

NIH Policy Manual

2300-610-4 - Alternative Work Schedules

Issuing Office: OD/OM/OHR/WRD **Phone:** [\(301\) 402-9203](tel:3014029203)

Release Date: 11/27/2015 ? **Technical Revision Date:** 4/30/2021 ?

Transmittal Notice

1. **Explanation of Material Transmitted:** This chapter describes Flexible and Compressed Work Schedules, jointly referred to as "Alternative Work Schedules" or "AWS".

**Note: This partial revision signed 09/22/17 clarifies how to administer holiday leave for part-time employees on Maxiflex and makes other minor adjustments including clarifying credit hours definition, grammatical and updates to hyperlinks. .*

2. **Filing Instructions:**

- **Remove:** Manual Chapter 2300-610-4, dated 07/02/2015.
- **Insert:** Manual Chapter 2300-610-4, dated 11/27/2015. Partial Revision: 09/22/2017.

3. **PLEASE NOTE:** For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Policy Manual, contact the Division of Compliance Management, OMA on 301-496-4606, or enter this URL:
<https://oma.od.nih.gov/DMS/Pages/Manual-Chapters.aspx>.

A. Alternative Work Schedules - General Overview

All Alternative Work Schedules (AWS) at the NIH are established under the authority of Title 5 U.S. Code, Sections 6122 - 6128. AWS provide an alternative to the standard 8:30 a.m. to 5 p.m., Monday through Friday workweek. There are two types of AWS - Compressed Work Schedules and Flexible Work Schedules, which includes Maxiflex. They are further detailed in the later sections of this Manual Chapter.

Authority to implement AWS has been given to the Institutes and Centers (ICs). Each IC is encouraged to consider the implementation and continuation of AWS programs when they do not result in diminished levels of service, reductions in productivity, or substantial increases in operating costs other than reasonable administrative costs of establishing the programs. If the mission of the work unit and the objectives for establishing AWS cannot be accommodated by any of the models mentioned in this manual chapter, new models of

Flexible or Compressed Work Schedules may be approved by the IC approving official (see NIH Delegations of Authority in Section H), after technical review by the IC AWS Coordinator and the Office of Human Resources. Copies of new models should be submitted to the Director of Human Resources through the Workforce Relations Division (WRD).

Any organization considering mandatory participation in an AWS program should consult with the issuing office before proceeding.

B. Employee Eligibility

Implementation of and eligibility for AWS is a matter of management and supervisory discretion. Employee¹ participation is an employment benefit and not an entitlement. Additionally, employee participation in AWS must be free from coercion. Bargaining unit employees may participate in Alternative Work Schedules only under the terms provided in a negotiated agreement.

Employees with a performance rating that is less than Achieved Expected Results will not be eligible to use Alternative Work Schedules. Employees who require closer supervision than is generally available, do not adhere to AWS procedures, or develop performance or conduct problems should also be precluded from participating. Performance and conduct issues should be discussed with your IC's Employee Relations Specialist.

An employee can be removed from AWS at any time if an employee's performance is negatively impacted or the office's staffing needs change. A supervisor can also reserve the right to offer a trial period to determine if AWS is a fit for the organization and/or the employee.

The NIH will continue to honor all current Collective Bargaining Agreements and will implement this policy consistent with the Agreements and its obligations under law, rule or regulation.

C. Definitions

- 1. Alternative Work Schedule:** Both Flexible Work Schedules and Compressed Work Schedules.
- 2. Compensatory Time Off:** Time off with pay on an hour-for-hour basis in lieu of overtime pay for irregular or occasional overtime work. Under Flexible Work Schedules, Compensatory Time Off may also be earned for regularly scheduled overtime.
- 3. Compressed Work Schedule (CWS):** In the case of a full-time employee, an 80-hour biweekly basic work requirement that is scheduled by an agency 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 by an agency for less than 10 workdays and that may require the employee to work more than 8 hours in a day. (See 5 U.S.C. 6121(5).)

