

PART 2051 - HOURS AND PAY

Subpart G - Hours of Duty, Flexitime, and Compressed Work Schedules

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PART 2051 - HOURS AND PAY

Subpart G - Hours of Duty, Flexitime, and Compressed Work Schedules

§ 2051.301 Introduction.

The purpose of this subpart is to:

(a) Describe the general rules applicable to hours of duty and the establishment of work schedules applicable to bargaining unit employees unless otherwise bargained with local unions. **Nonbargaining unit employees should refer to RD Instruction 2051-F.** (Revised 05-31-00, SPECIAL PN.)

(b) Authorize and explain Flexitime options for those offices and employees electing to go on Flexitime.

(c) Define and explain Compressed Work Schedule (CWS) options for those offices and employees authorized to go on CWS (See Exhibit A of this subpart).

§ 2051.302 Establishment of work schedules - general.

When supervisors are assigning tours of duty, they should assure that:

(a) Assignments are made at least 1 week in advance.

(b) The basic 40-hour workweek is scheduled equally over 5 days, Monday through Friday, when possible, and the 2 days off are consecutive (except for deviations as authorized in Exhibit A of this Subpart).

(c) The scheduled working hours are the same for each day of the workweek unless a variable schedule workweek is selected under Flexitime as provided in § 2051.308 of this subpart.

(d) Holidays are included as one of the 5 workdays.

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Personnel
Hours and Pay

§ 2051.303 Office hours.

(a) Individual employee office hours in the Washington, D.C. metropolitan area (National Office (NO)) and in the Finance Office (FO) may vary according to the Flexitime and CWS provisions of this subpart. Each Division or Staff, however, must provide telephone and professional coverage from 8:00 a.m. to 5:00 p.m. Employees are authorized a 30-minute lunch period to be taken between 11:00 a.m. and 2:00 p.m.

(b) Office hours for field offices must be open from 8:00 a.m. to 4:30 p.m., unless they are satellite offices with limited resources. This is not applicable to those employees whose duty station is FO.

(c) If an office is authorized to close for part of a day, a notice will be posted on the entrance giving the time of return. If a District or County Office is closed for a day or more, a notice will be posted giving an emergency telephone number.

§ 2051.304 Flexitime objectives.

Flexitime, as used in Rural Development, has two major objectives:

(a) Improve productivity. Factors which may contribute to an increase in work quality and/or quantity in Rural Development include: Reduced tardiness and short term absences; quieter hours which may be possible at either the beginning or the end of the day; and an enhancement of employee attitudes toward job orientation as opposed to time orientation.

(b) Improve the quality of life for all employees. Flexible work hours can give each employee a measure of freedom and control over his/her personal working situation by providing the employee with the opportunity to select and vary starting and departure time, within limits. These choices allow each employee to select the hours which best suit his/her particular situation and also allows them to travel to and from work at other than peak rush periods. Finally, employees can enjoy a greater opportunity to participate in Rural Development sponsored Wellness Program activities, as well as in community, family, and leisure activities.

§2051.305 Authority to implement Flexitime.

State Directors, Deputy Administrators, Assistant Administrators, and Division/Staff Directors of the NO, may implement Flexitime at their discretion when it can be expected to be generally supportive of the cited objectives. State implementation will be accomplished by way of a State Supplement to this subpart

§2051.306 Flexitime concept.

(a) Core time and flexible time. Under Flexitime, the traditional system of fixed time of arrival and departure is replaced by a working day which is composed of two different types of time:

(1) Core time is the span of hours designated during which all employees must be on the job.

(2) Flexible time is all the time designated as part of the schedule of work hours within which the employee may choose, with supervisory concurrence, the time of arrival and departure from the office. Within the established core and flexible time bands each employee must work or otherwise account for 8 hours plus the established lunch period. Part-time employees will be allowed to establish their work hours with the approval of their supervisor.

(b) Employee options. Where implemented, each individual employee has the option of continuing on the old schedule or choosing a new one.

§2051.307 The Rural Development Flexitime program.

