

For: All FSA County Offices

Alternative Work Schedules (Maxiflex)

Approved by: State Executive Director



1 Overview

**A
Background**

Maxiflex was implemented in Arkansas in October 2001 by issuing the attached Memorandum of Agreement.

**B
Purpose**

To reissue the policy and procedures for Alternative Work Schedules. This notice replaces AR Notice PM-397 dated January 22, 2002.

**C
Action**

All employees should review the attached Memorandum of Agreement. The policies and procedures contained in this Agreement are applicable to both CO and GS employees.

Disposal

Indefinite

Distribution

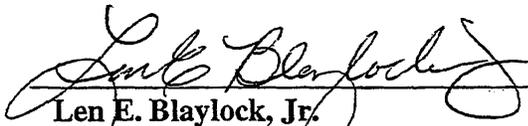
All County Offices

**Memorandum of Agreement
Between AFGE Local 108
And USDA, AR Farm Service Agency
October 11, 2001**

This Memorandum of Agreement (MOA) is to replace Article 8 of the Labor-Management Agreement dated November 5, 1991, with the attached Agreement on Article 8 effective October 11, 2001 and to implement the use of attached Form FSA-956AR in requesting alternative work schedules.



**Barbara Owens,
President, AFGE Local 108**



**Len E. Blaylock, Jr.
State Executive Director**

AGREEMENT BETWEEN AFGE LOCAL 108 AND
USDA, FARM SERVICE AGENCY, ARKANSAS
ARTICLE 8, OF THE LABOR-RELATIONS
MANAGEMENT AGREEMENT
EFFECTIVE OCTOBER 11, 2001

ARTICLE 8 – BASIC WORKWEEK – HOURS OF WORK – OVERTIME

Section A. General

1. Employees and managers 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 amended 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 managers continue working together to accomplish the work of the Agency.
 - a. Employees may request authorization to work one of the three schedules established in this article. The variety of schedules provides for more flexibility than has previously been available to employees, but has the potential to require employees to increase their span of responsibility. Employees who want to establish or make a permanent change to an alternative work schedule, shall make the request by submitting the appropriate form to their supervisors no later than close of business on the Tuesday before the pay period for which they wish the schedule to be effective. An employee may make a permanent change up to four (4) times within a calendar year.
 - b. If two or more employees' work schedule requests conflict so that to approve both/all the requests would result in inadequate office coverage during the work day, or undue delays or interruptions to Agency business operations, or the failure, delay, or interruption in completing a critical mission of the Agency, the supervisor will meet with the affected employees and return the form to each employee with the request that the employees reach agreement among themselves, if possible. If the employees are unable to reach agreement by noon on the Thursday before the pay period in which the employees wish the requested schedules to be effective, the supervisor by close of business on Thursday will approve or disapprove the work schedules.
 - c. A supervisor may, after giving timely notice to affected employees, make a temporary change to an employee's work schedule (including scheduled days off) for any work-related exigency - - including, but not limited to, to ensure required attendance at meetings, training, travel; to alleviate inadequate office coverage during the established work day; to provide required services to internal or external customers; to compensate for temporary staffing shortages or changes; or to fulfill special needs of the Agency. Timely notice is defined to mean as soon

as practicable after the supervisor has determined a change is required. The parties understand that the amount of notice practicable in each instance will vary according to the circumstances. Supervisors shall consider the affected employees' need to make corresponding changes in their personal affairs to accommodate the Employer.

- d. An employee may request a temporary change to the work schedule (including scheduled days off) for personal reasons or for any work-related exigency—including, but not limited to, ensuring required attendance at meetings, training, travel; providing required services to internal or external customers; or fulfilling special needs of the Agency. Such request for change must be submitted on the appropriate form and approved by the supervisor in advance.
- e. For changes where an employee is required to work on his or her scheduled day(s) off the employee will be permitted to schedule alternative day(s) off during the pay period, be paid overtime or accrue compensatory time, or revert to the standard work schedule of ten eight (8) hour days for the pay period.
- f. A supervisor may temporarily cancel (90 days or less) an alternative work schedule for an employee, work unit, or part of a work unit when:
 1. an employee would be unable to complete the requirements of the position;
 - the office would have inadequate coverage during established Agency business hours;
 - the work unit's business operations would be unduly delayed or interrupted; or
 - a critical mission of the Agency would not be accomplished or would be unduly delayed or interrupted.

