ALTERNATIVE WORK SCHEDULES

I.   Purpose

This Management Directive (MD) establishes the Department of Homeland Security (DHS) policy regarding Alternative Work Schedules (AWS). It provides general guidance and procedures and assigns authorities and responsibilities for the establishment of Alternative Work Schedules in DHS.

II.   Scope

This MD applies to all DHS Organizational Elements (OE) except:

A.   The Secretary and other DHS Presidential appointees.

B.   Those employed as "experts and consultants" under Title 5, United States Code 3109 or other statutory authorities.

C.   The Office of Inspector General employees when this MD conflicts with the authorities and responsibilities granted to the Inspector General under the Inspector General Act of 1973 as amended.

D.   Those employed pursuant to the Aviation and Transportation Act, (49 USC 44935).

III.   Authorities

A.   5 U.S.C. Chapter 61, "Hours of Work."

B.   5 U.S.C. § 6122, "Flexible Schedules; Agencies Authorized to Use."

C.   5 U.S.C. § 6127, "Compressed Schedules; Agencies Authorized to Use."

D.   5 U.S.C. § 3401(2), "Definitions – Part-Time Employment."

E.   5 CFR Part 610, Subpart D, "Flexible and Compressed Work Schedules."

F.   Office of Personnel Management (OPM) Handbook on Alternative Work Schedules.

IV. Definitions

There is a variety of flexible work schedules authorized for use within DHS. The authority to determine schedule implementation is delegated to the OEs.

A. ***Administrative workweek*** means any period of seven consecutive 24-hour periods designated in advance.

B. ***Alternative work schedules (AWS)*** means both flexible work schedules and compressed work schedules.

C. ***Basic workweek*** for full-time employees means a 40-hour workweek that does not extend more than six of any seven consecutive days. For part-time employees it is a set number of hours between 16 and 32 that does not extend beyond six consecutive days.

D. ***Basic work requirement*** means the number of hours an employee is required to work or to account for by charging leave, excused absence, holiday hours, compensatory time off, or time off as an award. The basic work requirement does not include overtime hours.

E. ***Biweekly pay period*** means the two-week period for which an employee is scheduled to perform work.

F. ***Compressed Work Schedule (CWS)***:

    1. For a full-time employee, CWS is an 80-hour biweekly basic work requirement scheduled by an agency for fewer than 10 workdays.

    2. For a part-time employee, CWS is a biweekly basic work requirement of fewer than 80 hours scheduled by an agency for less than10 workdays that may require the employee to work more than 8 hours in a day.

    3. Examples of compressed work schedules include:

        a. ***Four-Day Work Week (4/10)***:

            (1) In the case of a full-time employee who works a four-day workweek, the employee must work 10 hours a day, 40 hours a week and 80 hours in a biweekly pay period.

(2)	In the case of a part-time employee who works a four-day workweek, the OE will determine the number of hours a part-time employee must work in a four-day workweek and the number of hours in a biweekly pay period.

b.	***Five day/Four day Compressed Plan (5/4-9)***:

(1)	In the case of a full-time employee, the employee works eight nine-hour days and one 8-hour day for a total of 80 hours in a biweekly pay period.

(2)	In the case of a part-time employee, the OE determines the number of hours a part-time employee must work in a 9-day biweekly pay period.

G.	***Core Hours*** means the time periods during the workday, workweek, or pay period that are within the tour of duty during which an employee covered by a flexible work schedule is required by the agency to be present for work. The Office of the Secretary and each OE has the authority to establish its own core hours. Communicate core hours, in writing, to employees.

H.	***Credit Hours*** means those hours within a flexible work schedule that an employee elects to work in excess of his or her basic work requirement so as to vary the length of a workweek or workday.

I.	***Federal Services Impasses Panel*** means an entity within the Federal Labor Relations Authority that resolves bargaining impasses, chiefly by ordering the parties to adopt certain contractual provisions relating to the conditions of employment of unit employees. The Panel uses many procedures for resolving impasses, including fact-finding, med-arb, final-offer interest arbitration, either by the Panel, individual members of the Panel, the Panel's staff, or by ordering the parties to refer their impasse to an agreed-upon private arbitrator who is to provide services. The Panel is empowered to "take whatever action is necessary and not inconsistent with [the Federal Service Labor-Management Relations Statute] to resolve the impasse."

