



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

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Instruction Memorandum No. WY-2012-027  
Expires 09/30/2013

To: All Employees  
From: Associate State Director  
Subject: Hours of Duty

**Program Area:** Human Resources

**Purpose:** This Instruction Memorandum (IM) establishes policy on work schedules and the earning and granting of credit hours, overtime, compensatory time, and compensatory time for travel.

**Applicability:** All BLM Wyoming employees, GS-15 and below, are subject to the policy set forth in this IM.

**Policy:** It is the Bureau's policy to utilize various types of work schedules permitted by regulation for the purpose of improving workforce efficiency, increasing productivity and service to the public, reducing costs, and providing the maximum flexibility for meeting employee needs. However, employees are reminded they are not entitled to any particular work schedule and must have their work schedules, any extra work hours, and any type of leave approved in advance by their supervisor.

Supervisors have the authority to change an employee's work schedule to meet the needs of the organization. Supervisors must approve of an employee's work schedules in advance of implementation. Additionally, employees must adhere to the office attendance requirements, including the proper and accurate reporting of the actual hours they have worked, and adjust their work schedules as required by their supervisors to ensure that the needs of the office are met.

Provisions of the Fair Labor Standards Act require that all covered employees must be paid for all hours worked in a workweek. This includes managers and supervisors, regular employees, career-seasonals, terms, students, and seasonals. At no time are employees expected to perform uncompensated work; however, deviations in work schedules, including extra hours worked, must be approved by the employee's supervisor in advance.

For the purposes of this IM the following definitions apply:

*Basic Workweek:* An employee's basic workweek is the number of hours, excluding overtime, an employee is required to work or to account for by charging approved leave or holiday hours. For most employees, the basic workweek is Monday through Friday.

*Work Hours:* Work hours are the actual times during which an employee may establish their daily work schedule. An employee's regularly scheduled work hours must be between 6:00 a.m. and 6:00 p.m. Official office hours are 7:45 a.m. to 4:30 p.m.

*Core Hours:* Core hours are designated periods of the day when all employees must be at work, on approved leave, or other excused absence. Employees are not allowed to flex during core hours, but may use approved leave. Core hours are 9:30 - 11:00 a.m. and 1:00 - 2:30 p.m.

*Hours Worked:* In general, "hours worked" includes all time an employee must be on duty, or on the employer's premises, or at any other prescribed place of work, from the beginning of the workday to the end of the workday (not including meal breaks). Also included is any additional time the employee is given permission to work over and above their normal schedule.

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

The primary responsibility agencies have when administering and operating under an AWS is to ensure work is carried out effectively and efficiently. This means supervisors and managers at all levels must approve work schedules that fall within BLM Wyoming's basic workweek provisions and provide adequate coverage during Wyoming office hours of 7:45 a.m. to 4:30 p.m. Completing workload priorities and providing customer service must be taken into consideration when determining work schedules.

Alternative work schedules are not an employee entitlement and are always subject to supervisory approval. Any decision to approve or disapprove an AWS must be based on work-related factors. It may not be possible for every employee to operate under an AWS due to workload requirements, the type of position the employee is in, the schedules of other employees, performance or conduct related issues, etc.

There are two types of Alternative Work Schedules: Flexible Work Schedules (FWS) and Compressed Work Schedules (CWS).

### **Flexible Work Schedules**

Flexible work schedules have an 80-hour biweekly basic work requirement (or less than 80 hours in the case of part-time employees) that allow employees to vary their work schedule from day to day. Employees on a flexible work schedule must still meet core hour requirements and complete their work day between 6:00 a.m. and 6:00 p.m., Monday through Friday.

### **Compressed Work Schedules**

Compressed work schedules are fixed schedules and no flexing is allowed. Compressed work schedules have an 80-hour biweekly basic work requirement (or less than 80 hours in the case of

part-time employees) that is scheduled for less than 10 workdays. There is no legal authority that allows employees on compressed (fixed) work schedules to earn credit hours. Therefore, employees must either be at work or on approved leave during their scheduled hours.

Types of Compressed Work Schedules include:

- 5/4-9 Schedule: 9 hours per day for 8 days, and 8 hours for 1 day per pay period.
- 4-10 Schedule: 10 hours per day for 4 days per week.

For more information please see OPM's Website on Alternative Work Schedules located at: <http://www.opm.gov/oca/aws/>

## **BASIC INFORMATION**

### **Lunch and Breaks**

#### Flexible, Compressed, and Fixed Work Schedules

All employees are required to take a minimum 30-minute lunch period each day if working more than six (6) hours, regardless of the work schedule they are on. If a longer lunch period is preferred, the extra time must be included in the employee's work schedule so that the 80 hour bi-weekly requirement is met. If not included in the employee's work schedule, leave, credit hours, or previously earned compensatory time must be taken for the extra time away from work.

