

MS 630 Direct Hire Hours of Duty Procedures

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Responsible Office: Office of Human Resources

New Procedural Document

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1.0 Purpose

This document sets forth the Peace Corps implementing procedures to support MS 630 *Direct Hire Hours of Duty* which governs hours of duty or work, including the agency's Alternative Work Schedules (AWS) program and official hours of duty for all Peace Corps U.S. Direct Hire (USDH) employees, regardless of location of assignment.

2.0 Scope

These procedures cover all Peace Corps employees in domestic and overseas offices except Foreign Service National (FSN) employees, employees on intermittent appointments, and personal services contractors.

3.0 Definitions

- (a) ***Absent Without Leave (AWOL)*** means an absence from duty which was not authorized or for which a leave request has been denied is charged on the leave record as absence without leave.
- (b) ***Administrative Dismissal*** means an absence when on-duty employees, or employees scheduled to report to duty, are released from duty because all or part of an organizational operation is closed. Employees affected by these actions are generally excused without charge to leave and without loss of pay.
- (c) ***Annual Leave*** means an absence from duty with pay requested by an employee for vacation, personal reasons, or emergency, and chargeable against annual leave credits.

- (d) **Compensatory Time Earned** means time off with pay in lieu of overtime pay for irregular or occasional overtime work. When permitted under an agency's flexible work schedule program, compensatory time earned may also be time off with pay in lieu of overtime pay for regularly scheduled, irregular, or occasional overtime work.
- (e) **Compressed Work Schedule** means fixed work schedules that enable full-time employees to complete the basic 80-hour biweekly work requirement in less than 10 consecutive workdays.
- (f) **Credit Hours** are hours that an employee elects to work, with supervisory approval, in excess of the employee's basic work requirement under a flexible work schedule.
- (g) **Excused Absence** is an absence administratively authorized or approved which does not result in a charge to leave of any kind or in loss of basic salary.
- (h) **Flexible Work Schedule** means work schedules that consist of workdays with flexible hours in which employees provide mission coverage. Flexible hours are the part of the workday when employees may (within limits or "bands") choose their time of arrival and departure. Within limits set by their agencies, Flexible Work Schedules can enable employees to select and alter their work schedules to better fit personal needs and help balance work, personal, and family responsibilities.
- (i) **Geographical Areas** mean areas within which employees normally commute to work.
- (j) **In-Lieu-of-Holiday** means a substitute holiday available to all full-time employees, including those on flexible or compressed work schedules, when a Federal holiday falls on a non-workday. In such cases, the In-Lieu-of-Holiday time-off is the basic workday immediately preceding or following the non-workday.
- (k) **Leave Without Pay (LWOP)** is a temporary non-pay status and absence from duty approved upon the employee's request.

4.0 Management Responsibility

Peace Corps Management is responsible for the following:

- (a) Setting work schedules, as well as assigning overtime and holiday work, to balance mission requirements, efficiency, economy of operations, and employee needs.
- (b) Scheduling employee's work generally during the same hours each day. Breaks in excess of one hour during a day should not be permitted unless the employee is on approved flexible work schedule.
- (c) Scheduling rest periods and lunch periods.
- (d) Informing employees of work schedules for all uncommon tours of duty in the work area, with the names of the assigned employees, and maintains a copy of employees work schedules in their operating office or automated timekeeping system.

- (e) Notifying employees prior to the start of the administrative workweek when they are to be assigned to a different tour of duty or to different hours of duty.
- (f) Ensuring changes in established work schedules are kept to a minimum and made only when necessary for accomplishment of the mission or to resolve operational problems.
- (g) Verifying and certifying all hours worked by employees.
- (h) Considering changes to tours of duty involving the assignment of overtime when the requirement conflicts with an employee's religious obligations or practices by permitting the employee to perform the overtime on another day or to excuse him or her from the assignment.

