



U.S. DEPARTMENT OF
TRANSPORTATION

**Federal Highway
Administration**

Order

Subject

Alternative Work Schedules

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1. **What is the purpose of this Order?** This Order implements updates to and revises requirements for the Federal Highway Administration's (FHWA) AWS program.
2. **Does this Order cancel an existing FHWA directive?** Yes, this Order cancels FHWA Order 3000.1C, Personnel Management Manual (PMM) Chapter 8, Hours of Work, Alternative Work Schedules, dated November 19, 2003.
3. **What are the authorities governing this Order?**
 - a. Title 5, U.S. Code, Chapter 61, Hours of Work.
 - b. Title 5, Code of Federal Regulations (CFR), Part 610, Hours of Duty.
 - c. Office of Personnel Management (OPM) Handbook on Alternative Work Schedules.
 - d. Departmental Personnel Manual (DPM) Chapter 610, Hours of Duty, dated April 22, 2005.

4. **What are the definitions of key terms used in this Order?**

- a. **AWS.** This term collectively refers to flexible work schedules and CWS.
- b. **Basic work requirement.** These are the non-overtime hours an employee is required to work each pay period. The basic nonovertime work requirement for full-time employees is 80 hours per payperiod.
- c. **CWS.** These are fixed schedules, established by the FHWA that permit employees to fulfill their basic work requirement of 80 hours in less than 10 days during a biweekly payperiod.
- d. **Core hours.** These are specific hours on a designated workday or days that management sets for all staff members to be on duty or in an approved leave status.
- e. **FWS.** These are work schedules in which the basic work requirements (80 hours per pay period for a full-time employee) are met while allowing employees to determine their own schedules within the limits set by FHWA.
- f. **Gliding schedules.** This type of work schedule allows employees to vary their arrival and departure times within established workbands, while working no more than 8 hours in a day and 40 hours in a week.
- g. **Holiday leave.** The type of leave granted to an employee who is not required to work on a Federal holiday. The actual number of hours granted is determined by the employee's work schedule.
- h. **In lieu of holiday.** A substitute holiday used when a designated holiday falls on an employee's RDO.
- i. **Maxiflex.** Type of work schedule that allows an employee to vary the length of the workday, length of the workweek, and the number of days worked as long as the employee meets the 80-hour biweekly basic work requirement.
- j. **Official business hours.** These are the official hours during which the office is open for business and staff is accessible to internal and external customers.
- k. **RDO.** Employees who meet their basic work requirement in less than 10 days have a regularly scheduled nonworkday each pay period.
- l. **Supervisors.** For the purpose of this chapter, this term refers to executives, managers, supervisors, and team leaders who have authority to approve work schedules.

- m. **Workbands.** The official band of hours in which employees set their work schedules. The FHWA workband is from 6 a.m. to 6 p.m.
- 5. **Who is covered by this Order?** This Order applies to FHWA General Schedule and Wage Grade employees. These policies, with limitations, also apply to members of the Senior Executive Service (SES).
- 6. **Who is responsible for the AWS Program, and what are their responsibilities?**
 - a. **AWS program administration.** Associate Administrators, the Chief Counsel, Chief Financial Officer, Director of Innovative Program Delivery, Directors of Field Services, Director of Technical Services, Division Administrators, and Federal Lands Highway Division Engineers are responsible for implementing and administering the AWS program within their organizational units. These officials are encouraged to document organizational AWS plans. Plans must be in conformance with this Order and tailored to the mission requirements of the organizations that they manage. When developing AWS plans, employee involvement is encouraged.
 - b. **Supervisor responsibilities.** Supervisors are responsible for making decisions on employee requests to use AWS flexibilities, and for the day-to-day administration of the AWS program. Supervisors are responsible for ensuring that all eligible employees receive equitable consideration for AWS. Decisions to deny an employee's request for AWS participation must be fair, business related, and explained to the employee.
 - c. **Employee responsibilities.** Eligible employees may be approved for AWS based on the duties of their position. If approved for a FWS or CWS, employees recognize that this is a privilege, not an entitlement. Employees understand and accept responsibility for adjusting their work schedules to meet work requirements and office needs.
 - d. **AWS program technical support.** The Director of Human Resources is responsible for providing technical assistance to officials who are implementing and administering the AWS program.
- 7. **What are the FHWA policies regarding the AWS program?**
 - a. The FHWA AWS program consists of FWS and CWS. The following policies are applicable to both FWS and CWS programs. Policies that are unique to the FWS and CWS programs are described in paragraphs 8 and 9, respectively.
 - b. Implementation of an AWS program will not result in a decrease in services provided to the FHWA customers including the general public. This program will not result in an increase in costs to FHWA.

