

ADMINISTRATIVE PROCEDURES

Authorized by:

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Compressed Work Schedules

AUTHORITY

These Administrative Procedures were implemented by the Executive Director on September 20, 1995, to implement Administrative Practice 2-18, Work/Life Program and Chapter 800 of the Merit System Rules and Regulations, which authorizes alternate work schedules. These Procedures were last amended on April 25, 2017 by the Executive Director to reflect minor amendments and clarifications.

PURPOSE & BACKGROUND

The purpose of these Administrative Procedures is to describe the requirements of Compressed Work Schedules which allow for the rearrangement of standard work week hours in a reduced number of work days.

Since inception, these Procedures have been amended as follows:

- July 1, 1996: Updated provisions related to work schedules and Fair Labor Standards Act requirements pertaining to overtime.
- April 25, 2017: Adopted amendments clarify provisions related to work schedules, pay periods, overtime requirements, leave issuance, including granting of Administrative Leave for Bereavement and Jury/Witness Duty; and to reference applicability of collective bargaining agreements.

These Procedures shall govern Compressed Work Schedules. If any portion of these Administrative Procedures is inconsistent with applicable laws, Merit System Rules and Regulations, M-NCPPC Practices, or collective bargaining agreements, the language in those sources shall prevail.

REFERENCES

- M-NCPPC Administrative Practice 2-18, Work/Life Program
- M-NCPPC Merit System Rules and Regulations

APPLICATION/ELIGIBLE EMPLOYEES

Merit System employees are eligible to apply for voluntary Compressed Work Schedules. Represented employees should refer to their collective bargaining agreement for program eligibility requirements. Department Heads also may choose to extend the Compressed Work Schedules program to Contract employees.

DEFINITIONS

Bandwidth Hours: The period from the earliest starting time to the latest stopping time in a work day. Typically, it is set in order to ensure or improve communications, and to accommodate safety and building security requirements. Bandwidth hours are determined by the Department Head or his/her designee.

Compressed Work Schedule: Work schedules may be arranged so employees can compress their standard work week hours. The following are examples of Compressed Work Schedules for employees assigned to a forty (40) hour workweek:

Compressed 4: Employees work their full-time schedule in four (4) days a week. See Option 1, Compressed Work Schedule Options, for examples of how the forty (40) hours can be arranged on a 4-day schedule.

Compressed 4.5: Employees work their full-time schedule in four-and-a-half (4.5) days a week. See Option 2, Compressed Work Schedule Options, for examples of how the forty (40) hours can be arranged on a 4.5-day schedule.

Compressed 9: Employees work their full-time schedule in nine (9) days. See Option 3, Compressed Work Schedule Options, for examples of how the standard eighty (80) hour pay period can be arranged on a 9-day schedule.

Core Hours: The portion of a standard work day when all full-time employees must be present, unless appropriately excused. Core hours are determined by the Department Head or his/her designee and may vary during peak and seasonal periods.

Exempt Employee: Describes positions that are exempt from the federal Fair Labor Standards Act requirements covering the payment of overtime when an employee works more than forty hours in a workweek.

Non-exempt Employee: Describes positions which are not exempt from the federal Fair Labor Standards Act requirements for the payment of overtime when an employee works more than forty (40) hours in a workweek.

Service Hours: The hours necessary to serve the public best and to provide adequate coverage of all functions carried out in the standard work day. Service hours are determined by the Department Head or his/her designee.

Pay Period: The time period for which employees are paid on a bi-weekly basis. Compressed Work Schedules shall not affect an employee's pay period, or the total number of work hours in a pay period will not change.

Standard Work Day: The standard or regular work day for full-time Merit System employees is eight (8) hours.

Scheduled Work Day: For purposes of these Administrative Procedures, this term is defined as the hours for which an employee is scheduled to work in a day. For example, if the employee's compressed schedule is approved at nine (9) hours for a work day, the scheduled work day shall be considered nine (9) hours.

Standard Work Week Hours: The standard work week for full-time Merit System employees is forty (40) hours. The workweek for Contract employees shall be determined by the terms and conditions of their contractual agreements and Administrative Practice 2-16, Contract Employment: Seasonal/Intermittent, Temporary and Term Employment.

OVERVIEW/PROCEDURES

A Compressed Work Schedule is a type of alternate work schedule arrangement that allows employees to work their standard workweek hours in a reduced number of days. Some examples of Compressed Work Schedule arrangements include employees working their full time schedule in:

- a) Four (4) days a week;
- b) Four (4) and a half days a week; or
- c) Nine (9) days during a bi-weekly period.

The Work/Life Program allows employees to request Compressed Work Schedules on a voluntary basis. However, this Program does not preclude management's right to set work schedules on a mandatory basis.