5.0 Employee Responsibility

A Peace Corps employee is responsible for the following:

- (a) Being present for duty unless authorized to be absent.
- (b) Maintaining a complete and accurate record of all hours worked and leave taken and document accordingly on their timecard.
- (c) Working only those hours required by their work schedule and may not work overtime unless it is officially ordered or approved by a supervisor or authorizing official.

6.0 Holidays and the Workweek

- (a) Part-time Peace Corps employees are not entitled to In-Lieu-of Holidays. However, when a part-time employee is prevented from working because the operational unit 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 and placed on administrative leave without loss of pay for the number of hours they are regularly scheduled to work on that day. While part-time employees are not entitled to In-Lieu-of-Holidays, they are entitled to holidays that occur on their scheduled work days.
- (b) Employees assigned to positions where scheduled holiday work is required are entitled to pay at their rate of basic pay plus holiday premium pay.
- (c) Supervisors may order holiday work when required and must have it approved in writing by an official designated to authorize holiday work; approval must be obtained in advance of work being performed, except in cases of emergency. Supervisors ordering work on a holiday or employees required to remain on duty during an emergency will not require advance approval for the work, but should document the work no later than the following work day.

- (d) When employees with a 40-hour basic workweek and an uncommon tour of duty of other than Monday through Friday have a holiday that falls on Saturday, Sunday or their non-workday, they may observe the next regularly scheduled workday as a holiday.
- (e) Full-time employees on a Compressed Work Schedule are entitled to basic pay for the number of hours they are regularly scheduled to work on that day. When a holiday falls on the regularly scheduled day off of the employee's Compressed Work Schedule and is a Sunday, the employee's In-Lieu-of-Holiday is the first regularly scheduled workday following the Sunday holiday. If the holiday is not a Sunday, the employee's In-Lieu-of-Holiday is the last regularly scheduled workday preceding the holiday. If the President issues an Executive Order granting a "half-day" holiday, a full-time employee on a Compressed Work Schedule is entitled to basic pay for half the number of hours he or she would otherwise work on that day.
- (f) Holiday observances for employees who work a flexible schedule are the same as those for full-time employees with a regularly scheduled 40-hour basic workweek. A full-time employee on a Flexible Work Schedule is only entitled to 8 hours of pay on a holiday when the employee does not work. (See 5 U.S.C. 6124). Full-time employees on flexible schedules under which employees work more than 8 hours a day are to make arrangements to work extra hours during other regularly scheduled workdays (or take annual leave or use credit hours or compensatory time earned) in order to fulfill the 80-hour biweekly work requirement. If the President issues an Executive Order granting a "half-day" holiday, a full-time employee on a Flexible Work Schedule is credited with half the number of hours he or she was scheduled to work, not to exceed 4 hours.

7.0 Excused Absence/Administrative Leave

This section covers situations in which the Director uses their authority to close all or part of an organization and, consistent with that closure, administratively excuses the non-emergency workforce. This includes unanticipated circumstances based on extreme weather, natural disasters, and unforeseen interruptions of transportation or building services that could cause potential health or safety risk. The Director may delegate this authority as needed to ensure the efficiency that certain risks pose on the workforce and its operations.

This authority is not intended to cover extended periods of interrupted or suspended operations that can be anticipated sufficiently in advance to permit arranging for assignment to other work or scheduling of Annual Leave, Compensatory Time Earned, Credit Hours, or LWOP. In such event, employees covered by approved telework agreements may also coordinate with their supervisors to telework, in order to continue operations.

Employees in the Washington, D.C., metropolitan area should follow the Washington, D.C., Area Emergency Dismissal or Closure Procedures as administered by the Officer of Personnel Management (OPM), as appropriate.