For Agency directed permanent work schedule changes, except in emergency situations, a change to an employee's schedule may not be implemented without first giving the employee and the Union at least 2 weeks notice prior to the change. In particular circumstances, the Union may waive its right to the 2-week notice period. A change made by the Agency will not count as one of the four changes allowed by the employee.

- g. Credit hours are credit for work performed by an employee on a Maxiflex schedule in excess of their scheduled tour of duty on any scheduled workday for work performed between 6:00 a.m. and 6:00 p.m. Monday through Friday in order to vary the length of a subsequent workday or workweek. Credit hours may be earned after 6:00 p.m. to 12:00 a.m. to attend voluntary night meetings with supervisory approval.
 - Work performed for credit hours is differentiated from overtime work, which is ordered or directed by the Employer. Work performed for credit hours will

not be converted to or compensated as, overtime work, nor is it subject to the rules and regulations of overtime work.

1. Employees on a Maxiflex schedule will be permitted to earn credit hours, subject to the following limitations:
 - (i) Working credit hours is at the employee's discretion; they cannot be ordered or directed by the supervisor.
 - (ii) Prior supervisory approval is required since the supervisor must determine that appropriate work is available.
 - (iii) There is no limit on the number of credit hours that may be earned in a workday so long as the total credit hours and regular tour of duty do not exceed 12 hours (exclusive of lunch period.)
 - (iv) Credit hours will not be earned on a non-workday.
 - (v) Credit hours can be earned and used in fifteen (15) minute increments.
 - (vi) Employees shall indicate their times worked for the credit hour period through applicable time and attendance procedures.
 - (vii) An employee cannot carry over from one pay period to the next more than twenty-four (24) unused credit hours.
 - (viii) Employees cannot be forced to use credit hours. Employees cannot be forced to earn credit hours. Employees approved to work overtime may elect to earn credit hours consistent with this article.
 - (ix) Employees who have earned credit hours may request time off during their regularly scheduled work hours. Use of credit hours shall be subject to advance supervisory approval, in the same manner as leave, and will be scheduled so as to avoid disruption to the work of the work unit and to minimize the number of employees in a work unit who are off on any given workday (e.g., Supervisors may take into account scheduled leave of other employees in the work unit and scheduled days off for employees in the work unit in considering an employee's request to use accumulated credit hours).
 - (x) Use of credit hours may be requested in combination with approved leave and/or compensatory time off. Credit hour use may be requested in fifteen (15) minute increments. Credit hours use will be requested on Form SF-71, Request for Leave or Approved Absence. Employees should check the "Other" block on the SF-71 and write in "Credit Hours."
 - (xi) Credit hours may not be earned for working during the lunch period. Use of credit hours may be requested to extend a lunch period.
 - (xii) Credit hours must be earned before they are used.
 - (xiii) Unused credit hours will be compensated at the applicable rate in effect at the time of separation of the employee from the Agency, for whatever reason, including retirement.
 - (xiv) Credit hours may not be used to create entitlement for a shift differential or other premium pay.

- (xv) Credit hours may not be earned on Saturday, Sunday, holidays, or any other nonworkday; during core hours; or while traveling, i.e., driving a car, but can be earned for work performed while in travel status per OPM regulation.

h. Holidays:

