



Work Schedules at the U.S. Environmental Protection Agency

Classification No.: 3162

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I. PURPOSE

The order establishes the work schedules available to employees at the U.S. Environmental Protection Agency.

II. DEFINITIONS

(a) *Administrative workweek*: in EPA, the period of seven consecutive calendar days beginning Sunday and ending Saturday, two administrative workweeks per pay period.

(b) *Alternative Work Schedule*: flexible work schedules and compressed work schedules.

(c) *Basic Work Requirement*: the number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave, credit hours, excused absence, holiday hours, compensatory time off, or time off as an award.

(d) *Biweekly Pay Period*: the two-week period for which an employee is scheduled to perform work, beginning on Sunday and ending on Midnight Saturday, 14 calendar days later.

(e) *Compressed Work Schedule*:

(1) In the case of a full-time employee, an 80-hour biweekly basic work requirement that is scheduled by an agency for less than ten workdays.

(2) In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours that is scheduled by an agency for less than 10 workdays and that may allow the employee to work more than eight hours in a day. (See 5 U.S.C. 6121(5)).

(f) *Core Hours*: the time periods during the workday, workweek (i.e., administrative workweek, regularly scheduled administrative workweek and tour of duty) or pay period that are within the tour of duty during which an employee covered by a flexible work schedule is required by the agency to be present for work or on approved absence.

(g) *Credit Hours*: those hours in conjunction with a flexible work schedule that an employee elects to work more than his or her basic work requirement to vary the length of a workweek (i.e., regularly scheduled administrative workweek) or workday.

(h) *Fixed Work Schedule*: a work schedule that is assigned or approved by the supervisor and that may not be changed without prior supervisory permission. Standard/Regular and compressed work schedules are fixed work schedules.

(i) *Flexible Hours*: the times during the workday, regularly scheduled administrative workweek, or pay period within the tour of duty during which an employee covered by a flexible work schedule may choose to vary his or her times of arrival and departure from the work site consistent with the duties and requirements of the position.

(j) *Flexible Work Schedule*: a work schedule established under 5 U.S.C. 6122, that:

(1) In the case of a full-time employee, has an 80-hour biweekly basic work requirement that allows an employee to determine his or her own schedule within the limits set by the agency.

(2) In the case of a part-time employee, has a biweekly basic work requirement of less than 80 hours that allows an employee to determine his or her own schedule within the limits set by the agency.

(k) *Maxiflex*: a type of flexible work schedule that may contain core hours on 10 or 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 by this policy.

(l) *Overtime Hours*:

(1) Standard/Regular (Straight-8) Work Schedule: hours of work officially ordered or approved more than eight hours in a day or 40 hours in an administrative workweek.

(2) CWS: any hours more than those specified hours for full-time employees that constitute the CWS (i.e., 5-4/9 or 4-10). For part-time employees, overtime hours are hours required to be worked outside of the compressed work schedule. However, if those additional hours still total less than eight, the employee receives basic pay for the added hours. Only hours greater than eight in a day and 40 in a week earn an overtime rate of pay.

(3) Maxiflex: all hours more than eight hours in a day or 40 hours in a week that are officially ordered in advance, but not including credit hours. This does not include hours worked discretionarily by the employee beyond eight hours in a day or 40 hours in a week.

(m) *Regularly Scheduled Administrative Workweek*: for a full-time employee, the period within an administrative workweek within which the employee is regularly scheduled to work. For a part-time employee, the officially prescribed days and hours within an administrative workweek during which the employee is scheduled to work.

(n) *Tour of Duty*: the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

(o) *Work day*: the period, including the unpaid lunch break, during which an employee is normally scheduled to be at work.

III. COVERAGE

This policy covers all full-time and part-time U.S. Environmental Protection Agency employees, supervisors and managers in the competitive, excepted, Senior Level, Scientific and Professional, and Senior Executive Service positions. This policy also covers Public Health Service Officers, Schedule C, Administratively Determined employees and non-EPA employees serving on Intergovernmental Personnel Act assignments to the EPA. This policy does not cover employees on details or IPAs to other agencies, departments or organizations.

If provisions of this order conflict with the provisions of a collective bargaining agreement, the provisions of the agreement must be applied.

