

United States Department of Agriculture
Animal and Plant Health Inspection Service

WS Directive 4.101 1/25/01

TOURS OF DUTY

1. PURPOSE

To set forth requirements for establishing work schedules and assigning tours of duty to WS employees.

2. REPLACEMENT HIGHLIGHTS

This directive replaces ADC Directive 4.101 dated 09/17/96.

3. POLICY

It is WS policy to set tours of duty in accordance with Federal, Departmental, and Agency regulations in a manner which promotes the efficiency of the program, does not impact 'customer service, and is fair and equitable to the employees. To allow maximum flexibility to perform duties and to satisfy legal requirements, Federal WS employees, except intermittent employees, will use the Maxiflex tour of duty. Intermittent employees must be paid overtime for any time spent working beyond the 8 hours per day and 40 hours per week. Cooperative employees managed under non-Federal personnel systems are subject to tours of duty requirements as established by those systems.

4. BACKGROUND

The basic work requirement is 80 hours per pay period for full-time employees. The basic work requirement for a part-time employee is the number of hours specified on the personnel action.

Established hours for WS field personnel will be from 6:00 a.m. to 6:00 p.m. Monday through Saturday. For office personnel, the established hours will be from 6:00 a.m. to 6:00 p.m. Monday through Friday. Work may be performed at any time during this time band in order to meet the requirement of ' 80 hours per pay period. (Note: In most situations, the required 80 hours will be worked from Monday through Friday. This is especially true for WS office personnel).

Core hours for WS field employees will be from 9:00 a.m. - 10:00 a.m. Wednesday. Core hours for WS office personnel (i.e., administrative, clerical, etc.) will be 9:00 a.m. to 3:00 p.m., Tuesday through Thursday. Supervisors can designate additional core hours for both field or office personnel to fit program needs but cannot make the number of core hours

less restrictive. Employees must be present on the job during the minimum core time bands described above unless they have an approved excused absence.

Supervisors desiring to further restrict the flexible time band and/or core time band must communicate the changes to their employees by way of a memorandum. Supervisors are allowed to approve, in writing, a maxiflex time band that includes part of or outside of the 6:00 a.m. to 6:00 p.m. for field employees. If the maxiflex time band is changed for field employees, then supervisors must change the minimum core time period to coincide with the new maxiflex time band and appropriately compensate employees for hours worked e.g., night pay).

If regularly scheduled work or overtime work is approved outside of the established hours of 6:00 a.m. to 6:00 p.m. Monday through Saturday, then the field employee is entitled to a 10% night time pay differential (basic pay plus 10%) unless the field employee is earning compensatory time.

Sunday is designated as a non-workday. Employees performing official duties on Sunday, ordered and approved by the supervisor, must be compensated with either overtime pay or compensatory time. Field employees are also entitled to a 10% night time differential on Sunday outside the hours of 6:00 a.m. to 6:00 p.m. unless they are earning compensatory time.

Employees may not work on official holidays unless granted prior approval by their supervisor. Employees who perform official duties on holidays must be compensated with holiday pay (APHIS Directive 402.2, Premium Pay). The minimum holiday pay is two hours worked and the maximum holiday pay is eight hours worked. If employees are ordered to work over 8 hours, than they will be compensated with either overtime pay or compensatory time.

Employees must take an unpaid meal break sometime around the midpoint of the workday. The length of the meal period may vary from day to day but cannot be less than 30 minutes, but may not exceed 60 minutes. Exceptions to the meal period requirement may only be made when a full-time or part-time employee works 5 hours or less on a given day (i.e., either needs 5 hours or less to complete their 80-hour requirement or takes leave to cover the rest of the day).

Employees must take compensatory time before they take annual leave unless taking compensatory time would result in the forfeiture of annual leave. Accumulated compensatory time that has been authorized must be used before the end of the calendar year following the year in which it was earned. Supervisors should encourage employees to use compensatory time as soon as possible after it is earned. If compensatory time is not used within the allotted time, it must be paid out at the rate of overtime pay in effect when the compensatory time was earned. Employees who do not use compensatory time of f within the allotted time may lose entitlement to earning compensatory time of f and overtime pay.

An employee whose personal religious beliefs require the abstention from work during certain periods of time may request to earn religious compensatory time for work time lost for meeting religious requirements (for additional information see section in

HRDG, Subchapter 4630, Absence & Leave).

