

# **CHAPTER 7**

## **HOURS OF WORK**

### **AND HOLIDAYS**

NOTE: This chapter should be read in conjunction with local activity instructions and with any negotiated agreements between your activity and an exclusively recognized labor organization. Contract language will generally take precedence over conflicting provisions in this manual. Areas of uncertainty should be discussed with the Human Resources Office.

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## DAILY AND WEEKLY SCHEDULING OF WORK

### 1. PURPOSE

Unless an organization would be seriously handicapped in carrying out its function or costs would be substantially increased, work schedules for employees will be as stable as practicable. The activity head has the authority to establish and change the tours of duty of employees and to designate the place(s) where duty will be performed. Employee work schedules are to correspond with actual work requirements. Normally, employees will be given notice of changes in their tours of duty in advance of the administrative workweek. The occurrence of a holiday will not affect the designation of the employee's basic workweek. Employees will not be required to work outside their regularly scheduled work shift without compensation. Scheduled or unscheduled overtime work will be restricted to cases of real necessity or where overall economy can be demonstrated.

### 2. DEFINITIONS

#### **ADMINISTRATIVE WORKWEEK**

For General Schedule (GS) and Federal Wage System (FWS) employees, this is the calendar week of Sunday through Saturday. However, the hours of the administrative workweek may be varied to avoid carrying fractional workdays from one week to the next.

#### **BASIC WORKWEEK**

For full-time employees, this is 40 hours. An employee's workweek will not be scheduled for more than six of the seven days of the administrative workweek. Whenever practicable, the basic 40-hour workweek will be scheduled on five days, Monday through Friday, and the two days outside the basic workweek will be consecutive. However, for some types of operations, it may be impracticable to prescribe a regular schedule of definite hours for each workday, e.g., operations that must be carried through to completion without interruption.

#### **REGULARLY SCHEDULED ADMINISTRATIVE WORKWEEK**

For full-time employees this is the basic workweek plus any regularly scheduled periods of overtime work. For part-time employees, this is the officially prescribed days and hours, during which these employees are regularly required to be on duty.

#### **TELEWORK**

Any approved arrangement in which an employee performs officially assigned duties at an alternative work site either on a regular and recurring or on an ad hoc basis (not including while on official travel). Refer to your local command instructions for telework applications.

### 3. RESPONSIBILITIES

Supervisors are delegated the responsibility to establish and change basic workweeks and meal periods of employees consistent with mission requirements, the provisions of the subchapter, and any negotiated agreement.



### 4. OVERTIME/COMPENSATORY TIME ENTITLEMENT

See Overtime and Other Premium Pay section in this chapter.

### 5. MEAL PERIODS

Normally, employees are allowed a specified period of time off to eat lunch during each work shift. A meal period is non-work time for which neither basic nor overtime compensation is payable. When a meal period is designated, the length of the shift or

workday must be extended by the length of the meal period. When management requires an employee to forego the meal period, and the employee works the entire work shift, the employee may be entitled to overtime compensation. When management determines it is necessary, shifts may be scheduled without a meal period. These employees may be permitted to eat on the job provided work is not stopped or significantly interrupted.

### **6. CHANGING WORK SCHEDULES**

Generally, the days and the shift hours of the employees' basic workweek will not be changed without notice to the affected employees in advance of the administrative workweek. Changes may be temporary, (e.g., change in one work shift during the workweek because of special need) or permanent. If applicable, consult the negotiated agreement prior to making changes in existing work schedule or establishing a new work shift. A Civilian Work Schedule/Shift Change form must be submitted to timekeeping (See Appendix 7A).

### **7. ALTERNATIVE WORK SCHEDULES (AWS)**

There are two categories of alternative work schedules: flexible work schedules and compressed work schedules.

- a. Flexible work schedules provide employees the flexibility to report for work and leave work as they desire. However, all employees must be at work during activity-designated core hours and days. Activity heads are delegated the authority to establish flexible work schedules. Any exclusively recognized labor union must be consulted prior to implementing flexible work schedules or changing existing flexible work schedule requirements.
- b. Compressed work schedules allow employees to work 80 hours per pay period over less than 10 workdays (e.g., four 10-hour work-shifts per week). Compressed work schedules are always fixed schedules. Activity heads are delegated the authority to establish compressed work schedules. Any exclusively recognized labor union must be consulted prior to establishing, changing, or terminating compressed work schedules.
- c. Activities that elect to use flexible or compressed work schedules are responsible for publishing implementing instructions consistent with governing regulations.

