



UNITED STATES DEPARTMENT OF COMMERCE
The Inspector General
Washington, D.C. 20230

March 19, 2004

MEMORANDUM FOR: All OIG employees

FROM: Johnnie Frazier

A handwritten signature in blue ink that reads "Johnnie".

SUBJECT: OIG Alternative Work Schedule (AWS) Program

I am pleased to announce my approval of the OIG Alternative Work Schedule Program and have attached the finalized directive, which details its policies and procedures. I ask each of you to read the directive carefully so that you understand the program's opportunities and requirements and your responsibilities in participating.

Balancing employees' desire for flexibility with the needs of this office was our primary goal in crafting this program. I believe we have succeeded in doing so while remaining consistent with federal law and departmental policy, simplifying timekeeping, and establishing clear parameters and guidelines for what has heretofore been at times unclear. Under our AWS program, the privileges of choosing arrival and departure times within specified ranges and of varying your workweek remain yours, in consultation with your supervisor, as does the opportunity to earn credit hours in exchange for approved time off.

The program will become effective April 4, so between now and then you must choose your schedule and submit the appropriate paperwork to your supervisor. Once in practice, I believe you will find that any impacts on the work-hour arrangements you have opted for in the past will be minimal and—in the long run—advantageous to you as well as to the office. I look forward to implementing AWS, enjoying the flexibilities it offers, and reaping the operational efficiencies it holds for OIG.

Attachment



Form OIG-1 (a) (Rev 5-02) United States Department of Commerce Office of Inspector General Washington, DC 20230 <u>MANUAL</u>	Chapter	Human Resources Management		
	Section	Time, Attendance, and Leave		
	Subsection	Alternative Work Schedules (AWS) Program		
	Number: 4702	Effective Date: April 4, 2004	Distribution: All Employees	

I. PURPOSE AND AUTHORITIES

- A. Purpose.** This directive prescribes policy, procedures, and staff responsibilities for the OIG Alternative Work Schedules (AWS) Program and rescinds the following:
- OIG Flexible Work Schedule Program policy memorandum dated January 30 1998.
 - Alternative Work Schedule Program directive (#4610) dated December 20, 1994.
 - Flexible Hours directive (#4510) dated June 11, 1986.
- B. Authorities.** OIG’s authority to establish alternative work schedules is derived from the following:
- > 5 USC, Chapter 55, Pay Administration.
 - > 5 USC, Chapter 61 (The Federal Employees Flexible and Compressed Work Schedules Act, Public Law 97-221, dated July 23, 1982).
 - > 5 USC, Chapter 63, Leave.
 - > 5 CFR 550, Pay Administration (General).
 - > 5 CFR 610, Hours of Duty.
 - > 5 CFR 630, Absence and Leave.
 - > Department of Commerce Handbook on Hours of Duty and Leave Administration (October 2000).
 - > OPM Handbook on Alternative Work Schedules (December 1996).

II. POLICY

- A. Administrative Workweek.** OIG employees may work and record regular time and/or leave Monday through Friday from 7:00 a.m. to 6:30 p.m. A regular workday is 8 ½ hours in length, which consists of 8 hours of regular time plus 30 minutes for an uncompensated lunch period.
- B. Traditional Fixed Work Schedule.** Unless they are investigators earning availability pay or have requested and obtained supervisory approval to work

one of the alternative work schedules authorized in this directive, employees are expected to work a fixed work schedule of 8:30 a.m. to 5:00 p.m.

C. Authorized Alternative Work Schedules. With advance, written, supervisory approval, eligible OIG employees may work one of the following types of flexible work schedules.

- 1. Variable Week Schedule.** A variable week schedule is a type of flexible work schedule that has core hours on each workday and a basic work requirement for full-time employees of 80 hours in a biweekly pay period. Employees may vary their arrival and departure times and the number of hours they work in a given workday or workweek, within limits established by OIG.
- 2. Flexi-tour Schedule.** A flexi-tour schedule is a type of flexible work schedule that has core hours on each workday and a basic work requirement for full-time employees of 8 hours a day, 40 hours a week, and 80 hours a biweekly pay period. The employee selects starting and stopping times within the flexible hours subject to supervisory approval. Employees may work up to 9 hours of regular time in a given workday without supervisory approval.

