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FLEXIBLE SCHEDULES AND WORKWEEKS

I. INTRODUCTION

Each city department establishes the work schedules for employees assigned to that department. Because the nature of the work varies across the city, starting and ending times vary according to the needs of individual departments. Consequently, employees may be assigned to begin and/or end work their workday outside of the typical 8 a.m. to 5 p.m. Monday through Friday schedule. Additionally, employees may be assigned to work a compressed schedule, or begin and/or end their workweek on a Saturday or Sunday.

Business needs permitting, departments may also offer a flexible work schedule or compressed work schedule to accommodate personal, family, and other obligations. The city permits employees to have flexible schedules and compressed work schedules when such schedules align with the city's and department's business needs. The purpose of this regulation is to outline when, how, and under what circumstances flexible schedules and/or compressed schedules are permitted.

All regular employees who have successfully completed their probationary period are eligible to request a flexible schedule.

II. FLEXIBLE SCHEDULE VS. COMPRESSED SCHEDULE

A flexible schedule is a schedule that allows employees to start or end their workday outside the typical 8 a.m. to 5 p.m. Monday through Friday work schedule.

A compressed schedule allows employees to work the equivalent of a full 40-hour work week in fewer than five days.

For the purpose of this regulation, the terms "flexible schedule" and "compressed schedule" will jointly be referred to as "flexible schedule." Note, the term flexible schedule does not include shift work.

III. CONDITIONS

The city has a variety of flexible schedule options. Prior to approving an employee's flexible schedule request, the employee's supervisor shall contact Human Resources to verify the requested schedule comports with one of the city's established flexible schedules. New schedules may be created as agreed to by the department and

Human Resources provided, the schedules comply with applicable wage and hour laws and are compatible with the city's timekeeping and Human Resources Information Systems (HRIS).

IV. APPROVAL PROCESS

Employees who would like to work a flexible schedule and/or compressed workweek shall make their request verbally or in writing to their Department Director or designee. Whether an employee's request is granted is at the discretion of the department in consultation with Human Resources. Employees' requests for flexible schedules are evaluated on a case-by-case basis and may not be feasible in some departments or for certain positions.

When evaluating an employee's request, the following factors should be considered:

- Nature of the employee's responsibilities;
- Reasons for the employee's request;
- Staffing levels required to maintain service and production levels;
- Department's capacity to handle changing workloads;
- Employee's work record, including punctuality, reliability, productivity, and ability to meet deadlines;
- Potential for an increase in the department's overtime/compensatory time numbers;
- Employee's willingness to depart from a flexible schedule when needed;
- Seasonal or cyclical changes in workloads might restrict the ability to grant flexible schedules during certain times of the year; or
- Other business needs.

Departments are responsible for ensuring flexible schedules are granted in a manner that does not violate the city's Equal Opportunity Employment Policy or Regulation.

If a department is unsure of how a flexible schedule will affect their operations, the department can approve a flexible schedule for a limited period, so they can evaluate whether the flexible schedule interferes with or hinders a business need.

If an employee's request for a flexible schedule is approved, the department shall document the new schedule and its effective date on a personnel action form (PAF) and submit the PAF to Human Resources.

V. CANCELLING A FLEXIBLE SCHEDULE

There is no right to a flexible schedule. The city retains the right to cancel or suspend a flexible schedule. If the timeframe for canceling the flexible schedule is not mutually agreed upon between the department and the employee, the department shall provide the employee with notice at least ten (10) business days prior to canceling the flexible schedule. This timeframe may be shortened based on a stated emergency.

VI. SUPERVISOR REVIEW

Supervisors are expected to periodically evaluate how an employee's flexible schedule affects the employee's productivity, leave usage and accruals, the number of overtime or compensatory hours worked, holiday pay, and on-call/call-in pay.

Departments can require an employee adjust their work hours, within the parameters of applicable wage and hour laws and city policies and regulations, to ensure the employee does not work over 40 hours within their FLSA workweek creating an overtime/compensatory time liability for the city.

VII. OTHER CONSIDERATIONS

Non-exempt employees are not restricted from working hours or days outside their approved flexible schedule, providing all alterations to their approved schedule, including hours worked over 40 in the employees FLSA work week, are approved in advance by the employee's supervisor and meet the requirements of the city's Wage Payment and Overtime Regulation. Non-exempt employees can be required to depart from their flexible schedule to work overtime hours.

Exempt employees are expected to work as needed to meet business needs; therefore, a flexible schedule does not restrict exempt employees from working outside their approved schedule, including a flexible schedule, provided all hours over 40 in the employee's FLSA workweek are approved by the supervisor in advance and in accordance with the Wage Payment and Overtime Regulation.

Flexible schedules resulting in employees regularly working more than 12 hours per day are not permitted.

Flexible schedules must comply with all federal and state department of labor rules and the city's policies and regulations.