

Work Schedules Article

Section 1. Purpose

- A. This Article is designed to maintain and enhance the needs of the Agency, while at the same time, offering scheduling flexibility for individual employees. The Parties recognize that the use of alternative work schedules has the potential to improve productivity and morale while providing the highest quality service to the public. The Alternate Work Schedules (AWS) program is designed to help employees balance work and life responsibilities and to improve employee satisfaction and retention while increasing productivity through scheduling flexibilities.
- B. Nothing in this article relieves the EPA of its responsibility to provide reasonable accommodation to employees who are eligible for such reasonable accommodations, per the Rehabilitation Act of 1973 and EPA Order 3110.21, Providing Reasonable Accommodations for EPA Employees. Reasonable accommodation may include work schedules and arrangements other than those contained in this article. The work schedule options agreed to in this article are not intended to limit the range of work schedule options available as a form of reasonable accommodation.
- C. Work schedules can be leveraged as a tool to attract, retain and engage a diverse workforce and assist employees with work/life balance to advance the Agency mission.
- D. This Article is applicable to all AFGE bargaining unit employees regardless of full or part-time status.

Section 2. Background

- A. Public Law 97-221 permits the establishment of AWS by modifying the premium pay and scheduling provisions of 5 U.S.C. Chapter 61 and the overtime provision of the Fair Labor Standard Act (FLSA). Hours of work for EPA employees shall be in accordance with applicable laws and regulations.
- B. No employee, including supervisors and managers, is permitted to directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce*, any other employee for the purpose of interfering with another employee's choice of type of work schedule, to elect a time of arrival or departure, to work or not to work credit hours, or to request or not to request compensatory time off in lieu of payment for overtime.

*The term "intimidate, threaten, or coerce" includes, but is not limited to, promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to affect any reprisal (such as deprivation of appointment, promotion, or compensation).

Section 3. Definitions

- A. **Administrative workweek:** The period of seven consecutive calendar days beginning Sunday and ending Saturday. There are two administrative workweeks per pay period.

- B. **Alternative work schedules (AWS):** Includes Maxiflex and compressed work schedules (5/4/9 and 4/10).
- C. **Basic work requirement:** 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. For a full-time employee the basic work requirement is eighty (80) non-overtime hours in biweekly pay period.
- D. **Biweekly Pay Period:** The two-week period for which an employee is scheduled to perform work, beginning on Sunday and ending on Midnight Saturday, fourteen (14) calendar days later.
- E. **Compressed work schedule (CWS):** 1) In the case of a full-time employee, an eighty (80) hour biweekly basic work requirement that is scheduled by an agency for less than ten (10) workdays; and 2) in the case of a part-time employee, a biweekly basic work requirement of less than eighty (80) hours that is scheduled by an agency for less than ten (10) workdays and that may require the employee to work more than 8 hours in a day. (5 U.S.C. § 6121(5)).
- F. **Core hours:** The days and hours Maxiflex employees must be in a duty status and/or on approved absence. The core hours are 11:00 A.M. to 2:00 P.M., Tuesday through Thursday for Maxiflex work schedules.
- G. **Credit hours:** The non-overtime hours an employee elects to work, with supervisory approval, in excess of the basic work requirements under a Maxiflex work schedule.
- H. **Maxiflex Schedule:** Refer to Section 6C of this Article for definition.
- I. **Regularly Scheduled Administrative Workweek:** For a full-time employee, the period within an administrative workweek within which the employee is regularly scheduled to work. For a parttime employee, the officially prescribed days and hours within an administrative workweek during which the employee is scheduled to work.
- J. **Regular Work Schedule (Straight 8s):** Consists of an 8-hour workday, 5 days per week MondayFriday with a fixed start and end time.
- K. **Workday:** the period, including the unpaid break, an employee is normally scheduled to be at work.
- L. **Work-Life Balance:** Work-life balance is the practice of creating a flexible, supportive environment to engage employees and maximize organizational performance. Work-life balance includes considerations for workplace flexibilities and recognition of employee responsibilities outside of the workplace.