The following criteria apply to both types of flexible schedules:

- a. Eligibility.** All OIG employees, except investigators earning availability pay, are eligible to work variable week or flexi-tour schedules.
- b. Tour of Duty.** OIG employees on variable week or flexi-tour schedules must complete their basic work requirement within the hours and days for which flexible and core hours have been designated. Employees on variable week or flexi-tour schedules may work up to 9 hours of regular time on a given workday without advance supervisory approval. Since the tour of duty includes 8 or more hours available for work during daytime hours, an employee on a variable week or a flexi-tour schedule is not entitled to night pay even if he or she elects to work during hours for which night pay is normally required (e.g., between 6 p.m. and 6 a.m.).
- c. Core Hours.** Core hours are 9:30 a.m. to 3:30 p.m. for employees GS-14 and below and 9:30 a.m. to 4:00 p.m. for employees GS-15 and above. Core hours for part-time employees are established on a case-by-case basis. An employee must account for missed core hours with leave, credit hours, compensatory time off, or another form of

approved absence. Employees are expected to anticipate the need for their presence in the office before or after core hours (e.g., to attend meetings or to provide office coverage) and adjust their work schedules accordingly. Employees who are tardy or absent without supervisory approval during core hours three or more times during any three-month period may be removed from the AWS Program and subject to disciplinary action.

- d. Flexible Time Bands.** Employees on variable week schedules may vary their arrival and departure times during OIG's flexible time bands. Employees on flexi-tour schedules select their fixed arrival and departure times within OIG's flexible time bands subject to supervisory approval. Flexible time bands for employees GS-15 and above are 7:00 to 9:30 a.m. and 4:00 to 6:30 p.m. Flexible time bands for employees GS-14 and below are 7:00 to 9:30 a.m. and 3:30 to 6:30 p.m.
- e. Credit Hours.** With the exception of members of the Senior Executive Service, who are prohibited by law from earning credit hours under an alternative work schedule (see 5 CFR 610.408), OIG employees on variable week or flexi-tour schedules may elect to work hours in excess of their basic work requirement (credit hours) and, with advance supervisory approval, use those hours to be absent in a subsequent pay period. Credit hours are distinguished from overtime or compensatory hours in that they are not officially ordered and approved in advance by management. Hours worked that will count toward the basic work requirement may not be considered credit hours. When credit hours are used, the hours are counted as part of the basic work requirement to which they are applied. Credit hours may not be advanced to employees or used before they are earned.

Full-time employees are limited by law from carrying more than 24 credit hours to a new biweekly pay period. For part-time employees, the limit is one-fourth of their biweekly work requirement.

- D. Participation.** An employee's participation in an alternative work schedule is neither a requirement nor an entitlement. Supervisors must approve an employee's request to participate in OIG's AWS Program. AWS programs are a supervisory work option. If serious operational problems occur that interfere with the mission or operations of OIG, management may modify or terminate provisions of the OIG AWS Program for individuals, one or more organizational units, or the entire office.

Supervisors are responsible for ensuring adequate staffing for specific job functions and office needs. Hence, they may require employees to work traditional fixed work schedules; stagger employees' arrival, departure, and lunch times; and otherwise adjust employees' work schedules to meet office needs. To the extent possible, supervisors will try to accommodate employees' commuting arrangements and other personal needs, and give them reasonable advance notice of permanent or temporary changes to their work schedules.

A new, signed approval form is required each time an employee changes his or her work schedule. Use form OIG-2 (b), *Alternative Work Schedule Approval Form*. Employee requests to change their work schedules must be submitted to their supervisors at least one pay period in advance, and be effective for the entire pay period. Frequent changes are discouraged

III. RESPONSIBILITIES

A. Employees.

- 1. Integrity, Cooperation, and Compliance.** The ultimate success of OIG's AWS Program will depend on the integrity of participating employees and the willingness of employees and supervisors to work together to ensure that work schedules meet organization needs and allow employees to balance work and personal responsibilities. Employees are expected to adjust their arrival and departure times to meet work responsibilities and to accommodate management's need for their presence in the office before or after core hours (e.g., to attend meetings or provide office coverage). Employees also are expected to maintain consistent arrival and departure times and to inform their supervisors of anticipated changes to those times. Employees who do not comply with the policy, procedures, and responsibilities defined in this directive may be removed from the AWS Program and subject to disciplinary action.
- 2. Obtaining Supervisory Approval of Work Schedules.** Employees are responsible for obtaining advance, written supervisory approval of their work schedules and for providing a copy of the signed approval form to their timekeepers for inclusion in their time and attendance folder. A new, signed approval form is required each time an employee changes his or her work schedule. Use form OIG-2 (b), *Alternative Work Schedule Approval Form*. Concurrence of the second-level supervisor is required for all work schedules.

