District of Columbia Department of Health Employee Tours of Duty		**PROCEDURE 510.000** **(formerly Policy No. 1001)** Implementing Office: Office of the Director Training Required: No Originally Issued: April, 2008 Revised/Reviewed: April, 2016 (Second revision)
Approved by: LaQuandra S. Nesbitt MD, MPH Agency Director	**Review by Legal Counsel:** Phillip Husband, Esq. General Counsel	**Effective Date:** 4/8/2016 **Valid Through Date:**

I. Authority	Reorganization Plan No. 4 of 1996, Mayor's Order 1997-42 Sections 1208 (Flexible Work Schedule), 1209 (Alternative Work Schedule) and 1210 (Compressed Work Schedule) of Title 6-B of the District of Columbia Municipal Regulations This policy shall supersede and replace Department of Health Policy No. 1001: *Alternative, Flexible and Compressed Work Schedules* (2012)
II. Reason for the Policy	Variations in individual tours of duty have a powerful potential to increase morale and worker productivity through greater employee control over professional and personal time, the Department of Health (DOH) supports a family-friendly workplace whereby employees may have varying degrees of control over the beginning and end of their workday while continuing to meet the agency's customer service and productivity goals.
III. Applicability	This policy shall apply to all DOH full-time employees. Implementation of Flexible and Compressed Work Schedules in an individual administration, bureau, or division is a matter of managerial and supervisory discretion based on operational mandates and is not an operational entitlement. How work is accomplished in DOH is a management decision. The provisions of a collective bargaining agreement shall take precedence over the provisions of this policy for those employees covered by such an agreement.

IV. Policy Statement	DOH has established a Flexible and Compressed Work Schedule Program (Program) through which employees can fulfill a bi-weekly 80-hour tour of duty requirement while maintaining one of the various optional work schedules described in detail within this SOP. DOH requires, however, that participation in this Program reflect adherence to best practice standards. In the event that individual participation in one of these variable work schedules adversely impacts clients or Agency business, DOH management reserves the right to limit eligibility based on attendant circumstances. Supervisors and managers must verify hours worked in the process of approving the reported time of every employee participating in the Program.
V. Definitions & Acronyms	As used in this policy, the following terms have the meanings indicated: 1. **Administrative Closing**—an official directive of the Executive Office of the Mayor (EOM) to close DOH. 2. **Compressed Work Schedule**—a work schedule containing the following elements: a. a bi-weekly work schedule in which the required eighty (80) hour work schedule, excluding overtime, is accomplished in nine (9) workdays; b. the tour of duty is defined by a fixed schedule; and c. the established work schedule of an employee working a compressed work schedule may not exceed nine (9) hours for any work day. A Compressed Work Schedule shall not be combined with a Flexible Work Schedule. 3. **Core Business Hours**—the hours of the workday, workweek, or pay period during which all DOH employees are required to be present for work. The DOH core business hours, 9:30 am to 3:30 pm, Monday through Friday, have been established as required hours during which all employees are to be on duty status. This means employees may not start their work day after 9:30 am or end their work day prior to 3:30 pm. An employee may, however, take an authorized lunch period during Core Business Hours.

	4. **Flexible Work Schedule**— a work schedule containing the following elements: (A) the designation of Core Business Hours; (B) the designation of flexible time periods during which the employee has the option of selecting his or her start and end time within prescribed limits; and (C) the maintenance of accurate time and attendance controls to ensure that the employee works or otherwise accounts for eight (8) hours per day, five (5) days per week. Tour of duty under a Flexible Work Schedule must fall between 7:00 am and 6:00 pm each work day. A flexible work schedule shall not be combined with a Compressed Work Schedule. DOH employees may establish a flexible work schedule in one of two ways: Option A: The employee selects, with the approval of his/her supervisor, a set start and end time representing eight (8) hours per day, five (5) days per week. The established start and end times must be the same for all ten (10) days in the pay period. Example: 7:00 am – 3:30 pm. The employee would be expected to report during these times every work day and would not vary at any point during the pay period. Option B: The employee selects, with the approval of his/her supervisor, a set start and end time representing eight (8) hours per week, five (5) days per week. The established start and end times must be the same for all ten (10) days in the pay period. However, in this option, the employee may report at any time within 30-minutes before or after the listed start time. When the employee exercises this privilege, the end time changes accordingly to satisfy the eight (8) hour workday requirement. An employee arriving before his/her listed start time in accordance with this provision shall not be interpreted as entitlement to overtime or compensatory time. 5. **Director**—The Director of the Department of Health or his or her designee.

