

ARTICLE 32: WORK SCHEDULES AND TOURS OF DUTY

PURPOSE AND POLICY

- 32.1 Foreign Service career members, career candidates, and administrative assistants (hereinafter referred to as employees) and supervisors work to carry out the overall mission of the Agency by providing professional, technical, and clerical services to internal and external customers. This Article has been developed to give recognition to the mutual need for coverage and flexibility, and to address issues and concerns that have arisen and, to the extent foreseeable, will arise as employees and supervisors continue working together to accomplish the work of the Agency.
- 32.2 This Article is applicable to employees working in the United States and conforms to USDA's Family-Friendly Workplace Guide and the Fair Labor Standards Act. Subject to approval by the immediate supervisor, or if the requestor is the head of post, the Chief of Mission, employees on foreign assignment also may work Alternative Work Schedules (AWS) outlined in this Article.
- 32.3 The parties recognize that this Article increases work schedule flexibility by conforming to USDA's Family-Friendly Workplace Guide. In order to make any work schedule system successful, employees and supervisors have a responsibility to inform each other in a timely fashion of any significant events that may affect the work schedule.

DEFINITIONS

- 32.4 Basic Work Requirement: The number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave, credit hours, excused absence, holiday hours, compensatory time-off, or time-off as an award. (80 hours a pay period for a full-time (FT) employee.)
- 32.5 Tour of Duty: Under a flexible work schedule the limits established within which an employee must complete his/her basic work requirement. Under a compressed work schedule or other fixed schedule, tour of duty is synonymous with basic work requirement.
- 32.6 Biweekly Pay Period: The 2-week period for which an employee is scheduled to perform work.
- 32.7 Core Hours: The time period on a scheduled workday when an employee must be present for work or on leave. For the purposes of this Article, core hours are between 9:30 AM and 3:30 PM each day worked.

- 32.8 Credit Hours: Those hours within a flexible work schedule that an employee elects to work in excess of his/her basic work requirements, so as to vary the length of a workweek or workday. Credit hours may be worked and earned between 6:30 AM and 7:30 PM, Monday through Friday, with a 2 hour maximum per day. Credit hours are not overtime or compensatory time.
- 32.9 Alternative Work Schedule (AWS): Jointly refers to both flexible and fixed work schedules.
- 32.10 Fixed Work Schedule: A work schedule under which an employee has a fixed arrival and departure time each workday. This includes the fixed 8-hour day and compressed work schedules. Employees on a fixed work schedule are not eligible for credit hours.
- 32.11 Flexible Work Schedule: Work under Maxiflex or Flexitime, both eligible for credit hours, that:
- a. In the case of a full-time employee, has an 80-hour bi-weekly basic work requirement that allows him/her to request his/her own schedule consistent with the procedures in this Article; and,
 - b. In the case of a part-time (PT) employee, has a bi-weekly work requirement of less than 80 hours that allows him/her to request his/her own schedule consistent with the procedures in this Article.
- 32.12 Maxiflex: A type of flexible work schedule where an employee may elect to work 10 or fewer workdays in the bi-weekly pay period. A full-time employee has a basic work requirement of 80 hours for the bi-weekly pay period, but the employee may vary the number of hours worked on a given work day or the number of hours worked each week consistent with the procedures in this Article. Employees may vary their arrival and departure times each work day, during the flexible time bands of 6:30 AM and 9:30 AM, and 3:30 PM and 7:30 PM, respectively. Core hours apply (32.7) and employees are eligible for credit hours.
- 32.13 Flexitime: A flexible work schedule under which an employee is allowed to vary his/her arrival and departure times within the flexible time bands (32.12) and has a basic work requirement of 8 hours per day. Core hours apply (32.7) and employees are eligible for credit hours.
- 32.14 Compressed Work Schedule (CWS): Work performed by an employee under a fixed work schedule with fixed arrival and departure times each work day that has:

- a. In the case of a full-time employee, an 80-hour biweekly basic work requirement that is scheduled for fewer than 10 work days; and,
 - b. In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours that is scheduled for less than 10 work days and that may require him/her to work more than 8 hours in a day.
 - c. Employees working a CWS are not eligible to earn credit hours.
- 32.15 8-Hour Day: A fixed work schedule under which an employee has a basic work requirement of 8 hours per day, 5 days a week with a fixed arrival and departure time. Ineligible for credit hours.
- 32.16 Flexiplace: also known as telework or tele-commuting, refers to paid employment performed away from the office, either at home or at a satellite work site, for an agreed upon portion of the workweek.
- 32.17 Flexilunch - Employees working a Flexitime or Maxiflex schedule may, with advance supervisory approval, expand their lunch break within the lunch band on any given day, provided arrival and/or departure times are adjusted by an equivalent amount on that day. Employees on a fixed work schedule (compressed (CWS) or a fixed 8-hour day) are required to request leave.
- 32.18 Lunch Band - the period of time between 11:00 a.m. and 2:00 p.m. when an employee may take his/her lunch break. An employee may not be required to work more than six (6) hours without a lunch break.

