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- B. Part-time employees may not participate in flexi-time or compressed schedules.
 - C. In the event of a conflict of flexi-time scheduling among employees at a given organizational unit, length of Agency service will govern, in the absence of personal hardship or mission needs.
 - D. This Article and any supplemental agreements will be administered according to Title 5 U.S. Code, Chapter 61, Subchapter 2, and 5 CFR 610, Subpart D.

Section 2 - Types of Schedules

- A. Variable Week is a flexible schedule containing core time on each workday in the biweekly pay period in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period. 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. Credit hours are applicable to this schedule.
- B. Flexible First 40 Tour of Duty is a flexible schedule for MSHA Right of Entry employees only in which a full-time employee has a basic work requirement of the first 40 hours worked during not more than five consecutive days in the Sunday through Saturday administrative workweek, beginning as early as Sunday but no later than Monday unless requested by the employee and approved by Management. An employee may vary the number of hours worked on a given workday within the week. This scheduling may be subject to the mission needs of the Agency and will be consistent with applicable laws and regulations. Credit hours are not applicable to this schedule. Overtime hours for employees on a flexible first 40-hour tour of duty are all hours in excess of the first 40-hour schedule that are approved in advance.
- C. Compressed Schedule is a fixed, non-flexible schedule constituting an 80-hour bi-weekly basic work requirement which is scheduled for less than ten workdays. The Compressed Schedules used most often are the 5-4/9 and the four-day week. In the 5-4/9, full-time employees work eight daily nine 1/2-hour fixed tours of duty days and one eight 1/2-hour day fixed tour of duty in a pay period. In the four-day week, full-time employees work four daily ten 1/2-hour fixed tours of duty each week.

Since a compressed schedule, like a standard workweek, is a fixed schedule, the concepts of flexible time bands, core time, and credit hours do not apply to a compressed schedule. Overtime hours in a Compressed Schedule are any hours of work, approved in advance, in excess of those specified hours which constitute the Compressed Schedule.

Section 3 - Definitions

In the above schedules, the following definitions shall apply:

- A. Credit hours are applicable to Variable Week Schedule and are earned for the time voluntarily worked in excess of an employee's basic work requirement. Employees may not "borrow" credit hours or use credit hours unless they have been accrued during a previous pay period. Employees may carry over up to 24 credit hours from pay period to pay period. Credit hours are earned and may be used in 15-minute increments. However, time spent in AWOL status will not count toward the basic work requirement for the purpose of accumulating credit hours.
- B. Core hours are those designated times and days during the biweekly pay period of the Variable Week schedule when an employee must be present for work. Core hours shall be 5-1/2 hours a day. Core hours will be 9:30 a.m. until 3:00 p.m. With the supervisor's approval, an employee may use credit hours or leave during core hours, as well as absences outside of core hours.
- C. Overtime hours in flexible schedules (except Flexible First 40 Tour of Duty employees) are all hours in excess of eight hours in a day or 40 hours in a week which are officially ordered in advance, but does not include credit hours.
- D. Rest periods will not be continuations of lunch periods, and rest/lunch breaks may not be granted immediately after the beginning of the workday or immediately prior to quitting time, nor shall they be accumulated.
- E. Normally, the time period for all employees to take their lunch break is between the hours of 11 a.m. and 2 p.m. The exigencies of the work may prevent an employee from taking a lunch break.

Section 4 - Timekeeping

- A. Employees who work the Variable Week Schedule and who are assigned to office work or physically report to an office at the

beginning and end of each day will use serial sign-in/sign-out sheets showing times of arrival and departure to record and report attendance. Under the serial sign-in/sign-out method, employees sign their name and record their time of arrival in order, one after the other. When departing from work at the end of the employee workday, employees again sign their name and record their time of departure in order, one after the other. The serial sign-in/sign-out sheet will be adjacent to a centrally located clock which will be used to determine the time recorded.

- B. For each pay period, all employees will report and record all hours worked and not worked in the Department's automated time and attendance system. For employees who work the Variable Week schedule, total time will be rounded to the nearest 15 minutes consistent with the FLSA.

Section 5 - Hours of Work

- A. Under the Variable Week schedule, employees assigned to work in the office for the day may begin work as early as 6:00 a.m. and may work as late as 7:00 p.m., Monday through Friday. Each employee (except Compressed time or Flexible First 40 employees) will orally inform their supervisor of their plans to work more than eight hours or beyond the end of the official workday of their immediate supervisor. This notification shall be made no later than the end of the core hours of the day on which the hours are to be worked. Such notification will allow the supervisor to make or alter the employee's work assignment as needed.
- B. An exception to the advance authorization requirement for an employee will be made when the exigencies of the situation prevent advance authorization of work. In case of abuse, Management may withdraw this discretion of an employee to work more than eight hours in a day without advance approval.

Section 6 - Pay Administration

Employees will be paid for the number of hours worked plus the amount of paid leave used. For pay purposes, credit hours will be treated as a type of leave.

Section 7 - Coverage of Mission Needs

- A. Management is responsible for seeing that the mission of the Department is carried out. Management will determine mission

need requirements after discussions with employees/representatives at the local level. Some examples of the Principal forms of coverage are:

1. answering phones;
 2. Providing clerical, technical, and professional support;
 3. providing office representation at essential meetings;
 4. handling inquiries from the public; and
 5. providing program needs based on business necessity.
- B. Coverage requirements, once established by the supervisor in accordance with Subsection 1 above, will remain in full force and effect until altered, amended, or revised. Management will explore all options available for office coverage to allow flexibility for all participants.
- C. When the supervisor establishes coverage requirements, all employees are obliged to meet the coverage requirements. The determination of who will work particular days or hours to ensure such coverage is within the authority of the supervisor. Where practical, personal preference will be honored in scheduling coverage. Where personal preference conflicts with the equitable sharing of the burden of coverage, personal preference shall give way.
- D. Employees assigned to training or any other temporary duty assignment with an established schedule will adhere to the established schedule of the temporary assignment for the duration of the assignment.

Section 8 - Abuse

- A. If an employee abuses his/her flexi-time schedule, Management may remove the employee from participation in the flexi-time plan upon advance notification to the employee. Abuse is defined as including but not limited to:
1. Abuse of timekeeping system.
 2. Continued failure to accurately record hours worked in serial and individual logs.
 3. Failure to adhere to office coverage requirements.