## HOLIDAYS

### 1. LEGAL HOLIDAYS

The following legal holidays are observed:

New Year's Day (January 1).  
Birthday of Martin Luther King, Jr. (Third Monday in January).  
Presidents' Day (Third Monday in February).  
Memorial Day (Last Monday in May).  
Independence Day (July 4).  
Labor Day (First Monday in September).  
Columbus Day (Second Monday in October).  
Veterans Day (November 11).  
Thanksgiving Day (Fourth Thursday in November).  
Christmas Day (December 25).

### 2. COVERAGE

All full-time employees are entitled to holiday benefits. A part-time employee is not entitled to a holiday that falls outside the established work schedule. Intermittent employees are not entitled to holiday benefits.

### 3. SPECIAL PROVISIONS

- a. Supervisors may require employees to work on a designated holiday provided higher authority does not prohibit such work. When an employee is required to work on a holiday, or on other days equivalent to holidays, the employee is paid premium pay for the hours worked. When a holiday includes parts of two calendar days, the employee receives holiday pay for the entire work shift only if the work shift starts on the designated holiday.
- b. If a holiday falls on a day a part-time employee is scheduled to work, and the employee does not work, the employee is paid for the number of hours scheduled for that day. If a part-time employee works on a holiday, the employee is entitled to holiday premium pay only for the hours scheduled.
- c. Holiday benefits will apply to the calendar day on which the first shift begins when an employee works two shifts within the same 24-hour period.
- d. When a half-holiday is declared, employees are entitled to holiday benefits for one-half of the shift regularly scheduled for that day. If eight hours of work had been scheduled, employees would be entitled to four hours of holiday benefits; if nine hours of work had been scheduled, employees would be entitled to 4.5 hours of holiday benefits; etc.

### 4. DESIGNATING HOLIDAYS

- a. When any Monday holiday, Labor Day, or Thanksgiving Day is an employee's scheduled day off, the immediately preceding workday will be designated as the holiday, except when the scheduled day off is designated as the employee's day off in lieu of Sunday. In this latter case, the holiday observance is moved to the next succeeding workday.

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- b. When a holiday falls on an employee's regularly scheduled workday in the basic workweek, that workday is the employee's holiday. When a holiday falls on a day outside the employee's basic workweek, the holiday will be observed as prescribed in the table below

### DETERMINING DAYS ON WHICH HOLIDAY BENEFITS ACCRUE

Off Days Fall On	Holiday Falls On	Holiday Observed
Saturday – Sunday	Saturday	Preceding Friday
	Sunday	Following Monday
Sunday – Monday	Sunday	Following Tuesday
	Monday	Preceding Saturday
Monday – Tuesday	Monday	Preceding Sunday
	Tuesday	Preceding Sunday
Tuesday – Wednesday	Tuesday	Preceding Monday
	Wednesday	Preceding Monday
Wednesday – Thursday	Wednesday	Preceding Tuesday
	Thursday	Preceding Tuesday
Thursday – Friday	Thursday	Preceding Wednesday
	Friday	Preceding Wednesday
Friday – Saturday	Friday	Preceding Thursday
	Saturday	Preceding Thursday
Friday, Saturday, Sunday and Monday	Friday	Preceding Thursday
	Saturday	Preceding Thursday
	Sunday	Following Tuesday
	Monday	Preceding Thursday

### 5. EFFECT OF ABSENCE

- a. When an employee is charged with unauthorized absence (absence without leave) either at the close of the workday before or at the beginning of the workday after a holiday, the employee is not paid for the holiday.
- b. When an employee is in an approved non-pay status (leave without pay) both before and after the holiday, the employee does not receive pay for that holiday. An employee will receive pay for a holiday occurring either immediately before entering a leave without pay status or immediately after leaving a leave without pay status.

## OVERTIME AND OTHER PREMIUM PAY

### 1. PURPOSE

To provide information about premium pay, hazard pay and environmental differentials. Examples provided in this section apply to normal five days per week, eight hours per day work schedules. Consult Human Resources Office or the payroll office for further information involving specific situations.

### 2. OVERTIME PAY

Under the Fair Labor Standards Act (FLSA), overtime entitlements differ between employees not covered by FLSA (exempt) and those employees covered by FLSA (non-exempt). Overtime entitlements for exempt employees are guided by Title V. The FLSA exemption criteria are applied by the position classifier and are shown on the PD cover sheet.

#### a. FLSA Entitlement

Overtime under the FLSA begins to accrue after the employee has completed hours of actual work in excess of 8 hours a day or 40 hours in a week. "Hours of actual work" includes paid non-work such as leave, holidays, compensatory time off or excused absences. Overtime is paid at one and one-half times the employee's regular rate of pay. Flexible and compressed work schedules are exceptions to this rule as are employees engaged in fire protection or law enforcement activities.

