



U.S. Environmental Protection Agency Work Schedules Policy

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I. PURPOSE

An effective work schedules policy is central to the U.S. Environmental Protection Agency's commitment to being a model employer which prioritizes the health, safety, and physical and mental wellbeing of its workforce. A successful work schedules policy can yield many benefits, such as increased productivity and performance and heightened employee morale. This order establishes the work schedules available to employees at EPA.

II. DEFINITIONS

- a. Administrative Workweek: a period of 7 consecutive calendar days beginning Sunday and ending on midnight Saturday, there are two administrative workweeks per pay period.
- b. Alternative Work Schedule (AWS): flexible work schedules and compressed work schedules.
- c. Basic Work Requirement: the number of hours, excluding overtime hours, an employee is required to work and 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 2-week period 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 scheduled by an agency for less than 10 workdays.
 - 2) In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours scheduled by an agency for less than 10 workdays and may allow the employee to work more than 8 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 within the tour of duty where an employee covered by a flexible work schedule is required by the agency to be present for work on approved absence.

g. *Credit Hours*: those hours in conjunction with a flexible work schedule an employee elects to work more than their 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 assigned or approved by the supervisor and may not be changed without prior supervisory permission. Standard/Regular (Straight-8) 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 an employee covered by a flexible work schedule may choose to vary their times of arrival and departure from the worksite consistent with the duties and requirements of the position.

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

- 1) In the case of a full-time employee, an 80-hour biweekly basic work requirement allowing an employee to determine their own schedule within the limits set by the agency.
- 2) In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours allowing an employee to determine their own schedule within the limits set by the agency.

k. *Maxiflex*: a type of flexible work schedule usually containing core hours on 10 or fewer than 10 workdays in the biweekly pay period. A full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but an employee may vary the number of hours worked on a given workday or the number of hours worked 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 greater than 8 hours in a day or 40 hours in an administrative workweek.
- 2) CWS: any hours more than those specified for full-time employees constituting 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 8, the employee receives basic pay for the added hours. Only hours greater than 8 in a day and 40 in a week earn an overtime rate of pay.
- 3) Maxiflex: all hours more than 8 hours in a day or 40 hours in a week officially ordered or approved in advance, but not including credit hours. This does not include hours worked discretionarily by the employee beyond 8 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 the employee is regularly scheduled to work. For a part-time employee, the officially prescribed days, and hours within an administrative workweek 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) constituting an employee's regularly scheduled administrative workweek.

o. *Workday*: the period, including the unpaid break, 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 types for the agency.
- 2) Provides oversight of the agency's use of approved work schedule types.

b. Program and Regional Offices

Ensure 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 or disapprove available flexible work schedules within the parameters of this policy, as appropriate.
- 3) Ensure 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 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 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 2 business days before the end of the pay period immediately preceding the pay period 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.
 - 6) Maintain the quality and quantity of work regardless of which work schedule is approved. They will attend required meetings or events even though the meeting or event may be scheduled outside of the core hours.
- e. To the extent practicable, employees should maintain their current work schedule on the agency's electronic calendar so coworkers may know their availability for meetings. The employee's free/busy/out of office time must be visible to staff and clients, unless provided an exception by the supervisor.

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 but should not be unreasonably denied.
 - 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 discuss with the employee to try to address the challenge. If a solution is not worked out 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 may terminate the employee's AWS in order to meet the organization or unit's specific operating needs. The supervisor or management official should consult and receive guidance from the servicing labor and employee relations office before terminating the employee's AWS when there are documented misconduct or performance issues, or the employee fails to comply with the provisions in this policy. If termination of the current AWS is advised, the servicing LER office will also provide guidance about placing the employee on another type of AWS or Straight-8 schedule. 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 at the supervisor or management official's discretion.
 - 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 6 or more hours will include at least a 30-minute unpaid break (for lunch, rest, personal tasks). Fixed schedule daily tours of duty may not contain an unpaid break greater than 60 minutes. Employees may not use the unpaid break at the beginning or end of the scheduled workday to shorten the length of the workday. An employee's tour of duty will be

established to ensure the employee works the required number of hours for the type of work schedule selected and accounting for the unpaid break. The unpaid break must generally be taken between 9:00 a.m. and 2:00 p.m. local time, unless official business or an emergency prevents an unpaid break at those times. If so, first line supervisors will work out an amenable solution with the employee to take an unpaid break at a different time.

