Army Regulation 690–610

Civilian Personnel

Hours of Duty, Alternative Work Schedules, and Holidays

Headquarters
Department of the Army
Washington, DC
18 August 2021

UNCLASSIFIED

SUMMARY

AR 690–610
Hours of Duty, Alternative Work Schedules, and Holidays

This new regulation, dated 18 August 2021–

- Establishes responsibilities, hours of duty, alternative work schedules, and holidays for Department of the Army Civilian personnel (para 1–4).
- Adds records management requirements (para 1–5).
- Includes policy on labor relations obligations (para 1–6).
- Establishes policy on weekly and daily scheduling of Department of the Army Civilian work (chap 2).
- Addresses alternative work schedules for Department of the Army Civilian personnel (chap 3).
- Establishes policy concerning observed holidays for Department of the Army Civilian personnel (chap 4).
- Establishes an internal control evaluation (app B).

Headquarters
Department of the Army
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*Army Regulation 690–610

Effective 18 September 2021

Civilian Personnel

Hours of Duty, Alternative Work Schedules, and Holidays

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:

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Acting Administrative Assistant
to the Secretary of the Army

History. This publication is a new Department of the Army regulation.

Summary. This regulation prescribes policies concerning weekly and daily scheduling of work, alternative work schedules, and holiday observances available to Department of the Army Civilian personnel.

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. It also applies to all Army Civilian personnel paid from appropriated funds within the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve. It does not apply to non-US citizen employees employed outside of the United States and the District of Columbia, or to Title 32, Army National Guard Technicians unless specifically made applicable by the Chief, National Guard Bureau.

Proponent and exception authority. The proponent of this regulation is Deputy Chief of Staff, G–1. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Deputy Chief of Staff, G–1 (DAPE–CPZ), 300 Army Pentagon, Washington, DC 20310–0300.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Deputy Chief of Staff, G–1 (DAPE–CPZ), 300 Army Pentagon, Washington, DC 20310–0300.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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*This regulation partially supersedes AR 690–990–2, Book 610, dated 20 May 1989.

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Glossary

Chapter 1
Introduction

1–1. Purpose
This regulation establishes Department of the Army (DA) Civilian personnel policies concerning hours of duty including weekly and daily scheduling of work, alternative work schedule (AWS) and holidays.

1–2. References and forms
See appendix A.

1–3. Explanation of abbreviations and terms
See the glossary.

1–4. Responsibilities
a. Assistant Secretary of the Army (Manpower and Reserve Affairs). The ASA (M&RA) will—

(1) Advise the Secretary of the Army on manpower, human capital management, training, leader development, readiness, and Reserve Affairs.

(2) Set the strategic direction and provide the overall supervision for manpower and personnel affairs across all Army components, including providing civilian human resources policy, programming, and oversight.

b. Deputy Chief of Staff, G–1. The DCS, G–1 will—

(1) Provide advice and assistance to the ASA (M&RA) on manpower, human capital management, human resources, and personnel readiness.

(2) Provide advice and assistance to the ASA (M&RA) on the development of policy for human resources support of the Army, human resources programs, budgets, and activities, including those involving DA Civilian hours of duty, AWS, and holidays.

(3) Designate the Assistant DCS, G–1, Civilian Personnel (AG–1CP) to—

(a) Provide advice and assistance to the DCS, G–1 on the development of civilian personnel policy, procedures, and programs, including those involving DA Civilian hours of duty, AWS, and holidays.

(b) Evaluate and administer civilian personnel programs Army-wide.

(4) Designate Director, Civilian Human Resources Agency, a direct reporting unit (DRU) of the DCS, G–1, to—

(a) Exercise control over the Army's servicing personnel organizations, to include the Civilian Personnel Advisory Centers (CPACs), the Civilian Personnel Records Center, and the Army Benefits Center for Civilians.

(b) Establish operational and procedural guidance for the CPACs, as needed, to support implementation and administration of this regulation.

(5) Ensure servicing CPACs—

(a) Provide civilian personnel support to the commanders, managers, supervisors, and DA Civilians in all phases of the human resources life cycle.

(b) Provide human resources advice to commands, activities, and DA Civilian employees concerning the weekly and daily scheduling of work, AWS, and holidays.

(c) Review, coordinate, and forward for processing any requests for personnel action related to changes to the number of DA Civilian hours of work.

c. Commanders of Army commands, Army service component commands, and direct reporting units. The ACOMs ASCCs and DRUs will—

(1) Establish their command or activity's daily hours for beginning and ending work, and develop, implement, and maintain policies concerning DA Civilian hours of work, AWS (including identification of core and flexible hours, if established) and holidays.

(2) Establish procedures to eliminate unauthorized overtime and consider requests for overtime approval, or redelegate the authority to approve overtime to appropriate overtime authorizing officials within their command or activity.

1–5. Records management (recordkeeping) requirements
The records management requirement for all record numbers, associated forms, and reports required by this publication are addressed in the Records Retention Schedule–Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in Army Records Information Management System (ARIMS)/RRS–A at

https://www.arims.army.mil. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

1–6. Labor relations obligations

Management officials and supervisors will adhere to the provisions of applicable collective bargaining agreements and fulfill all statutory and contractual labor relations obligations identified in Title 5, United States Code, Chapter 71 (5 USC Chapter 71) in advance of the implementation and administration of this regulation. Questions concerning labor relations obligations should be addressed with the CPAC and legal office.