WORK SCHEDULE OPTIONS

- 32.19 The following work scheduling options will be available, in accordance with the OPM Handbook on AWS, whenever possible:
- a. Fixed Work Schedule: An 8-hour day or Compressed Work Schedule (CWS).
 - b. Flexible Work Schedule: Flexitime or Maxiflex.
- 32.20 A supervisor may deny, suspend, or remove an employee from an alternative work schedule if:
- a. the employee would be unable to complete the requirements of his/her position;

- b. the office would have inadequate coverage during established Agency business hours; or,
- c. a critical mission of the Agency would not be accomplished or would be unduly delayed or interrupted.

32.21 Consistent with past practice, and until a new NFC Time and Attendance (T&A) system is implemented, employees must sign in and out daily. Within 30 days of receipt of new Departmental T&A regulations, the parties agree to meet and negotiate their impact and implementation.

32.22 All requests for a change in work schedule, if approved, will become effective on the first day of the following pay period.

8-HOUR DAY SCHEDULE

32.23 Employees who have not requested and/or not had their request for an AWS approved will be on an 8-hour day schedule.

32.24 Employees on an 8-hour day will be scheduled to work Monday through Friday of each week.

32.25 Employees on an 8-hour day may request a work schedule which begins no earlier than 7:00 AM and no later than 9:30 AM

32.26 Employees on an 8-hour day receive, and must use, a 30-minute unpaid lunch break. Therefore, the departure time for an employee on an 8-hour day must be eight (8) and one half hours after his/her fixed arrival time.

32.27 Employees on an 8-hour day will select a fixed arrival and departure time with supervisory approval. They are not eligible to earn credit hours or retain previously earned credit hours. See sections 32.47 - 53 for more information on credit hours.

COMPRESSED WORK SCHEDULE

32.28 Consistent with section 32.19, an employee may request to work a CWS. The employee will submit a proposed work schedule, selecting his/her fixed arrival and departure times. The tour of duty for employees on CWS must end no later than 6:00 PM. Employees on a CWS are not eligible for credit hours.

32.29 The basic work requirement for an employee on CWS is 80 hours per pay period in fewer than 10 work days. Employees on CWS may request to work one of the following schedule options:

- a. 5/4-9 Compressed Plan - an employee works eight 9-hour days and one 8-hour day, with one non-work day each pay period, for a total of 80 hours in a pay period.
 - b. Four-Day Workweek (4-10 plan) - an employee must work four 10-hour days, i.e. 40 hours a week, and 80 hours in a pay period.
- 32.30 Core hours for Employees on CWS are between 9:30 AM and 3:30 PM each day worked. Employees on CWS must be on duty during those hours, except for scheduled and approved use of leave or during the 30 minute unpaid lunch period.
- 32.31 If employees on CWS within the same work unit or under the same supervisor request the same day(s) off, so that approval of both/all of the requests would result in inadequate office coverage during the workday or the failure, delay, or interruption in completing a critical mission of the Agency, the supervisor will decide which request(s) to approve based on work needs. If the employees requesting the same day off are equally capable of performing the required work, the supervisor will request that the employees reach agreement among themselves. If the employees cannot reach agreement, the most senior employee, based on service computation date for leave, will be granted his/her request.

FLEXITIME

- 32.32 Consistent with section 32.19, an employee may request to work Flexitime. The basic work requirement is 40 hours per week.
- 32.33 Employees on Flexitime must work an 8-hour day, 5 days a week, Monday through Friday. They may vary the arrival time each workday, between 7:00 AM and 9:30 AM, and their departure time between 3:30 PM and 6:00 PM, on a daily basis.
- 32.34 Core hours for employees on Flexitime are between 9:30 AM and 3:30 PM each day. Employees on Flexitime must be on duty during core hours, except for scheduled and approved use of leave or credit hours or during the 30 minute unpaid lunch period.
- 32.35 Employees on Flexitime may earn and use credit hours between 6:30 AM and 7:30 PM on Monday through Friday. See section 32.47 - 53 for more information on credit hours.