J.	***Flexible work schedule (FWS)*** means a work schedule established under 5 U.S.C. 6122, that:

1.	In the case of a full-time employee, has an 80-hour biweekly basic work requirement that allows an employee to determine his or her own schedule within the limits set by the department; and

2.	In the case a part-time employee has a biweekly basic work requirement of less than 80 hours that allows an employee to determine his or her own schedule within the limits set by the department.

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K.	***Flexible Work Schedules*** include:

1.	***Flexitour*** is a flexible schedule in which the employee selects arrival and departure times subject to departmental approval (resulting in a fixed schedule until the next selection period, as determined by the department). At the request of an employee, the agency may approve an adjusted arrival and departure time.

2.	***Gliding schedule*** is a type of flexible schedule in which a full-time employee has a basic work requirement of 8 hours in each day and 40 hours in each week, may select a starting and stopping time each day, and may change starting and stopping times daily within the established flexible hours.

3.	***Maxiflex schedule*** is a type of flexible work schedule that contains core hours on fewer than 10 workdays in the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.

4.	***Variable day schedule*** means a type of flexible work schedule containing core hours on each workday in the week and in which a full-time employee has a basic work requirement of 40 hours in each week of the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday within the week within the limits established for the organization.

5.	***Variable week schedule*** means a type of flexible work schedule containing core hours on each workday in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.

L.	***Night Differential***.

1.	Employees working AWS flexible schedules who voluntarily elect to work nighttime hours (i.e., between 6:00 pm and 6:00 am) are not entitled to night differential if the tour of duty covers eight (8) or more daytime hours (i.e, between 6:00 am and 6:00 pm). If the employee has eight (8) daytime hours to select, but chooses to work some nighttime hours, night differential is not paid.

2.	Time and attendance records must accurately reflect the use of flexible schedules for those employees electing to work night hours.

M.   ***Organizational Elements (OE)***: As used in this MD, DHS OE is as defined in DHS MD 0010.1, "Management Directive System and DHS Announcements."

N.   ***Overtime hours*** when used with respect to FWS programs, refers to all hours in excess of eight (8) hours in a day or forty (40) hours in a week officially ordered in advance, but does not include credit hours. With respect to CWS programs, overtime hours refers to any hours in excess of those specified hours for full-time employees that constitute the compressed work schedule. For part-time employees, overtime hours are hours in excess of the compressed work schedule for a day (but must be more than 8 hours) or, for a week (but must be more than 40 hours).

O.   ***Work unit*** means an entity located in one place with a specific mission, with homogeneous procedures or technology, and headed by a supervisor or manager authorized to approve time and attendance reports and approve leave.

V.   Responsibilities

A.   The ***Secretary of Homeland Security***, and ***Organizational Heads*** are responsible for complying with applicable laws, regulations, Executive Orders, and directives for establishing work schedules, administering Federal leave programs, and ensuring all employees are paid in a timely manner. The "Authorities" section above cites the laws and regulations.

B.   The ***Under Secretary for Management***, through the ***DHS Chief Human Capital Officer***, shall be responsible for all aspects of this MD.

C.   The ***Heads of DHS Organizational Elements*** may administer, oversee, and implement alternative work schedules in their respective OEs consistent with this MD.

VI.   Policy & Procedures

A.   ***Alternative Work Schedules (AWS)*** have the potential to enable managers and supervisors to meet their program goals while, at the same time, allowing employees to be more flexible in scheduling their personal activities. The employee benefits provided by AWS programs also are useful recruitment and retention tools. However, note that with the exception of those policies subject to applicable bargaining units within DHS as having exclusive recognition, it is at management's discretion whether to offer any or all of the options under the alternative work schedules program to employees. When not inconsistent with this MD, OEs may establish and promulgate written policies concerning how AWS will and will not be utilized within their OE's including what authorities concerning AWS will or will not be delegated within their OE.

B.   ***Procedures for terminating AWS***.

If the Secretary or the head of an agency finds that a particular AWS schedule has an "adverse agency impact," the Department must promptly determine to discontinue the schedule. If establishment of the AWS schedule was negotiated, the Department may reopen the agreement to seek its termination. If an impasse results, the dispute shall go to the Federal Service Impasses Panel, which will rule on the impasse within 60 days in favor of the Department's determination if the finding supports evidence the schedule caused an adverse department impact.