The following provisions describe Flexitime as it may be operated in Rural Development. Also provided in paragraph (f) of this section is a model which diagrams the appropriate time requirements for Flexitime. Times shown are applicable to the NO and the FO and should be varied to suit State and local requirements. However, States should be aware that Flexitime must operate between 6:00 a.m. and 6:00 p.m. in order to avoid the obligation of night differential.

(a) Customer service band. All offices must maintain a reasonable operational capability between 8:00 a.m. and 5:00 p.m. This means that all offices in the NO must provide telephone and professional coverage during these hours.

(b) Core time. Except as explained in paragraph (c) of this section, all full-time employees must be at work between 9:00 a.m. and 3:30 p.m. To the extent possible, all meetings should be scheduled during core time.

(c) Core Time Deviation (CTD). CTD is an absence from duty, requested by an employee, and specifically authorized by the supervisor, during the core time. This absence must be made up within the same day during flexible time in lieu of charge to any type of leave.

(d) Flexible time, the morning band. Subject to the needs of the office, each employee will select a starting time (in increments of 15 minutes) between 7:00 a.m. and 9:00 a.m. Employees are permitted up to a 15-minute deviation starting after 7:00 a.m., of the selected arrival time, but must be at work no later than 9:00 a.m. It is the intent that the use of this 15-minute allowable deviation should be on an irregular or occasional basis rather than a regular occurrence. With advanced approval of the supervisor, an employee may report for work ahead of his/her scheduled starting time (but not prior to 7:00 a.m.), and then leave and return during the flexible period. As in the use of CTD, this authorization may be used to accommodate short absences without resorting to leave.

(e) Flexible time, the afternoon band. The core time ends at 3:30 p.m.; therefore, an employee's workday may end at any time between 3:30 p.m. and 6:00 p.m. once he/she has completed, or otherwise accounted for 8 hours plus a lunch break. The flexible time bands have been designed so that if employees begin work at 7:00 a.m. they can complete their workday by 3:30 p.m. If an employee begins work at 9:00 a.m., he/she will complete the workday at 5:30 p.m. Actual quitting time must be adjusted to account for a full 8 hours of work depending upon actual starting time and/or any excused absence earlier in that day.

(f) Model

	7:00 a.m.		6:00 p.m.
	/	Customer Service Band	/
	/	/	/
	/	8:00 a.m.	5:00 p.m.
	/	9:00 a.m.	3:30 p.m.
Morning	/	/	Afternoon
Flexible		Core Time	Flexible
Band			Band

§2051.308 Selecting and changing work schedules.

Upon establishing Flexitime, each employee is given the opportunity to select his/her work schedule, subject to supervisory approval and responsibility for assuring adequate office coverage during customer service hours. Form RD 2051-1, "Application for Change in Tour of Duty," will be used for this purpose. An employee may be permitted to choose one schedule for certain days of the week and another schedule for the remaining days. (The legal requirement that the working hours must be the same for each day of the week, as specified in §2051.302(c) of this subpart, is met under Flexitime so long as the flexible and core time bands remain the same for each day of the workweek). Once a schedule has been selected and approved by the supervisor, it becomes the employee's permanent schedule. However, an employee's schedule may be modified at any time, for either a permanent or 1-day change (requested absence during core or flexible time band) with prior written application and approval by the employee's supervisor using Form RD 2051-1. (Schedule changes may also be made at the initiation of the supervisor, as operationally necessary.)

§2051.309 Resolving conflicts in the choice of starting times.

Because of specific job requirements in some offices or the need to ensure coverage during the customer service band, the same degree of personal choice may not be possible for all employees. When two or more employees prefer a starting time that cannot be granted to all, the conflict will be resolved by rotating the preferred schedule among the employees concerned. Such rotations must be scheduled at least one week in advance. Employees must also consider the requirements of their job in selecting starting times. Every effort should be made to resolve differences at the employee-supervisor level. In resolving differences, the decision of the next higher authority shall be final.

§2051.310 Adjustments for hazardous weather and other Government-wide situations.

It is intended that employees on Flexitime should neither receive favored treatment nor be penalized as a result of Flexitime. Employees on Flexitime and those on a traditional work schedule should be treated in the same manner.