- c. Management officials and employees are expected to work together to ensure appropriate office coverage and customer responsiveness during official business hours established for the office.
- d. Within their organizations, Associate Administrators, the Chief Counsel, Chief Financial Officer, Director of Innovative Program Delivery, Directors of Field Services, Director of Technical Services, Division Administrators, and Federal Lands Highway Division Engineers are encouraged to support participation in an AWS program for all eligible positions and employees.
- e. No organizational unit will be excluded from participating in an AWS program.
- f. When management has determined employee eligibility for AWS, participation is considered a benefit and is voluntary. In rare cases, a written business case may be developed to support mandatory participation by employees in a specific work unit.
- g. The FHWA official workband is 6 a.m. to 6 p.m. This workband provides 12 nonpremium, daytime hours for employees to schedule and complete their tours of duty.
- h. Employees who voluntarily elect to work beyond the official workband as part of an AWS are not entitled to night differential.
- i. Each FHWA organization must establish official business hours that meet the type, nature, and location of the office. All organizations are required to have appropriate office coverage during official business hours. The official business hours for FHWA Headquarters are 8 a.m. to 4:30 p.m., Monday through Friday.
- j. Lunch periods are unpaid and, therefore, not considered hours worked.
- k. Participating employees and supervisors have a joint responsibility to ensure cooperation in administration of the program. In the event that unforeseen work activities occur (e.g., major projects, meetings, or training), employees will be expected to adjust their schedules to meet FHWA needs. Supervisors are expected to provide notice as soon as possible or as soon as it is known that an employee will need to adjust his/her work schedule.
- l. When approving a work schedule – including an employee's request for an RDO, supervisors must assure sufficient office coverage is available during official business hours. Employee requests for specific RDOs are not automatically approved. Requests must be reviewed to create a balance between mission accomplishment and employee flexibility.
- m. Full-time employees on a maxiflex or other noncompressed work schedule, including a traditional 8 hour workday, are entitled to 8 hours

holiday leave at their basic rate of pay for any day on which the FHWA or Federal Government is closed for a legal public holiday. Employees are responsible for scheduling the remaining number of hours of work in a pay period in which a holiday occurs to ensure they fulfill their regular work schedule. *For example, if the employee normally works 80 hours in a pay period, the employee is responsible for scheduling 72 hours when there is one holiday in the pay period.*

- n. Employees on approved AWS receive an in lieu of holiday when a designated holiday falls on an RDO.
- (1) The in lieu of holiday will generally be the last workday immediately preceding the nonworkday. *For example, if the RDO is a Monday and that is the designated holiday, the employee's in lieu of holiday would be the preceding Friday.*
 - (2) If the RDO on which the holiday occurs is a Sunday, the **next** workday is the in lieu of holiday.
 - (3) The chart below provides information on the normal in lieu of holiday schedule.

If the holiday falls on:	Your RDO is:	Holiday is observed on:	Your "in lieu of" holiday is:
Sunday	Monday	Monday	Tuesday
Monday	Monday	Monday	Friday of Previous Week, if same pay period
Monday	Monday	Monday	Tuesday, if previous Friday is a different pay period
Tuesday	Tuesday	Tuesday	Monday
Wednesday	Wednesday	Wednesday	Tuesday
Thursday	Thursday	Thursday	Wednesday
Friday	Friday	Friday	Thursday
Saturday	Friday	Friday	Thursday

- (4) If the normal in lieu of holiday schedule does not provide sufficient office coverage, supervisors have the authority to change an employee's work schedule before the start of the administrative workweek to ensure mission accomplishment and office coverage.
 - (5) If Inauguration Day falls on an RDO, employees are not entitled to an in lieu of holiday.
- o. If an FHWA office or the U.S. Department of Transportation is closed as a result of an emergency (weather, widespread power outage, etc.) on the day an employee takes their RDO, the employee is not entitled to another day off.

- p. Employees approved for AWS are not excluded from participating in the FHWA telework program. Telework days are workdays and are not the same as an employee's RDO. Employee eligibility for telework is based on the policies and requirements for that program.
- q. Implementation of AWS may result in employees using less leave. Employees are reminded that they are expected to manage use of their leave throughout the leave year. Employees who accrue leave in excess of carryover limits because of their AWS are not entitled to have that leave restored.