Chapter 2
Weekly and Daily Scheduling of Work

2–1. Establishment of workweeks

a. The DA Civilian administrative workweek is identical to the calendar week, beginning at 0001 on Sunday and ending at 2400 the following Saturday. For employees working a tour of duty that includes shift work, the administrative workweek normally begins and ends on the hour of the day when shifts change.

b. All time will be charged, credited, and/or reported in the timekeeping system in increments no less than 6 minutes.

c. For full-time employees paid on an annual basis, who are not assigned to work an AWS, the basic workweek is 40 hours, spread over no more than 6 days of the administrative workweek. Normally, the basic workweek is five, 8–hour days, Monday through Friday.

d. For full-time and part-time employees, the basic work requirement (that is, the number of hours during a biweekly pay period, excluding overtime hours, which he or she is required to work) will be as follows:

(1) Full-time employees are required to work 80 hours per pay period.

(2) Part-time employees normally work between 32 and 64 hours per pay period.

e. For DA Civilian employees in the Federal Wage System, the basic workweek is 40 hours and the basic workday is 8 hours.

f. A biweekly pay period consists of the 2–week period during which an employee is scheduled to perform work.

g. Standby time.

(1) Standby time consists of periods when, for work-related reasons, an employee is ordered to remain at or within the confines of a designated post of duty and is assigned to be in a state of readiness to perform work. Standby time is compensable time. Therefore, when an employee is required to work standby time as part of the normal duties assigned, the employee's administrative workweek is the total number of regularly scheduled hours of duty a week, including time spent in a standby status. Inclusion of time for meals and sleep is addressed at Section 432, Part 551, Title 5, Code of Federal Regulation (5 CFR 551.432).

(2) In order to qualify as "standby time," the employee must be officially ordered to remain at or within the confines of a designated post of duty, and the employee's state of readiness to perform work must include substantial activity limitations so that the employee cannot use the time effectively for their own purposes. Restrictions that are necessary to ensure an employee's ability to perform duties and responsibilities (for example, restrictions on alcohol consumption or use of medications) may not, by themselves, be enough to establish that an employee's activities were substantially limited.

(3) An employee is not considered restricted for work-related reasons if the employee remains at their post voluntarily, or if the restriction is the natural result of geographic isolation or because the employee resides on DA or Department of Defense (DoD) property. For example, in the case of an employee assigned to work in a remote area, the fact that the employee has limited mobility when relieved from duty would not be the sole basis for finding that the employee is restricted for work-related reasons.

h. On-call status.

(1) When the nature of an operation is such that it may become necessary to call employees back to duty because of emergencies or administrative requirements outside of the employee's normal work hours, employees may be identified to make themselves available in an on-call status. Note. This section does not apply to Federal wage system employees, firefighters, or DA Civilian employees receiving additional pay under 5 USC 5545(c)(1).

(2) Identification of employees for this purpose is subject to the following conditions:

(a) When an employee's services may be required.

(b) On-call duties will be brought to the attention of all employees within an impacted work unit.

(c) If more than one employee within the work unit could be used for on-call services, identification to be in this status for a specific period of time shall normally be made on a rotating basis.

(d) Employees who are identified for on-call status may not have their freedom of movement excessively restricted. Normally, the requirement that an identified employee hold themselves available will not extend beyond a requirement that he or she provide reliable contact information for how they may be reached during the period of on-call status, and/or that the employee remain within a reasonable call-back radius, for example, not to exceed 30 minutes to return to duty.

(3) An employee will be considered off duty and time spent in an on-call status will not be compensable if—

(a) The employee is allowed to leave a telephone number or carry an electronic device for the purpose of being contacted, even though the employee is required to remain within a reasonable call-back radius.

(b) The employee is allowed to make arrangements such that another employee will perform any work that may arise during the on-call period.

(4) Employees who are required to return to duty during a period of on-call status will be entitled to at least 2 hours of overtime compensation or compensatory time, as appropriate. Where a return to duty is not required, but services are provided by telephone or through email communication, overtime, or compensatory time will be granted in the manner prescribed by Federal, DoD, and DA overtime policy.

2–2. Establishment of work schedules and tours of duty

a. Tours of duty are the hours of the day (that is, a daily tour of duty), and the days of an administrative workweek (that is, a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek. For most full-time Army employees, a tour of duty is a 40–hour basic workweek that is scheduled Monday through Friday with the same number of hours worked each day. Supervisors shall schedule tours of duty for all employees under their supervision. Once established, an employee's tour of duty must be documented in writing (for example, a memorandum to the employee, by email, or written paper copy), and include the calendar days and hours of the day that the employee will typically be expected to work.

b. A nonstandard tour of duty is any 40–hour basic workweek scheduled to include a Saturday and/or Sunday, or one that is scheduled for four workdays or less but no more than 6 days of an administrative workweek. A nonstandard tour of duty may be established when necessary for efficient operations or when the cost of operations can be reduced without imposing undue hardship on employees. Nonstandard tours of duty are subject to the following requirements:

(1) Wherever possible, 2 consecutive days off will be provided in each administrative workweek. Nonwork days may be staggered when it is necessary to provide 6 or 7–day coverage for a particular activity.

(2) In rare circumstances, an off-duty period may have to be scheduled between two portions of a daily shift. If such a tour is established, supervisors must ensure that employees are completely free to pursue their own interests during the off-duty period. Any work required during the off-duty period shall be treated as overtime or compensatory time, as appropriate.

(3) The daily tour of duty should be established in terms of full hours. When fractional hours are required, the daily tour shall consist of multiples of full-hours and quarter hours (that is, 15–minute increments).