- M. **Work-Related Needs:** Work-related needs include office staffing; office personnel not available to perform work; office coverage; work priorities; emergencies; time-sensitive assignments; work assignments; the need for team efforts; the need for meeting in person; and other operational needs that involve the work of the Agency.
- N. **Tour of Duty:** A work schedule includes the hours of a day and the days of a workweek that an employee is required to work. In the Federal Government, the work schedule is sometimes called a “tour of duty.”

Section 4. Responsibilities

These work schedule options are generally designed to provide work-life balance for employees while still accomplishing all mission-related needs. The responsibility for successful implementation of these work schedule options must be shared by management, the Union, and employees.

A. **Supervisors** are responsible for:

1. Ensuring that employees participating in the program are made aware of their responsibility to follow time and attendance and leave procedures.
2. Ensuring that there is adequate staffing each workday within the work unit, including designating an acting supervisor or manager, as appropriate to accomplish the Agency mission while considering employee work/life balance.
3. Ensuring that work schedules support mission accomplishment and do not interfere with current activities or projects of the work unit. Ensure work schedules fall within the parameters of this article before approving, disapproving, or accepting.
4. Considering work schedules of the attendees when scheduling meetings or events where employee attendance is required (including virtual participation).
5. Coordinating schedules among teleworking employees to use workspace and space sharing effectively, in accordance with applicable agreements.
6. Timely approving/disapproving/accepting, changing, modifying or removing an employee from a specific type of work schedules in accordance with this Article.
7. Approving/disapproving an employee’s request to earn and/or use credit hours.
8. Approving/disapproving adjustments of more than 1 hour (earlier or later) to the arrival and departure times of the approved Maxiflex work schedule, and any other changes to the approved Maxiflex work schedule in accordance with this Article.

9. Coordinating work schedules among employees in their organization.
10. Disapproving or raising concerns over schedule submissions that do not conform with this Article or do not meet work related needs.
11. Reviewing and maintaining the employee's time and attendance submissions to ensure they are properly completed and properly coded for overall accuracy.
12. Communicating regarding time and attendance inaccuracies and require the employee to submit corrections as appropriate.

B. Employees are responsible for:

1. Selecting a type of work schedule and any changes to the type of work schedule and seeking approval from their supervisor. Adhering to the procedures and requirements in this Article.
2. Be in work status during hours corresponding to the approved work schedule posted in the Agency Time and Attendance Recording System or, in the case of an employee on a Maxiflex schedule, that was approved or accepted by the employee's supervisor per the Maxiflex section of this Article (except for the one-hour variation).
3. Submitting any corrections to work schedules and time and attendance submittals in a timely manner in accordance with this Article.
4. Ensuring that their time and attendance is submitted, coded for overall accuracy, and timely entered and attested to in the Agency Time and Attendance Recording System.
5. Requesting leave in accordance with applicable agency policies and the Leave Article of the MCBA.
6. Maintaining the quality and quantity of work regardless of which work schedule is approved. Management will consider employees' current approved or accepted schedules when scheduling meetings or events, even though the meetings or events may be scheduled outside of the core hours. It is within a manager's sole discretion and authority to direct employees to attend events or meetings.
7. Timely requesting work schedules, responding to disapprovals on submitted schedule and changing work schedules in accordance with supervisory direction and this Article.

8. Timely submitting, in accordance with this Article, their *Maxiflex Pay Period Time Sheet* or posting a screenshot of the Agency Time and Attendance Recording System if on an approved Maxiflex schedule.
9. Unless provided an exception by the supervisor, employees should maintain their work schedule on the Agency's electronic calendar to assist co-workers to know their availability for meetings.
10. The employee's daily agenda (free/busy time) must be visible to all staff and clients on the Agency's electronic calendar., unless provided an exception by the supervisor.
11. Proposing adjustments of more than 1 hour (earlier or later) to the arrival and departure times of the approved Maxiflex work schedule and proposing any other changes to the approved Maxiflex work schedule in accordance with the provisions of this Article.