(a) Delayed office openings. If the building opens late as a result of hazardous weather conditions, the traditional hours will be used as a reference point, and all employees on Flexitime will be treated the same as other employees. For example, prior to the introduction of Flexitime, the office hours were 8:15 a.m. to 4:45 p.m. with 1/2 hour for lunch. Should the office opening be delayed 2 hours, all employees will be advised to report at 10:15 a.m. and work a 6-hour day.

(b) Early dismissal. If all Government employees were dismissed 2 hours early, whatever the reason, each employee will be excused 2 hours before his/her tour of duty ends. If a specific time is given for dismissal, then all employees' tours of duty end at that time. For example, if all employees were dismissed at 2:00 p.m. because of an early afternoon snowstorm, there might be an employee who had reported to work on a fixed schedule at 8:15 a.m., a Flexitime employee who had begun work at 7:30 a.m., and a third employee who did not begin work until 9:00 a.m. Each of these employees, regardless of the number of hours worked, would be dismissed at 2:00 p.m. without any charge to the individual's leave or any requirement to make up time lost as a result of the early dismissal.

(c) Washington, D.C. metropolitan area only. If, due to weather conditions a Condition No. 2 is announced (i.e., Government offices open on schedule but a limited amount of administrative leave may be granted), employees are to report at their normal Flexitime starting time. However, under Condition No 2., supervisors may excuse tardiness on an individual basis, up to two hours if justifiable due to weather conditions. If the supervisor determines the tardiness is not justifiable under Condition No 2., the employee must take annual leave or leave without pay (LWOP) is annual leave is not available.

§2051.311 Time accounting and recordkeeping.

(a) Absence chargeable to leave. In accordance with General Accounting Office policy, these absences will continue to be recorded on Time and Attendance (T&A) reports.

(b) Authorized core time deviations and absences during flexible periods (15-minute deviations excepted). These absences must be approved in advance by supervisors on Form RD 2051-1 in accordance with §2051.308 of this subpart.

§2051.312 Leave, tardiness, and overtime.

Use of annual and sick leave will operate same as before the implementation of Flexitime. Tardiness, outside the allowable 15-minute deviation from scheduled starting times, and overtime will similarly operate as before.

§2051.313 Office hours in County and District Offices.

Flexitime will be less meaningful to small County and District Offices where the staffing level is inadequate to cover a customer service band that complies with the office hours prescribed in §2051.303(b) of this subpart, and still allow for much individual employee choice in working hours. In larger offices, however, and particularly where some employees may choose to work later hours, Flexitime could result in an extension of the hours of office coverage. State Directors have the option of either declaring this time as administrative office period time as prescribed in RD Instruction 2006-0, or expanding office hours to provide full service to the public, depending upon the need of the office. The permissible 15-minute deviation from scheduled starting time cannot be allowed to affect the opening of an office which must be on a fixed schedule.

§2051.314 Labor-management agreements.

When agreements with recognized unions exist, State Directors and the Assistant Administrator, Finance Office, should notify and consult or negotiate, as appropriate, with such union leadership before installing, changing, or terminating Flexitime.

§2051.315 Termination of Flexitime.

State Directors, the Assistant Administrator, Finance Office and Division/Staff Directors of the National Office will terminate Flexitime when it is not supportive of Rural Development objectives listed in §2051.304 of this subpart. If appropriate, termination must be accomplished in accordance with §2051.314 of this subpart.

§2051.316 Supervisory responsibility.

Flexitime is more than a simple rearrangement of the arrival and departure time of employees. Flexitime requires a new style of managing. Consequently, supervisors must look for new and better ways to more effectively plan and organize the work to be done. They must also examine new ways to effectively assess the performance of unit under their jurisdiction. Under Flexitime, as well as under normal circumstances, the supervisor is responsible for assuring the accuracy of all T&A reports. In signing the T&A, the supervisor is certifying that the information is correct and was approved in accordance with applicable laws and/or regulations.

§2051.317 Employee responsibility.