(4) The need for a nonstandard tour of duty should be explained to the impacted employees prior to implementation, normally no less than one pay period prior to implementation, or in unusual circumstances, as soon as practicable.

c. If applicable, the tour of duty shall specify calendar days and the number of hours to be worked each day and any overtime that is part of an employee's regularly scheduled administrative workweek (that is, scheduled in advance).

d. A supervisor may identify the need to perform overtime work that cannot be approved in advance of the administrative workweek due to operational emergencies or other compelling reasons. This is considered irregular or occasional overtime work and is not reflected in the employee's established tour of duty.

e. Employees may request a tour of duty change due to regularly recurring or ongoing religious observances or requirements (for example, an employee may have a religious requirement that prevents the employee from being available to work on a certain day of the week.) This is different from requests for leave resulting from religious holidays.

f. Changes to a work schedule may be based on a variety of factors including the type of work performed, timing of work assignments, budget, and overall mission requirements. All changes in work schedules, whether permanent or temporary, but more than one pay period, must be documented using a, Standard Form (SF) 50 (Notification of Personnel Action).

g. Special tours of duty of not less than 40 hours per pay period may be established by a supervisor to permit an employee to take one or more courses related to current and/or anticipated needs of the Army, in a nearby college, university, or other educational institution. Such schedules shall generally be referred to as special tours of duty for educational purposes.

(1) Special tours of duty for educational purposes may only be established if the following criteria are met:

(a) The employee has selected course work that will equip him or her to perform more effective work for the Army.

(b) The employee's courses are not training under 5 USC Chapter 41.

(c) Rearrangement of the employee's tour of duty will not appreciably interfere with accomplishment of the work assigned to the employee's position, another employee's position, or the overall command or activity mission.

(d) Approval of the special tour of duty will not result in additional costs to the Army. For example, once a special tour of duty for educational purposes is approved, employees should not be placed on a uniquely created tour of duty that results in a work schedule that includes days or hours of work when premium pay would be required. However, supervisors may assign an employee to a vacant position in a regularly scheduled existing work shift that requires premium pay (for example, night pay) since assignment to the already existing shift would not incur additional costs.

(2) An employee who is seeking a special tour of duty for educational purposes must submit their request for the work schedule change in writing to his/her supervisor (for example, by written memorandum, local work schedule change request document, or email). Supervisory approval or denial of the request must similarly be memorialized in writing.

h. Some employees work in positions that require them to independently recognize (that is, without supervision) irregular or occasional circumstances that make it necessary for them to remain on duty past the end of their regularly scheduled tour of duty. These types of positions are considered administratively uncontrollable overtime (AUO) positions and require assignment of the employee to an AUO tour of duty. Only positions that meet the requirements described in 5 CFR 550.153 may be identified as AUO.

(1) Employees may be eligible to receive premium pay for AUO on an annual basis. Supervisors with positions they believe qualify for an AUO tour of duty must demonstrate an existing need and obtain written approval for the AUO tour of duty prior to placing an employee on the AUO tour of duty.

(2) AUO requests are initiated by the supervisor through their chain of command to the commander or activity director with the organizational authority to approve the request. Written requests should include the following information:

(a) Position title, pay plan, occupational series, and grade or level of the position.

(b) A copy of the position description and any other supporting documentation that provides a detailed description of the duties and responsibilities of the position, addresses the specific requirement for overtime and why conventional adjustments to the workweek or other administrative controls are insufficient to accommodate the need for overtime.

(c) A written justification for payment of AUO should include a description of any actions management has taken to control the requirement for AUO; an explanation of why no other scheduling option under the activity's structure can eliminate the need for AUO; an explanation of how the nature of the work prevents hours of duty from being controlled administratively; an explanation of the necessity for the employee to be independently responsible for recognizing, without supervision, the circumstances which may require him or her to remain on duty; the frequency and duration of the irregular or occasional overtime work, and a description of any other relevant conditions.

2–3. Optional parental phased return to work

Employees may request part-time status for up to the first year after the birth of a child, adoption of a child, or subsequent to beginning service as a foster parent. Such requests should be honored to the fullest extent possible, subject to workload and mission requirements. This optional workplace flexibility, in conjunction with various leave and workplace flexibilities, should assist employees in achieving a healthy work-life balance.

2–4. Rest and lunch periods

a. Supervisors may permit short rest periods and/or breaks during an employee's tour of duty when such periods are beneficial or necessary to the command or activity's mission.

(1) Command or activity policies concerning rest periods should be stated in writing and employees should be advised accordingly. Rest periods are considered duty time and are included in an employee's daily tour of duty.

(2) Criteria to be considered in determining command or activity policy concerning rest periods may include the following:

(a) Protection of the employee's health by relief from hazardous work or work that requires continual or considerable physical exertion.

(b) Reduction of accident rates by removal of fatigue potential.

(c) Working in confined spaces or in areas where normal personal activities are restricted.

(d) Increase in, or maintenance of, high quality or quantity production traceable to the rest period.

(3) Rest periods other than those identified in Army or command/activity regulations or policies may not be considered a part of the daily tour of duty; such periods must be charged to the appropriate type of approved leave or as absence without leave.

(4) Rest periods may not exceed 15 minutes during any 4–hour period of continuous work, and should not be taken in increments smaller than 5 minutes.

(5) If the period of time from the beginning of the daily tour of duty to the lunch period is less than 4 hours, a rest period should be granted only in unusual circumstances.

(6) Rest periods may not immediately precede or be a continuation of the lunch period, be taken in conjunction with the beginning or ending of an employee's duty day, be combined to create a single 30–minute rest period in a duty day, or be accumulated from multiple days.

b. Employees are authorized, and required to take, an approved period of time (30 minutes to 1 hour) in a non-pay and non-work status as a lunch or meal period. This time interrupts a basic workday or period of overtime work, and enables employees to eat or engage in personal activities. (See exception below regarding on-the-job working lunch requirements.) Lunch or meal periods may vary by activity based upon work requirements, and the availability and convenience of eating establishments. Commanders and/or activity directors/heads have the authority to identify specific hours of the workday during which lunch periods may be taken and to restrict lunch periods to a set timeframe (for example, 30 minutes) based on work requirements.

(1) Lunch periods may not be scheduled to delay the start of the workday or shorten the workday but may be taken in conjunction with approved leave.

(2) Lunch periods should be scheduled when more than one shift is in operation.