Section 5. General Provisions and Procedures

A. Requesting and Changing an AWS:

1. Employees must submit the EPA Employee Schedule Request through the Agency Time and Attendance Recording System (currently PeoplePlus) to their immediate supervisor. For changes to an existing schedule, the request normally must be submitted at least three (3) workdays prior to the end of the pay period immediately preceding the pay period for which the employee requests the change.
2. Supervisors will accept or reject the request so there is sufficient notification to the employee for the change to be effective for the next pay period. Supervisors will communicate schedule decisions in writing as soon as practicable to the employee if not sent automatically.
3. Employees should make a good faith attempt to contact their supervisor to ensure requests are timely considered.
4. No request will be unreasonably denied.
5. Normally, no more than four (4) employee driven work schedule changes will be approved in a calendar year.
6. By signing a request, the employee agrees to read and comply with the terms and conditions set forth in this Article.

- B. **Meetings and Training:** Employees scheduled for training, travel or other EPA events may need to arrange their schedules to correspond with the start/stop times and weekdays of the events. Employees will not be excused from attending meetings or other events solely because the employee is on an AWS and the meeting or event is outside of the Agency's core hours. Employees and supervisors should discuss options to make temporary adjustments to an employee's schedule and make adjustments, only if necessary.
- C. **Lunch Period:** An unpaid lunch period must be taken for employees on any work schedule who work six (6) or more hours per day. The lunch period will not be taken at the beginning or at the end of the actual work time. The lunch period may not occur in the first or last hour of an employee's tour of duty. The lunch period may not be skipped in order to accrue credit hours or provide entitlement to overtime or compensatory time. The lunch period will be a minimum of 30 minutes. Employees on a fixed schedule may take lunch for a maximum of one hour. All employees must designate a length of time for the lunch period for each day.
- D. **Breaks:** Employees may generally leave their assigned work area for personal reasons (e.g., to obtain coffee; make personal calls; use the restroom; etc.) and take unscheduled breaks as needed, provided they do not interfere with work-related needs. Therefore, there is no entitlement to two (2) scheduled 15-minute breaks. However, unscheduled breaks may not exceed a total of 15 minutes during each four hours of duty. Employees who may not leave their assigned work area for personal reasons are entitled to a 15-minute break during each four hours of duty. For all employees, scheduled or unscheduled breaks may not be taken at the beginning or end of the workday to shorten the workday, or at the beginning or end of the lunch period to extend the lunch period.
- E. **Overtime and Compensatory Time:** Overtime and compensatory time are not the same and should not be confused with credit hours. Employees may earn overtime or compensatory time or both in accordance with applicable laws and regulations. Overtime work is also controlled by the provisions of MCBA Article 11, Overtime (or its equivalent or successor agreements in a new MCBA).
- F. **Holidays:** Holidays will be administered in accordance with applicable laws and regulations, and per [OPM Guidance available here](#). For employees on Maxiflex, full-time employees relieved from duty on a holiday are entitled to basic pay for 8 hours and part-time employees are entitled to basic pay for the number of hours they were scheduled to work on the holiday (*5 USC § 6124 and 5 C.F.R § 610.405*).
1. If a federal holiday falls on an employee's eight-hour workday, it will be recorded as eight hours. For employees on a compressed schedule (but not those on a Maxiflex schedule mimicking compressed), if the holiday falls on a nine or ten-hour workday, it will be recorded as nine or ten hours respectively.
 2. If the holiday falls on an employee's non-work day, the holiday will be charged as follows:

- a. If the holiday falls on a non-work 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").

- G. **Telework and AWS:** Employees who work an AWS may utilize telework opportunities consistent with Article 33 of this Agreement.