These Procedures provide guidance for these areas:

- I. Conditions and Responsibilities
- II. Requests and Review of Voluntary Compressed Work Schedules
- III. Administration of Leave for Compressed Work Schedules
- IV. Compressed Work Schedule Options

I. Conditions and Responsibilities

A. Conditions

A Compressed Work Schedule does not affect the employee's salary, benefits, or job responsibilities.

Each Department Head determines the appropriateness of implementing compressed work schedules based on program service needs. Some operations within the agency do not lend themselves to the Compressed Work Schedule Program. Department Heads may exclude organizational units or positions from the Compressed Work Schedule.

Supervisors or Department Heads may exclude employees with performance or attendance problems. Requests for compressed work schedules may be denied when a unit already has other active alternate work schedule arrangements, and the supervisor or Department Head determines that further approvals would unduly compromise the unit's efficiency or ability to perform its services.

When requests from employees for a Compressed Work Schedule have already been granted, this may preclude the granting of subsequent requests from other employees.

Compressed Work Schedules shall meet the following conditions:

1. Operational requirements for the department must continue to be met.
2. Service hours to the public or client population must be maintained or improved.
 - Employee must work during Core Hours. A Department Head may approve a Compressed Work Schedule which includes partial work days if he/she determines that unit efficiency will not be unduly compromised.
 - Scheduled arrival and departure times must be within bandwidth hours.
 - The Department Head or his/her designee determines the lunch break, which shall be at least one-half hour.
3. Costs to the M-NCPPC will not be increased.
4. The Compressed Work Schedule arrangement will not adversely affect the department's ability to delegate responsibility or accountability to individual employees regarding performance or delivery of services.
5. Compressed Work Schedule, in itself, does not result in the granting of overtime compensation. In accordance with the Fair Labor Standards Act and M-NCPPC policy on overtime, non-exempt employees may not be scheduled for more than forty (40) hours in any one workweek. The term "non-exempt" describes positions which are not exempt from the federal Fair Labor Standards Act requirements for the payment of overtime when an employee works more than forty (40) hours in a workweek.
6. All hours worked beyond the standard workweek's hours must be approved by the Department Head in accordance with M-NCPPC policy.

B. Responsibilities

The Employee is responsible for:

1. Submitting to his/her immediate supervisor, any requests through a completed *Compressed Work Schedule Agreement*.
2. Complying with the terms and conditions of the Compressed Work Schedule arrangements.

The Supervisor is responsible for:

1. Reviewing submitted *Compressed Work Schedule Agreements*.
2. Meeting with the employee to discuss the proposed work arrangement, including timekeeping.
3. Notifying the employee that potential ongoing adjustments may be necessary to maintain the effectiveness of the department and work unit and to comply with requirements stated in these Administrative Procedures.

The Department Head is responsible for:

1. Establishing Bandwidth, Core and Service hours for the department.
2. Reviewing all requests for Compressed Work Schedules. When a supervisor has denied an employee's request, the Department Head shall review the employee's request and the supervisor's reason for denial. The Department Head may approve or disapprove the employee's request, and shall notify the supervisor and the employee of the decision in writing.

The Department Head shall ensure approved Compressed Work Schedules are maintained in the employees departmental file.

The Department of Human Resources and Management is responsible for:

1. Ensuring consistent interpretation and application of these Procedures.

II. Requests and Review of Voluntary Compressed Work Schedules

The supervisor and Department Head shall review all Compressed Work Schedule arrangements for compliance with these Administrative Procedures.

The following steps shall be taken to initiate, change or terminate a voluntary Compressed Work Schedule.

1. The employee shall complete the attached application, "*Compressed Work Schedule Agreement*," and submit it to his/her supervisor.
2. If the supervisor and employee agree to all terms and conditions of the *Compressed Work Schedule Agreement*, they shall sign the Agreement. The supervisor must forward copy of the signed Agreement to the Department Head for his/her review.

If the supervisor and the employee disagree with any of the terms and conditions of the *Compressed Work Schedule Agreement*, the supervisor must provide to the Department Head a written basis for denial, along with a copy of the employee's request.

3. The Department Head shall review all requests. In all cases, the Department Head's decision is final and is not grievable.

4. Changes to Compressed Work Schedule Arrangements

An employee may withdraw from a Compressed Work Schedule arrangement by submitting written notification to the supervisor, who must approve it. Upon written notice of at least ten (10) working days, the supervisor may require the employee to withdraw from the Compressed Work Schedule arrangement if the requirements of these Administrative Procedures are not being met.

A supervisor may make temporary changes to the Compressed Work Schedule arrangement in order to maintain the effectiveness of the employee's work unit. Temporary changes may be made without prior written notification.

III. Administration of Leave for Compressed Work Schedules

For Merit System employees, Leave is granted in accordance with the Merit System Rules and Regulations up to the number of hours in the employee's standard, (not compressed), work day. Employees who normally work forty (40) hours a week have a regular work day of eight (8) hours.