4. **Core Hours:** The time during the workday, workweek, or pay period within the tour of duty during which an employee covered by a Flexible (not Compressed) Work Schedule must be present for work or on leave.
5. **Credit Hours:** Those hours within a Flexible Work Schedule that an employee elects to work in excess of his or her basic work requirement so as to vary the length of a workweek or workday. Employees can request to use previously earned credit hours as time off. Employees on a Compressed Work Schedule are not eligible to earn Credit Hours.
6. **Flexible Time Bands:** The time during the workday, workweek, or pay period within the tour of duty during which an employee covered by a Flexible Work Schedule may choose to vary his/her times of arrival and departure from the work site consistent with the duties and requirements of the position. These flexible bands also provide, for those employees eligible, the timeframes in which credit hours may be earned.
7. **Flexible Work Schedule (FWS):** In the case of a full-time employee, has an 80-hour biweekly basic work requirement that allows an employee to determine his or her own schedule within the limits set by the agency. In the case of a part-time employee, a work schedule with a biweekly basic work requirement of less than 80 hours that allows an employee to determine his or her own schedule within the limits set by the agency.
8. **Maxiflex:** A type of Flexible Work Schedule that contains core hours on fewer than 10 workdays in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee may vary their start and end time on a given workday, the total number of hours worked on a given workday, and/or the number of hours each week within the limits established for the organization.
9. **Overtime:** Under CWS programs, overtime hours refer to any hours in excess of those specified hours for full-time employees that constitute the compressed work schedule. Under FWS programs, refers to all hours in excess of 8 hours in a day or 40 hours in a week that are officially ordered and approved in advance by management (but does not include credit hours).
10. **Regular Day Off:** This term refers to the day(s) within a pay period on which an employee on a Compressed Work Schedule is not scheduled to report to duty.
11. **Split Schedule:** A flexibility available under a Maxiflex Work Schedule to start and stop one's workday up to three times within a day. If an employee splits their schedule, it is assumed a meal period is taken during that time. For instance, an employee may work 8 a.m. to noon, then 3 p.m. to 6 p.m., and finally 8 p.m. to 9 p.m.
12. **Tour of Duty:** The limits set by an IC within which an employee must complete his or her basic work requirement.

D. AWS Policy – General Requirements

1. **Documentation:** The tour of duty of each employee with an approved AWS must be documented by the IC and provided in writing to each employee's timekeeper. An accurate account of the varied working hours of AWS participants must be maintained by the IC showing the number of hours of duty, attendance, and nature and length of absences (see [OPM's Handbook on Alternative Work Schedules](#)).

2. **Telework:** Utilization of an Alternative Work Schedule has no bearing on an employee's telework eligibility and agreement.
3. **Training:** Employees attending training sessions must adjust their schedule to conform to the hours of the training course. If the hours of training are less than the employee's daily tour of duty, after considering the number of days involved, the hours of training per day, the location at which the training is being held, and any other pertinent factors, the supervisor may:
 - a. require the employee to report to the regular worksite prior to and/or after training in order to make up the difference between the tour of duty and the length of the training;
 - b. grant up to one hour per day of excused absence for the difference between his/her tour of duty and the number of hours of training (minus any commuting time between the training and worksite); or
 - c. require the employee to revert to a standard tour of duty for the pay period(s) during which the training occurs.
4. **Excused Absences:** Absences necessitated by administrative situations, e.g., absences relating to failure of building services, emergency situations, or hazardous weather, will be handled in accordance with [HHS Instruction 610-2](#), "Temporary Closing of Workplaces and Treatment of Absences," and guidance issued by the OPM.
5. **Temporary Change in Duty Station:** When an employee is assigned to a temporary duty station using another work schedule which is incompatible with the alternative work schedule followed by the employee in his/her regular work unit, the gaining organization may require the employee to follow its work schedule; or in cases where the employee is working a compressed schedule the gaining organization may require the employee to return to his/her regular worksite in order to make up the difference, or grant the employee excused absence for the difference between his/her tour of duty and the number of hours it is possible for him/her to work at the temporary worksite.