(3) When supervisors schedule more than one 8–hour shift in a 24–hour period and an overlapping of shifts to permit time off for lunch is not possible, supervisors may authorize an on-the-job (working) lunch period of 20 minutes or less. When employees are required to spend their on-the-job lunch period at or near their workstations under these conditions, the time covered by the 20–minute on-the-job lunch period is compensable time.

(4) Employees should not be permitted to work through lunch periods without appropriate compensation.

c. Nursing mothers are entitled to a reasonable break time to express breast milk each time they need to express milk for up to 1 year after the child's birth in a suitable place, other than a bathroom, that is shielded from view and free of intrusion from coworkers and the public.

(1) Frequency and duration of the breaks will vary according to the needs of an individual employee.

(2) Commands and activities should consult with their servicing CPAC and legal office for guidance concerning individual situations.

2–5. Make ready and clean-up time

a. Incidental duties that are directly connected and in conjunction with work performance (for example, undergoing inspections) are considered work requirements within the employee's established tour of duty. This is often referred to as pre- and post-shift activities. When management reasonably determines that these activities are closely related to an employee's principal activities, and is indispensable to the performance of the principal activities, the employee will be credited for all of the time spent in that activity as hours of work.

b. When this occurs outside of regular hours worked, time shall be appropriately recorded and rounded up or down to the nearest timekeeping increment in the system utilized. For example, for organizations who track employee hours worked in 15 minute increments, employee time from 1 to 7 minutes may be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes must be rounded up and counted as a quarter hour of work time.

2–6. Nightwork

a. Any work performed by a General Schedule employee between the hours of 1800 and 0600 is considered compensable nightwork. Nightwork should be kept to an absolute minimum. For employees located outside the continental United States, Commanders of overseas employees may designate a time after 1800 and before 0600 as the beginning and end of nightwork where the customary hours of business extend into the hours of nightwork. Times so designated as the beginning or end of nightwork shall correspond reasonably with the end or beginning, respectively, of the customary hours of business in the locality.

b. Nightwork hours warranting a night differential for Federal Wage System prevailing rate employees occurs when the majority of regularly scheduled non-overtime hours are:

(1) Between the hours of 1500 and 2400.

(2) Between the hours of 2300 and 0800.

2–7. Daylight saving time

When daylight saving time goes into effect, an employee working on a shift during the change will be credited with the actual number of hours worked on that shift. If an employee is not permitted to work an additional hour beyond

the end of the shift, the hour lost in the change to daylight saving time shall be charged to annual leave, accrued compensatory time, accrued credit hours if the employee is on a flexible AWS, or leave without pay (LWOP) as appropriate. When a change to standard time goes into effect, an employee working on a shift during the change shall be credited for the actual number of hours worked on that shift. Note. This section does not apply to firefighters or law enforcement officers covered by 5 CFR 550.

Chapter 3
Alternative Work Schedules

3–1. General

a. An AWS is a work schedule option that permits an employee to work a non-traditional schedule including a compressed work schedule (CWS) or a flexible work schedule (FWS). Employees have a right to request an AWS. These types of work schedules enable managers and supervisors to meet their mission goals, while at the same time, help employees better balance work, personal and family responsibilities.

b. Absent adverse agency impact resulting from an AWS, commanders and activity directors shall adopt and publish policies permitting AWS programs that balance mission achievement with the personal benefits to employees. Implementation or termination of an AWS program covering bargaining unit employees is subject to existing and applicable labor obligations (for example, any applicable collective bargaining agreement) and must be coordinated with the servicing CPAC labor relations specialist and the local labor union(s).

c. There are two categories of AWS authorized for adoption and implementation within DA: CWS and FWS. The basic work requirement (that is, the number of hours during biweekly pay period, excluding overtime hours, which an employee is required to work) for full-time employees working either category of AWS is 80 hours per pay period.

3–2. Compressed work schedules

a. CWS are fixed work schedules that enable full-time employees to complete the basic 80–hour biweekly work requirement in less than 10 workdays. Although a supervisor may change or stagger the arrival and departure time of employees, there are no provisions for employee flexibility in daily reporting and quitting times under a CWS program.

b. An employee in a unit with respect to which an organization of employees has not been accorded exclusive recognition cannot be required to participate in a CWS unless a majority of the employees in such unit vote to be included in a CWS. For purposes of this vote, a majority is obtained when the number of affirmative votes exceeds 50 percent of the number of employees and supervisors in the organization proposed for inclusion in a compressed work schedule. (If participation in the CWS program is voluntary for each employee, a vote is unnecessary because employees who elect not to participate are not included and are unaffected.) If, upon written request of an employee, the agency determines that participation in a CWS would impose a personal hardship on the employee, the agency must except the employee from such program, or reassign the employee within the agency. *See* 5 USC 6127(b). For employees in a bargaining unit, the CWS program must be successfully negotiated with the union prior to implementation.

c. The two most common types of CWS arrangements in Army are the 4–10 and the 5/4–9 compressed plans.

(1) The 4–10 compressed plan is a CWS in which a full-time employee has a basic work requirement of 10 hours per day, for 4 days, 40 hours per week, and 80 hours per biweekly pay period.

(2) The 5/4–9 compressed plan is a CWS in which a full-time employee has a basic work requirement of eight, 9–hour days and one 8–hour day for a total of 80 hours in a biweekly pay period.

d. There is no legal authority for credit hours under a CWS program.

e. The regular day off (RDO) for an employee on a CWS is/are a fixed day(s) of each pay period that the employee is not scheduled to work. Employees on an RDO are not in a pay or leave status.

f. Arrival and departure times should be established for employees on a CWS.

g. When an employee covered by a CWS program is assigned to a temporary duty station, the employee may be permitted to continue to work the approved CWS schedule (if appropriate) or required to change their schedule to conform to operations at the temporary worksite. Additionally, employees scheduled for training will be required to change to a regular schedule where necessary to meet the requirements of the training.

