(d) Department of Personnel assigned workweeks for affected titles, for example, 35 or 40 hours, shall be retained.

(e) Appointing authorities shall develop, subject to Department of Personnel approval, appropriate sick, vacation and administrative leave schedules for employees participating in an alternative workweek program.

(f) Since employees in an alternative workweek program have a longer or shorter workday than employees on a five day workweek schedule, a time differential exists on holidays. This differential shall be equalized in a manner determined by the appointing authority. If a holiday occurs on an employee's regular day off, he or she shall be granted an additional day off consistent with operational needs.

(g) Establishment, modification or termination of an alternative workweek program shall not become effective without the approval of the Commissioner. Requests for these actions must be submitted at least 30 days in advance of the proposed effective date to the Department of Personnel and shall include the same items listed in N.J.A.C. 4A: 6-2.6(d).

(h) An appointing authority may authorize a complete or partial temporary suspension of the alternative workweek program if required by operational needs. Within 10 days of the suspension of the program, the appointing authority shall submit to the Commissioner a fully detailed justification and specify the duration of the suspension.

(i) Appointing authorities should consult with affected negotiations representatives concerning alternative workweek programs before implementation.

(j) A description of an appointing authority's alternative workweek program shall be made available to employees upon request.

(k) Overtime compensation for employees in alternative workweek programs shall be regulated in the same manner as for all other employees, except as specified in N.J.A.C. 4A:3-5.3.

Amended by R.1997 d.8, effective January 6, 1997.

See: 28 N.J.R. 4295(b), 29 N.J.R. 123(b).

In (e), inserted reference to Department of Personnel approval; deleted (e)1 and (e)2, relating to four day workweek employees; and, in (k), added reference to exception.

4A: 6-2.8 Adjusted hours of operation: State service

(a) Appointing authorities may adjust established hours of daily or shift operations to accommodate operational and/or employee needs.

(b) Department of Personnel assigned workweeks, for affected titles, for example, 35 or 40 hours, shall be retained.

(c) Except for emergency situations of limited duration, adjustments in hours of daily or shift operation shall not become effective without the approval of the Commissioner. Requests for these actions should be submitted at least 30 days in advance of the proposed effective date to the Department of Personnel and shall include:

1. Justification which relates the change to operational and employee needs;
2. Statement of impact on services to the public or agency clientele, employees and the community, that is, traffic flow;
3. Details of adjustments;
4. Work locations and approximate number of employees affected;
5. Provisions for giving employees at least two weeks written notice of adjustments; and
6. Name, address and telephone number of the program administrator.

(d) Appointing authorities should consult with affected negotiations representatives regarding adjustments in hours of daily or shift operations before implementation.

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ARTICLE 26 PROBATIONARY PERIOD

26.1 Probationary periods shall not be less than six (6) or twelve (12) months of actual service as determined by the Civil Service Commission. Actual service shall mean regular hours worked, paid holidays and up to 80 hours of other cumulative or consecutive paid or unpaid absences.

26.2 An employee's probationary period may be extended at the discretion of the City up to a maximum of three (3) months of actual and continuous service. The employee will be notified in writing of the length and reason of the extension. The employee will be provided with a copy of their performance appraisal and a copy of the memo from the department to Human Resources which outlines the reasons for the request for extension.

ARTICLE 27 ALTERNATE DISCIPLINE

As an alternative to suspension, demotion or dismissal, the appointing authority may reduce an employee's salary step up to no more than two steps in a case involving a loss of driving privileges or attendance problems (excluding authorized paid sick leave). The amount and length of time of the salary reduction will be specified in the Notice of Intended Discipline. The salary may be reduced either for a specified period of time or until the condition which caused the salary reduction has been corrected; e.g., reinstatement of city driving privileges. The employee may appeal this action, including the amount and the length of time, to the Civil Service Commission according to the same rules as apply to other formal disciplinary appeals. Reduction of salary step may continue to be used for voluntary settlement agreements.

ARTICLE 28 ALTERNATIVE WORK SCHEDULE

28.1 The City and the Union agree that the availability of Alternative Work Schedules is a valuable benefit to employees in that it promotes job satisfaction, and is of benefit to the city in that it reduces traffic congestion and demands on limited parking facilities. The use of alternate schedules is encouraged, where it can be accommodated without impairing departmental operations or public service.

28.2 As an alternative to the normal work schedule assigned by the department in accordance with Article 6.3, and subject to the concurrence and approval of respective Department Heads and the City Manager, a regular full-time employee may elect to work an alternative work schedule. The following conditions and restrictions apply to all employees electing an alternative schedule.

28.2.1 An employee may elect to establish a biweekly work schedule which varies from the normal schedule in the number of hours worked per day and in the number of days worked per week, except that no single workday may exceed ten (10) hours and total

scheduled biweekly hours are not to exceed eighty (80) hours. Unless otherwise specified in this Memorandum of Agreement, alternate schedules shall not include paid lunch periods. The employee may elect a different schedule for each calendar week within a biweekly period. Examples of schedules that may be elected include:

- Four 10-hour days each week (4/10's)
- Four 9-hour days and one 4-hour day each week (9/80's)
- Eight 9-hour days, one 8-hour day, and one day off each pay period

28.2.2 No alternate work schedule may be established in which overtime is incurred as a part of the established work schedule either under this agreement or under Federal or State law.

28.2.3 The alternate schedule is designed to accommodate the needs of the employee and the work unit. Once elected and approved, it is intended to continue for an indefinite period. However, should the needs of the employee or work unit dictate, the alternate schedule may be terminated with reasonable notice.

28.2.4 It is further understood that any alternate schedule agreement entered into pursuant to the provisions herein, shall terminate immediately upon the date of the transfer, promotion, or demotion of the employee.

28.2.5 For a schedule of four 10-hour days, the three (3) consecutive days off may be waived by mutual agreement.

28.3 Holidays and Other Paid Leave for Alternate Schedules

The following provisions for holiday and other paid leave shall apply to employees on an alternate work schedule.

28.3.1 If an employee takes paid leave (e.g., holiday, sick leave, vacation, compensatory time off, jury duty, bereavement leave, personal leave, etc.) on a scheduled work day, he/she shall be entitled to pay for the number of hours he/she was scheduled to work that day.

28.3.2 If a holiday is observed on an employee's day off, he/she shall be credited with eight (8) hours compensatory time off at the 1.0 rate for a full day holiday. The exception to this policy is stated in section 28.4, below.

28.3.3 If an employee on an alternate schedule works on a holiday, the employee shall receive eight (8) hours of compensatory time at the 1.0 rate for a full day holiday and in addition shall receive pay or compensatory time off at the 1.5 rate for the number of hours actually worked.

28.4 For employees who were placed on an alternate work schedule prior to November 1, 1993, if any of said holidays falls on a full-time employee's regular day off, during which he/she is not required to work, such employee shall be entitled to compensatory time off duty equal to the number of regularly scheduled hours which the employee works during his or her assigned work day.

28.5 Any employee who begins an alternative work schedule after November 1, 1993, will be compensated for holidays according to the provisions of Article 28.3.