1. When a Federal holiday falls on an employee's scheduled workday, the employee is entitled to holiday leave according to the following:
 - (i) for employees on a Compressed Work Schedule, the total number of hours scheduled for that day. For example, if a holiday falls on Monday and the employee is scheduled to work nine (9) hours, the employee will be paid nine (9) hours for the holiday.
 - (ii) For employees on Maxiflex, Flexitour, or Standard Work Schedules, the employee is entitled to 8 hours holiday leave.
2. When a Federal holiday occurs on a full-time employee's scheduled day off or compressed day off, the employee is entitled to:
 - (i) holiday leave for the workday immediately preceding the holiday as their "in lieu of holiday";
 - (ii) holiday leave for the immediately succeeding Tuesday if the employee's scheduled day off is Monday and any of the following days fall on the preceding Sunday: January 1, July 4, November 11, or December 25.
3. When a federal holiday occurs on a day that a part-time employee is:
 - (i) not scheduled to work, the employee is not entitled to holiday leave;
 - (ii) scheduled to work, except that the part-time employee is entitled to the smaller of the number of hours scheduled for that day or 8 hours.
4. When an employee works on a holiday they will be entitled to:
 - (i) Maxiflex- a full-time employee who performs non-overtime work on a holiday (or a day designated as the "in lieu of" holiday) is entitled to their basic rate of pay plus premium pay for that holiday work. Holiday premium pay is limited to a maximum of 8 hours, regardless of the employee's scheduled tour for that day. A part-time employee is entitled to holiday premium pay only for work performed during their basic work requirement on a holiday (not to exceed 8 hours).
 - (ii) Flexitour- a full-time employee who performs non-overtime work on a holiday is entitled to their basic rate of pay plus premium pay for that holiday work. A part-time employee is entitled to holiday premium pay only for work performed during their basic work requirement on a holiday (not to exceed 8 hours)
 - (iii) Compressed Work Schedule- a full-time and part-time employee, for non-overtime work is limited to the number of hours normally

scheduled for that day. A part-time employee scheduled to work on a day designated as an "in lieu of" holiday for full-time employees is not entitled to holiday premium pay for work performed on that day.

i. Court/Military Leave

1. When an employee goes on court/military leave, the employee shall be paid for a standard 8-hour workday for each day for which court/military leave is required. For military leave purposes, employees will be charged military leave to the extent to which it is earned.
2. If an employee receives notification after starting the pay period that the employee is scheduled for military/court leave later during the same pay period, or if the military/court leave requirement is not for an entire pay period, the employee may request to use provisions of one of the available alternative work schedules to complete the pay period.

Section B: Definitions

1. Agency Business Hours: The official business hours of the Agency are 8:00 a.m. to 4:30 p.m. Monday through Friday.
2. Core Hours: The core hours are the designated hours (9:00 a.m. to 3:00 p.m.) during which all full-time employees must be present during their normal tour unless on approved leave, scheduled lunch period, or the tour of duty has been changed.
3. Regular Workday: Is established between the hours of 6:00 a.m. to 6:00 p.m.
 - a. Employees shall begin work each day no earlier than 6:00 a.m. but no later than 9:00 a.m. Employees must have completed their tour of duty no later than 6:00 p.m. Any time worked before 6:00 a.m. or after 6:00 p.m. must be approved overtime or compensatory time.
4. Lunch Break: A manager may not require an employee to work 6 hours or more without a lunch break. A 30, 45, or 60-minute lunch break may be requested by an employee within the lunch band.
5. Lunch Band: Is the band of time, between the hours of 11:30 a.m. to 1:30 p.m., that a lunch period may be scheduled.
6. Flexilunch: Employees on a 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 an equivalent amount on that day.
7. Temporary Schedule Change: A temporary work schedule change, as used in this Article, means two pay periods or less time.

8. **Permanent Schedule Change:** A permanent work schedule change, as used in this Article, means a time period that exceeds two pay periods. Employee is allowed to make a permanent change up to four (4) times during a calendar year.
9. **Credit Hours:** Hours worked in excess of the basic work requirement at the employee's election and with supervisory concurrence. They shorten the length of another workday or workweek. Employees do not receive overtime pay for these extra hours. There is no limit on the number of credit hours that may be earned in a workday so long as the credit hours and regular tour of duty for that day do not exceed 12 hours (exclusive of lunch period). Full-time employees may accumulate no more than 24 credit hours at any time. Part-time employees may accumulate credit hours on a pro-rata basis. Part-time employees may accumulate no more than $\frac{1}{4}$ of the hours equal to their biweekly work requirement at any time. Employees on Standard, CWS or Flexitour may not earn credit hours.