E. AWS Policy – Additional Requirements for Compressed Work Schedules

Employees using a Compressed Work Schedule (CWS) have a set tour of duty in which they work longer hours to complete their total work requirement in less than 10 work days. A CWS does not allow participants to earn and use credit hours.

1. **Types of CWS:** Common types of CWS include the 5/4/9 or 4/10. On a 5/4/9 schedule, an employee works eight 9 hour days and one 8 hour day in a pay period. On a 4/10 schedule, an employee works eight 10 hour days in a pay period.
2. **Regular Days Off:** Under a CWS, if the supervisor determines that the employee must work on his/her scheduled day off, the employee may be paid overtime or granted compensatory time, as appropriate and in accordance with the Fair Labor Standards Act, for the hours worked in excess of the CWS, or may be directed by the supervisor to temporarily change his/her day off to another day in the pay period. An employee may also request a temporary change in his/her scheduled day off, and that day may be

changed or traded for another workday during the same pay period with the advance approval of the supervisor.

Under a CWS, ICs may determine a day or days of the pay period which are inappropriate for scheduled days off. For example, if staff meetings are regularly convened on Tuesdays, employees may be prohibited from scheduling Tuesday as their day off.

F. AWS Policy – Additional Requirements for Flexible Work Schedules

Employees using a Flexible Work Schedule are able to determine their own schedule within the limits set by the agency.

1. Types of FWS:

- Gliding schedules allow an employee to select a starting and stopping time each day, and they may change starting and stopping times daily within the established flexible hours. Employees have a basic work requirement of 8 hours in each day and 40 hours in each week.
- Flexitour schedules allow an employee to have different start/end times within the organization's flexible bands. On Flexitour, the start/end times may vary on different days of the week but once they are selected they are a set schedule.
- The NIH also offers Flexible 9.5 and Flexible 10.5 schedule options, on which employees can work longer hours to complete their total work requirement in less than 10 work days while also varying their start/end times. Note that for employees that opt for this type of Flexible Work Schedule, overtime hours refer to any hours in excess of those that constitute the work schedule and that are officially ordered and approved in advance.
- Lastly, the NIH offers Maxiflex, which is described in section G of this Manual Chapter.

2. **Core Hours:** On a FWS, an employee's work day is split between core hours and flexible bands. Flexible bands may be established at IC discretion for non-core time provided they occur between 6 a.m. and 6 p.m. Generally official core hours for Flexible Work Schedules are 9:30 a.m. to 11 a.m. and 1:30 p.m. to 3:30 p.m. ICs may establish longer core times if there are programmatic reasons for doing so. Core hours should not be scheduled between 11 a.m. and 1:30 p.m. in order to allow employees the opportunity to take a meal period, in accordance with [NIH Manual Chapter 2300-610-5, Meal Periods and Breaks](#).

ICs may approve exceptions to this policy on a case-by-case basis. In appropriate circumstances, ICs may allow an employee to be absent during core hours and to make up those hours during the flexible hours.

3. **Credit Hours:** At the discretion of the IC, FWS may include a provision for participants to earn and use credit hours. Credit hours require a one-time supervisory

approval, after which time an employee can accumulate them as desired unless they are informed by their supervisor of a change in their eligibility for credit hours. Credit hours may be earned and used in 1/4 hour increments, but may not be used before they are earned. Credit hours may also be earned while on travel (but not for the purpose of traveling to and from the destination), and on non-workdays for time worked in excess of the employee's scheduled tour of duty. However, credit hours may not be substituted for periods of time when the employee is entitled to overtime pay or compensatory time.

For a full-time employee, only 24 credit hours may be carried over to the next pay period. For a part-time employee, the maximum number of credit hours which may be carried forward is one quarter of their biweekly work requirement.