MAXIFLEX

- 32.36 Consistent with section 32.19, an employee may request to work Maxiflex.

- 32.37 The basic work requirement for employees on Maxiflex is 80 hours per pay period. Employees on Maxiflex may work up to 10 hours a day, Monday through Friday, in meeting their basic work requirement. They may vary the arrival time each work day, between 6:30 AM and 9:30 AM, and their departure time between 3:30 PM and 7:30 PM, on a daily basis. While employees have the right to change their arrival and departure times, they also have a responsibility to inform their supervisors in a timely fashion of any significant time variation in their expected work schedule.
- 32.38 Core hours for employees on Maxiflex are between 9:30 AM and 3:30 PM, each day worked. Employees on Maxiflex must be on duty during core hours except for scheduled and approved use of leave or credit hours or during the 30 minute unpaid lunch period.
- 32.39 Employees on Maxiflex may earn and use credit hours between 6:30 AM and 7:30 PM, on Monday through Friday, with a 2 hour maximum per day. See sections 32.47 - 53 below for more information on credit hours.
- 32.40 An employee on Maxiflex will fill out a projected work schedule and submit it to his/her supervisor not later than the close of business on the Monday prior to the pay period it will go into effect.
- 32.41 If employees on Maxiflex within the same work unit or under the same supervisor request the same day(s) off, so that to approve both/all of the requests would result in inadequate office coverage during the workday, or the failure, delay, or interruption in completing a critical mission of the Agency, the supervisor will decide which request(s) to approve based on work priorities and due dates. If the employees requesting the same day off are equally capable of performing the required work, the supervisor will request that they reach agreement among themselves. If they cannot reach agreement, the most senior employee, based on service computation date for leave, will be granted his/her request.

PROCEDURES FOR REQUESTING AWS

- 32.42 Employees serving on a domestic assignment who desire to work AWS must submit a written request to their supervisor. Employees serving on a foreign assignment who desire to work AWS must submit a written request to their immediate supervisor at post (requests from the head of post should be submitted to the Chief of Mission). Consistent with section 32.19, employees may request a change in their current work schedule at any time by making a written request to their supervisor. After an initial work schedule is established, employees may change between flexible and fixed work schedules only once during a 12-month period. This will not preclude changes due to good cause shown.

- 32.43 Employees who have not specifically requested to work AWS will be on a fixed 8-hour day schedule. Supervisors must work with those employees to establish their work schedules in accordance with section 32.23 - 27.
- 32.44 A Supervisor may, after giving timely notice to affected employees, make a temporary or permanent change to an employee's work schedule (including scheduled days off) for any work-related reason.
- 32.45 Any approved work schedule option or work schedule change will become effective at the beginning of the pay period after approval, or as agreed between the supervisor and the employee. Retroactive changes to work schedule options will not be permitted.
- 32.46 Normally, a supervisor or manager will approve or disapprove a work schedule option request within 5 work days of actual receipt. It is the employee's responsibility to ensure the supervisor's actual receipt of the request. Consistent with section 32.19 supervisors will approve the requested schedule and any amendments to it unless doing so would have an adverse impact on the Agency's ability to meet its mission requirements as determined by the supervisor. If the work schedule option requested is disapproved, the reasons for such disapproval must be provided in writing to the employee.

CREDIT HOURS

- 32.47 Credit hours may be earned and used only by employees approved to work Flexitime or Maxiflex.
- 32.48 Credit hours are earned at the option of the employee. An employee will normally notify his/her supervisor prior to working credit hours. Absent good cause, the supervisor will not object, but reserves the right to determine that appropriate work is available
- 32.49 Credit hours may only be earned between 6:30 AM to 7:30 PM on Monday through Friday, with a 2 hour per day maximum. Credit hours may not be earned on Saturday, Sunday, non-workdays and/or holidays. They may not be earned for working during the lunch period.
- 32.50 For a full-time employee, the number of credit hours that he/she may carry over from one bi-weekly pay period to the next bi-weekly pay period cannot exceed 24 credit hours. For a part-time employee, the number of credit hours that may be carried over from a bi-weekly pay period to a succeeding bi-weekly pay period will not exceed one-fourth of his/her bi-weekly work requirement.