3–3. Flexible work schedules

a. FWS are work schedules that consist of workdays with core hours and flexible hours. Core hours are the designated period of the day when all employees on an FWS must be at work (for example, 0900 to 1500). Flexible hours

are the part of the workday when employees on an FWS may, within limits, choose their arrival and departure times (for example, start no earlier than 0600 and end no later than 1800).

b. For employees in a bargaining unit, the FWS program must be successfully negotiated with the union prior to implementation. FWS schedules may be established for non-bargaining unit employees without a vote from the employees but actual participation in the FWS is voluntary.

c. There are five models of FWS arrangements available within DA.

(1) Flexitour schedules allow an employee to elect start/stop times within the flexible hours which then become fixed.

(2) Gliding schedules require an employee to work 8 hours in each day and 40 hours in each week. Employees may select a start/stop time each day and may change those times within the established flexible hours.

(3) Variable day schedules contain core hours on each workday in the week. A full-time employee has a basic work requirement of 40 hours in each week of the biweekly pay period, but the employee may vary the number of hours worked on a given workday within the week, within the limits established for the organization.

(4) Variable week schedules contain core hours on each workday in the biweekly pay period. A full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but the employee may vary the number of hours worked on a given workday or the number of hours each week, within the limits established for the organization.

(5) Maxiflex schedules contain work hours on fewer than 10 workdays in the biweekly pay period. A full-time employee with a basic work requirement of 80 hours for the biweekly pay period may vary the number of hours worked on a given workday or the number of hours each week, within the limits established for the organization.

d. A command or activity's FWS plan may permit employees to earn credit hours. Credit hours are any hours within a FWS that are in excess of an employee's basic work requirement that the employee elects to work, with supervisory approval. Only employees on an FWS may elect to work credit hours in excess of a basic work requirement.

(1) A supervisor cannot require an employee to work credit hours; an employee should seek supervisory approval to work credit hours. If overtime has been previously approved, credit hours cannot be worked in conjunction with the overtime. Commands and activities should require that an employee obtain supervisory approval prior to working credit hours.

(2) The employee's tour of duty defines the limits within which an employee on an FWS must complete the basic work requirement.

(3) Senior executive service employees participating in FWS programs are not permitted to accumulate credit hours.

(4) Full-time employees may carry no more than 24 credit hours over to the next pay period. Part-time employees may carry no more than one-fourth of the hours in the employee's biweekly basic work requirement over to the next pay period.

(5) Credit hours are only paid out at the employee's current rate of pay if: (a) their Federal employment ends, (b) the employee's participation in an FWS is terminated (for example, the employee opts out of a FWS or changes to a CWS), or (c) the employee transfers to another agency.

(6) Credit hours may not be earned during excused absences, (for example, weather emergencies).

(7) Employees must obtain approval from their supervisor prior to working credit hours on a non-workday. In deciding whether to grant the employee's request, supervisors should consider the amount of leave, if any, the employee has taken during the pay period.

e. When an employee covered by an FWS program is assigned to a temporary duty station, the employee may be permitted to continue to work their approved FWS schedule (if appropriate) or required to change their schedule to conform to operations at the temporary work site. Additionally, employees scheduled for training will be required to change to a regular schedule when necessary to meet the requirements of the training.

3–4. Hybrid work schedules

a. Establishment or implementation of hybrid work schedules (that is, schedules that combine unique attributes of CWS and FWS) is not authorized. (For example, allowing an employee to combine a compressed 5/4/9 schedule with a flexible schedule that allows the employee to work any time during the morning flexible band and depart after completing the required number of hours, is contrary to Office of Personnel Management (OPM) guidance and DoD policy and cannot be permitted).

b. Employees on a maxiflex schedule, however, may work fewer than 10 workdays in a pay period provided that the employee does not work a fixed number of days per pay period in excess of 8 hours.

3–5. Establishing, modifying or terminating an alternative work schedule

a. An existing AWS may be modified or terminated when continuation of the AWS creates adverse agency impact.

b. Where a proposed AWS would have an adverse impact on the agency, the AWS may not be established.

c. A finding of adverse agency impact must be documented in writing. Authority to make this finding is delegated to the Administrative Assistant to the Secretary of the Army, and the commanders/heads of ACOMs, ASCCs, and DRUs and can be further delegated to no lower than a local commander or activity head (or equivalent). The finding must be based upon a demonstration of one or more of the following:

(1) A reduction of an Army productivity.

(2) A diminished level of Army services furnished to the public.

(3) An increase in the cost of Army operations (other than an administrative cost to process the establishment of an AWS program) as demonstrated by the organization or activity at issue.

(4) If the AWS is the result of an accommodation granted an employee with a disability, management must engage the employee in an interactive dialogue to explain the reasons for the termination and to consider alternative accommodations for the employee that will allow him or her to perform the essential functions of their position.

d. Subject to any applicable collective bargaining agreement provisions and fulfillment of associated labor obligations, individual employee participation in an AWS program may be discontinued at any time by a supervisor if there are documented concerns regarding the employee's job performance or misconduct, or if mission achievement would be significantly impacted by the employee's continued participation in the program.

(1) Employees must be provided with written notification stating the reason for termination of the AWS. The notification should be provided at least one biweekly pay period prior to discontinuing the employee's participation in the program.

(2) Supervisors must adhere to any applicable collective bargaining agreements and the requirements of 5 USC 6131 prior to terminating an AWS schedule (even for just an individual employee in a bargaining unit) or when determining not to implement a proposed AWS because of adverse agency impact. For bargaining unit employees represented by an exclusive representative, an impasse reached in bargaining a decision not to establish an AWS, or to terminate an existing AWS because of adverse agency impact, must be coordinated with the exclusive representative prior to the implementation of an agency decision and in accordance with any collective bargaining agreement provisions. If an agency and an exclusive representative reach an impasse in collective bargaining involving a management determination to terminate an AWS due to adverse agency impact, the dispute goes to the Federal Service Impasses Panel (the Panel). The Panel will determine whether the agency's determination is supported by adequate evidence. If it is, the Panel must act in favor of the agency. An existing AWS schedule may not be terminated or modified until a negotiated agreement is renegotiated or expires pursuant to the terms of that agreement or the Panel acts on the impasse.