7.1 Criteria

- (a) Excused Absence/Administrative Leave should be rare and authorized only when conditions are severe or normal operations would be significantly disrupted.
- (b) Excused Absence/Administrative Leave authority may be used for short periods. Excused Absence/Administrative Leave will normally not exceed 3 consecutive workdays in a single pay period. When approving Administrative dismissals, the Director must consider the practices of private employers in the area, the use of unscheduled leave or telework in individual cases, and the severity of working or commuting conditions.
- (c) Employees approved for regular and situational telework who are not able to report to their assigned office location due to office closure or dismissal from a natural or man-made emergency situation may telework when the capability to telework is available at the alternative worksite.
- (d) When all or part of an operational unit closed for short periods because of planned management action and arrangements cannot be made for assignment to other work, employees will be notified as far in advance as possible but no less than 3 full work days when circumstances permit, and will be notified of their ability to take annual leave, Compensatory Time Earned, or Credit Hours unless LWOP is requested or the employee will telework in accordance with their approved telework agreement or in accordance with local established operating procedures.

7.2 Emergency Situations

- (a) Emergency Employees. Designated emergency employees who do not report for work as required may be charged Annual Leave, sick leave, Credit Hours, Compensatory Time Earned, LWOP, or AWOL if appropriate.
- (b) Employees in Special Situations. Employees on LWOP pending disability retirement or while in receipt of workers' compensation, on military leave, suspension, or in a non-pay status will continue in that status the workday before and after a closure..
- (c) Remote and Telework-ready employees who are scheduled to perform telework on the effective day of the announcement or who are required to perform telework on a day when federal offices are closed must telework the entire workday or request leave, or a combination of both
- (d) Employees on official travel. If non-emergency employees are on official travel on a workday when their offices are closed in the Washington, D.C. or respective Geographical Area, employees are expected to continue working. However, if the emergency procedures of the agency make it impossible for the employees to continue work—e.g., the travel assignment requires frequent contact with the agency in the Washington, D.C., area—excused absence may be appropriate. The agency is responsible for determining whether employees are required to continue working or will be granted excused absence under these circumstances.

- (e) Employees on an alternative work schedule (AWS) day off. If federal offices are closed on the employees' regular AWS day off, they are not entitled to an additional "in lieu of" day off. AWS employees who fulfill their biweekly work requirement in less than 10 working days are already entitled to an AWS day off. Such employees may not receive an additional day off. In addition, employees cannot be granted excused absence on a non-workday. AWS employees whose offices are closed on their AWS day may not be granted excused absence for the scheduled non-workday.
- (f) When an employee is scheduled to return from leave during the dismissal period, the office should continue to charge leave for the absence until the time set for dismissal, then charge any continuing absence due to the emergency in the same manner as absences of other employees who were on duty at the time of dismissal (i.e., as an excused absence).
- (g) Non-emergency employees who are scheduled to report for work before the dismissal but who do not report should be granted either Annual Leave or sick leave, Compensatory Time Earned, or Credit Hours or deemed AWOL, if appropriate, for the entire workday.

8.0 Alternative Work Schedules

Alternative Work Schedules (AWS) are more than a simple rearrangement of the arrival and departure time of staff. In order for AWS to function effectively, it must be recognized as imparting considerable additional responsibility to each and every employee.

8.1 Management Responsibility

AWS requires Agency managers and supervisors to adapt their management styles. It requires effective methods to plan and organize the work and to assess the effectiveness of the work unit, as well as effective communications with and between employees.

As a matter of courtesy, meetings should be scheduled between 9:30 a.m. and 3:30 p.m. whenever possible. There will be occasions when this is not possible, and staff will have to alter their schedules temporarily to accommodate such situations.

Given the very flexible nature of the Peace Corps AWS Program, there is potential for abuse. Should abuse become a problem, it could result in the Office Head returning an individual employee or work unit to a traditional fixed work schedule. Decisions in this regard are subject to the appropriate grievance procedure.

8.2 Implementation

AWS must be implemented in a manner which ensures the following:

- (a) Coverage is maintained for the function of the unit. For those units, which deal directly with the public, the "Public Service Band" determines the minimal coverage required.