	6. **Official Duty Station**—The physical location where an employee is required to perform the official duties of his or her position. 7. **Operational Hours**— 8:15 am through 4:45 pm, Monday through Friday. Each administration and unit must have coverage to provide service during Operational Hours. 8. **Regular Basic Workweek**—A regular basic workweek is comprised of 40 hours per week; five 8-hour days, Monday through Friday, 8:15 am – 4:45 pm, including an unpaid daily allotted 30-minute lunch period and two paid 15-minute breaks. The two breaks may not be combined to extend a lunch period or used to alter a start or end time. Employees are required to work or account for their regular tour of duty in accordance with the Fair Labor Standards Act (FLSA) and other District government regulations and DOH policies. An employee may make a written request for a one-hour lunch period with the additional 30 minutes added on to the employee's tour of duty. A manager has discretion to grant or deny this request. 9. **Tour of Duty**—The hours of a day and the days of an administrative workweek during which an employee is required to perform work on a regular recurring basis.
VI. Contents	A. Eligibility B. Exclusions C. Application, Approval, and Appeal Process D. Requirements E. Customer Service Hours F. Variable Work Schedule Options G. Managing Employee Schedules
VII. Procedures	**Procedure A: Eligibility** 1. All DOH employees are eligible to participate in the Program. 2. DOH shall consider such requests utilizing the following criteria: (A) the needs of individual administrations; (B) the requesting employee's position description; and (C) the

	employee's demonstration that approval will not adversely impact DOH's ability to fulfill its mission and functions. 3. DOH shall consider requests for Compressed Work Schedules, or Flexible Work Schedules, by employees who are members of a collective bargaining unit in accordance with the terms and conditions of their agreement.
	Procedure B: Exemptions 1. A Senior Deputy Director may, due to the unique public health requirements for an individual DOH administration, request that his/her administration, or any unit therein, be exempted from participation in the Program. • All requests for exemption shall be forwarded in writing to the Director or his/her designee for review and approval using the Application for Exemption (see Appendix B). • All requests for exemption shall justify the reason for exemption by detailing how Flexible Work Schedules, and/or Compressed Work Schedules would interfere with that particular administration's ability to function effectively, or to meet specific DOH goals and/or performance benchmarks. A list of all impacted employees shall be included. • An approved exemption shall be in place for six months. Periods of exemption begin on January 1 and July 1, respectively, of each calendar year. These periods of exemption end on June 30, and December 31, respectively. An Application for Exemption must be completed and approved for every period of exemption. Applications will be accepted by the Office of the Director up to 30 days prior to the start of the new exemption period. • Employees working in a unit with an approved exemption may not submit an application requesting a tour of duty category excluded from that unit under the approved exemption. If received, such applications will not be processed.

	Similarly, due to the unique job requirements for meeting the public health needs of District residents and visitors, some employees may be constrained, or be unable to work their desired work schedule. Supervisors and managers shall make every effort to accommodate employees when such restraints are evident, without compromising the goals of DOH.
	Procedure C: Application, Approval, and Appeal Process 1. DOH employees shall apply for their preferred work schedule option by filling out the Application for Change in Tour of Duty and submitting it to their supervisor for approval (See Attachment A). 2. All DOH employees shall recognize the opportunity to participate in a Flexible Work Schedule, or Compressed Work Schedule as a privilege, not as an employee right. 3. Supervisors must approve or deny the employee's request in writing within ten (10) working days of the employee's submission of his or her application, except as otherwise provided herein. 4. Supervisors and managers have the authority to revoke an approved Flexible Work Schedule, or Compressed Work Schedule, or remove an individual employee from the Program if the employee is not meeting job performance expectations or fails to respect and/or observe the requirements of the program. a. Managers and supervisors may only revoke an employee's participation in the Program for a documented job-related reason. Such actions shall not be frivolous, retaliatory, arbitrary, or capricious. b. Supervisors and managers shall notify employees of a removal or revocation in writing and must give employees a minimum of ten (10) working days' notice to prepare for the return to a regular tour of duty except as otherwise provided herein, although as much advanced notice as possible is preferred. 5. An employee working a Flexible Work Schedule, or Compressed Work Schedule who receives an official

