
HOURS OF WORK

APPLICATION: Classified employees.

PURPOSE

This policy provides guidelines for agencies to schedule reasonable and flexible work hours for employees as well as to provide convenient and consistent hours for citizens to transact business with the Commonwealth.

DEFINITIONS

Alternate Work Schedule

Schedules that differ from the standard 40-hour workweek schedule. Alternative work schedules may include, but are not limited to, four 10-hour days, rotational shifts, flexible hours, and job sharing.

Employee Statuses

(F) Full-time salaried employees

- work the equivalent of 40 hours per week for 12 months per year.

(Q) Quasi-full-time salaried employees

- work **30** – 39.9 hours per week for 12 months per year; or
- work 40 hours per week for 9, 10 or 11 consecutive months per year **for at least 1560 hours per year.**

(P) Part-time salaried employees

- work 20 – **29** hours per week for 12 months per year; or
- work 9, 10, or 11 consecutive months per year for at least 1040 hours annually but **no more than 29 hours per week for a maximum not to exceed 1500 hours per year.**

Policy amended to change the number of hours worked for quasi-full-time and part-time statuses effective June 25, 2014.

Public Service Hours

The normal operating hours for most state agencies, which consist of at least eight hours per work day, usually from 8:30 a.m. to 4:30 p.m.

Standard Workweek

The regular workweek for full-time positions, which consists of a five-day, 40-hour per week schedule for every seven calendar-day period.

Work Schedule

The employee's regularly scheduled hours of work in the central workplace and/or in alternate work locations (See Policy 1.61, Telecommuting).

GENERAL PROVISIONS**Management**

Management reserves the right to establish and adjust the work schedules of employees in the agency, being mindful of the hours of public need.

To comply with the Fair Labor Standards Act agencies must ensure that procedures are in place to document the work hours of non-exempt employees.

Agency management should limit overtime assignments to situations where it is necessary.

Employees

Employees are expected to:

- adhere to their assigned work schedules,
- take breaks and lunch periods as authorized,
- notify management as soon as possible if they are unable to adhere to their schedules, such as late arrivals or early departures, and
- work overtime hours when required by management.

WORK SCHEDULES**Adjustments to Schedules**

Management can adjust an employee's work schedule temporarily within a workweek to avoid overtime liability or to meet operational needs. At management's discretion, employees' schedules can be adjusted to meet the employees' personal needs.

Note: See Policy 4.10, Annual Leave and Policy 4.55, Sick Leave for additional information pertaining to schedule adjusting.

Substituting Work Hours for Leave

An employee taking approved annual or sick leave during the week may also be asked to work additional hours during the same week. With the approval of the employee, the agency may substitute the additional hours worked for the hours of leave, thus reducing or eliminating the need for the employee to use leave.

Agencies should be cautious when changing the kind of leave requested by an employee and approved by the supervisor, and

should ensure that employees are able to use their leave as intended within the business demands of the agency. For example, it is not acceptable for an agency to substitute

compensatory leave for sick or annual leave without the employee's permission.

Lunch Periods and Breaks

Supervisors or managers are responsible for scheduling lunch periods and/or breaks as described below:

Mandatory Lunch Period

Employees who work at least six consecutive hours shall be afforded a lunch period (meal break) of at least 30 minutes except in situations where shift coverage precludes such lunch breaks.

Employees who work a second consecutive shift shall be afforded a meal break after working four hours during the second shift.

The lunch period shall not be included in the count of hours worked per day, except when the agency head or designee has designated the lunch break as part of the work schedule. When employees are required to work during their lunch, that period shall be counted as time worked.

Example: When necessary to provide staffing for client (patient or inmate) services and care, the lunch period shall be considered time worked.

Discretionary Breaks

Agency managers may grant employees who work an eight-hour day or longer a maximum of one 15-minute rest break before and one 15-minute rest break after the required lunch period.

Rest breaks are included in the required hours of work per day.

