

## COMPRESSED AND FLEXIBLE WORK SCHEDULES

### INTRODUCTION

This reference guide identifies resources and provides general information regarding the administration of alternative work schedules (AWS) which include Compressed Work Schedules (CWS) and Flexible Work Schedules (FWS). It, however, is not designed to review every scenario that may occur under an AWS or other scheduling options under 5 U.S.C. 6101. Also, given AWS schedules for bargaining unit employees are implemented under negotiated agreements, bargaining unit employees and their supervisors and managers should consult their respective collective bargaining agreement for the AWS requirements.

The decision to establish an AWS program within a Department of Defense (DoD) component is at the discretion of the agency head. This discretion is subject to the obligation to negotiate with the exclusive representatives of the bargaining unit employees. Therefore, all references in the following guide to actions that agencies may take in implementing their AWS programs should not be taken as authorizing independent action where bargaining unit employees are involved.

AWS programs have the potential to enable managers and supervisors to meet their mission goals while concurrently allowing their employees to be more flexible in scheduling their personal activities. As employees gain greater control over their time, they can balance work and family responsibilities more easily, become involved in volunteer activities, and can also pursue educational opportunities. The employee benefits provided by AWS programs are also useful recruitment and retention tools. The authorities assigned to agencies in sections 6120-6133 of title 5 U.S.C. and parts 610.401-407 of 5 CFR 610, which define “agency” as any Executive agency or any Military Department, are delegated to the DoD Component heads or their designees.

### COVERAGE

This reference guide covers General Schedule and Federal Wage System employees as defined under 5 U.S.C. 2105 and 5 U.S.C. 5342(2).

### COMPRESSED WORK SCHEDULES

CWS schedules are fixed schedules in which an employee's basic work requirement for each pay period is scheduled by the component for less than 10 workdays. See 5 CFR 610.102, 5 CFR 610.111(d) and 5 U.S.C. 6121(5).

- in the case of a full-time employee, an 80-hour biweekly basic work requirement that is scheduled by a component for less than 10 workdays.
- in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours that is scheduled by a component for less than 10 workdays and that may require the employee to work more than 8 hours in a day.

## FLEXIBLE WORK SCHEDULES

FWS schedules include designated core hours and days when an employee must be present for work. An FWS schedule also includes designated hours during which an employee may elect to work in order to complete the employee's basic (non-overtime) work requirement. See 5 U.S.C. 6122. A full time employee on an FWS schedule can accumulate and carry over no more than 24 credit hours from one biweekly pay period to the next. See 5 U.S.C. 6126. This is not intended to prohibit activities from approving credit hour accumulation or carryover limitations of less than 24 hours.

The basic work requirement of an FWS schedule is the number of hours, excluding overtime hours, an employee must work or otherwise account for by leave, credit hours, holiday hours, excused absence, compensatory time off, or time off as an award.

- A full-time employee must work 80 hours/biweekly pay period, or a multiple of this requirement, as determined by the component head. Components may also establish daily or weekly basic work requirements.
- A part-time employee works fewer hours than a full-time employee within a specified period of time, as determined by the component head and consistent with 5 U.S.C. 3401 through 3408 and 5 CFR part 340.
- **Flexitour:** A type of FWS schedule in which an employee is allowed to select starting and stopping times within the flexible hours. Once selected, the hours are fixed until the component provides an opportunity to select different starting and stopping times.
- **Gliding schedule:** A type of FWS schedule in which a full-time employee has a basic work requirement of 8 hours in each day and 40 hours in each week, may select a starting and stopping time each day, and may change starting and stopping times daily within the established flexible hours.
- **Maxiflex schedule:** A type of FWS schedule that contains core hours on fewer than 10 workdays in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which 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.
- **Variable day schedule:** A type of FWS schedule containing core hours on each workday in the week and in which a full-time employee has a basic work requirement of 40 hours in each week of the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday within the week within the limits established for the organization.
- **Variable week schedule:** A type of FWS schedule containing core hours on each workday in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which 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.

## HYBRID WORK SCHEDULES

Individual work schedules that combine the unique attributes of CWS and FWS schedules are not authorized within the DoD.

## APPEALS TO THE OFFICE OF THE SPECIAL COUNSEL (OSC)

- Within the guidelines established by the component's FWS program, section 6132 of title 5, United States Code, protects an employee's right to elect a time of arrival or departure, to work or not to work credit hours, and/or to request or not to request compensatory time off in lieu of payment for overtime hours under an FWS program. Employees may contact the OSC at (202) 804-7000 or <https://osc.gov> and file a complaint regarding allegations of coercion prohibited by 5 U.S.C. 6132. Violations of 5 U.S.C. 6132 are subject to investigation by the OSC as provided in 5 CFR part 1810.
- Section 6132 of title 5, United States Code, protects an employee against coercion when voting for or against inclusion of his or her work unit in a CWS program and affirms the right of the employee to request, because of hardship, not to participate in a CWS program. See 5 U.S.C. 6127(b). Violations of 5 U.S.C. 6132 are subject to investigation by the OSC.