	performance rating of Inadequate Performer or Marginal Performer may be returned to his or her regular tour of duty. 6. Supervisors and managers may approve, deny, adjust, suspend, or revoke an employee's Flexible Work Schedule, or Compressed Work Schedule at any time due to temporary duty requirements, seasonal workloads, staffing requirements, overtime considerations, and/or other work-related reasons (e.g. training, official travel, workshops). These temporary adjustments do not require a ten (10) working day advanced notice. 7. The ten (10) day advance notice requirement may be shortened or waived by the supervisor or manager due to documented operational needs which may include training or business needs necessitated by emergency situations. 8. The supervisor or manager must confer with the DOH Office of Human Resources (DOH/HR) before: • Finalizing the denial of a Flexible Work Schedule, or Compressed Work Schedule; • Removing an employee from an approved Flexible Work Schedule, or Compressed Work Schedule; • Adjusting the employee's Flexible Work Schedule, or Compressed Work Schedule; or • Revoking the employee's Flexible Work Schedule, or Compressed Work Schedule. 9. If a supervisor or manager denies, adjusts, revokes, suspends, or removes an employee from participation in the Program, the impacted employee may appeal to the Senior Deputy Director of the administration within five (5) working days of receipt of the written notification of the denial, adjustment, removal, suspension, or revocation. The employee will remain on his/her Flexible Work Schedule, or Compressed Work Schedule until the Senior Deputy Director's decision is issued.

	10. The Senior Deputy Director's decision shall be rendered within ten (10) working days of receipt of the employee's appeal. This decision shall be final. 11. If the supervisor or manager is the Senior Deputy Director, the final decision will be rendered by the Director. 12. An approved Application for Change in Tour of Duty shall be submitted to DOH/HR by the employee's supervisor. DOH/HR shall enter the new schedule in the employee's electronic record to ensure proper accounting of time worked.
	Procedure D: Requirements Tours of duty shall meet the following requirements: 1. All participating employees must work 80 hours in a two-week tour of duty (pay period). 2. Operational requirements, as defined by the Senior Deputy Director of each administration and the Director of DOH, must be met. 3. Service to DOH customers must be maintained and/or improved. 4. Each office or operation must be covered to meet Operational Hour requirements (8:15 am – 4:45 pm). 5. A Flexible Work Schedule, or Compressed Work Schedule shall not diminish the responsibility and accountability of any DOH employee for the provision of services and/or performance of his/her duties. 6. In positions where a Flexible Work Schedule, or Compressed Work Schedule is permitted, requests from employees for a change in tour of duty shall be considered on the basis of the standards outlined previously, the workload of the administration, and in accordance with the appeal process guidelines described herein.

	Procedure E: Customer Service Hours 1. Customer service hours are the hours during which an administration with employees must be able to respond to the needs of its customers and the public. 2. The customer service hours may vary from one administration to another within DOH. 3. During customer service hours, each administration must be able to provide services, even if it means that employees must temporarily adjust their Flexible Work Schedules, or Compressed Work Schedule. Temporary adjustments of the schedules do not require a ten (10) working day notice. These adjustments may range from one (1) hour to less than 30 days (See Procedure C Step 7). 4. If possible, coverage should be worked out among all employees on a voluntary basis. 5. When it is not possible for employees to arrive at a consensus voluntarily, supervisors should assign coverage responsibilities on a rotating basis.
	Procedure F: Work Schedule Options 1. **Flexible Work Schedule**—As defined above, DOH employees have two options for establishing a Flexible Work Schedule: Option A: The employee selects, with the approval of his/her supervisor, a set start and end time representing eight (8) hours per day, five (5) days per week. The schedule must include the Core Business Hours. The established start and end times must be the same for all ten (10) days in the pay period. Example: 7:00 am – 3:30 pm. The employee would be expected to report during these times every work day and tour of duty would not vary at any point during the pay period. Option B: The employee selects, with the approval of his/her supervisor, a set start and end time representing

eight (8) hours per week, five (5) days per week. The established start and end times must be the same for all ten (10) days in the pay period. However, in this option, the employee may report at any time within 30-minutes before or after the listed start time. When the employee exercises this privilege, the end time changes accordingly to satisfy the eight (8) hour workday requirement. An employee arriving before his/her listed start time in accordance with this provision shall not be interpreted as entitlement to overtime or compensatory time.