- H. **Changing Work Schedules:** Changes to work schedules will be effective at the start of a pay period.

- I. **Cannot Combine:** Each schedule is distinct and stands alone. No employee may combine schedules.

- J. **Accountability:** Employees are required to record their work hours, including starting and ending times for each workday in the Agency Time and Attendance Recording System.

- K. **Leave Restriction:** Employees with documented time and attendance issues may be placed on a leave restriction where a supervisor may add safeguards to an employee's schedule to ensure employee compliance with time and attendance laws, regulations, rules, this Article, and Agency policies.

- L. **Unavailability of Time and Attendance Recording System:** If the Agency Time and Attendance Recording System is not available to an employee for use, an employee will be granted sufficient time to update their timesheet once the system is available during the employee's working hours.

- M. **Tardiness and Brief Absence:** Tardiness of less than one (1) hour may be excused at the discretion of the supervisor, However, if annual leave is charged, the employee will not be required to perform work until leave time charged has been applied. Tardiness and other brief absences from duty (for less than one hour) may be handled administratively in any of the following ways: (1) by excusing employees for adequate reasons; (2) by requiring additional worktime equivalent to the period of absence or tardiness; (3) by charge (in fifteen (15) minute increments) against an available category of leave; or (4) by recording the absence as leave without pay (LWOP) or absence without leave (AWOL). Participation in civic, patriotic, or community activities which are infrequent and of limited duration, such as viewing a parade, welcoming visiting dignitaries, dedication ceremonies, and emergency actions to save a life or property, are ordinarily adequate justification for excusing an employee's brief absence. (Article 12, Leave (or its equivalent or successor agreements in a new MCBA); Chapter 9 Excused Absence of the U.S. EPA Leave Manual (Manual 3165, July 7, 1997)

- N. **Work While on Field Operations or Temporary Duty Travel (TDY):** It is understood that employees work requirements while on TDY may require a different work schedule from their default or proposed work schedule. Employees on TDY may maintain their regular schedule as long as the work allows it. Calling in from field operations or TDY will not be required to prove work start and stop times unless the employee is on a leave restriction. Employees on a Maxiflex schedule are still obligated to follow the provisions of this Article.

- O. **Night Differential Pay:** Night differential pay will not be paid when an employee on a flexible work schedule elects to work credit hours or elects a time of arrival or departure at a time of day when night differential is otherwise authorized. However, if an employee who is ordinarily entitled to night differential pay is required to work outside the hours of 6:00 am to 6:00 pm, he/she is entitled to night differential.

Section 6. Schedule Options for Employees

Employees may work a Regular, Compressed or Flexible Work Schedule.

A. Regular Schedule (Straight 8s)

1. This schedule consists of eight (8) hours per day, five (5) days per week, Monday through Friday, with a fixed start time between 6:00 am and 9:30 am and a fixed end time. between 2:30 pm - 6:00 pm. These times must be consistent for each workday.
2. Credit hours are not authorized for employees on this schedule.
3. **Accountability:** Employees are required to record their work hours, including starting and ending times for each workday in the Agency Time and Attendance Recording System via the employee's approved standing schedule. The employee's timecard in the Agency Time and Attendance Recording System shall serve as their official attestation of their work hours. No signing in and out to prove start and stop times shall be required.

B. Compressed Work Schedules (CWS)

1. **CWS 5/4-9 Option:** This option is a fixed schedule with the same fixed start time between 6:00 am and 9:30 am and the same fixed end time between 2:30 pm - 6:00 pm including eight 9-hour days, one eight-hour day (though the 8- hour day start, or end time may vary from the 9-hour days) and one non- workday within a biweekly pay period. It is available for full-time employees. Employees may vary their compressed day off each pay period as described in (5) below. Full-time employees must work or otherwise account for eighty (80) hours each pay period. No credit hours may be worked or accumulated under this schedule.
2. **CWS 4-10 Option:** This option is a fixed schedule with the same fixed start time between

6:00 am and 7:30 am and the same fixed end time between 4:30 pm - 6:00 pm including four 10-hour workdays and one non-workday each week in a pay period. Full-time employees must work or otherwise account for eighty (80) hours each pay period. No credit hours may be worked or accumulated under this schedule.