## FREQUENTLY ASKED QUESTIONS AND ANSWERS

### **What work scheduling options are available if I want to perform volunteer work?**

See the OPM [Volunteer Activities](https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/related-information/) fact sheet (<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/related-information/>) for information on the available work scheduling options.

### **What if my component has a bargaining unit?**

For information on the labor relations aspects of establishing and terminating alternative work schedules, see the Labor-Management Relations Guidance Bulletin, "[Negotiating Flexible and Compressed Work Schedules](#)," July 1995, OLRWP-12 for more (<https://www.opm.gov/policy-data-oversight/labor-management-relations/law-policy-resources/#url=Negotiating-Flexible-and-Compressed-Work-Schedules>).

### **What if my component wants to establish a hybrid schedule?**

There is no such authority for a Military component to establish hybrid work schedules that derive selectively from the authority for flexible work schedules and the authority for compressed work schedules in an effort to create a hybrid work schedule program providing unauthorized benefits for employees or agencies. See United States Comptroller General report [B-179810](#), December 4, 1979, (<http://www.gao.gov/assets/130/128370.pdf>) and [50 FLRA No. 28](#), February 23, 1995 for more (<https://www.flra.gov/decisions/v50/50-028.html>). Conversely, it should be noted that some forms of flexible work schedules (e.g., maxiflex) allow work to be compressed in fewer than 10 workdays in a biweekly pay period.

### **Can my management order an AWS schedule?**

It all depends as different rules apply depending upon whether or not you are in a bargaining or non-bargaining unit and whether your component has implemented FWS or CWS work schedules.

- If you are in a bargaining unit, your component must successfully negotiate an AWS program (CWS or FWS) with the union prior to implementation. (See 5 U.S.C. 6130.) Bargaining unit employees may participate in an AWS program only under the terms provided in the negotiated agreement. Therefore, a component that wishes to establish such a program must negotiate the establishment and terms of the program with the exclusive representative of the bargaining unit.
- If you are a non-bargaining employee, components may unilaterally set up FWS programs in units staffed by non-bargaining employees.
- A majority of affected employees in a non-bargaining unit must vote to be included in a CWS program when participation in the program would be mandatory. (See 5 U.S.C. 6127(b).) For the purpose of this vote, a majority is obtained when the number of affirmative votes exceeds 50 percent of the number of employees and supervisors in the organization proposed for inclusion in a CWS program. If participation in a CWS program is voluntary for each employee, a vote is unnecessary because employees who elect not to participate are not included and are unaffected.

### **What if a crisis, such as a pandemic influenza, occurs in my region; will I be able to continue working on my FWS program schedule?**

If you are currently on an FWS schedule, a component may continue to allow you to remain on a FWS schedule during a crisis. However, employees do not have a statutory or regulatory entitlement to work a particular work schedule. Therefore, changes in your work schedule are within the discretion of the employing component, as long as the changes are consistent with law, regulations, and any applicable negotiated agreement.

### **What if my component sends me on a four week TDY assignment and I am on an officially approved AWS schedule at my permanent duty station (PDS)?**

DoD employees must adjust their regular PDS tour of duty to five 8-hour days to accomplish the agency's mission when performing TDY travel. Changing an employee's work schedule is fully within the scope of the Department and is consistent with 5 USC 6101(2)(A and B) and 5 CFR 610, Subpart A. 5 CFR 610.121 states that management may depart from the rules for establishing work schedules if the head of the agency finds that the organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased.

### **Am I eligible to participate in an AWS work program if I telework?**

There is no current prohibition in Federal law or DoD regulation that precludes a teleworker from participating in an AWS work program. Your component telework policies establish the basic guidelines for telework eligibility. Within this framework, managers and supervisors generally have the discretion to implement telework to fit the mission requirements of your component. For additional information, please refer to your component telework policy.

### **Where can I find models of alternative work schedules?**

Appendices A, B, and C of the OPM AWS Handbook identify similarities and differences between CWS and FWS schedules and also depicts models of multiple schedules. Your respective component policy will also need to be taken into consideration.

### **What if more than one holiday occurs within a single pay period?**

Component plans for the administration of FWS schedules must address the occurrence of more than one holiday in a single pay period. FWS schedules should be administered so as to allow DoD employees to fulfill their biweekly work requirement during those days when they are typically available for work (e.g., not a holiday or flexible day off) so that employees may observe both holidays without a charge to leave or a loss of pay.

## **REFERENCES**

- Executive Order 11582, February 11, 1971
- 5 U.S.C. 6120 - 6133
- 5 CFR part 610, subpart D
- OPM Alternative Schedules Handbook (<https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/alternative-work-schedules/>)
- OPM Washington, DC Area Dismissal and Closure Procedures Handbook, December 2015 (<https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/alternative-work-schedules/>)
- DoD Instruction (DoDI) Number 1400.25, Volume 610, Hours of Duty

## **POINTS OF CONTACT**

For additional information: 703-545-7487 or [dodhra.mc-alex.dcpas.list.pay@mail.mil](mailto:dodhra.mc-alex.dcpas.list.pay@mail.mil)