2. **Compressed Work Schedule**: The Compressed Work Schedule allows full-time employees to work longer days for part of the week or pay period in exchange for a day off during the same week or pay period. This schedule is set and not flexible.

   - Employees may work eight (8) 9-hour days and one (1) 8-hour day, in a 10-day (2-week) pay period, for a total of 80 hours, with one day off every other week.
   - The day off selected may be any day of either week, but the day must be consistent.
   - If a change is needed, a new application must be submitted to, and be approved by, the employee's supervisor.
   - An example of eight (8) 9-hour days is 7:00 am – 4:30 pm (9 hours) for eight days and 7:00 am – 3:30 pm (8 hours) for the remaining day; every other Thursday is a day off.

   Under a Compressed Work Schedule, supervisors may determine that particular days are inappropriate for scheduled days off during a pay period. For example, if staff meetings are regularly held on Tuesdays, employees may be prohibited from scheduling Tuesday as their day off.

   A Compressed work schedule shall not be combined with a Flexible Work Schedule. Employees attending training

	sessions may be required to adjust their schedules to conform to the hours of the training course; or they may be required to revert to a regular basic workweek for the pay period(s) during which the training occurs. When an employee is temporarily or permanently reassigned to a new office or administration that maintains hours incompatible with a pre-existing Flexible or Compressed Work Schedule, the new supervisor may require the employee to follow a tour of duty utilized by the administration or unit to which they have been reassigned. Each supervisor shall provide the employee, and the Office of the Director/Human Resources Division, with a copy of each employee's approved Flexible Work Schedule, or Compressed Work Schedule form.
	Procedure G: Managing Variations in Employee Schedules It is the responsibility of the supervisor to encourage, verify, and ensure the optimal work performance of every employee, including employees participating in the Program. Note: DOH still requires a time-accounting method (e.g. sign-in sheet) that provides evidence of an employee's reporting time to and from work. 1. Supervisors and managers shall examine and coordinate employees' requested Flexible Work Schedules, and Compressed Work Schedules to ensure ample employee coverage during core business and customer service hours. 2. An employee may request no more than two changes to his/her tour of duty in a calendar year. Once the two requests for the year are expended, a change may only be made in response to an extenuating circumstance (e.g. medical necessity) and must be approved by the Senior Deputy Director in addition to the direct supervisor. 3. Supervisors and managers shall enforce their staff's work schedules. Once an employee begins working a Flexible

	Work Schedule, or Compressed Work Schedule, that individual is expected to work that approved tour of duty in a consistent manner. 4. Schedules may be changed in accordance with the review process described in this policy (See Procedure C). 5. Supervisors and managers shall ensure that an employee's use of leave hours equals the number of hours he/she is expected to work on any given day. For example, if an individual is working a Compressed Work Schedule and uses annual leave on a day that he/she would have worked a 9-hour tour, the employee must record nine (9) hours of leave. 6. If an employee's day off falls on a legal holiday, he/she will take the following business day off. If the legal holiday falls on the last work day of the pay period, the employee will take the preceding day off instead. For instance, if the legal holiday falls on the second Friday of the pay period and the employee is scheduled to be off that day, he/she will be off on the second Thursday and claim holiday pay on the second Friday. 7. If there is an administrative order that results in the closing of DOH and that day is on an employee's scheduled day off (in a Compressed Work Schedule), DOH shall adhere to guidance issued by the Office of the City Administrator and/or DCHR regarding crediting of time. 8. Overtime will be performed and paid in accordance with the negotiated employee collective bargaining agreements, the District government's compensation provisions, and/or the Fair Labor Standards Act. 9. Employees who choose not to participate in the Program will adhere to the standard tour of duty comprised of 40 hours per week; five 8-hour days, Monday through Friday, 8:15 am – 4:45 pm, including an unpaid daily allotted 30-minute lunch period and two paid fifteen minute breaks.

VII. Contacts	For questions or additional information regarding this policy, contact: Division of Human Resources Department of Health Office of the Director (202) 442-9241
VIII. Related Documents, Forms and Tools	**Attachment A**- Application for Change in Tour of Duty **Attachment B**- Application for Exemption