In addition, Commissioned Corps Officers, Senior Executive Service (SES) members, and intermittent employees are not eligible to earn credit hours.

4. **Holiday Leave:** An employee on a FWS will receive a maximum of 8-hours of holiday leave on federal holidays.
5. **Premium Pay:** An employee on a FWS that elects to work before 6 a.m. or after 6 p.m. is not eligible to earn night differential.

G. AWS Policy – Additional Requirement for Maxiflex

Maxiflex is a specific type of FWS that provides an employee with a high level of flexibility in managing their tour of duty over the course of the pay period. A Maxiflex Work Schedule can be beneficial to employees in positions with unique obligations, such as scientists that require a break in the middle of the day before coming back to check on an experiment, and can also support the work-life balance of all employees who elect to participate.

The Maxiflex Work Schedule contains core hours on fewer than 10 workdays in the biweekly pay period, and a full-time employee has a basic work requirement of 80 hours. An 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. Employees must be present for work or on approved leave during their office's designated core hours (excluding meal breaks). Under Maxiflex, employees are allowed, with supervisory approval, to earn credit hours as described in Section E.

1. **Establishment of an IC policy on Maxiflex:** Each IC that decides to offer Maxiflex to their employees must first address several items in an IC policy. They are as follows:
 - a. Eligibility to utilize a Maxiflex Work Schedule
 - b. Minimum number of regular hours worked in a day, if any, to be no less than 2
 - c. Maximum number of regular hours worked in a day, to be no more than 13
 - d. Minimum number of regular hours worked in a week, to be no less than 20
 - e. Maximum number of regular hours worked in a week, to be no more than 60
 - f. Earliest start time available, to be no earlier than 5 a.m.
 - g. Latest end time available, to be no later than 11:59 p.m.

- h. IC Core Hours
- i. Allowance for work on Saturdays
- j. Eligibility to earn and use credit hours
- k. Guidelines for use of split schedules
- l. Procedures for informing supervisor of schedule and scheduling changes

IC policies on Maxiflex must be sent to the Office of Human Resources' Workforce Relations Division before implementation for review and approval. A sample Maxiflex policy can be obtained by contacting the issuing office.

2. **Eligibility to Use a Maxiflex Work Schedule:** Not all positions that are part of the NIH workforce are compatible with a Maxiflex Work Schedule. Thus, each IC policy should identify eligibility standards based on their business needs and the nature of the position. This determination can be re-delegated to IC components if desired. In addition, Commissioned Corps Officers and intermittent employees will not be eligible for Maxiflex. Contractors may be eligible to utilize Maxiflex if permitted to do so by their employer.
3. **Core Hours:** ICs must establish their own core hours in their Maxiflex policy based on their business needs. Core hours for Maxiflex must be on at least one day within the pay period, but no more than nine days. Core hours may only be established Monday through Friday. They can be no earlier than the IC's earliest start time and no later than the IC's latest stop time, and must allow for a mid-day meal period.
4. **Timekeeping for Employees on Maxiflex:** Effective upon the issuance of this Manual Chapter, all employees using Maxiflex must complete their timekeeping in the NIH's time and attendance system. Employees on Maxiflex can be required to account for their time in one of two ways – by entering their daily total hours of work or by entering their specific start and stop times. This is a supervisory decision. Employees who utilize the split schedule flexibility under Maxiflex must record their start and stop times for each split in the time and attendance system, regardless of if they are otherwise required to do so.
5. **Meal Periods:** [NIH Manual Chapter 2300-610-5, Meal Periods and Breaks](#), provides important guidance for employees. The time and attendance system will automatically deduct a meal period from hours worked for employees on a Maxiflex schedule that worked 8 or more hours when entering start and stop times. Employees who enter only total hours of work are expected to deduct their meal periods. Employees who worked less than 8 hours but choose to take an optional meal period must ensure that their time and attendance record accurately reflects their meal period.
6. **Night Work:** Employees on Maxiflex may elect to work before 6 a.m. or after 6 p.m., as their IC policy allows. Because employees are electing to work these hours, they are not eligible for night differential/night pay for this time.
7. **Sunday Work:** Under Maxiflex, employees cannot elect to work regular hours on Sunday. Employees will not earn Sunday premium pay for hours voluntarily worked on Sunday. Only credit hours can be earned on a Sunday, and overtime or compensatory time off may be ordered.
8. **Leave on Maxiflex:** Employees on Maxiflex must record a minimum of two hours and maximum of 13 hours per work day. Thus, an employee's combined hours of work and hours of leave must equal no less than two hours and no more than 13 hours.