Flexitime affords each employee the opportunity to have some measure of personal control over the work environment. The opportunity is accompanied by an equal degree of responsibility and commitment to account for a full 8-hour day and 40-hour work week. Flexitime is a privilege and not a right. Abuse of Flexitime may result in a return to the traditional fixed work schedule for those employees who are found to be abusing the program and could subject those employees to disciplinary actions. This is one of the factors that should also be consider when deciding to terminate or continue the program.

§2051.318 - 2051.350 [Reserved]

Attachment: Exhibit A

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COMPRESSED WORK SCHEDULES

I. Compressed work schedules - general.

In order to implement compressed work schedules (CWS), a determination must be made that three prerequisite criteria can be met. These criteria are; (1) service to the public cannot be diminished, (2) productivity must not decrease, and (3) costs of operations must not increase.

II. Compressed work schedules in Farmers Home Administration.

A. State Directors, Deputy Administrators, Assistant Administrators, and Division/Staff Directors in the National Office (NO), at their discretion, are authorized implement CWS where they can establish that the three prerequisite criteria stated in paragraph I of this Exhibit are being met.

B. The 5-4/9 CWS plan (9-hour day) is the only compressed work schedule that is authorized in Rural Development. Under this plan, a full-time employee compressed the basic 80-hour biweekly work requirement into eight 9-hour days and one 8-hour day. A part-time employee compresses the work requirement in a like manner (for example, a part-time employee may work seven 9-hour days to total 63 hours a pay-period.).

III. Constraints applicable to CWS in Rural Development.

A. Employee participation is voluntary in offices authorized to use CWS, and no employee should be required to participate.

B. CWS can be introduced only through the collective bargaining process in those offices having an employee organization which has been accorded the right of exclusive bargaining.

C. The Administrator, the Associate Administrator, Deputy Administrators, Assistant Administrators, and State Directors are not eligible to participate in CWS.

D. Each organizational unit must be able to perform each of its work functions on every working day, Monday through Friday. If an employee who specializes in a function, or a secretary who, without other clerical assistance, supports the entire unit, the CWS implementation plan must demonstrate how the function will be handled during that individual's

compressed day off. If this cannot be demonstrated, that individual is not eligible to participate in CWS. Certain employees in a county office staffed with three employees may participate. For example, if an office has one supervisor and two clerks, the clerks may participate, but not the supervisor. Additionally, offices with a staff of less than three employees are excluded from participation.

E. No more than one third of a work unit's employees may be scheduled for the same compressed day off.

F. The employee's office day (and the day with 8 hours) may be scheduled for any Monday through Friday, at the discretion of the approving official. In county offices, special attention should be given to assuring adequate, if not full, coverage on office days.

G. Approving officials may place further restrictions on the use of CWS in their jurisdiction.

H. Offices that participate in CWS may also be allowed to work under the Flexitime provisions of this subpart. Work hours for National Office and Finance Office employees must be scheduled between 7:00 a.m. and 6:00 p.m. Work hours for field employee must be scheduled between 6:00 a.m. and 6:00 p.m.

I. Office hours (when offices must be adequately staff) under CWS for National office and Finance Office employees are 8:00 a.m. to 5:00 p.m. Office hours for field offices are 8:00 a.m. to 4:30 p.m.

IV. Establishing Implementation Plan.

A. Approving officials must establish implementation plans that are in compliance with the requirements of this subpart. The plan should describe how each of the prerequisite criteria provided in paragraph I of this exhibit will be met and identify any restrictions imposed by the approval official. State CWS Plans must address CWS operation at the State, District, and County levels. The State Office part of the plan should discuss each program section and the administrative section. The effects of CWS on the operation of each County and District office must be considered. The plan should also indicate whether or not employees are represented by a union holding exclusive representational rights. A copy of the plan should be forwarded to the

Assistant Administrator, Human Resources. A State supplement to RD Instruction 2051-G should also be prepared and forwarded to the National Office for post review.