Article 8.1 BASIC WORK WEEK: The basic workweek shall be forty (40) hours, consisting of eight (8) hours in each of the days, Monday through Friday, unless an employee is working under the provisions of Section 8.2 and Section 8.3.

Article 8.2 FLEXIBLE WORK SCHEDULES (FWS): Each employee is eligible for maxiflex or flexitour .

- a. **Maxiflex:** Employee must work an 80-hour pay period of ten (10) or fewer workdays per pay period (Monday – Friday). Workdays must be 6 hours to 10 hours in length exclusive of lunch period and must include all core hours on days scheduled to work except for the last day of the schedule once the 80-hour requirement has been met. Employee must complete form FSA-956AR, Field Office Work Schedule Request, to schedule hours of work and the supervisor must approve the FSA-956AR prior to the effective pay period. Employee may request to change the starting time each pay period choosing the time he/she will arrive each day, no earlier than 6:00 a.m. and no later than 9:00 a.m. Once a schedule is approved, employee must account for hours in the schedule except that arrival time may be flexed earlier or later up to 30 minutes on any given day, provided departure time is flexed an equivalent amount on that day, but not later than 6:00 p.m. Any other changes to the approved pay period schedule must be approved by the supervisor. Hours an employee works under Maxiflex schedule are to be recorded on a minute-to-minute basis using form FSA-958. *Employees are eligible to earn credit hours.*
- b. **Flexitour:** Employee is allowed to request daily starting and stopping times within the flexible hours between 6:00 a.m. and 6:00 p.m. Employees must work 8 hours a day, 5 days a week. Once selected the hours are fixed and do not flex.

Article 8.3: COMPRESSED WORK SCHEDULE: Employee works a fixed schedule which is established by the employee and approved by the supervisor. Employee must work an 80-hour pay period of fewer than 10 workdays per pay period (Monday- Friday). Workdays must begin no later than 9:00 a.m. and end no later than 6:00 p.m. Starting and ending times once established are fixed and do not change. Employees shall establish a schedule according to one of the following: The compressed work schedule program must operate in a manner, to ensure that offices and facilities are adequately staffed during business hours and at times required to fulfill the agency's mission. An office cannot be closed as a result of employees Non Work Day (NWD) without prior approval from the State Executive Director. Credit hours cannot be earned under CWS.

- a. 5/4/9: Employee establishes a schedule to work eight 9-hour days; one 8-hour day, and designates one (1) fixed compressed day off.
- b. 4/10: Employees established a schedule to work eight 10-hour days and designates two fixed compressed days off.
- c. Employees may request to participate in, make changes to, or cancel their participation in compressed work schedules using form FSA-956AR, up to four times per year. Temporary adjustments necessary in accordance with this Article are not considered a change for this purpose.

Work Schedules Available

Fixed Tour: Standard Work Schedule

Tour: 8:00 a.m. –4:30 p.m. daily
Nonwork day: Ineligible
Glide: Ineligible
Credit Hours: Ineligible
Flexilunch: Ineligible
Holiday Pay; 8 hours

Fixed Tour: Compressed Work Schedule

Tour: 5/4/9 or 4/10 as established
Nonwork day: 5/4/9: 1 day as established
4/10: 2 days as established
Glide: Ineligible
Credit Hours: Ineligible
Flexilunch: Ineligible
Holiday Pay: 5/4/9: 8 hours on short day
9 hours on long day
4/10: 10 hours

Fixed Tour: Flexitour

Tour: 8 hours daily
5 days a week with varying start and stop times
Nonwork day: Ineligible
Glide: Ineligible
Credit Hours: Ineligible
Flexilunch: Ineligible
Holiday Pay: 8 hours