IV. ROLES AND RESPONSIBILITIES

(a) Office of Human Resources

(1) Develops and issues policy and guidance on the administration of work schedule modules for the agency.

(2) Provides oversight of the agency's use of approved work schedule modules.

(b) Program and Regional Offices

Ensure that staff within their respective organizations adhere to the provisions of this policy.

(c) Supervisors will:

(1) Assign or approve available fixed work schedules (standard/regular and compressed) to employees in the work unit, incorporating employee preferences, (when feasible and appropriate), while balancing office and mission needs.

(2) Approve available flexible work schedules within the parameters of this policy, as appropriate.

(3) Ensure that employees adhere to their individually assigned work schedule and charge the appropriate absence or leave category to the employee, when the employee is properly absent during times corresponding to the assigned work schedule.

(4) Determine when prevailing mission-related requirements, priorities and emergencies necessitate suspension, either permanently or temporarily assigned, of approved work schedules for either employees or the entire work unit.

- (5) Review the employee's time and attendance submissions to ensure they are properly completed and properly coded for overall accuracy.
- (6) Communicate regarding time and attendance inaccuracies and require the employee to submit corrections as appropriate.
- (7) Ensure that schedules approved and implemented fall within parameters of this policy.
- (8) Communicate decisions regarding management-initiated changes and employee requests as soon as possible and no later than the beginning of the last day of the pay period preceding the pay period for which the employee requests a change. When feasible, decisions are to be communicated via email.

(d) Employees will:

- (1) Submit alternative work schedule requests on a timely basis and through the means designated by this policy. To provide time for the supervisor to decide and act, all requests must be made a minimum of two business days before the end of the pay period immediately preceding the pay period for which the employee requests a change, or sooner, pursuant to the direction of the supervisor.
 - (2) Be present for duty during hours corresponding to assigned or approved work schedules.
 - (3) Request absences in accordance with applicable agency policies.
 - (4) Comply with this policy in recommending requested starting times or in notifying supervisors of flexible work schedule changes in accordance with applicable flexible work schedule operating plans.
 - (5) Enter personal time and attendance information accurately and timely into the agency time and attendance tracking system.
- (e) Employees may be required to keep an electronic calendar, or other established method as approved by the supervisor, updated with their current work schedule. This will help coworkers know their availability for meetings.

V. GENERAL POLICY

(a) The work schedules available at EPA are:

- (1) Standard/Regular (Straight-8) Work Schedule (fixed)
- (2) Compressed Work Schedules (fixed)
 - (i) 5-4/9 Work Schedule (fixed)
 - (ii) 4-10 Work Schedule (fixed)

(3) Maxiflex Work Schedule (flexible)

(b) Employees do not have an entitlement to participate in any particular AWS, i.e., maxiflex or compressed work schedules. Approval to participate is at management's discretion.

(c) Supervisors are encouraged to provide maximum flexibility for their employees. However, because of specific job requirements within the agency, the same degree of personal choice may not be possible for all employees. Supervisors have the authority and responsibility to require work hour adjustments to meet special work situations and the responsibility to account for overall performance of the organization. All schedules must be consistent with organizational needs, provide for adequate, continuous office coverage, and result in no diminution or reduction in effectiveness of work performed.

(d) All participation in the agency AWS program (fixed and flexible) must be approved by the supervisor in advance. If an employee's request for a specific AWS is denied, the supervisor will provide a written explanation to the employee, upon request.

(e) Employee participation in an AWS is voluntary.

(f) The supervisor or management official should terminate the employee's AWS when there are documented misconduct or performance issues, when the employee does not comply with the provisions provided in this policy, or to meet the organization or unit's specific operating needs. The default work schedule for the employee in such circumstances is a Straight-8 schedule, but the supervisor or management official has the authority to permit temporary changes to the schedule on rare occasions and due to extenuating circumstances.

(1) For AWS terminations resulting from misconduct or performance issues or for the employee's failure to comply with the provisions of this policy, employees may reapply no sooner than one year after termination.

(2) For AWS terminations resulting from organizational or operating needs, the employee may reapply if or when any such issues are resolved.