B. The Assistant Administrator, Finance Office, and National Office Division/Staff Directors who wish to implement CWS must submit a plan to their appropriate supervisor (Associate Administrator, Deputy Administrator, or Assistant Administrator) for approval. The plan must describe how each of the three criteria mentioned in paragraph I of this exhibit will be met and must show the proposed work schedule of each employee in the Division/Staff. A copy of the plan will be forwarded to the Assistant Administrator for Human Resources.

V. Termination of CWS.

Approving officials are responsible for assuring that the three criteria provided in paragraph I of this exhibit are met. If at any time a determination is made that one or more of these criteria are not being met, participation in CWS must be terminated. The Office of the Assistant Administrator, Human Resources should be informed, in writing, of any terminations. Offices within bargaining agreements must terminate or make any changes in their CWS plan through the collective bargaining process.

VI. Establishing and changing work schedules.

A. Standard conditions. Assignment to tours of duty shall cover period of not less than one pay-period and shall be scheduled in advance. No tour changes are to be allowed after the pay-period has begun unless a work related emergency requires changing the employee's scheduled day off or the employee's 8-hour day. It is not appropriate to change a scheduled tour of duty for a nonwork-related reasons after the pay-period has begun. A change for a work-related reason must be approved by a supervisory official of the employee involved and must be reflected on the T&A. If a change is not approved and the employee is required to work on his/her compressed day off, pay entitlements will be determined under the overtime and compensatory time provisions of Federal Personnel Manual/Departmental Personnel Manual Chapters 550 and 610. Supervisors are cautioned that because of these overtime and compensatory time provisions, if an employee is required to work on his/her "CWS off day," the off day should be rescheduled within the same pay-period if possible, in order to avoid overtime entitlement; or as soon as possible thereafter, in order to avoid accumulation of compensatory time.

With proper advanced planning to meet work requirements, supervisors should be able to prevent the inappropriate use of overtime or the accumulation of compensatory time. Under no circumstances will employees be allowed to accumulate compensatory time that requires payment at the end of the year. These restriction are not applicable to employees who do not work CWS and earn overtime or compensatory time.

B. Travel or training status.

1. Travel status. When an employee travels away from the permanent duty status to a location where his/her same CWS exists, the employee shall remain in his/her same CWS. However, where an employee's travel away from his/her permanent duty station shall be in excess of three days and the CWS does not exist, the employee's CWS shall be changed to the traditional 8-hour day work schedule for the complete pay-period.

2. Training status. Where an employee's scheduled training will be in excess of three days, the employee's CWS shall be changed to the traditional 8-hour day work schedule for the complete pay-period.

C. Time and attendance (T&A) reports (CWS). Employee T&A reports will be prepared in the normal manner with the following exceptions:

1. Established work weeks and hours block. In this block, show established tour of duty as indicated in the following sample of a 5-4/9 work schedule. The sample makes allowance for the 1/2 hour lunch period.

First Week: Monday - Thursday	7:00 a.m. - 4:30 p.m.
Friday	7:00 a.m. - 3:30 p.m.
Second Week: Monday - Thursday	7:00 a.m. - 4:30 p.m.

2. Compressed Schedule block. First pay-period for CWS, enter "5" to indicate that the employee is changing from the traditional schedule to CWS. This block should be left blank in subsequent pay-periods. Enter a "9" in this block for the first pay-period if an employee returns to the traditional work schedule.

VII. Miscellaneous.

A. Adjustments for hazardous weather and other government-wide conditions. Normal (regular schedule) provisions apply.

B. Tours of duty, premium pay, leave and holidays. See Attachment 1 of this exhibit.

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COMPRESSED WORK SCHEDULES (CWS)
(Source: FPM Book 620)

5-4/9 PLAN - Tours of duty, premium pay, leave and holidays

EXAMPLES OF 5-4/9 WORK SCHEDULES

Hours Worked

	<u>Example 1</u>		<u>Example 2</u>		
	<u>1st week</u>	<u>2nd week</u>	<u>1st week</u>	<u>2nd week</u>	
M		9	9	9	(examples only)
T	9	9	9	9	
W	9	9	9	9	
T	9	9	9	8	
F	9	8	9		
	36	44	45	35	

Tour of Duty

- o Agency/Employees establish tour of duty
 - fixed schedule until reestablished by agency/employees
 - limited to eight 9-hour days and one 8-hour day within a biweekly pay period).