8. What are the FHWA policies regarding use of flexible FWS?

- a. This paragraph identifies specific policies applicable to FWS. The FWS available within FHWA include maxiflex and gliding tours of duty.
- b. **Gliding schedule.** Employees on a gliding schedule have a daily work requirement of 8 hours per day but may vary arrival and departure times within established bands.
 - (1) Each organization must establish arrival and departure bands for gliding schedules. *For example, 6 a.m. to 9:30 a.m. for arrival, and 2:30 p.m. to 6 p.m. for departure.*
 - (2) Gliding schedules have core hours during which employees must be on duty or in an approved leave status. Each organization is responsible for establishing core hours. *For example, core hours from 9:30 a.m. to 2:30 p.m.*
- c. **Maxiflex.** Employees on a maxiflex schedule may vary times of arrival and departure, vary the number of hours worked each day, and vary the full-time number of days worked each pay period with a maximum of 1 day off per pay period. Full-time employees are still required to meet their 80 hour work requirement and part-time employees must meet their scheduled biweekly tour of duty.
 - (1) Due to the flexibility of maxiflex schedules, managers must ensure guidelines for use are in place for their employees.
 - (2) Managers may limit the number of hours any employee can work on a given day. For example, employees may be limited to 10 hours on any given workday.
 - (3) Managers may establish core hours when employees must be on duty or in an approved leave status.
 - (4) Employees are responsible for requesting management approval in advance of varying their schedule.

- d. Employees on FWS may request approval to work outside of the FHWA official workband of 6 a.m. to 6 p.m. If the employee's request is approved, the employee has no entitlement to night differential for those hours.
- e. Employees on FWS are entitled to a maximum of 8 hours of holiday leave.
- f. Members of the SES may participate in FWS with the approval of the Executive Director and in accordance with Departmental guidance.
 - (1) The SES members may participate in FWS that allow them to vary hours worked in a day, vary arrival and departure times, and flex midday schedules.
 - (2) The SES members may not have a work schedule that includes an RDO.

9. What are the FHWA policies regarding the use of CWS?

- a. This paragraph identifies specific policies applicable to CWS. The 5/4-9 compressed schedule is authorized for use by FHWA employees.
- b. **5/4-9 schedule.** This schedule allows a full-time employee to work eight 9-hour days and one 8-hour day (not including a lunch period) during a biweekly pay period. The employee would then receive a day off (RDO) during the pay period. *For example, Joe works 7 a.m. to 4:30 p.m., Monday through Thursday of week 1 and week 2 of the pay period. On Friday of week 1, Joe works 7 a.m. to 3:30 p.m.; on Friday of week 2, Joe has an RDO.*
- c. Employee arrival and departure times are fixed under a CWS.
- d. Employees on CWS receive holiday leave equal to the number of work hours regularly scheduled for that day (i.e., 8 or 9 hours).
- e. When approving a work schedule and an employee's RDO, managers and supervisors must make certain that adequate supervision and office coverage are available during all business hours. Employee preference may be considered but the ultimate decision for an RDO is at the discretion of the management official.
- f. The SES members are not eligible to participate in the CWS program.

10. Is there a chart that identifies all work schedule options available in FHWA?

Schedule Options	Type of Schedule	Description	Core Hours	RDO	Holiday Leave	Excused Absence	Management Controls
Regular Code: (leave blank)	Traditional	Employee has a set 8-hour workday, 40 hour weekly work requirement.	Not applicable	No	8 hours	8 hours	Arrival and Departure times fixed. Approves schedule before start of pay period.
5/4-9 Code: C	Compressed	Employee works eight 9-hour days, one 8-hour day, and has one regular non-workday each pay period.	Not applicable	One fixed RDO per pay period	8 or 9 hours	8 or 9 hours	Arrival and departure times are fixed. RDO is fixed. Approves schedule before start of pay period.
Gliding Code: F	Flexible	Employee may vary arrival and departure times each day within a pre-established band.	Required	No	8 hours	8 hours	Set core hours. Set arrival and departure bands.
Maxiflex Code: M	Flexible	Employee has a basic work requirement of 80 hours per pay period. Employee may vary the number of days worked each pay period and/or vary the number of hours worked each day.	Required	Maximum of one per pay period	8 hours	8 hours	Set core hours. Limit maximum number of hours worked in a day (e.g. 10). Approve schedules in advance of the workday.

11. Are there any tools available to assist managers and employees with implementing AWS? Yes. The Office of Human Resources has developed several tools to assist managers and employees in successfully implementing AWS. These tools are available on the HR Staffnet:

- a. AWS Frequently Asked Questions and Answers
- b. Sample AWS agreement


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