- h. The supervisor or management official may restrict participation in an AWS for positions determined to be of a critical nature or for compelling operational needs.
- 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 workload changes, emergency or time-sensitive assignments, changes in staffing levels, or work assignments involving team efforts, or for other reasons the supervisor regards as compelling operational needs.
- j. Work Schedule Changes. Employees are permitted to change work schedule types periodically with their supervisor's approval to accommodate workload demands or for personal reasons (generally, no more than once per quarter). 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. Meetings and Training. An employee may be required to temporarily revert to a Straight-8 hour per day schedule due to training, travel, meetings, or other agency needs.
- l. 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.
- m. Employees must request their work schedule type using the employee schedule request module in the time and attendance system.
- n. Compressed work schedules and flexible work schedules cannot be combined or hybridized.
- o. Requests to deviate from any term or requirement in this policy must be submitted in writing by an assistant administrator (or designee), regional administrator (or designee), or the deputy chief of staff for management (or designee) to the director, Office of Human Resources. The request must contain a detailed justification for the proposed deviation.

VI. FIXED WORK SCHEDULES

a. Standard/Regular (Straight-8) Work Schedule

- 1) For full-time employees, the basic 40-hour weekly tour of duty is scheduled on 5 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 4 and up to 8 hours a day.
- 2) Regular schedule tour of duty times is 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 8 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 8 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 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 8 days of 9 hours of work each day and 1 day of 8 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 scheduled by the agency for less than 10 workdays and may require the employee to work a minimum of 4 up to 9 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 8-hours workday a full-time employee must be scheduled to arrive at the same time or depart at the same time as the 9-hour days (i.e., arrive 1 hour later or depart 1 hour earlier).
- 2) 4-10 Work Schedule: for full-time employees, this is a fixed schedule including 4 days of 10 hours of work each day and 1 compressed day off each workweek. Employees select and request fixed arrival and departure times and 2 fixed non-workdays, 1 each week. For part-time employees, this schedule allows employees to complete a biweekly basic work requirement of 32 to 64 hours scheduled by the agency for less than 10 workdays and may

require the employee to work a minimum of 4 and 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 2 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 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 8 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 8-hour workday, it will be recorded as 8 hours. If the holiday falls on a 9 or 10-hour workday, it will be recorded as 9 or 10 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.")
 - C) Compressed schedule tour of duty times is fixed and must be between 6:00 a.m. and 6:00 p.m. local time.
 - D) 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:

1. Organizational needs.
2. Nature of the work.
3. The order involved employees selected the schedule.
4. Employee seniority (based on service computation date for leave).

VII. MAXIFLEX (A TYPE OF FLEXIBLE SCHEDULE)

a. Roles and Responsibilities Specific to Maxiflex

1) Employees

- i) Are required to submit the *Maxiflex Pay Period Time Sheet* (Appendix A) 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 VII(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 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 break when scheduled to work 6 or more hours in a day.

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 4 hours per workday 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 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 for annual leave restoration. 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 their 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 5:00 a.m. and end as late as 8:00 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 11 (11 ½ plus the 30-minute unpaid 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 11 work hours do not include the addition of a scheduled unpaid break for daily tours of duty of 6 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) An approved work schedule is the number of hours of work or approved absence the employee and supervisor agree to and understand the employee plans to accomplish in a given biweekly pay period. Once submitted, the proposed work schedule becomes the work schedule for the designated pay period unless adjusted as permitted by this policy. The employee must keep careful track of work schedule adjustments made during the pay period

to ensure the basic work requirement for the biweekly pay period is met (e.g., 80 hours for full-time employees).

- 5) An employee can adjust the arrival or departure times of their proposed work schedule as follows without additional documentation or prior supervisory notification (provided it does not interfere with the established core hours, the tour of duty, or official business obligations). Any adjustments beyond what's shown below require prior supervisory notification and approval. The employee may:
- i) Arrive up to 1 hour early and depart at the same time as scheduled (day extended by 1 hour).
 - ii) Arrive up to 1 hour later and depart at the same time as scheduled (day shortened by 1 hour).
 - iii) Arrive an hour early and depart one hour early.
 - iv) Arrive an hour later and depart 1 hour later.