Compressed schedules require some modification in the arrangement of work hours and the use of leave. Compressed Work Schedules allow an employee to compress their standard work hours into fewer, but longer, work days. As such, the employee must designate enough additional leave to cover his/her full compressed workday hours, unless otherwise specified.

- **Taking a Day Off:** If an employee wants to take off a full compressed work day, the employee must designate enough accrued leave to cover the number of work hours scheduled for that day. For example, if the employee is sick on his/her compressed day of nine (9) hours, the employee should designate nine (9) hours of his/her accrued Sick, or other eligible, Leave.
- **Personal Leave:** Full-time Merit System employees are granted up to three (3) days of Personal Leave at eight (8) hours per day (total of twenty-four [24] hours). Employees may use this leave in any combination to cover compressed work schedule hours. If the leave granted is insufficient to cover the employee's scheduled work day, the employee may designate his/her own accrued leave to cover the balance of compressed work hours scheduled for that day.
- **Holidays:** Full-time employees are granted eight (8) hours of paid Holiday Leave on M-NCPPC holidays. The following illustrates the administration of Holiday Leave.

An Agency Holiday Falls on an Employee's Compressed Work Day: If a holiday falls on an employee's scheduled compressed work day, the employee will be granted no more than eight (8) hours of Holiday Leave. If the employee is scheduled for more than eight (8) hours, he/she may make up the remaining portion of the scheduled work day. The employee may be permitted to:

1. Take his/her accrued leave to make up the difference, or
2. Make up the difference on another day. This option requires prior approval by the employee's Department Head or designee.

An Agency Holiday Falls on an Employee's Compressed Day Off: When an agency holiday is observed on an employee's compressed day off, the supervisor shall assign the employee an "alternate" day off within the same pay period in which the holiday occurs. The work schedule shall be adjusted so the total work week hours are not affected. In an exceptional case, which does not permit the granting of an alternate holiday within the same pay period as the M-NCPPC holiday, the employee must be credited with eight (8) hours of Compensatory Leave (earned). The employee should be encouraged and permitted to use this Leave as soon as possible.

- **Emergency Closings:** In cases involving declared emergency closings, Merit System employees may be granted paid Administrative Leave hours for all scheduled work day hours that fall within the emergency period. For example, if an employee is scheduled to work nine (9) hours, then nine (9) hours of

Administrative Leave may be granted. The Merit System Rules and Regulations, Chapter 1500, Commission Leave: Work-Related Disability Leave, Administrative Leave, and Holiday Leave, provides guidance on the declaration of emergency closings.

- **Bereavement:** A Merit System employee may be granted paid Administrative Leave for up to three (3) scheduled work days. For example, if an employee is scheduled to work nine (9) hours then he/she is entitled to nine (9) hours of Administrative Leave for that day.
- **Jury and Witness Duty:** When a Merit System employee is required to attend to Jury and Witness duty, as defined by Merit System Rules Chapter 1500, the employee shall be granted paid Administrative Leave hours equivalent to their scheduled work day hours which cannot be worked due to the required duty. For example, if an employee is scheduled to work nine (9) hours, then nine (9) hours of Administrative Leave may be granted.

Questions regarding leave application policies should be directed to the Human Resources Director. Issues concerning time keeping and leave usage may be directed to the Payroll Section, Finance Department.

IV. COMPRESSED WORK SCHEDULE OPTIONS

The following examples illustrate several possible compressed work schedule options. Supervisors and employees may agree to other variations of Compressed Work Schedules, provided that the arrangements do not themselves result in the payment of overtime compensation. Employees who are in non-exempt positions may not be scheduled for more than forty (40) hours in any one workweek.

For Merit System employees, all hours worked over forty (40) are subject to overtime as per The Merit System Rules and Regulations, Chapter 1200 (Employee Compensation). Applicable collective bargaining agreements should be consulted for overtime provisions pertaining to Unionized employees. Practice 2-16 shall be consulted for overtime provisions pertaining to Contract employees.

OPTION 1: COMPRESSED - 4 WORK SCHEDULE (for positions classified as Exempt / Non-Exempt from FLSA)

<u>Week 1</u>	<u>Example 1</u>	<u>Example 2</u>
Monday	10 hours	10 hours
Tuesday	10 hours	10 hours
Wednesday	10 hours	Compressed Day
Thursday	10 hours	10 hours
<u>Friday</u>	<u>Compressed Day</u>	<u>10 hours</u>
TOTAL HOURS/WEEK	40 hours	40 hours
<u>Week 2</u>		
Monday	10 hours	10 hours
Tuesday	10 hours	10 hours
Wednesday	10 hours	Compressed Day
Thursday	10 hours	10 hours
<u>Friday</u>	<u>Compressed Day</u>	<u>10 hours</u>
TOTAL HOURS/WEEK	40 hours	40 hours
TOTAL HOURS/PAYPERIOD	80.0 hours	80.0 hours

Option 1 illustrates two examples in which the employee is scheduled for one compressed day off in each work week.