(g) All daily tours of duty of six or more hours will include at least a 30-minute unpaid lunch break. Fixed schedule daily tours of duty may not contain a lunch break greater than 60 minutes. Employees may not use the unpaid lunch break at the beginning or end of the scheduled work day to shorten the length of the work day. An employee's tour of duty will be established to ensure that the employee works the required number of hours for the type of work schedule selected and accounting for the lunch period. The lunch break must generally be taken between 10:00 A.M. and 2:00 P.M. local time.

(h) The supervisor or management official may restrict participation in an AWS for positions it determines are of a critical nature or for compelling operational need.

(i) If an employee's work schedule must be temporarily changed based on items (i)1 through (i)3 below, the supervisor will inform the employee, or the employee will inform the supervisor at the earliest opportunity.

(1) A work schedule may be changed temporarily when the employee is attending training and the training hours conflict, or are inconsistent, with the work schedule.

(2) A work schedule may be changed temporarily when the employee is in a travel status if the hours at the temporary duty station differ from those of the employee.

(3) A supervisor may make temporary changes in employee's work schedules due to work load changes, emergency or time-sensitive assignments, changes in staffing levels, or work assignments involving team efforts, or for other reasons that the supervisor regards as compelling operational needs.

(j) Work Schedule Changes. Employees are permitted to change work schedule *types* periodically (no more than once per quarter) to accommodate workload demands or for personal reasons. However, they are not permitted to change work schedule types pay period by pay period. For example, an employee may not work on a maxiflex schedule one pay period and then the next pay period switch to the 5-4/9 CWS, and then the next pay period switch back to maxiflex. Employees may alter their maxiflex work schedule on a pay period-to-pay period basis, as long as those changes comply with the maxiflex requirements in this order

(k) Employees who work an AWS may also fully utilize telework opportunities. Subject to applicable policy and eligibility requirements, teleworking employees are eligible for the same work schedules as non-teleworking employees.

(l) Employees must request their work schedule on the *Work Schedule Request Form* found in Appendix A.

(m) Compressed work schedules and flexible work schedules cannot be combined or hybridized.

(n) Requests to deviate from any term or requirement in this policy must be submitted in writing by an assistant administrator (or designee) or regional administrator (or designee) to the director, Office of Human Resources. The request must contain a detailed justification for the proposed deviation.

VI. WEEKLY LIMIT TO THE NUMBER OF DAYS AWAY FROM THE OFFICAL WORKSITE

(a) Full-time employees are expected to report to the official worksite and duty station a minimum of three (3) days per week.

(1) Employees with a regular telework arrangement must comply with the agency telework policy.

(2) For employees on a CWS, the regular compressed day(s) off will count as a day away from the official worksite.

(3) For employees on a maxiflex work schedule, any day in a scheduled non-duty status during the biweekly pay period will count as a day away from the official worksite.

(4) A day in a paid leave status (e.g., annual, sick, credit hours used, etc.) or approved leave without pay will not count as a day away from the official worksite.

(5) Travel to and from or participation in offsite work assignments and meetings do not count as a day away from the official worksite.

VII. FIXED WORK SCHEDULES

(a) Standard/Regular (Straight-Eight) Work Schedule

(1) For full-time employees, the basic 40-hour weekly tour of duty is scheduled on five days, normally Monday through Friday, and the working hours are the same each day. For part-time employees, this schedule allows employees to complete a biweekly basic work requirement of 32 to 64 hours (i.e., part-time employees work between 16 to 32 hours per week) and may require the employee to work a minimum of four and up to eight hours a day.

(2) Regular schedule tour of duty times are fixed and must be between 6:00 A.M. and 6:00 P.M. local time.

(3) Entitlement to overtime pay is generated when an employee is required to perform overtime work beyond eight hours in a day, 40 hours in a week.

(4) Night pay is earned when an employee is required to work regular or regular overtime hours between 6:00 P.M. and 6:00 A.M. local time.

(5) When relieved from duty on a holiday, full-time employees are entitled to basic pay for eight hours. Part-time employees are entitled to basic pay for the number of hours scheduled to work on the holiday.

(6) When required to perform non-overtime work on a holiday, the employee is entitled to holiday pay for the number of regular hours during which work is performed.

(7) When employees perform work on a holiday outside of the employee's regularly scheduled daily tour of duty, those hours earn the employee's overtime rate of pay.