(3) In all cases, implementation, modification, or termination of an AWS program covering bargaining unit employees requires appropriate coordination with the exclusive representative and/or a final decision of the Panel.

e. Once the decision has been made to pursue modification or termination of an AWS program or individual employee participation in a program, short of unusual circumstances (for example, short notice special projects, military action, natural disaster, temporary duty, training, and furlough), management shall provide the impacted employees with at least one biweekly pay period of advance notice.

Chapter 4
Holidays

4–1. General

a. The President and U.S. Congress have the sole authority to grant a Federal holiday or to grant time off that has the effect of a holiday. Under Federal law, employees are entitled to a day of pay when they are not required to work because of the occurrence of a legal public holiday.

(1) The Federal holidays honored by DA shall be those identified in 5 USC 6103 and Executive Order 11582, dated February 11, 1971. Army employees in the Washington, DC area are entitled to a holiday on Inauguration Day of the President. Employees are entitled to this holiday if they are employed in the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington and Fairfax Counties in Virginia; and the cities of Alexandria and Falls Church in Virginia.

(2) Employees must be in a pay status (that is, at work or on approved paid leave, compensatory time off, compensatory time off for travel, or credit hours) on their scheduled workday before a holiday or after a holiday in order to be entitled to regular pay for the holiday. Employees who are in a non-pay status for the workdays immediately before and after a holiday will not receive compensation for the holiday.

(3) All full-time employees are entitled to an in lieu of holiday when a Federal holiday falls on a non-workday. In these cases, the employees' in lieu of holiday is the basic workday immediately preceding the non-workday. Exceptions are as follows:

(a) If the non-workday holiday falls on a Sunday (or an in lieu of Sunday), the in lieu of holiday will be the employee's next basic workday.

(b) If the employee is entitled to Presidential Inauguration Day as a holiday, and Inauguration Day falls on a non-workday, there is no in lieu of holiday.

(c) If DA determines that a different in lieu of holiday is necessary to avoid an "adverse agency impact," a different in lieu of holiday may be designated for full-time employees who work a CWS.

(d) Part-time employees are not entitled to an in lieu of holiday. However, when a part-time employee is prevented from working because the activity is closed to provide full-time employees an in lieu of holiday, the part-time employee may either be placed in an appropriate leave category or be excused and placed on administrative leave for the number of hours he or she is regularly scheduled to work on that day.

(4) Employees are not entitled to another day off as an in lieu of holiday if a Federal office or facility is closed because of a weather emergency or when employees are furloughed.

(5) Intermittent employees are not entitled to pay for the holiday.

b. Employees performing work in foreign areas are also subject to the holiday policy requirements of Department of Defense Instruction (DoDI) 1400.25, Volume 1261.

4–2. Holiday compensation

a. Full-time employees who are not required to work on a holiday shall receive their rate of basic pay for the number of hours they were otherwise scheduled to work on the holiday or in lieu of holiday.

(1) Full-time employees working a standard 40–hour, 5–day work schedule are excused from 8 hours of non-overtime work for the holiday or in lieu of holiday.

(2) Full-time employees working an FWS may be excused from no more than 8 hours of non-overtime work for the holiday or in lieu of holiday, regardless of whether they would otherwise work more hours on that day, for example, as part of scheduled credit hours or some other flexible schedule. If a holiday falls on a day a FWS employee is scheduled to work more than 8 hours, the employee must make arrangements to work extra hours during other regularly scheduled workdays (or take annual leave or use credit hours or compensatory time off) in order to fulfill the 80–hour biweekly work requirement. If the President issues an Executive Order granting a "half-day" holiday, these employees are entitled to basic pay for half the number of hours they were scheduled to work, not to exceed 4 hours.

(3) Full-time employees working a CWS shall be excused from all the non-overtime hours they would have otherwise worked on the holiday or in lieu of holiday. For example, if a holiday falls on a 9– or 10–hour basic workday, the employee's holiday is 9 or 10 hours, respectively. If the President issues an Executive Order granting a "half-day" holiday, these employees are entitled to basic pay for half the number of hours they would otherwise work on that day.

b. Part-time employees who are not required to work on a holiday that falls on a day when they would otherwise be required to work or take leave shall receive their rate of basic pay for the hours they were regularly scheduled to work on that day. When a holiday falls on a part-time employee's non-workday, the employee is not entitled to be paid for the holiday.

(1) For part-time employees working an FWS, if a holiday falls on their regularly scheduled workday they are excused from duty for their basic work requirement, not to exceed 8 hours. If the President issues an Executive Order granting a "half day" holiday that falls on their regularly scheduled workday, these employees shall be excused from duty for half the number of hours in their basic work requirement on that day, not to exceed 4 hours.

(2) For part-time employees working a CWS, if a holiday falls on their regularly scheduled workday they are excused from duty for all of the hours of their compressed work schedule on that day. If the President issues an Executive Order granting a "half day" holiday that falls on their regularly scheduled workday, these employees shall be excused from duty for half of the hours of their compressed work schedule on that day.

4–3. Holiday work

a. Non-overtime work performed by employees during their regularly scheduled daily tour of duty on a holiday is considered holiday work.

b. Employees who perform holiday work are generally entitled to receive their rate of basic pay plus holiday premium pay. Exceptions may apply for employees receiving annual premium pay under 5 USC 5545, and/or 5 CFR Part 410, 5 CFR Part 550 and 5 CFR Part 551.