C.   ***Holidays***.

   1.   The following are legal public holidays:

      a.   New Year's Day, January 1.

      b.   Birthday of Martin Luther King, Jr., the third Monday in January.

      c.   President's Day, the third Monday in February;

      d.   Memorial Day, the last Monday in May;

      e.   Independence Day, July 4;

      f.   Labor Day, the first Monday in September;

      g.   Columbus Day, the second Monday in October;

      h.   Veterans Day, November 11;

      i.   Thanksgiving Day, the fourth Thursday in November; and

      j.   Christmas Day, December 25.

   2.   For purposes of pay and leave, the day to be treated as a holiday is determined as follows:

      a.   Generally, an employee's holiday is the day designated in the listing of holidays above, whenever the holiday falls during the employee's basic workweek or basic work requirement.

      b.   For a full-time employee scheduled to work 80 hours in a pay period, when a holiday falls on a non workday outside an employee's basic workweek, the day to be treated as his or her holiday is determined as follows:

(1)   For employees whose basic workweek is Monday through Friday, when a holiday falls on a Saturday, the Friday immediately before is a legal holiday for those employees. When the holiday falls on a Sunday, the Monday immediately following is the legal holiday.

(2)   For employees whose basic workweek is other than Monday through Friday, when a holiday falls on a regularly scheduled non-workday, the workday immediately before that regular non-workday is the holiday (5 USC 6103(d)(2).

(3)   For an employee under a CWS, the OE in consultation shall select a workday for the holiday that is in the same biweekly pay period as the date of the actual designated holiday or in the biweekly pay period immediately preceding or following that pay period (5 USC 6103(d)(2).

(4)   Part time employees are not entitled to "in-lieu-of holidays." However, when a part-time employee is prevented from working because the activity is closed to provide full-time employees an in-lieu-of holiday, the part-time employee may either be placed in an appropriate leave category or be excused (placed on administrative leave) without loss of pay for the number of hours he or she is regularly scheduled to work on that day.

D.   **_OEs_** may establish guidelines for their employees that supplement but do not conflict with the principles contained in this MD. Attachment A contains a sample request for AWS scheduling.

VII. Questions

Address questions or concerns regarding Alternative Work Schedules and this MD to the Chief Human Capital Officer (CHCO).

ATTACHMENT A

REQUEST FOR ALTERNATIVE WORK SCHEDULE

DEPARTMENT OF HOMELAND SECURITY
REQUEST FOR ALTERNATIVE WORK SCHEDULE

NAME (Type or print)	COMPONENT /OFFICE/DIVISION (etc.)

INSTRUCTIONS: Choose the work schedule you would like to request by checking the appropriate box and entering the required information. Submit the completed form to your supervisor for approval.

AWS SCHEDULES (SELECT ONE SCHEDULE ONLY)

1. ☐ FLEXITOUR 3. ☐ MAXIFLEX SCHEDULE 5. ☐ VARIABLE WEEK SCHEDULE

2. ☐ GLIDING SCHEDULE 4. ☐ VARIABLE DAY SCHEDULE 6. ☐ 5/4/9 COMPRESSED

Please indicate your preferences such as 8 and 9 hour day schedules and which week your day off is scheduled.

FIRST WEEK		SECOND WEEK	
Arrival Time	Departure Time	Arrival Time	Departure Time
M _____	_____	M _____	_____
T _____	_____	T _____	_____
W _____	_____	W _____	_____
TH _____	_____	TH _____	_____
F _____	_____	F _____	_____

7. ☐ 4/10 COMPRESSED

FIRST WEEK		SECOND WEEK	
Arrival Time	Departure Time	Arrival Time	Departure Time
M _____	_____	M _____	_____
T _____	_____	T _____	_____
W _____	_____	W _____	_____
TH _____	_____	TH _____	_____
F _____	_____	F _____	_____

EMPLOYEE'S SIGNATURE:	DATE:

SUPERVISORY ACTION:

☐ APPROVED

☐ DISAPPROVED

☐ APPROVED WITH MODIFICATION:

_____

_____

SUPERVISOR'S SIGNATURE: _____ **DATE:** _____

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