3. **Recording Arrival and Departure Times.** Employees participating in OIG's AWS Program must sign in and out each day, recording actual arrival and departure times, on form OIG-2 (a), *OIG Attendance Log*. They must also sign out on this form when they leave the office for periods beyond the lunch period to attend to personal matters or appointments, and must sign in again when they return.
4. **Requesting Approval for Absences.** Except in the case of illness, incapacity, or other bona fide emergencies, employees must obtain advance supervisory approval to be absent from work during core hours (flexible work schedules) or their regularly scheduled tour of duty (traditional or flexi-tour schedules). Use OPM Form 71, *Request for Leave or Approved Absence*.
5. **Obtaining Advance Authorization for Compensatory Time, Holiday Work, and Overtime.** Use form CD-81, *Authorization for Paid Overtime and/or Holiday Work, and for Compensatory Overtime*.
6. **Completing Timesheets.** Employees must complete a timesheet (form OIG-2, *OIG Employee Timesheet*) biweekly, on which they record daily arrival and departure times and hours worked and absent from work. This form, accompanied by documentation of supervisory approval of absences from work during core hours (variable week schedules) or regularly scheduled tours of duty (traditional or flexi-tour schedules) and/or overtime hours worked, serves as the official record for entering time and attendance data into the Department's Remote Entry Time and Attendance System.

B. Supervisors.

1. **Ensuring Appropriate Office Coverage.** Supervisors must ensure that enough staff is present during the workday to handle office coverage needs and meet other work requirements, and—where appropriate—may require employees to adjust their work schedules to meet those needs. As such, supervisors may establish customer service hours (e.g., 8:30 a.m. to 5:00 p.m.) or direct employees on flexible work schedules to be in the office before or after core hours (e.g., to attend meetings or provide office coverage). When considering the need for permanent or temporary changes to employee work schedules, supervisors should take into account employees' personal needs as well as office needs. To the maximum extent possible, supervisors should provide employees with reasonable advance notice of the need for changes to their work schedules.

2. Monitoring Employee Compliance. Supervisors are responsible for monitoring employee compliance with the policy, procedures, and responsibilities contained in this directive and for ensuring the accuracy of their employees' time and attendance records. They also must monitor participants' compliance with applicable laws, regulations, and policies governing work hours, credit hours, and leave, and take steps to address instances of noncompliance or misuse/abuse of the program (e.g., by restricting credit hour use, requiring an employee to work specific hours, removing an employee from the AWS Program, or pursuing disciplinary action, if warranted). Removal of an employee from AWS must be documented on form OIG-2 (c), *Alternative Work Schedule Termination Form*.

C. Human Resources Management Division (HRMD). HRMD is responsible for (1) monitoring implementation of OIG's AWS Program; (2) providing advice and assistance to supervisors and employees in interpreting and applying the policy and procedures contained in this directive; (3) conducting or arranging for periodic AWS orientation sessions for supervisors and employees; and (3) evaluating and advising the AIG for Administration on the need for changes to the program.

D. Timekeepers. Timekeepers are responsible for reviewing employee timesheets and supporting documentation for accuracy and completeness, preparing timesheet data for entry into the Department of Commerce Remote Entry Time and Attendance System, and maintaining copies of appropriate time and attendance documentation, including copies of signed form OIG-2 (b), *Alternative Work Schedule Approval Form*, in employees' time and attendance folders. Timekeepers' responsibilities are more fully described in the Department of Commerce Time and Attendance Manual.

IV. TIME AND ATTENDANCE ADMINISTRATION

A. Recording Work Hours, Credit Hours, and Leave. Work hours, credit hours, and leave are accumulated and used in 15-minute increments.