Management may choose to determine the number of leave hours to approve by requesting that the employee use a standard 8-hour day, or by determining the average amount of hours the employee would have worked that day if the employee did not request leave.

9. **Holiday Leave on Maxiflex:** The maximum number of holiday leave hours an employee on Maxiflex may record is 8. Part-time employees may receive holiday leave based on their typical schedule (i.e. if a holiday falls on a Monday, and the employee typically works 8 hours on Mondays, they may receive 8 hours of holiday leave. If a holiday falls on a Friday, and the employee typically work 4 hours on Fridays, they may receive 4 hours of holiday leave.). If the employee has no typical schedule, they may receive holiday leave pro-rated to their total work requirement
10. **Inclement Weather on Maxiflex:** While employees on Maxiflex do not have a set tour of duty, many plan out their schedule at the beginning of each pay period or have a day to day expectation of the number of hours they will work. As such, employees on Maxiflex are generally expected to work the same number of hours as planned during inclement weather situations. If unusual circumstances exist, an employee can discuss modifying their intended work schedule with their supervisor. Core hours will need to be met by working or taking leave, unless the situation calls for excused absence.
11. **Excused Absence:** A supervisor may grant excused absence to employees covered by Maxiflex under the same circumstances as excused absence would be granted to employees covered by other work schedules.

To determine the amount of excused absence to grant when an employee does not have a regular schedule and the office is closed for the entire day, the supervisor has the option of:

- a. Designating the closure day as a standard 8-hour day or
- b. Granting an excused absence of the typical or average number of hours worked for that day. Similarly, supervisors may grant an excused absence to part-time employees on a pro-rated basis from the standard 8-hour day, or based on the average or typical number of hours worked for that day.

Similarly, supervisors may grant an excused absence to part-time employees on a pro-rated basis from the standard 8-hour day, or based on the average or typical number of hours worked for that day.

12. **Travel on Maxiflex:** An employee's work schedule may be temporarily changed to a standard schedule (e.g., 8 hours a day, Monday through Friday) for the duration of the travel. This determination should be based in part on the total length of the travel, the work the employee will be doing while on travel, and if it is possible for them to utilize the flexibility of Maxiflex while on travel.
13. **Overtime and Compensatory Time on Maxiflex:** Under Maxiflex, overtime hours are all hours of work in excess of 8 hours in a day or 40 hours in a week that are officially ordered and approved in advance by management. Overtime hours do not include hours that are worked voluntarily, including credit hours. The requirement that overtime hours be officially ordered and approved in advance also applies to nonexempt employees under the Fair Labor Standards Act (FLSA).
Compensatory time off is time off earned on an hour-for-hour basis in lieu of overtime

pay; for employees in the Maxiflex program, the compensatory hours of work may be regularly scheduled or irregular and occasional. A supervisor may grant compensatory time off in lieu of overtime pay at the request of the employee (including nonexempt employees and prevailing rate employees) on Maxiflex.

For other questions about Maxiflex, please contact the issuing office listed above.