The following definitions will apply regarding tour of duty:

- (1) Core Hours - The time period during the workday, workweek, or pay period that are within the tour of duty during which an employee covered by a flexible work schedule must be present for work or receive specific approval for leave or a core time deviation.
- (2) Compensatory Time Off - Time of f in lieu of overtime pay for irregular or occasional overtime work that is ordered and approved by management in advance of the work being performed. One hour of compensatory time off is granted for each hour of overtime work.
- (3) Maxiflex Tour of Duty - The Maxiflex tour of duty is a flexible schedule which allows the employee to vary the length of the workday or workweek as long as the basic requirements of 80 hours per biweekly pay period are met.
- (4) Night Pay - Night pay is paid for regularly scheduled work performed at night. Night work must be performed between the hours of 6:00 p.m. and 6:00 a.m. Night pay is computed at the employee's rate of basic pay plus 10 percent. Night pay is paid in addition to overtime or holiday premium pay.
- (5) Overtime Hours - The number of hours worked outside the tour of duty or 80 hours in a pay period that are officially ordered in advance. For part-time employees, overtime hours are hours in excess of 40 hours per week.
- (6) Tour of Duty - The hours of a day (daily tour of duty) and the days of an administrative workweek (weekly tour of duty) that constitute a regularly scheduled administrative workweek.
- (7) Time Bands - The Maxiflex tour of duty consists of a core time band and a flexible time band. The core time band is that portion of the workday when all employees must be present on the job unless they are granted prior approval from their supervisor to use leave or compensatory time.

5. RESPONSIBILITIES

Supervisors may set limits on the number of hours of overtime pay their employees may accrue to fit individual program needs. If an employee requests overtime pay instead of compensatory time for work performed in excess of 80 hours per pay period, on Sundays, or outside their tour of duty hours, supervisors have the option to either pay the employee overtime pay or restrict the employee from working more than 80 hours in the pay period.

A supervisor may approve compensatory time off in lieu of overtime pay at the voluntary request of an employee for irregular or occasional overtime work. The request must be made in writing to their supervisor. It is permissible to have

the employee voluntarily sign a statement annually indicating that they are requesting to earn compensatory time in lieu of overtime pay. Employees who earn more than a GS-10 step 10 can be required by their supervisors to take compensatory time off in lieu of overtime pay.

If an employee requests to earn religious compensatory time for religious requirements and this does not interfere with the efficient accomplishment of WS' mission, the supervisor shall in each instance afford the employee the opportunity to work religious compensatory time and shall in each instance grant the time of f (for additional information see section in HRDG, Subchapter 4630, Absence & Leave).

All WS employees are responsible for providing their timekeeper with a written or electronic record which has been signed by the employee and approved (i.e., initials or signature) by the supervisor or the supervisor's designee indicating the actual clock hours and the total number of hours worked each pay period. This is a requirement for employees on the Maxiflex tour of duty schedule. This record should include a beginning and ending time each day, along with a documented meal break (in accordance with the timekeeping requirements of the General Accounting Office). Time and attendance and meal breaks should be reported to the timekeeper using either the APHIS Form 345-R, Time and Attendance Log (August 1992), or WS Form 29, Time and Attendance Report (October 1997). It is permissible to verbally report the number of hours worked each pay period to the timekeeper. However, a written or electronic record **MUST** be submitted within **2 weeks from the day the time was verbally reported.**

Directors, State Directors, and Field Station Leaders will provide a memorandum to employees stating that the Maxiflex tour of duty is the official WS tour of duty and the record-keeping requirements. A copy of this directive will also be provided to employees.

6. INQUIRIES

Inquiries on hours of duty and on time and attendance reporting should first be directed to the respective time and attendance reporting office.

If needed, further guidance may be obtained by contacting the Wage Specialist, Leave and Compensation Unit, at APHIS Business Services in Minneapolis, Minnesota, 612/370-2250.

7. REFERENCES

5 CFR Part 610 - Hours of Duty
5 CFR Part 550 - Pay Administration
APHIS Directive 402.2, Premium Pay (3/27/86)
APHIS Directive 4610.1, Tours of Duty and Hours of Work (9/22/92)
APHIS Bulletin 93-3, Adjustment of Work Schedule For Religious Observance (11/12/92)

Department Personnel Manual, Chapter 610
FIRMR Bulletin 30 (10/15/85)
MRP Human Resources Desk Guide - Subchapter 4630, Absence and
Leave (8/97)
Title 5 USC Section 552a, Privacy Act of 1974
Title 5 USC Subchapter II - Flexible and Compressed Work
Schedules
Title 5 USC Subchapter V - Premium Pay

Deputy Administrator