(b) Compressed Work Schedules

(1) 5-4/9 Work Schedule: for full-time employees, this schedule allows employees to complete the basic 80-hours requirement in eight days of nine hours of work each day and one day of eight hours of work with one scheduled non-workday each pay period, totaling 80 hours of work per pay period. For part-time employees, this schedule allows employees to complete a biweekly basic work requirement of 32 to 64 hours that is scheduled by the agency for less than 10 workdays and that may require the employee to work a minimum of four up to nine hours a day. Employees select and request fixed arrival and departure times and a fixed non-workday. Fixed arrival and departure times must be the same for each workday for full-time employees, but for part-time employees, especially students, arrival and departure times may vary. On the eight-hours workday a full-time employee must be scheduled to arrive at the same time or depart at the same time as the nine hours days (i.e., arrive one hour later or depart one hour earlier).

(2) 4-10 Work Schedule: for full-time employees, this is a fixed schedule that includes four days of 10 hours of work each day and one compressed day off each workweek. Employees select

and request fixed arrival and departure times and two fixed non-workdays, one each week. For part-time employees, this schedule allows employees to complete a biweekly basic work requirement of 32 to 64 hours that is scheduled by the agency for less than 10 workdays and that may require the employee to work a minimum of four up to 10 hours a day. The fixed non-workdays must be the same day of each administrative workweek (for example, every Monday or Friday) and must not be consecutive. Fixed arrival and departure times must be the same for each workday.

(3) Employees may request to change their compressed day off prior to the commencement of the pay period, subject to supervisory approval, if it does not result in two consecutive compressed days off. A scheduled compressed day off, as part of the schedule, cannot be changed during the pay period in progress.

(4) Employees who are approved to work a CWS will be required to provide affirmative evidence that they have worked the proper number of hours in a biweekly pay period in accordance with 5 CFR 610.404. This is done by making proper entry into the agency time and attendance system. Supervisors may also require employees to use a tracking system or email to sign in or sign out.

(5) For a full-time employee, overtime work consists of all hours of work outside of the established CWS. For a part-time employee, overtime hours are hours in excess of the CWS for a day (but must be more than eight hours) or for a week (but must be more than 40 hours).

(6) The regular rules governing entitlement to night pay, at 5 CFR 550.121 and 122, apply. Employees are entitled to night pay for regular hours and regular overtime hours ordered to be performed between 6:00 P.M. and 6:00 A.M. local time.

(7) Holidays

(i) If a federal holiday falls on an employee's eight-hour work day, it will be recorded as eight hours. If the holiday falls on a nine or ten-hour work day, it will be recorded as nine or ten hours respectively.

(ii) If the holiday falls on an employee's scheduled compressed day off, the holiday will be charged as follows:

(A) If the holiday falls on a Sunday, the employee will get the next regularly scheduled workday off (e.g., if the employee's compressed day off is Monday, Tuesday will be observed as the "in-lieu-of holiday").

(B) If the holiday falls on any other day, the employee will get the preceding regularly scheduled workday off (e.g., if the employee's compressed day off is a Monday and the holiday falls on Monday, the preceding Friday would be the "in-lieu-of holiday").

(8) Compressed schedule tour of duty times are fixed and must be between 6:00 A.M. and 6:00 P.M. local time.

(9) If there are any conflicts in scheduling the regular day off for an employee working a 5-4/9 or 4-10 CWS, supervisors should consider the following when resolving conflicts:

- (i) Organizational needs.
- (ii) Nature of the work.
- (iii) The order in which involved employees selected the schedule.
- (iv) Employee seniority (based on service computation date for leave).

VIII. MAXIFLEX

(a) Roles and Responsibilities Specific to Maxiflex

(1) Employees

(i) Are required to submit the *Maxiflex Pay Period Time Sheet* (Appendix B) prior to the start of each pay period. The *Maxiflex Pay Period Time Sheet* should document planned hours of work, planned leave usage, the number of credit hours the employee would like to earn, etc. Employees must request leave and credit hours used in the agency's time reporting system. Employees should await approval and not presume approval before it is received. Employees who have limited variability in their biweekly proposed schedule may submit a standing proposed schedule for approval or disapproval by the supervisor. Please see VIII (e)(2)(vii), below.

