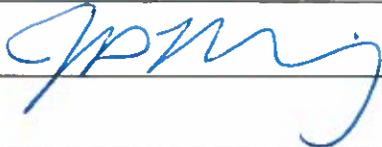


POLICY #306	SUBJECT: Alternative Work Schedule
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AUTHORIZED SIGNATURE: 	

DELAWARE CHILDREN'S DEPARTMENT POLICY

I. POLICY

Alternative work schedules provide increased flexibility for employees and the Department and increase opportunities for efficiency and expanded hours of customer services.

II. PURPOSE

The purpose of this policy is to establish guidelines for alternative work schedules that are consistent with the Office of Management and Budget Alternative Work Schedules Policy (ref: Policy # P16-001).

III. ELIGIBILITY

- A. This policy applies to full time permanent merit system (or merit equivalent) employees, exclusive of casual, seasonal or temporary employees, currently subject to the standard work schedule. The standard schedule is 7.5 hours per day, 5 days per week for the 37.5-hour employee or 8 hours per day, 5 days per week for the 40-hour employees with a 1-hour or ½ hour unpaid meal break each day. Divisions are prohibited from scheduling employees for regular work hours that would incur overtime.
- B. Employees occupying a classification covered by a Collective Bargaining Agreement (Union Contract) are not eligible under this policy and must be guided by their respective work schedules as outlined in the applicable Collective Bargaining Agreement.
- C. Probationary employees may be eligible for alternative work schedules, in special circumstances, with approval of the Division Director.

IV. PROCEDURES

- A. General Procedures
 - i. Alternative work schedule determinations shall be made based upon the operational needs, staffing requirements, service delivery requirements, and back-up coverage needs of the respective Division. Certain positions may not be eligible for an alternative work schedule due to program needs or the job duties assigned to the position.
 - ii. Approval of an alternative work schedule for an individual employee will be based upon consideration of the employee's job performance, special needs, attendance and timeliness, and any disciplinary issues.
 - a. An employee working an alternative work schedule who receives an "Unsatisfactory" or "Needs Improvement" performance evaluation may be returned to the normal work schedule if the supervisor determines the employee's performance is impacted by the alternative work schedule.

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- b. An employee working an alternative work schedule that is subjected to disciplinary action based upon just cause may be removed from the alternative work schedule by the employee's supervisor.
- iii. Alternative work schedules shall not exceed one year in duration. If requested/approved and/or modified during a calendar year, such approval will only be valid to the end of that respective year.
- iv. Meal breaks may not be scheduled for the start or end of an employee's workday.
- v. All alternative work schedules shall provide that employees working a 37.5 workweek will work 75 hours each and every two-week period. Employees will not be paid overtime for hours worked in a week between 37.5 and 40 hours unless they are approved for working more than 75 hours for the two-week period. For employees covered by the standard 40-hour workweek, alternative work schedules shall require the employee to be scheduled to work 80 hours each two-week pay period.
 - a. Employees covered by the Fair Labor Standards Act (FLSA) may not have an alternative work schedule that requires them to work more than 40 hours in any week unless the employee is on an FLSA recognized schedule for their profession or workplace (14 or 28-day law enforcement work period or an 8 and 80 schedule for residential care and hospital).
- vi. The employee shall have the right to return to the standard work schedule at any time, and the Division may require the employee to return to the standard work schedule any time the needs of the Division require it or for other work-related reasons. Employees may not change the approved schedule from one alternative work schedule to another alternative work schedule, without written agreement. The Division may restrict initiation of alternative work schedules to specific times of the year.
- vii. Any employee with an alternative work schedule who moves between positions and/or job function necessitating a change of supervision will require a new written agreement.
 - a. Movement from a non-bargaining unit position to a bargaining unit position will require the employee to be guided by the work schedule tenets of the respective collective bargaining agreement.
 - b. Management reserves the right to temporarily revert the schedule to a normal workweek or to a special flexible schedule in order to accommodate training, attendance at conferences or other special events. With management approval, employees may further flex their schedule within an individual two-week work period in order to utilize any compensatory time that would otherwise be accrued within that time period. If an employee is out for a period of more than two weeks, then his/her schedule automatically reverts to a normal schedule for the duration of the time that he/she is not working.

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B. Alternative Work Schedules and Leave

- i. Annual and sick leave accrue as normal. Leave usage will be charged based on the approved work schedule.
- ii. A permanent, full-time employee is compensated 7.5 hours for holiday pay on approved state holidays. An employee who would have been required to work more than 7.5 hours on a day that is a state holiday in order to complete 75 hours in a pay period shall account for the additional time required through annual leave or compensatory time or by working the additional hours within that two-week period with prior approval. Those scheduled to work for part of the day on a state holiday will have their hours adjusted consistent with this policy.
- iii. If an approved state holiday falls on a day that a permanent full-time employee on an alternative work schedule would not be scheduled to work, the employee must flex their schedule to ensure that they do not accrue pay or comp time. During a week with a holiday, FLSA-covered employees may revert to a regular schedule or be given equivalent time off for the holiday (7.5 hours) in the same workweek. The total hours for the workweek may not exceed 37.5. FLSA-exempt employees may revert to a regular schedule or be given equivalent time off for the holiday (7.5 hours), in the same pay cycle. The total hours for the pay cycle must not exceed 75 hours. An employee whose regular schedule of hours exceeds a 7.5-hour day must account for the additional hours with the use of annual leave, compensatory leave or by working the additional hours.
- iv. Other types of leave, such as compassionate leave, will be granted on an hourly basis in accordance with applicable merit rules. If alternative work schedules require more hours than allowed for special types of leave, the shortage will have to be made up with annual or compensatory leave. State of Emergency days will be counted as the amount of time normally worked that day. However, if your scheduled day off is called as an emergency day, an additional day off will not be granted.
- v. Compensatory time will still be governed by other applicable rules and regulations such as FLSA, Merit Rules and/or agency policies.
- vi. Days off due to declared Severe Weather Condition and Emergency Events will be counted as the amount of time normally worked that day. However, if a day off for a Severe Weather Conditions and Emergency Event is called on a scheduled day off, an additional day off shall not be granted.

C. Division and Employee Responsibilities

- i. Each Division shall determine which alternative work schedules, if any, are available for employees. Divisional schedules shall not adversely affect service delivery, place an undue burden on other staff or result in the need for overtime.

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- ii. An employee requesting an alternative work schedule shall do so by completing an Alternative Work Schedule Agreement Form (Appendix A) which must be approved by the employee, the immediate supervisor or appropriate management official, and the respective Division Director. Upon completion, the form should be forwarded to Department Human Resources for inclusion into the personnel file.
- iii. By the end of each calendar year (December 31st), Divisions will review all alternative work schedules. Any alternative work schedule that will roll over into the new year requires a new written agreement with associated approvals for submission to Human Resources. In the absence of such a renewal approval, the employee shall revert to the standard work schedule which is 8:00 a.m. to 4:30 p.m., Monday through Friday.

D. Alternative work schedules may be developed which begin and end between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday¹. Employees working seven or more hours in a day must take a 30-minute or 60 minute lunch between the hours of 11:00 a.m. and 2:30 p.m. on that day. On rare occasions, lunch hours may be rearranged around unique circumstances, but that is not expected to be the norm.

E. This policy is not intended to create any individual right or cause of action not already existing and recognized under state or federal law.

V. RESPONSIBILITY FOR THIS POLICY

Human Resources is responsible for providing guidance regarding this policy.

¹ Variations in this time parameter may be approved by the Cabinet Secretary but are only recommended for unique situations.