#### b. Title 5, USC Entitlement

Provisions under Title 5, USC, are as follows:

##### 1) General Schedule (GS) Employees

Overtime, if officially ordered or approved, is work performed in excess of 8 hours per day, or 40 hours within the administrative workweek. Payment cannot exceed one and one-half times the current salary of a GS-10, step 1, for all Law Enforcement Officers, and exempt employees.

##### 2) Federal Wage System (FWS) Employees

Entitled to overtime pay for authorized and approved work performed in excess of 8 hours per day or 40 hours in an administrative workweek, whichever is the greater number of overtime hours. The rate is one and one-half times the rate of basic pay.

##### 3) Intermittent Employees

Do not have a regularly scheduled workweek. Overtime shall be paid for duty performed in excess of 8 hours a day, or 40 hours a week. The computation is the same as overtime for GS and FWS employees.

##### 4) Part-time Employees

Work performed in excess of eight hours a day or 40 hours in the administrative workweek is paid as overtime in the same manner as that paid to GS and FWS full-time employees.

### 3. HOLIDAY PAY

#### a. Full-time Employees

Entitled to pay at the rate of basic pay plus premium pay at a rate equal to the rate of basic pay for that holiday work which is not in excess of eight hours or overtime work.

b. **Part-time Employees**

Holiday premium rates for work during hours of duty regularly scheduled to be worked on the holiday.

c. **Intermittent Employees**

Compensated only at the rate of basic pay for holiday work performed.

d. Work in **excess of eight hours** or scheduled compressed work schedule hours on a holiday are covered by overtime or compensatory time.

#### 4. SUNDAY PAY

a. **A full time employee** who performs work during a regularly scheduled eight hour period of service, which is not overtime work, and a part of which is performed on Sunday, **is entitled** to pay for the full eight hour period at the rate of basic pay plus premium pay of 25 percent.

b. **Part-time employees** are **not** entitled to premium pay for Sunday work.

#### 5. RELATIONSHIP BETWEEN PREMIUM PAY AND TRAINING

Being in a training status (including travel to and from) may qualify an employee for premium pay. Many factors are involved in determining premium pay eligibility in relation to training (i.e., FLSA status, purpose of training, location of training site, etc.). Each situation should be considered separately for the proper determination. Supervisors should **contact HRO** or the payroll office for assistance before this situation arises.



#### 6. NIGHT PAY

a. **General Schedule (GS) Employees**

A night differential of ten (10) percent of the employee's basic pay, in addition to basic pay, is paid for any regularly scheduled work between 1800-0600. Night differential continues for regularly scheduled night hours when an employee is absent due to a holiday or other non-workday, or is in an official travel status. It continues during short periods of paid leave; i.e., periods of less than eight hours of paid leave during a pay period. Night differential is not authorized for any period of leave when the total leave in a pay period is eight hours or more. A GS employee temporarily assigned to another shift shall receive the differential only for the shift in which actually employed. If assignment is to the day shift, no differential will be paid. Night differential is in addition to overtime, Sunday, or holiday pay and is not included in the rate of basic pay used to compute the overtime, Sunday, or holiday pay.

b. **Federal Wage System (FWS) Employees**

A night differential of seven point five (7.5) percent is paid for the entire shift when the majority, (five or more hours of a scheduled eight-hour shift) of the employee's regularly scheduled non-overtime hours of work fall between the hours of 1500 - 2400. A night differential of ten percent shall be paid for the entire shift when a majority of the employee's regularly scheduled non-overtime hours of work fall between the hours of 2300-0800. An FWS employee regularly assigned to a night shift for which the night shift differential is payable is entitled to the night shift differential for periods of excused absence, on a holiday, while in official travel status, or on court leave. An FWS employee regularly assigned to a night shift is entitled to a night shift differential for any period of temporary assignment to day shift or other shift with a lower differential.

If assigned to a shift with a higher differential, the higher differential for work performed on that shift is paid. Night shift differential is included in the rate of basic pay that is used for computing overtime pay, Sunday pay, and holiday pay.

### 7. HAZARD OR ENVIRONMENTAL DIFFERENTIALS

- a. Each activity's objective is to eliminate or minimize all unusually severe hazards, physical hardships, and unusual working conditions. When those conditions cannot be overcome or practically eliminated, a hazard differential or an environmental differential is paid to the exposed employees. Even though these differentials are authorized, continuous positive action must be taken to eliminate danger and risk that contribute to or cause hazards. The existence of these differentials is not intended to condone work practices that circumvent safety laws, rules, and regulations. Prior to authorizing these differentials, supervisors must **contact HRO** for a determination and to discuss those differentials currently payable.