Example: Sam is scheduled to start at 7:00 a.m. and depart at 3:30 p.m. He may make the following adjustments without prior supervisory approval:

- Start at 6:00 a.m. and depart at 3:30 p.m.
 - Start at 8:00 a.m. and depart at 3:30 p.m.
 - Start at 6:00 a.m. and depart at 2:30 p.m.
 - Start at 8:00 a.m. and depart at 4:30 p.m.
- 6) When scheduled to be in a work status, employees are required to work for a duration 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 whereon the last day of the pay period the employee would have only 15 minutes left to meet their 80-hour biweekly work requirement.
- 7) Core hours are the designated hours and days 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 Tuesday, Wednesday, and Thursday, 11:00 a.m. to 2:00 p.m. local time. Part-time employees working less than 5 hours on a scheduled workday with core hours, must include the core hours in their tour of duty. Subject to supervisory approval and the needs of the organization, employees with less than 5 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 Wednesday of the pay period, an employee has earned 77 regular hours and is scheduled to work only 3 regular hours on Thursday, the employee may work these 3 hours outside of core hours during their normal tour of duty.

Since there are no core hours on Monday and Friday, employees may schedule non-overtime hours between 5:00 a.m. to 8:00 p.m. local time subject to the needs of the organization and supervisory approval.

Example: If the supervisor approves, an employee may schedule non-overtime hours on a Monday from 5:00 a.m. to 1:30 pm or 11:30 a.m. to 8:00 p.m.

- 8) 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 their time 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: 5:00 a.m. to 11:00 a.m. and 2:00 p.m. to 8:00 p.m. local time, Tuesday, Wednesday, and Thursday. Core hours apply.
- 9) 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. Unpaid breaks of any duration, outside core hours are permitted with supervisor approval.
- 10) Credit hours are the hours within the maxiflex schedule beyond the employee's basic work requirement the employee voluntarily elects to work, varying the length of a subsequent workday, weekly tour of duty, or pay period. Credit hours may be earned in 15-minute increments outside of the normal tour of duty (5:00 a.m. to 8:00 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 VII(c)(12), below.

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.

- 11) The maxiflex schedule enables employees to earn and use credit hours. Credit hours are strictly voluntary.

Example: Ava is scheduled to work 8 hours on Monday. She elects to work 2 additional hours on that day. If she works at least 72 more hours during the pay period, the 2 additional hours are considered credit hours because they are more than the scheduled basic 80 hours, 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 2 additional hours are counted towards the 80-hour biweekly work requirement and are not credit hours.

- 12) Employees on maxiflex may earn up to 3 credit hours per workday and up to 12 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 3 credit hours per workday or 12 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 3 credit hours-per-workday/12 per-pay-period limit. Standing approvals for more than 3 credit hours per workday/12 per pay period are not permissible. Standing approvals must be

requested in writing and approved in writing in advance for a designated period and must have an end date.

When employees wish to earn credit hours, they must make the request to their supervisor in writing in advance of the date (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.

- 13) 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 this timeframe on the weekend.
- 14) 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.
- 15) If an employee works less than 15 minutes of credit time, those minutes may not be counted as credit hours.
- 16) The use of earned credit hours is subject to the supervisor's approval. 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.
- 17) Once approved, the employee must account for the earning and use of accrued credit hours in the agency's time and attendance system.
- 18) If credit hours are erroneously used instead of use or lose annual leave (i.e., 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.
- 19) The statutory limit for credit hour carryover from one pay period to the next is 24 hours for full time employees and 25 percent 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.
- 20) 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 their current rate of basic pay.

21) 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.

22) Approval 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 officially ordered in advance and more than 8 hours a day or 40 hours in a week but does not include hours 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 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 for the hour worked after 6:00 p.m. because the employee elected to work beyond 6:00 p.m. and was not required to do so.

3) Holidays. On a holiday, employees under maxiflex work schedules are credited with 8 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 8 hours on the holiday and is relieved from duty, any 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 they would have actually worked 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, not to exceed 4 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 workschedule. 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 employee schedule request in the time and attendance system 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 8-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.
- D) Employees may not begin using maxiflex in the middle of a pay period since the maxiflex schedule format is based on 2-week intervals.
- E) 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 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 they 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 1 hour (if it does not interfere with the established core hours, the tour of duty, or official business obligations such as scheduled meetings, etc.) without additional documentation or prior supervisory notification. Adjustments of more than 1 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 break each workday when the employee is scheduled to work 6 or more hours. An employee may not skip the unpaid break or work during the unpaid break 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 hours 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 8 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 or 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.).

VIII. ACRONYMS AND ABBREVIATIONS

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

IX. RECORDS

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

- a. EPA Records Schedule 0300, PeoplePlus.

X. MATERIALS SUPERSEDED

EPA Order 3162, Work Schedules at the U.S. Environmental Protection Agency, approved February 27, 2020 (amended July 28, 2020)

XI. APPENDICES

Maxiflex Pay Period Time Sheet

XII. 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*](#)