4–4. Religious observances

a. There are no official holiday observances for religious holidays outside of those established Federal holidays identified in 5 USC. However, employees with personal religious beliefs that require them to abstain from work during certain periods of time may elect to engage in compensatory overtime work within a reasonable period of time either before or after the time spent meeting those religious requirements. Modifications to the employee's work schedule for religious beliefs must be made unless doing so would interfere with the efficient accomplishment of the Army's mission.

b. Except in extraordinary circumstances (that is, interference with the efficient accomplishment of the Army's mission), employee requests to take earned leave (for example, annual leave or earned compensatory time off) or LWOP for religious holidays or observances should be granted.

c. In addition to adjustments in regular work schedules, supervisors may also consider allowing adjustments to CWS or FWS to allow for religious observances.

d. Employees may request to work compensatory overtime for the purpose of earning compensatory time off for religious observances. Compensatory time for religious observances may be used within a reasonable time before or after it is earned.

e. Employee requests for an adjusted CWS/FWS and/or compensatory time off for religious observances should be made in writing to the employee's supervisor.

(1) To the extent that such modifications do not interfere with efficient accomplishment of the work unit's mission, an employee's request for a schedule modification or compensatory time off for a religious observance should be granted.

(2) If compensatory time is granted for religious observance, hours worked by the employee in lieu of his or her normal work schedule do not create an entitlement to premium pay (including overtime pay).

4–5. State and local holidays

State and local holidays, including local holidays in foreign areas, are treated as regular workdays. Employees working on such days receive only their regular pay and are not entitled to holiday premium pay. Exceptions may apply if all or part of an activity is closed by administrative order.

Appendix A

References

Section I

Required Publications

Unless otherwise stated, all publications are available at https://armypubs.army.mil/. USCs are available at https://www.govinfo.gov/app/collection/uscode; CFRs are available at https://www.ecfr.gov/cgi-bin/ecfr?page=browse; and Executive Orders are available at https://www.archives.gov/federal-register/executive-orders/disposition.

Executive Order 11582, dated February 11, 1971
Observances of Holidays by Government Agencies (Cited in para 4–1*a*(1).)

5 CFR 550, Subpart A
Premium Pay (Cited in para 2–2*h*.)

5 CFR 551
Pay Administration Under the Fair Labor Standards Act (Cited in para 4–3.)

5 USC Chapter 41
Training (Cited in para 2–2*g*(1)(*b*).)

5 USC Chapter 71
Labor-Management Relations (Cited in para 1–6.)

5 USC 6131
Criteria and review (Cited in para 3–5*d*(2).)

Section II

Related Publications

A related publication is a source of information. The user does not have to read it to understand this regulation. Unless otherwise stated, Army publications are available at https://armypubs.army.mil. DoDIs are available at https://www.esd.whs.mil/DD; USCs are available at https://www.govinfo.gov/app/collection/USCODE; and CFRs are available at https://www.ecfr.gov/cgi-bin/ecfr?page=browse. The Office of Personnel Management handbook is available at https://www.opm.gov/policy-data-oversight/pay-leave/reference-materials/handbooks/alternative-work-schedules/.

AR 11–2
Managers' Internal Control Program

AR 25–30
Army Publishing Program

AR 690–990–2
Civilian Personnel Hours of Duty, Pay and Leave Annotated

DA Pam 25–403
Guide to Record Keeping in the Army

DoD 7000.14–R, Volume 8, Chapter 2
Department of Defense Financial Management Regulation: Civilian Pay Policy, Time and Attendance

DoDI 1400.25, Volume 340
DoD Civilian Personnel Management System: Other Than Full-Time Employment

DoDI 1400.25, Volume 610
DoD Civilian Personnel Management System: Hours of Duty

DoDI 1400.25, Volume 1261
DoD Civilian Personnel Management System: Observance of Holidays in Foreign Areas

Office of Personnel Management
Handbook on Alternative Work Schedules

5 CFR 410
Training

5 CFR 550
Pay Administration

5 CFR 550.153
Bases for determining positions for which premium pay under § 550.151 is authorized

5 CFR 610
Hours of Duty

5 USC 5545
Night, standby, irregular, and hazardous duty differential

5 USC 6103
Holidays

5 USC 6127
Compressed schedules; agencies authorized to use

29 USC 201 through 219
Fair Labor Standards Act of 1938

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

Unless otherwise indicated, DA Forms are available on the Army Publishing Directorate website at http://armypubs.mil. Standard Forms (SF) are available on the U.S. General Services Administration (GSA) website at https://www.gsa.gov.

DA Form 11–2
Internal Control Evaluation Certification

DA Form 2028
Recommended Changes to Publications and Blank Forms

SF 50
Notification of Personnel Action

Appendix B

Internal Control Evaluation

B–1. Function

The function covered by this evaluation is to ensure prescribed policies, procedures, and responsibilities contained in this regulation are followed.

B–2. Purpose

The purpose of this evaluation is to assist commands and activities in evaluating the key internal controls listed. It is intended as a guide and does not cover all controls.

B–3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, interviewing, sampling, and simulation). Answers that indicate deficiencies must be explained and corrective action identified in supporting documents. These internal controls must be evaluated at least once every 5 years. Certification that the evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

B–4. Test questions

a. Are there published command or activity policies concerning DA Civilian weekly and daily scheduling of work, rest, and lunch periods, AWS and holiday observances?

b. Are current individual employee work schedules memorialized in writing?

c. Where an AWS has been abolished, was there a documented finding of adverse agency impact?

d. Where an agency refused to implement an AWS, was there a documented finding of adverse agency impact?

e. When an employee's AWS was terminated, was he or she provided with written notification at least one biweekly pay period prior to discontinuing the employee's participation in the program?

B–5. Supersession

Not applicable.