Note: For a unit in which an organization has been accorded exclusive recognition, participation is subject to the terms of the negotiated agreement.

- o Basic Work Requirement
 - A full-time employee has an approximate 9-hour daily basic work requirement and an 80-hour biweekly basic work requirement.
 - For a part-time employee, the basic work requirement is the number of hours the employee must work each day, and the number of hours the employee must work during 9 or fewer days in a biweekly pay period.

- o Nonovertime Work
 - Nonovertime work is work performed during an employee's work schedule and not in excess of the daily work requirement or 80 hours in a biweekly pay period.

Premium Pay

(1) Overtime Pay

Work performed outside an employee's CWS and in excess of 9 hours in a day (8 hours in the scheduled 8-hour day) or 80 hours in a biweekly pay period is overtime work. An employee is entitled to overtime pay for overtime work in accordance with applicable provisions of law.

(2) Compensatory Time Off

An employee may request compensatory time off in lieu of overtime pay as provided by 5 U.S.C. 5543. Compensatory time off is limited to General Schedule employees and may be used only as a substitute for irregular or occasional overtime work.

(3) Night Pay (General Schedule)

The regular rules under 5 U.S.C. 5545(a) apply. An employee is entitled to night pay for regularly scheduled nightwork performed between the hours of 6 p.m. and 6 a.m.

(4) Night Pay (Prevailing Rate Employees) - See attachment to FPM Letter 620-2.0

(5) Holiday Pay

A full-time employee who performs nonovertime work on a holiday, or a day designated as the "in lieu of" holiday, is entitled to basic pay plus premium pay for that holiday work, not to exceed 9 hours.

A part-time employee is entitled to holiday pay only for work performed during the compressed work schedule on a holiday. A part-time employee is not entitled to holiday premium pay for work performed on a day designated as an "in lieu of" holiday.

(6) Sunday Pay

A full-time employee who performs nonovertime work during a period of service, a part of which is performed on Sunday, is entitled to Sunday pay for the entire 9 hour (8 hours in the scheduled 8-hour day) period of service.

A part-time employee is not entitled to Sunday pay.

Absence and Leave

(1) Holiday

A full-time employee who is relieved or prevented from working on a day designated as a holiday is entitled to pay with respect to that day for 9 hours (x hours in the scheduled 8-hour day). Note: When an employee has three consecutive nonworkdays off and a holiday falls on one of these nonworkdays, the following rules shall apply in designating the workday as the "in lieu of" holiday. When the holiday falls on the employee's first or second nonworkday, the preceding workday shall be designated as the "in lieu of" holiday, and when the holiday falls on the third nonworkday, the next workday shall be designated as the "in lieu of" holiday.

For a part-time employee, if a holiday falls on a day during the CWS, the employee is entitled to pay for the number of hours they were scheduled to work on that day, not to exceed 9 hours. A part-time employee is not entitled to an "in lieu of" holiday if a holiday falls on a nonworkday.

(2) Leave

Time off during an employee's basic work requirement must be charged to the appropriate leave category unless the employee is authorized compensatory time off or an excused absence. For example: A full-time employee who takes one day of annual leave will be charged leave for 9 hours (8 hours in the scheduled 8-hour day). This results in 80 hours for a biweekly pay period similar to a full-time employee on a normal 8-hour/5-day tour of duty.

The statutory provisions of title 5 relating to the earning of or entitlement to sick, annual, military, and funeral leave, and in some cases creditable service for retirement purposes, have as a frame of reference the 8-hour day with the result that the provisions are stated in terms of "days." Such references to a day or workday-or to multiples or parts thereof shall be considered to be references to 8 hours-or the respective multiples or parts thereof. It is not intended to either decrease or increase any employee's existing entitlement to leave or creditable service for retirement purposes.

(3) Excused Absences

The amount of excused absence to be granted shall be based on the employee's established compressed work schedule in effect for the period of the excused absence.

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