- 32.51 An employee's right to use earned credit hours is subject to supervisory approval. The same procedures used to request annual leave will be used to request the use of credit hours (See Article 33) of this Agreement. Normally, supervisors will approve the requested use of credit hours unless doing so would have an adverse impact on the Agency's ability to meet its mission requirements as determined by the supervisor. If the request to use credit hours is disapproved, the reasons for such disapproval must be provided in writing to the employee.
- 32.52 When an employee is no longer subject to a flexible work schedule, the employee must be paid for his/her accumulated credit hours at his/her current rate of pay. Employees may not be compensated for excess or unused credit hours that cannot be carried forward into the next pay period.
- 32.53 Employees may not be paid overtime pay, Sunday premium pay, or holiday premium pay for credit hours.

HOLIDAYS UNDER CWS

- 32.54 For FT employees working a CWS work schedule, when a holiday falls on their scheduled non-work day, the employee may, consistent with the need to maintain adequate office coverage and provide services to our customers, take their "in lieu of" holiday on the work day immediately prior to the holiday or the day after the holiday.
- 32.55 Employees working a CWS work schedule are entitled to holiday pay (their rate of basic pay) for the number of hours scheduled to be worked on the day of the holiday or the day selected as their in-lieu-of holiday. Holidays are established by Federal statute or Executive Order.

HOLIDAYS UNDER FLEXIBLE WORK SCHEDULES

- 32.56 FT employees working a Maxiflex work schedule may, when a holiday falls on their scheduled non-work day, consistent with the need to maintain adequate office coverage and provide services to our customers, take their "in lieu of" holiday on the work day immediately prior to or the day after the holiday. Holiday pay cannot exceed 8 hours for employees working a Maxiflex Work Schedule, regardless of the number of hours they scheduled to work on a day designated a Holiday or "in lieu of" holiday.
- 32.57 FT employees working a Flexitime work schedule are entitled to holiday pay for eight (8) hours.

HOLIDAYS FOR PART-TIME EMPLOYEES

- 32.58 When a holiday falls on a part-time employee's scheduled non-work day, there is no holiday pay entitlement, regardless of the type of work schedule the PT employee is working.
- 32.59 If a holiday falls on a part-time employee's scheduled workday and the employee is approved to work a fixed work schedule (CWS), then the employee is entitled to holiday pay for the number of hours they are scheduled to work on that day.
- 32.60 If the part-time employee is approved to work a flexible work schedule (Maxiflex or Flexitime) and the holiday falls on a day they normally work, then the PT employee is entitled to holiday pay for their established, typical, or average hours claimed, not to exceed eight (8) hours of pay.

SICK AND ANNUAL LEAVE UNDER FLEXIBLE WORK SCHEDULES

- 32.61 See Article 33 (Leave)

EXCUSED ABSENCES UNDER FLEXIBLE WORK SCHEDULES

- 32.62 The Employer may grant excused absence with pay to employees covered by a flexible work schedule under the same circumstances as excused absence would be granted to employees covered by other work schedules.
- 32.63 For employees on flexible work schedules, the amount of excused absence to be granted shall be based on the employee's established, typical, or average daily work requirement in effect for the period covered by the excused absence.

TEMPORARY DUTY UNDER FLEXIBLE WORK SCHEDULES

- 32.64 An employee on a flexible work schedule assigned to temporary duty (including attending training) away from his/her official duty station, must adjust his/her work schedule to the work or training schedule at the temporary duty site and must meet his/her basic work requirement.
- 32.65 An employee on a flexible work schedule who is scheduled to attend a full day of training away from his/her official duty station may not be credited with more than 8 hours of work toward meeting his/her basic work requirement for the time spent in training. If the scheduled training is for less than 8 hours and the employee can reasonably return to his/her official duty station, reasonable travel time to return to the official duty station will be considered hours worked in meeting the employee's basic work requirement.

FLEXIPLACE

- 32.66 The agency supports a flexible workplace policy for employees who desire to work off-sites for part of the pay period and whose work is appropriate to such an arrangement and where such an arrangement will benefit the government.
- a. The National Office Flexiplace Program policies and procedures will be documented and managed through the agency Notice publications. This method of managing the program will allow for changes and adjustments, as agreed to by management and the union, when issues or problems are identified. This does not prevent the union from requesting formal negotiations if agreement on changes cannot be reached.
 - b. Members at overseas posts shall only be eligible for intermittent Flexiplace as defined in the agency Notice publications.

REASONABLE ACCOMMODATION

- 32.67 By mutual consent of the supervisor, employee, and the Disability Employment Program Manager, core hours and/or tour of duty restrictions may be waived for a disabled employee requiring a permanent schedule change to enable the Agency to provide ongoing reasonable accommodation for a disability. A full time employee must still meet the 80-hour biweekly basic work requirement.