3. Employees request, and supervisors must preapprove, fixed arrival and departure times and the same fixed non-workday(s) each pay period.
4. **Accountability:** Employees are required to record their work hours, in the Agency Time and Attendance Recording System. The employee's timecard in the Agency Time and Attendance Recording System shall serve as their official attestation of their work hours. No signing in and out to prove start and stop times shall be required unless the employee is placed on a leave restriction due to documented issues with time and attendance.
5. Employees may request to change their compressed day off prior to the commencement of the pay period, subject to supervisory approval. A scheduled compressed day off, as part of the schedule, normally should not be changed once a pay period begins.
6. Credit hours are not authorized for employees on compressed schedules.

C. Maxiflex Schedule

1. Under this schedule, an employee is allowed to vary the number of hours worked on any workday and the number of hours in each work week to complete their basic work requirement, subject to supervisory approval. Employees may vary their arrival/departure times within the given flexible hours on a daily basis and may work up to eleven (11) hours in any one day, excluding lunch break, credit hours, overtime and compensatory time worked. The core hours are 11:00 A.M. to 2:00 P.M., Tuesday through Thursday. Employees must work and/or be on approved absence during the designated core hours.
2. An employee electing a Maxiflex schedule must account for all hours worked each pay period. Employees working under Maxiflex are required to provide their supervisor, in advance of the upcoming workweek, their proposed biweekly work schedule in one of three ways:
 - a. in a screenshot of the Agency Time and Attendance Recording System attached to an email;
 - b. on the Maxiflex Pay Period Timesheet (MPPTS); or
 - c. have a standing schedule with no bi-weekly reapproval required.

Employees utilizing options (a) or (b) must include the following information on the MPPTS or screenshot of the Agency Time and Attendance Recording System:

- a. the hours worked in the biweekly pay period with specific days, and starting and ending times;
 - b. the requested leave usage of all types;
 - c. the number of credit hours the employee earned; and
 - d. the number of credit hours the employee is using.
4. Supervisors may allow employees the discretion in the manner in which schedules are submitted unless the high number of a section's employees on Maxiflex require a uniform method of reporting. The supervisor may require that the deadline for the employee to submit their proposed biweekly work schedule be as early as close of business on the Wednesday before the new pay period. However, an employee may make changes to the proposed work schedule during the workweek and will document changes for actual hours worked in the Agency Time and Attendance Recording System and submit changes to their supervisor in advance for approval (except for the one-hour variation).
 5. This schedule a flexible duty start time as early as 5:00 A.M. and an end time as late as 8:00 P.M. Employees have the flexibility to vary the start and end of their workday each day. Employees must account for eighty (80) hours of work and/or approved absence each pay period (and a prorated number of hours for part time employees).
 6. Employees must work and/or be on approved absence during the designated core hours. Subject to supervisory approval and the provisions of this Article, employees are not required to work a specific number of hours each day beyond the core hours; however, the maximum number of regular work hours an employee may work is eleven (11) hours, not including a lunch break.
 7. Employees must account for all hours worked using the Agency's Time and Attendance Reporting System (currently PeoplePlus).
 8. All employees on Maxiflex must request changes to work hours in a manner identified by the supervisor in accordance with this Article, when seeking to work hours not reflected in the employee's approved schedule beyond the one-hour variation at the beginning and end of the day (though flexed hours should be noted in the employee's Maxiflex Worksheet or in an email to the supervisor).
 9. All employees on Maxiflex are subject to an advanced scheduling requirement each pay period as described in Section 2 above. The MPPTS is not a substitute for the electronic Agency's Time and Attendance Reporting System. Rather, the MPPTS is a tool for an employee to request specific work hours and it serves as a reference to be used when an

employee completes the Agency's Time and Attendance Reporting System. Part time and full-time employees follow the same advanced scheduling requirements. The Agency has the unilateral authority to include this process electronically in PeoplePlus or successor electronic time and attendance systems.