(ii) Must record the time in and time out daily either by a method directed by the supervisor (e.g., contemporaneous email), or on the *Maxiflex Pay Period Time Sheet* or the tracking system. The number of credit hours earned or used each workday must also be recorded, keeping in mind that at the end of the pay period, hours worked will be counted as credit hours only after the 80-hour bi-weekly requirement is met. The employee's *Maxiflex Pay Period Time Sheet* must be available for review at any time upon supervisor's request. The *Maxiflex Pay Period Time Sheet* is not a substitute for the electronic timecard. Instead, it is a tool for proposing work hours and it serves as a reference to be used when completing the timecard for time and attendance certification.

(iii) Must document, at a minimum, a 30-minute unpaid lunch period when scheduled to work six or more hours in a day.

(iv) May be required to keep an electronic calendar, or other established method, as approved by the supervisor, updated with the employee's current work schedule. This will help coworkers know their availability for meetings.

(2) Supervisors

(i) Will approve or disapprove an employee's initial request to work a maxiflex work schedule expeditiously, normally within 14 calendar days. If requested by the employee,

an explanation for disapproval of maxiflex will be provided in writing to the employee with the basis for the denial included.

(ii) Must review and approve or disapprove an employee's proposed work schedule before the beginning of each pay period.

(iii) Must approve or disapprove, if appropriate, the employee's time.

(iv) Must inform employees when a requested schedule is approved.

(b) General Parameters

(1) Maxiflex allows employees to select their own schedule within agency approved limits. It has an 80-hour bi-weekly work requirement for full time employees (and a prorated number of hours for part time employees) rather than a daily or weekly work requirement, Maxiflex permits employees to vary the number of hours worked each day and each week. For full-time employees, it allows employees to complete the 80-hour work requirement in less than 10 workdays each pay period, and to earn credit hours for voluntary work performed in more than 80 hours. Part-time employees are permitted to participate in the maxiflex work schedule; however, part-time employees must schedule a minimum of four hours per work day when in the office.

(2) Employees on a maxiflex schedule are often able to conserve annual leave. Consequently, those employees in high leave earning categories or with high leave balances run the risk of annual leave forfeiture at the end of the leave year. Annual leave should be carefully planned and scheduled throughout the year. Employees and supervisors share the mutual responsibility of ensuring that annual leave is scheduled in writing each leave year as necessary to prevent any loss at the end of the leave year. An employee's work schedule is not recognized as a basis on which annual leave can be restored. As a reminder, tracking and requesting annual leave is the responsibility of the employee, not the supervisor.

(c) Elements of the Maxiflex Plan

(1) Tour of Duty under a flexible work schedule means the limits within which an employee must complete his or her basic work requirement. The tour of duty is composed of both core hours and flexible hours. The tour of duty for employees on maxiflex is Monday through Friday and may begin as early as 6:00 A.M. and end as late as 7:00 P.M. local time. Credit hours may be earned outside the tour of duty as described below.

(2) Employees may work up to a maximum of ten (10 ½ with the 30-minute lunch break) non-overtime hours in a single workday. These can be basic hours, hours of approved absence, or a combination of both. Hours worked outside of the tour of duty must have prior supervisory approval. These 10 work hours do not include the addition of a scheduled unpaid lunch break for daily tours of duty of six or more hours.

(3) The basic work requirement is the number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave, credit hours, excused absence, holiday hours, compensatory time off, or time off as an award.

(4) Approved work schedule is the number of hours of work or approved absence that the employee and supervisor agree to and understand that the employee plans to accomplish in a given biweekly pay period. Once submitted, the proposed work schedule becomes the work schedule for that particular pay period unless adjusted as permitted by this policy. An employee may adjust the arrival or departure times of the proposed work schedule by a maximum of one hour without additional documentation or prior supervisory notification (provided that it does not interfere with the established core hours or the tour of duty). Adjustments of more than one hour (earlier or later) to the arrival and departure times of the proposed work schedule require prior supervisory notification and approval. When scheduled to be in a work status, employees are required to work for a duration of which they can be expected to perform a reasonable amount of work. For instance, it would not be permissible for an employee to propose a work schedule in which on the last day of the pay period, the employee would have only 15 minutes left to meet their 80-hour biweekly work requirement.