Flexible Tour: Maxiflex

Tour: As scheduled with 6- to 10-hour days
Nonwork day: 1 or more as scheduled
Glide: 30 minutes
Credit Hours: Yes
Flexilunch: Yes
Holiday Pay: 8 hours

8.4 OVERTIME: Assignment of overtime is a management function. Overtime is not a right by reason of employment. Overtime work is authorized to meet agency needs. Employees will be expected to work overtime if requested; however, if an employee request to be excused from working overtime on a specific occasion, the supervisor will make an effort to accommodate the employee's request to be excused. Consistent with the paragraph, the Employer will assign overtime except emergency situations, among employees who have similar skills, abilities, and grad levels and are in the same organizational location. Time and attendance records showing the overtime distribution will be maintained. In no case will overtime work be assigned to any employee as a reward or punishment.

8.5 REST PERIODS: Employees shall be allowed two (2) paid rest periods; one rest period during the middle of the first time period, and one rest period during the middle of the second time period of each basic work day. Those rest periods will be limited to fifteen (15) minutes each. The approximate times of the rest period will be at the discretion of the Employer. Unless the work situation will not permit, these rest periods will be staggered so that all employees are not on rest periods at the same time, to enable the Employer to maintain continuous service to the public.

FSA-956 - AR
(10-19-99)

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

PRIVACY ACT STATEMENT

Collection of your Social Security Number is authorized by Executive Order 13007 and will be used solely for the purpose of positive identification. Furnishing this information is voluntary.

FIELD OFFICE WORK SCHEDULE REQUEST

PART A - GENERAL INFORMATION

1. Employee's Name _____ 2. Social Security Number _____ 3. Field Office _____

4. Type of Requested Change? Permanent Temporary 5a. Effective Pay Period of Requested Change _____ 5b. If Temporary, Enter PP to Return to Current Work Schedule _____ 6. Employment Status FT PT

PART B - CURRENT WORK SCHEDULE

7. WORK SCHEDULE TYPE
 Maxiflex - Estimated arrival/departure with glide
 CWS 5/4/9 - 80 hour pay period of eight 9-hour workdays plus one 8-hour workday - fixed arrival/departure.
 Standard Flexitour - 40 hours per week and 10 workdays per pay period - fixed arrival/departure

8. WORK SCHEDULE DAYS (Enter "OFF" for nonworkdays)

	WEEK ONE					WEEK TWO					TOTAL PP HOURS
	MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI	
Arrival Time →											
Depart. Time →											
Daily Hours →											

9. Current Work Schedule incorporates which of the following Lunch Breaks? 30 Minutes 45 Minutes 60 Minutes

PART C - REQUESTED WORK SCHEDULE

10a. Amount of Allowable Glide Time _____ Minutes OR 10b. Time Frame _____ am - _____ am

10a and 10b apply to Maxiflex only.

11. WORK SCHEDULE TYPE
 Maxiflex - Estimated arrival/departure with glide
 CWS 5/4/9 - 80 hour pay period of eight 9-hour workdays plus one 8-hour workday - fixed arrival/departure.
 Standard Flexitour - 40 hours per week and 10 workdays per pay period - fixed arrival/departure.
 CWS 4/10

12. WORK SCHEDULE DAYS (Enter "OFF" for nonworkdays)

	WEEK ONE					WEEK TWO					TOTAL PP HOURS
	MON	TUE	WED	THU	FRI	MON	TUE	WED	THU	FRI	
Arrival Time →											
Depart. Time →											
Daily Hours →											

13. Requested Work Schedule incorporates which of the following Lunch Breaks? 30 Minutes 45 Minutes 60 Minutes

14. Employee's Signature _____ Date _____ 15. Received by Timekeeper (Initials) _____ Date _____

PART D - APPROVAL/DISAPPROVAL

16. This request is:
 APPROVED AS REQUESTED DISAPPROVED
 APPROVED AS REVISED

17. Reason for Disapproving Request _____
 Date _____

18. Approving Official's Signature _____

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ORIGINAL - Timekeeper COPY - Employee