10. Once submitted, the proposed work schedule (including any proposed credit hours) becomes the work schedule for the pay period unless disapproved by the supervisor. The employee and the supervisor should work together to make modifications and gain supervisory approval. The Employee must keep careful track of work schedule adjustments made during the pay period to ensure the basic work requirements for the biweekly pay period are met.
11. **Changes to work schedules and earning credit hours:** Except in emergency or unanticipated circumstances and the one-hour variance, all changes to approved or accepted work schedules and requests to work/use credit hours must be requested, approved, and scheduled before the change is scheduled to occur. If not requested and approved in advance, the employee must discuss with the supervisor, or supervisor's designee, the request by telephone/voicemail, email or text (as designated by the supervisor) as soon as practicable, but not later than the start of the requested change, unless there are extenuating circumstances. In an extenuating circumstance, the employee will contact the supervisor as soon as practicable. If the employee receives an "out of office" message from the supervisor, the employee will notify the supervisor's designee of any request for schedule changes that have not been approved. These communications are not substitutes for other time accounting or payroll systems which are still required to show schedules or certify time
12. If an employee does not have an approved standing schedule, fails to timely submit their MPPTS or send an email with a screenshot of their schedule from PeoplePlus, or if a schedule is disapproved by a supervisor, then unless provided a rare exception by the supervisor, employees are required to work fixed 8-hour days (either from 8:00A.M. to 4:30 P.M. or from 9:00 A.M. to 5:30 P.M.) for the affected pay period. If a supervisor fails to approve a timely and properly submitted schedule in accordance with the supervisor's articulated deadline, an employee may assume approval.
13. Employees on a Maxiflex schedule may vary the time of arrival and/or departure on a daily basis in accordance with this Article.
14. Maxiflex is available to full-time and part-time employees.
15. Employees must record their time in to work and time out of work daily by a method consistent with the method used to propose their schedule pursuant to Section C(2) of this Section.

16. For full-time employees on a Maxiflex schedule, overtime work is controlled by the provisions of MCBA Article 11, Overtime.
17. Employees who have limited variability in their biweekly proposed schedule may submit a standing proposed schedule to their supervisors. Any approved standing schedule is subject to the requirements of this section. An employee who updates their biweekly schedule beyond the one-hour variation must get it approved by their supervisor when there is variation in the standing schedule in accordance with this Article.
18. **One Hour Variations:** Once a biweekly Maxiflex work schedule is approved, an employee may adjust the arrival and/or departure times of the approved work schedule by a maximum of one hour without prior supervisory notification or approval, provided the one-hour change does not interfere with the established core hours and does not impact already scheduled meetings or work-related needs. Thus, the actual work schedule may vary from the approved work schedule. While the one-hour adjustment does not need prior supervisory notification or approval, like all hours worked or used for approved leave or credit hour use, the adjusted hours must be accurately recorded by employees in the Agency's Time and Attendance Reporting System. Adjustments of more than one hour to the arrival and departure times of the approved work schedule require prior supervisory approval.
19. **Credit Hour Provisions:** Credit Hours Earned Under a Maxiflex Schedule.
 - a. Credit hours earned are hours that an employee elects to work in excess of the basic work requirement with prior supervisory approval and in accordance with this Article.
 - b. **Recording Earned Credit Hours:** Employees must record the number of credit hours worked and used in the Agency Time and Attendance System (currently PeoplePlus). Employees must be aware that 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. Credit hours must be recorded on the Maxiflex Pay Period Time Sheet or noted in a written communication to the supervisor (generally an email). Credit hours are earned in full fifteen (15) minute increments. No rounding is allowed.
 - c. **Earning Credit Hours:** Earning credit hours must be requested by the employee and preapproved by the supervisor. For an example of credit hours, an employee is scheduled to work 7 hours on Monday. The employee requests and is approved to work three (3) additional hours on that day. If the employee works at least 73 more hours during the pay period, the three (3) additional hours are considered credit hours because they are more than the scheduled basic 80 hours that the employee is required to work in this particular pay period. However, if at the end of the pay period the employee has not accounted for 80 hours with a combination of