B–6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the Deputy Chief of Staff, G–1 (DAPE–CPZ), 300 Army Pentagon, Washington, DC 20310–0300.

Glossary

Section I

Abbreviations

ACOM
Army command

AG–1CP
Assistant Deputy Chief of Staff, G–1 Civilian Personnel

AR
Army regulation

ASA (M&RA)
Assistant Secretary of the Army (Manpower and Reserve Affairs)

ASCC
Army service component command

AUO
administratively uncontrollable overtime

AWS
alternative work schedule

CFR
Code of Federal Regulation

CPAC
Civilian Personnel Advisory Center

CWS
compressed work schedule

DA
Department of the Army

DCS
Deputy Chief of Staff

DoD
Department of Defense

DoDI
Department of Defense Instruction

DRU
direct reporting unit

FWS
flexible work schedule

HQDA
Headquarters, Department of the Army

LWOP
leave without pay

OPM
Office of Personnel Management

RDO
regular day off

SF
standard form

USC
United States code

Section II

Terms

Activity
A unit, organization, or installation performing a function or a mission.

Administrative workweek
Begins at 0001 Sunday and ends at 2400 the following Saturday. The calendar day on which a shift begins is considered the day of duty for that day even though the day of duty extends into the next calendar day or into the following administrative workweek.

Administratively uncontrollable overtime
Hours of duty that cannot be controlled administratively and which require substantial amounts of irregular or occasional overtime work, with the employee generally being responsible for recognizing, without supervision, circumstances which require the employee to remain on duty.

Adverse agency impact
A reduction of the productivity of the agency; a diminished level of services furnished to the public by the agency; or an increase in the cost of agency operations (other than a reasonable administrative cost relating to the process of establishing a flexible or compressed schedule).

Alternative work schedules
Work schedules made up of flexible or compressed schedules.

Basic work requirement
The number of hours, excluding overtime hours, an employee is required to work or to account for by charging approved leave, credit hours, excused absence, compensatory time off, time off as an award, or LWOP.

Basic workweek
Days and hours of an administrative workweek that make up an employee's regularly scheduled workweek.

Biweekly pay period
A two-week period of time during which an employee is scheduled to perform work.

Compensatory time off
Time off with pay in lieu of overtime pay for irregular or occasional overtime work.

Compressed work schedule
In the case of a full-time employee, an 80-hour biweekly basic work requirement that is scheduled for less than 10 workdays. In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours that is scheduled for less than 10 workdays and that may require the employee to work more than 8 hours in a day.

Core hours
That portion of a daily work schedule during which all employees on a FWS, unless otherwise in an approved leave or excused absence status, must be present for work.

Credit hours
Hours that an employee elects to work, with supervisory approval, in excess of the employee's basic work requirement under a FWS.

Flexible hours
The time during the workday, workweek, or pay period during which employees on a FWS may (in a manner that is consistent with the duties and requirements of their position) choose their time of arrival and departure.

Flexible work schedule
Workdays with flexible hours in which employees provide mission coverage. Flexible hours are the part of the workday when employees may choose their time of arrival and departure.

Flexitour
Type of FWS in which an employee is allowed to select starting and stopping times within the flexible hours. Once starting and stopping times are selected, the employee continues to adhere to these times until the employing activity provides further opportunities to select different starting and stopping times.

Gliding schedule
Type of FWS in which a full-time employee has a basic work requirement of 8 hours in each day and 40 hours in each week, may select a start and stop time each day, and may change the start and stop times daily as long as it is within command or activity-established flexible hours.

Holiday work
Non-overtime work performed during a regularly scheduled daily tour of duty on a legal holiday or the day observed as a holiday.

Intermittent employees
Employees who perform work on an irregular basis because it is not feasible to establish a prearranged (that is, regularly scheduled) tour of duty.

Irregular or occasional overtime
Overtime work that cannot be approved in advance of the administrative workweek, unlike regularly scheduled overtime which is part of an employee's regularly scheduled administrative workweek.

Make ready or clean–up time
Time spent completing incidental duties that are directly connected with work performance (for example, obtaining and replacing work tools or materials, undergoing inspections).

Maxiflex schedule
Type of FWS in which an employee may vary the number of hours worked on a given workday or the number of hours each week as long as the employee meets an established biweekly basic work requirement.

Nightwork
Any work performed by an employee between the hours of 1800 and 0600.

Nonstandard tour of duty
Any 40–hour basic workweek scheduled to include Saturday and/or Sunday, for 4 workdays or less, but not more than 6 days of the administrative workweek.

Overtime
When used with respect to flexible schedule programs, hours of work that are officially ordered in advance and in excess of 8 hours in a day or 40 hours in a week, but does not include credit hours. Overtime work for CWSs is all hours in excess of those specified which constitute the established compressed work schedule. Overtime also includes irregular or occasional overtime.

Part–time employees
Those employees working less than a full-time schedule.

Premium pay
Additional pay for overtime pay, the dollar value of compensatory time, night pay, pay for holiday and Sunday work that is officially ordered and approved by management.

Regular day off
The scheduled day off for employees working a compressed work schedule.

Regularly scheduled
Work that is scheduled in advance of an administrative workweek.

Tour of duty
Hours of the day (that is, daily tour of duty) and the days of an administrative workweek (that is, weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

Variable day schedule
Type of FWS that includes daily core hours, and in which a full-time employee has a basic work requirement of 40 hours in each week and 80 hours in each pay period, but in which the employee may vary the number of hours and days worked within each week based on limitations set by the command or activity.

Variable week schedule
Type of FWS that includes daily core hours, and in which a full-time employee has a basic work requirement of 80 hours in each pay period, but in which the employee may vary the number of hours and days worked in a given pay period based on limitations set by the command or activity.

Work unit
A unit or team of employees who have been assigned to accomplish specific tasks within an activity.

Section III

Special Abbreviations and Terms
This section contains no entries