(5) Core hours are the designated hours and days during which an employee must be present for work. Core hours may be accounted for through duty time, use of leave, or use of accrued credit hours. The core hours for employees on maxiflex are 9:30 A.M. to 2:30 P.M. local time. Part-time employees working less than five hours on a scheduled work day, must schedule their hours within agency (FWS) core hours. Subject to supervisory approval and the needs of the organization, employees with less than five hours remaining in their 80-hour biweekly requirement may work outside of core hours on their last scheduled day during their normal tour of duty. For example, if by the second Thursday of the pay period, an employee has earned 77 regular hours and is scheduled to work only three regular hours on Friday, the employee may work these three hours outside of core hours during their normal tour of duty.

(6) Flexible time bands/flexible hours are the times during the workday, workweek, or pay period when an employee covered by a flexible work schedule may choose to vary his or her times of arrival to and departure from work consistent with the duties and requirements of the position, earn and use credit hours, and be absent without being in a leave status. The flexible time bands for employees on maxiflex are: 6:00 A.M. to 9:30 A.M. and 2:30 P.M. to 7:00 P.M. local time.

(7) Unpaid breaks of more than 60 minutes during core hours are not normally permitted, except in rare circumstances. In all cases, breaks more than 60 minutes during core hours are not to be a "normal" part of an employee's maxiflex work schedule.

(8) Credit hours are those hours within the maxiflex schedule that are more than an employee's basic work requirement and that the employee voluntarily elects to work to vary the length of a subsequent workday, weekly tour of duty, or pay period. Credit hours may be earned outside of the normal tour of duty (6:00 A.M. – 7:00 P.M. local time), with prior supervisory approval. In general, standing approvals to work outside the normal tour of duty are not permitted. See exception in paragraph VIII(c)(10), below.

(i) Full-time or part-time employees on a maxiflex schedule may earn credit hours. Employees in the following pay plans are eligible to earn credit hours: General Schedule, Wage Grade and Senior Level or Scientific Professional (SL/ST). Members of the Senior Executive Service may not earn credit hours.

(9) The maxiflex schedule enables employees to earn and use credit hours. Credit hours are strictly voluntary. For example, Ava is scheduled to work 8 hours on Monday. She elects to work two additional hours on that day. If she works at least 72 more hours during the pay period, the two additional hours are considered credit hours because they are more than the scheduled basic 80 hours that she is required to work in this particular pay period. If at the end of the pay period Ava has not worked 80 hours or has not accounted for 80 hours with a combination of leave and work, the two additional hours are counted towards the 80-hour biweekly work requirement and are not credit hours.

(10) Employees on maxiflex may earn up to two credit hours per workday and up to 10 credit hours per pay period, subject to advance supervisory approval. On rare occasions and to meet the needs of the agency or organization, supervisors may grant more than two credit hours per workday or 10 per pay period, on a case-by-case basis. Supervisors may grant standing approval to work credit hours for known or anticipated workload needs if they are within the two credit hours-per-workday/ten per-pay-period limit. Standing approvals for more than two credit hours per workday/10 per pay period are not permissible. Standing approvals must be requested in writing and approved in writing for a designated period and must have an end date.

(i) When employees wish to earn credit hours, they must make the request to their supervisor in writing (preferably by email). The supervisor may request additional information regarding the nature of the request (e.g., work to be performed, anticipated duration of work, etc.). The supervisor must approve or disapprove the request in writing.

(11) Employees on maxiflex may earn credit hours on weekends only with prior approval of the supervisor. The flexible time bands for employees on maxiflex who earn credit hours on Saturday or Sunday are 6:00 A.M. to 6:00 P.M. local time. Employees can't earn credits hours outside of that timeframe on the weekend.

(12) Credit hours must be recorded in the time and attendance system each time they are earned and/or used and must be recorded in 15-minute increments.

(13) If an employee works less than 15 minutes of credit time, those minutes may not be counted as credit hours.

(14) The use of earned credit hours is subject to the same approval process as annual or sick leave. An employee may use earned credit hours for all or part of any approved leave. Credit hours must be earned before they may be used.

(15) Once approved, the employee must account for the earning and use of accrued credit hours in the agency's time and attendance system.

(16) If credit hours are erroneously used instead of use or lose annual leave (that is, accrued annual leave beyond the 240-hour maximum carry over limit), and the annual leave is subsequently forfeited, the forfeited leave is normally ineligible for restoration.