- approved leave and work, the three (3) additional hours are counted towards the 80-hour biweekly work requirement and are not credit hours.
- d. All hours used to meet the first 80-hour requirement are recorded as work hours or leave hours. For part-time employees, credit hours are not earned or recorded until the employee's part-time work requirement is met.
 - e. The use of earned credit hours is subject to the same approval process as annual, sick or other leave. An employee may substitute earned credit hours for all or part of any approved leave before the leave is used. Credit hours must be earned before they can be used.
 - f. Credit hours are distinguished from overtime/compensatory time-off hours in that credit hours are at the election of the employee. The accumulated balance of credit hours for a full-time employee that may be carried over into the next pay period may not exceed twenty-four (24) hours.
 - g. If for any reason – voluntary or involuntary, separation or transfer—an employee leaves the Maxiflex program described in this Article, the employee will be paid for the accumulated credit hours at the employee's current rate of basic pay.
 - h. If an employee has elected to work credit hours and overtime/compensatory time is subsequently authorized, the employee will be afforded the opportunity to elect to work the overtime/compensatory time rather than accumulate additional credit hours.
 - i. Subject to existing law, regulations, employer policies and this Agreement, credit hours either alone or in combination with annual, sick, leave without pay, or compensatory leave may be used for a full day of absence.
 - j. Union representatives and members on official time for representational duties may accrue credit hours subject to the terms of this article.
 - k. A Maxiflex work schedule may be supplemented by credit hours.
 - l. Employees on Maxiflex work schedules can schedule up to three (3) credit hours per workday and earn up to twelve (12) credit hours per pay period. For full-time employees, twenty-four (24) credit hours can be carried over to the next pay period. Any credit hours beyond twenty-four (24) must be used in the same pay period or forfeited. Twenty-five percent (25%) of the biweekly work scheduled hours may be carried over for part-time employees. For example, a part-time employee who works sixty-four (64) hours per pay period may carry up to sixteen (16) credit hours from one pay period to another. In no instances can an employee carry forward any more credit hours than the statutory limit, even under extenuating circumstances. Earning and using credit hours requires supervisory approval per the provisions of this Article.
 - m. **Weekend Credit Hours.** Employees on Maxiflex may elect to earn credit hours on weekends only with prior approval of the supervisor. Requests to earn credit hours on the weekend are subject to additional review/scrutiny. Employees may earn credit hours on Saturday or Sunday between 6:00 A.M. to 6:00 P.M. Employees cannot earn credit hours outside of this timeframe on the weekend.

- n. **Exceptions to the 3/12 Credit Hour Limit:** On rare occasions when necessary to meet work-related needs, supervisors may grant more than three (3) credit hours per workday or more than twelve (12) credit hours per pay period, on a case-by-case basis. Standing approvals for more than three (3) credit hours per workday or more than twelve (12) credit hours per pay period are not permissible.
- o. Supervisors may grant standing approvals to work credit hours for known or anticipated workload needs if the credit hours are within the three (3) credit hours per workday and within the twelve (12) credit hours per pay period limit. Standing approvals for known or anticipated workload needs must be requested in writing and approved in writing for a designated period with an end date.
- p. **Using Credit Hours Rather Than Use or Lose Annual Leave:** If credit hours are used instead of use or lose annual leave and the annual leave is subsequently forfeited, the forfeited leave is ineligible for restoration.
- q. Credit hours must be earned in advance of their use. When an employee uses credit hours, such hours are to be counted as a part of the “basic work requirement” to which they are applied. An employee is entitled to his or her rate of basic pay for credit hours.
- r. Employees shall not be subject to any mandatory time period for using credit hours.
- s. Employees are not required to use credit hours for medical or dental appointments or other personal matters in place of leave.
- t. Employees are not required to use credit hours in lieu of compensatory time off.
- u. Credit hours do not expire for as long as the employee is on the Agency’s Maxiflex program described in this Article.
- v. Employees are accountable for keeping track of their credit hour balances and to record them accurately in the Agency Time and Attendance Recording System (currently PeoplePlus).