B. Lunch Period. An uncompensated 30-minute lunch period will be incorporated into each workday of 6 hours or more. A workday may not be shortened by voluntarily "working through" the lunch period and under no circumstances may a lunch period be recorded as time worked.

C. Tardiness. Employees on variable week and flexi-tour schedules are expected to begin work no later than 9:30 a.m. Employees on a traditional fixed work schedule are expected to arrive in time to begin their tour of duty at 8:30 a.m. Failure to do so will result in the tardiness being charged to annual

leave, sick leave, credit hours, compensatory time off, or leave without pay. Employees who are tardy three or more times during any 3-month period may be removed from the AWS Program and subject to disciplinary action. Supervisors must document removal on form OIG-2 (c), *Alternative Work Schedule Termination Form*.

- D. Holidays.** Under a flexible work schedule, a maximum of 8 hours of excused absence may be credited toward an employee's basic work requirement on a holiday. (See 5 USC 6124.)
- E. Unanticipated Dismissals, Delayed Openings, and Closures.** These events may affect the amount of time employees can work during a pay period. Typically, the number of regular hours an employee would have worked determines the amount of excused absence. When attendance patterns vary, supervisors must examine the employee's work hours from several past pay periods to determine the appropriate amount of excused absence.
- F. Excused Absences.** The head of an agency may grant excused absence with pay to employees covered by an alternative work schedule program under the same circumstances as excused absence would be granted to employees covered by other work schedules.
- G. Credit Hours and Training.** Regardless of an employee's work schedule, time spent in training during regular working hours is deemed hours of work. (See 5 CFR 551.423(a) (1)). Time spent in training outside regular working hours is deemed hours of work if (1) the employee is directed to participate in the training by his or her employing agency and (2) the purpose of the training is to improve the employee's performance of his or her current duties and responsibilities. (See 5 CFR 551.423(a) (2)). When time spent in required training or completing related homework exceeds an employee's regular tour of duty, the employee may not earn credit hours for the excess because it does not constitute hours that he/she elects to work. (See 5 USC 6121(4).)

In the case of alternative work schedules, the agency is responsible for determining the number of hours an employee is in pay status during a training assignment. (See 5 CFR 410.310(b)). OIG's policy regarding training time for AWS employees is as follows:

- If training is scheduled for more than 4 regular workdays (including travel) in any given week, employees on variable work schedules will be placed on a standard work schedule (8 hours a day, 5 days a week, Monday through Friday) during the week in which that training occurs.
- When the course is scheduled for fewer than 4 regular workdays

(including travel) but spans at least 6 hours per day, employees will receive credit for a full 8-hour regular workday for each training day.

- If the course is held at a remote location outside employees' local commuting area, employees will receive credit for a full 8-hour regular workday for each day of training regardless of the length of the training day. If a course is held at a location within their local commuting area and spans less than 6 hours, employees who wish to receive credit for a full 8-hour workday must return to their official work site and work the actual hours.

A. Credit Hours and Travel. When an employee on a flexible work schedule is in travel status during the OIG administrative workweek he or she may not earn credit hours for the travel because travel in connection with government work is not voluntary in nature. In other words, travel itself does not meet the definition of credit hours in 5 USC 6121(4), which provides that credit hours are hours within a flexible work schedule in excess of the employee's basic work requirement that the employee elects to work so as to vary the length of a workweek or workday. A supervisor may place an employee on a standard work schedule (8 hours a day, 5 days a week, Monday through Friday) during periods of travel.

V. **FORMS**

- OIG-2, *OIG Employee Timesheet*
- OIG-2 (a), *OIG Attendance Log*
- OIG-2 (b), *Alternative Work Schedule Approval Form*
- OIG-2 (c), *Alternative Work Schedule Termination Form*

- OPM Form 71, *Request for Leave or Approved Absence* – <http://www.opm.gov/forms/html/opm.asp>

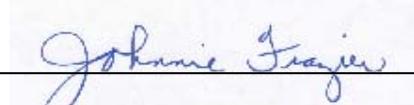
- CD-81, *Authorization for Paid Overtime and/or Holiday Work, and for Compensatory Overtime* - <http://www.osec.doc.gov/forms/direct.htm>

VI. **ADDITIONAL INFORMATION**

For more information about alternative work schedules, visit <http://www.opm.gov/oca/aws/index.htm> for federal policies, and http://ohrm.os.doc.gov/Leave/DEV01_000043.html for Department of Commerce policies. For additional leave information, visit <http://www.opm.gov/oca/leave/> (federal policies), and <http://ohrm.os.doc.gov/Leave/index.html> (Department of Commerce policies).