H. References

1. OPM [Handbook on Alternative Work Schedules](#)
2. [5 U.S.C. 6122-6128, Hours of Work](#)
3. [HHS Instruction 610-1](#), "Establishing and Administering Work Hours, Work Weeks, and Work Schedules"
4. [HHS Instruction 610-2](#), "Temporary Closing of Workplaces and Treatment of Absences"
5. [5 CFR Part 610, D, Flexible and Compressed Work Schedules](#)
6. [NIH Manual Chapter 2300-610-5](#), "Meal Periods and Breaks"
7. [NIH Manual Chapter 1743](#), "Keeping and Destroying Records," Appendix 1, "NIH Records Control Schedules" (as amended)
8. [NIH Delegations of Authority, HR: Work Schedules No. 01, Alternative Work Schedules](#)"
9. [NIH Leave Guide for Civilian Employees](#)

I. Records Retention and Disposal

All records pertaining to this chapter must be retained and disposed of under the authority of [NIH Manual 1743](#), "Keeping and Destroying Records," Appendix 1, "NIH Records Control Schedules" (as amended). These records must be maintained in accordance with current NIH Records Management and Federal guidelines. Contact your [IC Records Liaison](#) or the NIH Records Officer for additional information.

J. Internal Controls

The purpose of this manual issuance is to provide guidance regarding the development and implementation of Alternative Work Schedules, and ensure that they are conducted in full accordance with statutory, regulatory, and policy requirements.

1. **The Office responsible for reviewing internal controls relative to this Chapter** is the Office of Human Resources (OHR), Office of Management (OM), Office of the Director (OD), NIH. Through this issuance, the OHR is accountable for the method used to ensure that internal controls are implemented and working.
2. **Frequency of Review:** The OHR will periodically review the manner in which alternative work schedule authorities are being utilized.
3. **Method of Review:** OHR will call upon the ICs to evaluate their alternative work schedule programs during or immediately after the first year of implementation of AWS and at least once every five years thereafter. ICs should obtain feedback on the use,

effectiveness of, and satisfaction with alternate work schedules through focus groups, surveys, or other appropriate methods, and report back to OHR. ICs are also responsible for providing data on productivity, service to the public, and operating costs to the Director of Human Resources upon request. OHR will consolidate IC review reports for dissemination to executive management.

4. **Review reports** are sent to the Deputy Director for Management, NIH.

Appendix 1: AWS-FWP Coordinators

[Appendix 1: AWS-FWP Coordinators](#)

Appendix 2: Alternative Work Schedules Comparison Chart

Alternative Work Schedule Comparison Chart

	Compressed Work Schedules	Flexible Work Schedules	Maxiflex Work Schedule
Set Schedule	Yes.	An employee on a FWS has a set schedule that contains variable total hours of work or flexible start/stop times.	No, an employee on Maxiflex has no set schedule.
Regular Day Off	Yes.	Yes, but only if on a Flexible 5/4/9 or Flexible 4/10.	No, an employee on this schedule may work less than 10 days in a pay period but it is not considered a RDO.
Credit Hours	No.	Yes, with supervisory approval.	Yes, with supervisory approval.
Split Schedule	No.	No.	Yes, up to three splits in a day.
Holiday Leave	An employee on CWS receives the same number of hours as a regularly scheduled day.	A full-time employee will receive a maximum of 8 hours. Part-time employees receive a prorated maximum based on their tour of duty.	A full-time employee will receive a maximum of 8 hours. Part-time employees receive a prorated maximum based on their tour of duty.
Overtime/ Compensatory Time Off	Any hours in excess of those that constitute the Compressed Work Schedule.	All hours in excess of 8 hours in a day or 40 hours in a week that are officially ordered and approved in advance by management.	
Saturday Work	Not permitted.	Not permitted.	Yes, if permitted in IC policy.

Sunday Work	Only if regularly scheduled.	Only if regularly scheduled.	Only for credit hours – regular hours not permitted.
Night Differential/ Night Pay	An employee will not be eligible for night differential or night pay if the employee elects to work those hours. They may be eligible for night differential or night pay if they are regularly scheduled for those hours or officially ordered to work those hours.		
Telework	Participation in any AWS does not impact an employee's eligibility to telework.		