#### b. Pay for duty involving physical hardship or hazard for General Schedule employees

- 1) Hazard differentials are paid to general schedule employees who perform any duty involving physical hardship or hazard (5 CFR Part 550 Appendix 2A) when that duty is not usually involved in the duties of the position.
- 2) Hazard pay differential is not paid to an employee if either condition below exists:
  - a) The hazardous duty has been taken into account in the classification of the assigned position.
  - b) Safety precautions have reduced the element of hazard to less than a significant level of risk consistent with generally acceptable standards that may be applicable such as those published by the Occupational Safety and Health Administration.
  - c) Protective or mechanical devices have adequately alleviated physical discomfort or distress.
- 3) When an employee performs duty for which a hazard pay differential is authorized, the employee is paid the hazard differential for the hours in pay status on the calendar day on which the duty is performed. All new requests for payment of a hazard differential shall be sent to HRO for a determination. Once approved, the activity is responsible for monitoring the continuing operation and assignment of hazard differentials.

#### c. Environmental Differential Pay (EDP) for FWS employees

Payment of an authorized environmental differential to any FWS employee may be allowed when the assigned duties expose the employee to any of the following:

- 1) An unusually severe hazard which could result in significant injury, illness, or death.
- 2) An unusually severe physical hardship under circumstances which cause significant physical discomfort or distress.

- 3) An unusually severe working condition under circumstances involving exposure to fumes, dust, or noise which causes significant distress or discomfort in the form of nausea, skin, eye, ear, or nose irritation or conditions which cause abnormal soil of body and clothing, etc.
- d. When environmental differential is authorized, an employees shall be paid on an actual exposure basis with a minimum of one hour's differential pay for the exposure. For exposures beyond one hour, the employee shall be paid in increments of one-quarter hour for each 15 minutes or portion thereof, in excess of 15 minutes. An employee cannot be paid for more than one environmental differential for a particular period of work. **Only situations which have been examined and previously approved for payment by each activity are payable.** Information on specific situations currently payable is kept by HRO.

### 8. COMPENSATORY TIME

#### a. **Parameters**

Compensatory time is time off with pay in lieu of overtime pay for irregular or occasional overtime work, or when permitted under agency flexible work schedule programs.

#### b. **Employee Coverage**

Compensatory time may be approved in lieu of overtime pay for irregular or occasional overtime work for both FLSA exempt and nonexempt GS employees. Compensatory time may also be approved for FWS employees but there is no authority to *require* the employee be compensated for irregular or occasional overtime work by granting compensatory time off. For FLSA non-exempt employees, compensatory time may be requested by the employee in lieu of overtime.

#### c. **Mandatory Compensatory Time**

Agencies may require that an FLSA exempt employee receive compensatory time in lieu of overtime pay for irregular or occasional overtime work, but only for an FLSA exempt employee whose rate of basic pay is above the rate for GS-10, step 10. No mandatory compensatory time is permitted for FWS employees or in lieu of FLSA overtime pay.

#### d. **Regularly Scheduled Overtime**

Compensatory time off may be approved (not required) in lieu of regularly scheduled overtime work only for employees, including FWS employees, who are ordered to work overtime hours under flexible work schedules.

#### e. **Time Limits**

The limit for use of compensatory time off is the end of the 26<sup>th</sup> pay period after that in which the overtime was worked. Compensatory time off is normally used before annual leave except during the last month of the leave year when it would be more appropriate to use annual leave first to avoid its forfeiture.

#### f. **Amount**

Credit Compensatory Time for actual time worked; e.g., one hour.

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**APPENDIX 7A  
CIVILIAN WORK SCHEDULE / SHIFT CHANGE**

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Effective Date: \_\_\_\_\_ (MUST be beginning of pay period)

Name: \_\_\_\_\_ SSN: \_\_\_\_\_  
(Last, First, MI)

ORG Code: \_\_\_\_\_ Shop Code \_\_\_\_\_

Supervisor: \_\_\_\_\_ Phone: \_\_\_\_\_

Timekeeper: \_\_\_\_\_ Phone: \_\_\_\_\_

SLDCADA Schedule No.: \_\_\_\_\_

**Line #1**

**Indicate number of non-overtime hours scheduled to work daily, i.e., 8, 9, 10, etc.**

**Line #2**

**Indicate the In/ Out time, i.e., 0730- 1600**

**Line #3**

**Indicate lunch minutes i.e., 30, 60 minutes**

**FIRST WEEK**                      **SUN      MON      TUE      WED      THU      FRI      SAT**

Line #1 Daily work hrs:    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

Line #2 In/Out Time:        \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

Line #3 Lunch minutes:    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

**SECOND WEEK**                      **SUN      MON      TUE      WED      THU      FRI      SAT**

Line #1 Daily work hrs:    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

Line #2 In/Out Time:        \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

Line #3 Lunch minutes:    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

**DEFAULT JON ASSIGNED:** \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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