Section 7. Non-Compliance and Removal from an AWS

- A. **Removal from an AWS:** The supervisor or management official may remove an employee from AWS when there are documented misconduct or performance issues the supervisor determines are related to their ability to work effectively on an AWS, when the employee does not comply with the provisions provided in this article, or to meet the organization or unit's specific work-related needs. The default work schedule for the employee in such circumstances is a Straight-8 schedule or a modified Maxiflex schedule, but the supervisor or management official has the authority to permit temporary changes to the schedule on rare occasions and due to extenuating circumstances.
- B. For AWS removals resulting from misconduct or performance issues related to their ability to work effectively on an AWS or for the employee’s failure to comply with the provisions of this Article, employees may reapply no sooner than six months after termination.

- C. For AWS removals resulting from work-related needs, the employee may reapply in the Agency's Official Time and Attendance System if or when any such issues are resolved. It is presumed the employee may return to their previous work schedule.
- D. For minor issues of non-compliance, the supervisor may counsel an employee when they do not comply with the provisions of the AWS work schedules program. For face-to-face counseling (including virtual) employees are entitled to be accompanied by a union representative for any counseling and will be provided reasonable notice to obtain union representation, if requested. The supervisor must make clear that they are counseling the employee, and that the supervisor is concerned about whether or not the employee is following this Article. Counseling will consist of identifying the problem and what the employee must do or stop doing going forward. Nothing in this paragraph will prohibit management from multiple counseling sessions with an employee.
- E. Supervisors are expected to use reasonable judgment and understanding that an employee may on rare occasions fail to comply with the many Maxiflex rules.
- F. Before a decision to remove an employee from an AWS , the employee will be notified in writing of the reason for her or his removal and may provide a response within one work day. The employee may request to return to AWS after six (6) months.

Section 8. Implementation

The parties agree to establish an Implementation Team with equal numbers of Union and Management representatives. The Team shall have the following responsibilities:

- A. **Joint Training:** Prepare and offer training provided jointly by the Agency and the Union for all employees and supervisors on the requirements and provisions of this Article.
 - 1. Training shall be required for all supervisors and all timekeepers, for new employees or employees new to AWS, and those electing to work Maxiflex or CWS work schedules for the first time. Employees on existing AWS schedules, while not required to take training, are required to sign a statement that they are aware of and agree to abide by all guidance and rules.
 - 2. Training sessions will be offered at least four times initially. A training package will be established within three (3) months of Agency Head review of this Article is completed for employees opting to work AWS after the initial training sessions have been conducted. Training materials, including Q&As based on questions received during the training, will be posted on the Agency intranet and notices of the availability of these materials will be

sent to all employees at least twice a year, at the April mid-year evaluation and the October end-of-year evaluation

SIGNATURES
FOR THE AGENCY

FOR THE UNION

Coomber, Robert
Digitally signed by Coomber, Robert
Date: 2022.08.05 13:16:15 -04'00'

Robert Coomber, EPA LERD, Date
National Chief Negotiator

JOYCE HOWELL
Digitally signed by JOYCE HOWELL
Date: 2022.08.19 20:18:09 -04'00'

Joyce Howell, AFGE Council 238, Date
Chief Negotiator for Future of Work