OPTION 2: COMPRESSED - 4.5 WORK SCHEDULE (for positions classified as Exempt and Non-Exempt)

<u>Week 1</u>	<u>Example 1</u>	<u>Example 2</u>
Monday	9 hours	9.5 hours
Tuesday	9 hours	9.5 hours
Wednesday	4 hours	8.5 hours
Thursday	9 hours	8.5 hours
<u>Friday</u>	<u>9 hours</u>	<u>4 hours</u>
TOTAL HOURS/WEEK	40 hours	40 hours
<u>Week 2</u>		
Monday	9 hours	4 hours
Tuesday	9 hours	8.5 hours
Wednesday	4 hours	8.5 hours
Thursday	9 hours	9.5 hours
<u>Friday</u>	<u>9 hours</u>	<u>9.5 hours</u>
TOTAL HOURS/WEEK	40 hours	40 hours
TOTAL HOURS/PAYPERIOD	80.0 hours	80.0 hours

Option 2 illustrates two examples in which the employee is scheduled with one half-day off each work week. As a variation, employees may alternate one Compressed-4.5 workweek (Week 1) with a regular five-day workweek (Week 2) to provide a partial day off once every two weeks.

OPTION 3: COMPRESSED-9 WORK SCHEDULE (for Employees Classified as Exempt under FLSA)

	<u>Example 1</u>	<u>Example 2</u> (Exempt Employees Only)
<u>Week 1</u>		
Monday	8 hours	Compressed Day
Tuesday	8 hours	9.0 hours
Wednesday	8 hours	9.0 hours
Thursday	8 hours	9.0 hours
Friday	8 hours	9.0 hours
Total Hours/Week	<u>40 Hours</u>	<u>36 Hours</u>
<u>Week 2</u>		
Monday	10.0 Hours	9.0 Hours
Tuesday	10.0 Hours	9.0 Hours
Wednesday	10.0 Hours	9.0 Hours
Thursday	10.0 Hours	8.5 Hours
Friday	Compressed Day	8.5 Hours
Total Hours/Week	<u>40 hours</u>	<u>44 hours</u>
Total Pay Period Hours	80.0 hours	80.0 hours

Option 3 illustrates an example of where the employee is scheduled for only one compressed day off in each bi-weekly pay period.

Attachment: Compressed Work Schedule Agreement

COMPRESSED WORK SCHEDULE AGREEMENT

The employee, supervisor, and Department Head (when applicable) agree that the employee may work a compressed work schedule. Upon department approval, this Agreement implements the Compressed Work Schedule.

1. Employee should have Part A completed by the Department Head or designee prior to completing Part B.

A. To be completed by the Department Head or his/her designee:

The employee must work _____ number of hours during his/her pay period.

The core hours for the unit are _____ to _____.

The service hours for the unit are _____ to _____.

The bandwidth hours for the unit are _____ to _____.

B. To be completed by the employee:

The employee requests to work the following schedule which meets all hours specified above.

The effective date of the schedule will be _____.

	Week 1					Week 2				
	Start	Lunch		End	Work Hours	Start	Lunch		End	Work Hours
		From	To				From	To		
Sunday										
Monday										
Tuesday										
Wednesday										
Thursday										
Friday										
Saturday										
Total Work Hours						Total Work Hours				

- The employee’s salary, benefits, and job responsibilities are not affected by this Agreement. All overtime and compensatory time must be approved in accordance with M-NCPPC policy.
- The employee understands and agrees to the provisions on the use of leave and earning of holiday pay as outlined under the Leave Section, Compressed Work Schedule Administrative Procedures.
- The supervisor or employee may terminate this agreement with written notice of at least ten (10) working days. The employee’s notice to terminate must be agreed to by the supervisor.
- The employee agrees that the supervisor may temporarily change the work schedule in the interest of unit efficiency. Prior written notification is not required.

Employee:

Signature: _____ Date: _____

COMPRESSED WORK SCHEDULE AGREEMENT (page 2 of 2)

Supervisor:

- Approve Employee's Request Deny Employee's Request*

Signature: _____ Date: _____

Department Head:

- Approve Employee's Request Deny Employee's Request

Signature: _____ Date: _____

*Forward to Department Head the basis for denial, along with a copy of this form.

This agreement is not an employment contract. The terms and conditions of employment are governed by all applicable laws and established M-NCPPC policies, this agreement notwithstanding. If this document conflicts with any relevant laws or M-NCPPC policies, those sources shall govern.