VI. EXCEPTIONS

Should an employee face circumstances that present an extreme hardship or warrant a work schedule other than those authorized by this directive, the employee's first- and second-level supervisors—if they agree—may develop and request a suitable alternative. The request must then be submitted in writing to and approved by the Deputy Inspector General.



March 19, 2004

Johnnie E. Frazier, Inspector General

Date

APPENDIX: DEFINITIONS

(For more information, visit <http://www.opm.gov/oca/aws/html/define.htm>)

Administrative workweek: The days of the week and the hours of the workday during which an employee may work and record regular time and/or leave.

Alternative work schedule: A work schedule that differs from the traditional fixed work schedule of 8 hours per day, 40 hours per week. There are two types of alternative work schedules: (1) compressed and (2) flexible.

Agency: All executive departments; government-owned and controlled corporations; military departments; and most independent, non-executive-department establishments within the executive branch (including the General Accounting Office). The Department of Commerce is an executive department.

Basic work requirement: The number of nonovertime hours employees are required to work or otherwise account for within a biweekly pay period by charging leave, credit hours, excused absence, holiday hours, compensatory time off, or time off as an award. The basic biweekly work requirement for full-time employees is 80 hours. The basic biweekly work requirement for part-time employees is established on a case-by-case basis.

Biweekly pay period: The 2-week period for which an employee is scheduled to perform work.

Compensatory time: Leave earned on an hour-for-hour basis in lieu of overtime pay, granted to General Schedule employees for irregular or occasional overtime work. Use of compensatory time must be authorized and approved by management.

Core hours: The designated hours within the workday, workweek, or pay period during which an employee covered by a flexible work schedule is required to be at work. (See 5 USC 6122(a) (1).)

Credit hours: Within a flexible work schedule, hours that employees may elect to work in excess of their basic work requirement so as to vary the length of a workweek or workday. They are distinguished from overtime hours in that they are not officially ordered and approved in advance by management.

Customer service hours: Hours during which an OIG office must be available to respond to the needs of its customers and the public. These hours may differ among OIG units, based on their missions.

Flexi-tour Schedule: A type of flexible work schedule that has a basic work requirement for full-time employees of 8 hours a day, 40 hours a week, and 80 hours a biweekly pay

period. The employee selects starting and stopping times within the flexible hours subject to supervisory approval.

Flexible hours: The times during the workday, workweek, or pay period within which employees covered by a flexible work schedule may choose to vary their arrival to and departure from the work site, as permitted by the duties and requirements of the position. (See 5 USC 6122(a) (2).)

Flexible work schedule (per 5 USC 6122):

- (1) Full time—a biweekly basic work requirement of 80 hours for which employees can determine their own schedule within the limits set by the agency;
- (2) Part time—a biweekly basic work requirement of less than 80 hours for which employees determine their own schedule within limits set by the agency.

Organization: An entity within an agency that is headed by an official with the authority to establish tours of duty.

Overtime hours: Within a **flexible work schedule**, all hours in excess of 8 hours in a day or 40 hours in a week that are officially ordered in advance by management.

Regular time: Time worked within the biweekly pay period for which an employee is to receive his or her basic hourly rate of pay.

Tour of duty: Under a flexible work schedule, the limits set by an agency within which an employee must complete his or her basic work requirement. In general, the tour of duty comprises all hours and days for which flexible and core hours have been designated.

Traditional work schedule: A fixed work schedule within the administrative workweek that contains a full-time basic work requirement of 40 hours (80 hours total for the biweekly pay period) spread over five, 8-hour days (usually Monday through Friday).

Variable week schedule: A flexible work schedule that contains daily core hours and a full-time basic work requirement of 80 hours for the biweekly pay period, but that allows employees to vary the number of hours they work on a given workday or in each week of the pay period, within the limits set for the organization by the agency.