- (b) Given adequate coverage - at least one employee who understands the major functions of the work unit - employees are given maximum flexibility.
- (c) Unit efficiency and productivity are not reduced.
- (d) Decisions occur on the most decentralized basis feasible.
- (e) Decisions about work unit level and AWS models are to be mutually arrived at and acceptable to employees and supervisors alike.

Each work unit may select one AWS schedule, either Maxiflex or a specific fixed compressed schedule, for its use. This selection should be accomplished within a cooperative, participatory process, utilizing the "Guide to Selecting Work Units and Schedules." Each employee in that unit shall submit to the supervisor in writing the particular schedule, i.e., hours and days of work, which he or she intends to follow within the work unit's parameters. If in the course of the year, an employee's particular schedule varies substantially from the one he or she previously submitted, the employee shall submit a revised schedule. For purposes of this Manual Section, the basic work unit is determined by considering a combination of factors, including the commonality of supervision, function, and office space. Normally the basic work unit is defined by those employees reporting to a single supervisor.

8.3 Overtime Pay and Maxiflex

For employees on the Maxiflex schedule, overtime hours are all hours in excess of 8 in a day, 40 in a week, or 80 in a biweekly pay period which are officially ordered in advance by the supervisor. For example, an employee on the Maxiflex schedule submits the following schedule for a subsequent week to his or her supervisor and has it approved: 10 hours on Monday, 10 hours on Tuesday, 6 hours on Wednesday, 8 hours on Thursday, and 6 hours on Friday. On Wednesday, the supervisor decides that the employee is needed for two additional hours and orders the employee to work the additional time. Although this is work officially ordered in advance, it is not in excess of 8 hours in a day or 40 hours in a week, and therefore, is not overtime. In such a case, the employee may:

- (a) Work 2 hours less on a subsequent workday;
- (b) Work out the balance of his or her schedule as planned, and receive 2 credit hours; or
- (c) Work out the balance of his or her schedule as planned, and receive overtime pay for 2 hours, which would be the 41st and 42nd hour of the week or the 81st and 82nd hour of the bi-weekly pay period.

8.4 Absence and Leave during Maxiflex

Although the Maxiflex schedule allows for much flexibility, there exists the possibility that an employee may be forced to use leave. As an example, assume an employee works a small number of hours during the first week of a pay period in anticipation of working longer hours in the second week. If it then becomes impossible, in the second week, to complete the 80 hours

basic work requirement, the employee must use sick leave, Annual Leave, or LWOP for those hours short of the requirement.

8.5 Safety and Hazardous Weather Conditions

Absences may be administratively authorized without charge to leave or loss of pay under safety and hazardous weather conditions. If, for example, early dismissal is authorized as early as 3:00 p.m., the maximum excused absence will be two (2) hours; the difference between 3:00 p.m. (time of dismissal) and 5:00 p.m. (the end of the Public Service Band). This would affect individual employees differently depending on their scheduled workday. Employee A, who is scheduled to complete the workday at 6:00 p.m. would be excused for two (2) hours and could leave at 4:00 p.m. Employee B, scheduled to complete the workday at 3:30 p.m., could leave at 3:00 p.m. and would be excused 1/2 hour. One of the intents behind this rule is to provide for staggered departures which would ease traffic congestion. Equity among employees is not an intent here since early dismissal is based upon the convenience of the government.

8.6 Hybrid Work Schedules

Individual work schedules that combine the unique attributes of flexible and compressed work schedules are not authorized.

8.7 Fine Tuning

At any time after the annual selection of work schedules, unanticipated contingencies, issues, or problems may come into play. It is expected that the supervisor and staff will need to work together to make adjustments to the schedule and/or change schedules to fit the functional needs of the office and the personal needs of the employees of the unit. The need to make such adjustments is expected and permissible. However, each work unit must select one specific schedule to which all employees in that unit must adhere.

9.0 Effective Date

The effective date of these procedures is the date of issuance.