(17) The statutory limit for credit hour carryover from one pay period to the next is 24 hours

for full time employees and 25% of the biweekly work schedule for part time employees. For example, a part time employee who works 64 hours per pay period may carry up to 16 credit hours from one pay period to another. In no instances can employees carry forward any more than the statutory limit, even under extenuating circumstances. Employees are accountable for keeping track of their credit hour balances from day to day, week to week, and pay period to pay period. If an employee erroneously carries forward credit hours more than the allowable number and the hours are forfeited, they may not be restored or paid to the employee. There is no prohibition to earning credit hours over the 24-hour limit; however, an employee must use the excess hours in the same pay period, or they will be forfeited.

(18) Credit hours do not expire. If the employee's credit hour balance does not exceed the statutory limit, those hours will be available for use as long as the employee is in the agency maxiflex program. Upon leaving the agency maxiflex program, for any reason--voluntary, involuntary, separation, transfer-- the employee must be paid for accumulated credit hours at his or her current rate of basic pay.

(19) If credit hours are approved and overtime is subsequently made available prior to the working of the credit hours, the employee will be afforded the opportunity to elect to work the overtime.

(20) Authorization to earn credit hours does not alter an employee's eligibility to earn overtime pay or compensatory time off.

(d) Compensation Provisions

(1) Overtime Work. Overtime work consists of hours of work that are officially ordered in advance and more than eight hours a day or 40 hours in a week, but does not include hours that are worked voluntarily, including credit hours.

(2) Night Pay. When an employee elects to work credit hours or elects a time of arrival or departure at a time of day when night pay is otherwise authorized, night pay will not be paid. If an employee's daily tour of duty includes eight or more hours available for work during daytime hours (i.e., between 6:00 A.M. and 6:00 P.M. local time), the employee is not entitled to night pay even though the employee voluntarily elects to work hours for which night pay is normally required (i.e., between 6:00 P.M. and 6:00 A.M. local time). For example, if an employee elects to work from 9:30 A.M.-7:00 P.M. local time, the employee is not entitled to night pay from 6:00 P.M. to 7:00 P.M. local time because the employee elected to work beyond the 6:00 P.M. local time and was not required to do so.

(3) Holidays. On a holiday, employees under maxiflex work schedules are credited with eight hours towards their 80-hour basic work requirement for the pay period, even if they would otherwise work more hours on that day. When the employee is scheduled to work more than eight hours on the holiday that the employee is relieved from duty, hours greater than eight must be rescheduled on another day, or the employee must account for those hours by charge to a category of approved absence. Part time employees will be credited with the number of hours that they would have actually worked that day had it not been a holiday. In the event the President issues an Executive Order granting a "half-day" holiday, a full-time employee on a

maxiflex work schedule is credited with half the number of hours he or she was scheduled to work that day, not to exceed four hours.

(4) Conversion of credit hours to pay. Full time employees receive pay for a maximum of 24 hours of unused credit hours when they separate by retirement, transfer to another agency outside the EPA, or when no longer subject to a flexible work schedule with credit hours. Supervisors should consider allowing employees to use banked credit hours prior to the start of the new work schedule. Part time employees will be paid for credit hours up to one-quarter of their biweekly work requirement. Credit hours are paid at the employee's current rate of basic pay.

(e) Procedures

(1) Application and Documentation

(i) Employees interested in participating in the maxiflex schedule must:

(A) Read and comply with this policy.

(B) Submit the completed *Work Schedule Request Form* to their supervisors for approval or disapproval.

(C) Submit a proposed work schedule on the *Maxiflex Pay Period Time Sheet* to their supervisors in advance of each pay period with sufficient time for the supervisor to approve or disapprove. Employees who fail to timely submit their proposed work schedule are required to work eight-hour days (either from 8:00 A.M. to 4:30 P.M. or from 9:00 A.M. to 5:30 P.M. local time) for the affected pay period unless their supervisor grants an exception.

(ii) Employees may not begin using maxiflex in the middle of a pay period since the maxiflex schedule format is based on two-week intervals.

(iii) Maxiflex work schedule approvals and disapprovals will be documented by the supervisor.

(2) Advanced Work Scheduling

(i) All employees on maxiflex are subject to an advanced scheduling requirement each pay period. Since maxiflex allows employees to vary their work hours during flexible times each pay period, employees must submit a proposed work schedule on the *Maxiflex Pay Period Time Sheet* to their supervisors in advance of each pay period.