All employees, including those who use tobacco products, may only take two, 15-minute breaks per day if working more than six (6) hours; or one, 15-minute break if working less than six (6) hours. Breaks cannot be used to arrive late, extend the lunch period, or leave early. Supervisors retain the right to schedule or deny break periods for employees.

### **Credit Hours**

#### Flexible Work Schedule

Credit hours are hours within a flexible work schedule that an employee elects to work in excess of their basic work requirement. The earning of credit hours is not an employee entitlement; therefore, employees must have prior approval from their supervisor before they can earn credit hours. Credit hours cannot be advanced.

Credit hours cannot be worked outside the hours of 6:00 a.m. to 6:00 p.m. or on holidays. Because Saturday and Sunday are not part of the normal, regularly scheduled basic work requirement for most employees, credit hours may not be earned on those days. This does not preclude supervisors from authorizing and/or ordering overtime or compensatory time on Saturdays or Sundays or the employee's regular days off.

Employees must complete their daily basic work requirement before they can earn credit hours. Credit hours must be earned and used in no less than 15-minute increments, and a maximum of 24 hours may be carried over from one pay period to another.

Credit hours do not expire as long as employees stay under the 24 hour carry-over maximum. Employees will be paid a lump sum for unused credit hours if they leave Federal service.

Use of credit hours must be approved in advance by the employee's supervisor.

#### Compressed/Fixed Work Schedule

There is no legal authority for credit hours under a compressed or fixed work schedule. The law provides for credit hours only for flexible work schedules.

### **Overtime and Compensatory Time**

#### Flexible, Compressed and Fixed Work Schedules

The difference between credit hours and compensatory time off is compensatory time is earned when the employee may be entitled to overtime. Compensatory time off is time off with pay in lieu of overtime pay for irregular or occasional overtime work. It is normally earned after 6 p.m. and before 6 a.m. or on weekends.

Overtime or compensatory time can be earned beyond an employee's 8, 9, or 10 hour work day only if directed by or approved in advance by the immediate supervisor. Employees are not entitled to earn compensatory time or overtime, but can be required to work beyond their scheduled work day to meet the need of the organization.

Supervisors may grant compensatory time off in lieu of overtime pay at the request of the employee. Supervisors can mandate employees earn compensatory time in lieu of overtime for irregular or occasional overtime work for employees who are Fair Labor Standards Act (FLSA)-exempt and whose rate of basic pay exceeds the rate for a GS-10, Step 10. Employees who are FLSA-nonexempt may choose to earn compensatory time or overtime. Individual FLSA exempt and non-exempt status can be found on each employee's leave and earning statements.

FLSA-nonexempt employees who do not use their earned compensatory time within 26 pay periods (one year), or who leave the Agency, will be paid for the earned compensatory time off at the overtime rate in effect when earned. FLSA-exempt employees who fail to use their earned compensatory time within 26 pay periods (1 year) will forfeit the compensatory time. Because of this, supervisors may require employees to use compensatory time before using annual leave, unless doing so will cause the loss of use or lose annual leave.

Use of compensatory time must be approved in advance by the employee's supervisor.

### **Compensatory Time Off for Travel:**

#### Flexible, Compressed and Fixed Work Schedules:

Compensatory time off for travel may be earned by employees for time spent in an officially authorized travel status away from the employee's official duty station when such time is not otherwise compensable. Travel status includes the time actually spent traveling between the official duty station and a temporary duty station, or between two temporary duty stations, and the usual waiting time that precedes or interrupts such travel.

Compensatory time off for travel applies whether or not the employee is exempt from or covered by FLSA, but should be used only for time that is not otherwise compensable.

Compensatory time for travel cannot be earned during basic holiday hours because employees are entitled to their basic rate of pay during those hours.

Employees must request and receive supervisory approval for compensatory time off for travel in advance of travel. There is no limit on the amount of compensatory time off for travel an employee may earn. Employees must code their time to Compensatory Time for Travel (Quicktime code 046) when in travel status.

Use of compensatory time off for travel must be approved in advance by the employee's supervisor. Employees must use accrued compensatory time off for travel by the end of the 26<sup>th</sup> pay period after the pay period in which it was credited or the time will be forfeited. Employees will also forfeit any unused compensatory time off for travel if it is not used prior to transferring to another agency or separating from Federal service. Unfortunately employees may not request restoration of forfeited compensatory time off for travel.

For more information please see OPM's Website on Compensatory Time Off for Travel at <http://www.opm.gov/oca/compmemo/2005/2005-03-att1.asp>.

**Timeframe:** This policy is effective immediately.

**Budget Impact:** None

**Manual/Handbook Sections:** 370 DM 610, Hours of Duty.

**Coordination:** This policy was coordinated with the Wyoming Management Team.

**Contact:** Please refer questions to Missy Cook, Human Resources Specialist, at (307) 775-6352 or [rcook@blm.gov](mailto:rcook@blm.gov).

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