Impermissible Use of Breaks

The lunch period and the break(s) must be taken separately and breaks may not be used to extend the lunch period. Except with prior approval lunch breaks should not be adjusted to compensate for employees' late arrival or early departure, or to cover time off for other purposes.

Note: Managers reserve the right to determine when or if lunch periods may be used to compensate for an employee's late arrival or early departure.

Alternative Work Schedules

Agencies are encouraged to implement schedules that differ from the standard workweek provided such schedules do not impede efficiency of agency operations or increase agency overtime liability. Agencies are encouraged to allow alternate work schedules to facilitate or reduce employees' commuting time. Agencies may contact the Department of Human Resource Management for guidance or assistance in implementing

	<p>alternative work schedules.</p> <p>Assignment to an alternative work schedule does not affect the total number of hours an employee is scheduled to work.</p>
Conditions of Employment	<p>An alternative work schedule arrangement is intended to benefit both the employee and agency operations. However, it may be necessary for agencies to require employees to work alternative work schedules as a condition of employment.</p> <p>In such cases, this requirement should be included when the position is advertised for recruitment and should be stated in correspondence offering employment. (See Policy 2.10, Hiring.)</p>
Work Agreements	<p>Agencies are encouraged to document alternative work schedule arrangements by developing work agreements that include:</p> <ul style="list-style-type: none">• the alternative work schedule and how it might be changed;• the duration of the agreement/schedule;• how leave and holidays will be managed; and• how emergency or weather-related closings under Policy 1.35, Emergency Closings, will be managed.
Termination of Agreement	<p>Agency management may terminate alternative work schedule agreements at any time. Agencies should give employees advance notice of the date the alternative work schedule will end; however, advance notice is not required.</p>
Agency Requirements	<p>Agencies must:</p> <ul style="list-style-type: none">• designate positions that are appropriate for working alternative work schedules, and enter the information in the Personnel Management System; and• indicate in PMIS whether employees in designated positions are working alternative work schedules; and• set annual percentage targets for the number of positions eligible for working alternative work schedules; and• by July 1, 2009, have a goal of not less than 25 percent of its eligible workforce participating in alternative work schedules. <p>Agencies should encourage the successful and appropriate use of alternative work schedules within the agency by providing training to supervisors and managers in effectively managing employees working alternative work schedules.</p>

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Overtime Hours

A non-exempt employee under the Fair Labor Standards Act may work overtime hours only as authorized in advance by his or her supervisor or manager.

Overtime hours normally shall not be authorized except where required by exceptional circumstances of an emergency or temporary nature.

Employees are expected to work overtime hours as required by their supervisor or manager.

FLSA Workweek

The Fair Labor Standards Act requires that a workweek be established in order to determine overtime pay for non-exempt employees. Agency management has the discretion to establish that workweek. Where no other workweek has been established the workweek will begin at 12:01 a.m. Sunday, and end at midnight Saturday. When establishing or changing the workweek, the agency should consult with DHRM.

28-Day Work Cycle

If an alternate workweek or work period has been established for hospital, law enforcement (including corrections officers and game wardens) and fire protection employees, in accordance with the provisions of the Fair Labor Standards Act, overtime work will be compensated after the requisite workweek or work period has been actually worked.

AUTHORITY

The Department of Human Resource Management issues this policy pursuant to the authority provided in Chapter 12, Title 2.2 of the Code of Virginia and §§2.2-203.1 and 2.2-2817.1.

INTERPRETATION

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with section 2.2-1201 of the Code of Virginia.

Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Division of Agency Human Resource Services.

The Department of Human Resource Management reserves the right to revise or eliminate this policy at any time.

**RELATED
POLICIES**

Policy 1.60, Standards of Conduct

Policy 1.61, Telecommuting

Policy 2.10, Hiring

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Policy 2.20, Types of Employment

Policy 3.15, Overtime Leave

Policy 4.10, Annual Leave

Policy 4.55, Sick Leave