(ii) The proposed work schedule must indicate the number of hours and starting and ending times the employee plans to work on each day of the upcoming pay period. To the extent possible, the schedule must also include any leave planned for use and any credit hours that the employee plans to accrue and or use. Advanced scheduling of the pay period minimizes potential problems in determining an employee's entitlements to pay and leave and gives the supervisor notice of the employee's availability so that he or she

can plan and assign work. Once submitted, an employee may adjust the arrival or departure times of the proposed work schedule by a maximum of one hour (if it does not interfere with the established core hours or the tour of duty and does not impact already scheduled meetings, etc.) without additional documentation or prior supervisory notification. Adjustments of more than one hour to the arrival or departure times of the approved work schedule requires prior supervisory notification and approval. The actual work schedule may vary from the employee's proposed work schedule.

(iii) Part time and full-time employees follow the same advanced scheduling requirements.

(iv) The proposed work schedule of a full or part time employee must include a one half-hour (i.e., 30-minute) unpaid lunch period each workday when the employee is scheduled to work six or more hours. An employee may not skip the lunch break or work during the lunch period to shorten the length of a workday.

(v) If the supervisor objects to all or part of a proposed work schedule, he or she should state the reason(s) for disapproval on the *Maxiflex Pay Period Time Sheet* and offer some alternatives, if available, in writing.

(vi) Regardless of the particular hours that an employee proposes or actually works, at the end of the pay period, all full-time employees must meet the 80-hour biweekly work requirement (or the prorated number of hours for part time employees). There is no mandatory daily or weekly work requirement. For example, employees are not required to meet a daily work requirement of eight hours or a weekly work requirement of 40 hours.

(vii) Employees who have limited variability in their biweekly proposed schedule may submit a standing proposed schedule for approval/disapproval by the supervisor. However, any standing approved proposed schedule is subject to the requirements of this section (e.g., must seek approval of the supervisor for adjustments of more than one hour). It is solely the responsibility of the employee to submit an updated biweekly proposed schedule when there is any variation in the standing proposed schedule (e.g., a holiday in the next pay period, scheduled leave, training, etc.).

IX. ACRONYMS AND ABBREVIATIONS

- (a) AWS: Alternative Work Schedule
- (b) CWS: Compressed Work Schedule
- (c) FWS: Flexible Work Schedule
- (d) IPA: Intergovernmental Personnel Act assignments

X. RECORDS

(a) Please see the agency's Record Schedules policies at <https://www.epa.gov/records> for detailed retention instructions for the following:

(1) EPA Records Schedule 0300, PeoplePlus.

XI. MATERIALS SUPERSEDED

All current EPA work schedule policies.

XII. APPENDICES

(a) *Work Schedule Request Form*

(b) Maxiflex Pay Period Time Sheet

XIII. AUTHORITY AND REFERENCES

(a) Title 5, United States Code chapter 61, *Hours of Work*

(b) Title 5, Code of Federal Regulations part 610, *Hours of Duty*

(c) U.S. Office of Personnel Management, *Handbook on Alternative Work Schedules*

(d) EPA Telework Policy

Work Schedule Request Form

Employee:		Organization:	
Supervisor:		Application Date:	

Please select one of the following:

- Initial work schedule request
- Request for permanent change to work schedule
- One-time adjustment

Pay Period Dates Affected:

I request the following work schedule (select one):

- Regular (8-hour days)
- 5-4/9 Compressed Work Schedule
- 4-10 Compressed Work Schedule
- Maxiflex

Requested work days and work hours for each biweekly pay period are as follows*:

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1 Start Time					
Week 1 Stop Time					
Week 2 Start Time					
Week 2 Stop Time					

*This section is not applicable to maxiflex work schedules. Employees approved for a maxiflex work schedule must submit a biweekly proposed work schedule pursuant to the applicable policy/collective bargaining memorandum of understanding.

All work schedules must include a minimum of a 30-minute unpaid lunch break.

Employee Signature: _____ Date: _____

Supervisor Response:

- The requested schedule is approved (forward to time keeper for processing).

Effective Date: _____

- The requested schedule is denied.

Supervisor Signature: _____ Date: _____