NIH Policy Manual

2300-610-4 - Alternative Work Schedules

Issuing Office: OD/OM/OHR/WRD **Phone:** (301) 496-2404

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Transmittal Notice

1. **Explanation of Material Transmitted:** This chapter describes Flexible and Compressed Work Schedules, jointly referred to as "Alternative Work Schedules" or "AWS". This policy has been revised to clarify how to administer night differentials, remove repetitive language, and updates hyperlinks to comply with the NIH Manual 1710 requirement to update manual issuances every 5 years. .
2. **Filing Instructions:**

- **Remove:** Manual Chapter 2300-610-4, dated 11/27/2015. Partial Revision: 09/22/2017.
- **Insert:** Manual Chapter 2300-610-4, dated 12/01/2023

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. Purpose

This policy describes the NIH requirements for administering Alternative Work Schedules (AWS). Alternative Work Schedules (AWS), at the NIH, are established under the authority of Title 5 U.S. Code, Sections 6101 -6128 and 5 CFR. Part 610. AWS provide an alternative to the standard 8:30AM to 5:00PM, Monday through Friday workweek. There are two types of AWS - Compressed Work Schedules (CWS) and Flexible Work Schedules (FWS), which includes Maxiflex. They are further detailed in the later sections of this Manual Chapter.

B. Scope

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1. Coverage:

    A. This policy applies to all NIH employees, including employees under the Intergovernmental Personnel Act (IPA), and Federal employees on detail to NIH.

B. U.S. Public Health Service (USPHS) Commissioned Corps Officers who supervise Federal employees are required to execute the supervisory authorities outlined in this policy.

2. Exclusions. The provisions in this policy do not cover:

A. U.S. Public Health Service (USPHS) Commissioned Corps Officers.
B. Directed reassignments or administratively determined changes in duty station do not confer automatic transfer of AWS eligibility.

Note: The provisions in this policy manual pertaining to conditions of employment for bargaining unit employees are fully negotiable in accordance with 5 U.S.C. Chapter 71, and any such actions may require notification to labor organizations when impacted employees are bargaining unit employees. When the provisions of this Instruction differ from the requirements of any applicable Collective Bargaining Agreements (CBA), the CBA takes precedence for bargaining unit employees.

C. Background

The National Institutes of Health (NIH) aims to support AWS as an alternative to the standard 8:30AM – 5:00PM, Monday through Friday tour of duty for supervisors and employees. NIH recognizes that the availability of AWS along with other workplace flexibilities (WPF), such as telework and remote work, is critical to attracting and retaining an engaged workforce. AWS, which encompasses Compressed Work Schedules (CWS) and Flexible Work Schedules (FWS, may help employees balance the demands of the workplace with their personal responsibilities and alleviate commuting concerns, while fostering employee productivity, morale, and retention.

In accordance with the Department of Health and Human Services (HHS) Workplace Flexibilities Policy, HHS Instruction 610-1, Establishing and Administering Hours of Duty and the federal government's continued endorsement to utilize workplace flexibilities to adapt to the changing needs of the workforce of the future, the NIH is committed to offering AWS to build an enhanced workforce.

D. Policy

Authority to implement AWS has been given to the Institutes, Centers, and Offices (ICOs). Each ICO 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 ICO approving official (see NIH Delegations of Authority in Section F), after technical review by the ICO 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 due to the nature of the work (i.e., shift workers) should consult with the WRD Workplace Flexibilities Team and Employee and Labor Relations Branch (ELRB) as applicable before proceeding.

Employee Eligibility

Implementation of AWS is a matter of management and supervisory discretion. Employee participation is an employment benefit, not an entitlement. Employee participation in AWS as a workplace flexibility must be free from coercion.

The NIH will continue to honor all current Collective Bargaining Agreements (CBA) and will implement this policy consistent with the Agreements and its obligations under law, rule or regulation. Bargaining Unit employees may participate in AWS only under the terms provided in a negotiated agreement. Eligibility for AWS is a matter of management and supervisory discretion within the following parameters:

1. Employees with a performance rating that is less than Achieved Expected Results will not be eligible to use AWS.
2. Employees who do not adhere to AWS procedures or develop performance or conduct problems should also be precluded from participating in AWS. Performance and conduct issues which affect eligibility should be discussed with your ICO's Employee Relations Specialist.
3. An employee may be removed from AWS at any time if an employee's performance is negatively impacted or the office's staffing needs change.
4. Supervisors also reserve the right to offer a trial period to determine if AWS is a fit for the organization and/or their employee.
5. Employees are required to complete Workplace Flexibilities Training, Instruction 990-1, Workplace Flexibilities | HHS.gov, before entering a Workplace Flexibilities Agreement (WFA) for AWS.

General Requirements

1. **Documentation:** The tour of duty of each employee with an approved AWS must be documented on the HHS Workplace Flexibilities Agreement (WFA) and provided to each employee's timekeeper. An accurate account of the varied working hours of AWS participants must be maintained by the ICO in the timekeeping system showing the number of hours of duty, attendance, and nature and length of absences (see HHS Workplace Flexibilities Policy and OPM's Handbook on Alternative Work Schedules).

2. **Telework/Remote Work:** Use of an Alternative Work Schedule has no bearing on an employee's eligibility for telework or remote work

3. **Training:** Employees on an AWS 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:

- require the employee to report to their 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;
- grant up to one hour per day of excused absence for the difference between their tour of duty and the number of hours of training (minus any commuting time between the training and worksite); or
- 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 employees are assigned to a temporary duty station (i.e., temporary detail) using another work schedule that is incompatible with the employees' AWS, the gaining organization may require the employees to follow its work schedule.

Additional Requirements for Compressed Work Schedules

Employees using a CWS have a set tour of duty in which they work longer hours each day to complete their total work requirement (for full-time employees, 80 hours per biweekly pay period) in less than 10 workdays. Employees on a CWS are not allowed to earn and use credit hours.

1. **Types of CWS:** Types of CWS available at NIH include the 5/4/9, 4/10, or 3/13 schedules.

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  - On a 5/4/9 schedule, a full-time employee works eight 9-hour days and one 8-hour day for a total of 80 hours in a biweekly pay period. The employee has one day off each biweekly pay period.
  - On a 4/10 schedule, a full-time employee works a four-day workweek, 10 hours a day, 40 hours a week and 80 hours in a biweekly pay period. The employee has two days off each biweekly pay period.
  - On a 3/13 schedule, a full-time employee works 13 hours and 20 minutes a day, 40 hours a week, and 80 hours a biweekly pay period. The employee has four days off each biweekly pay period.

2. **Regular Days Off**: Under a CWS, if the supervisor determines that employees must work on their scheduled day off, the employees may be paid overtime or granted compensatory time, as appropriate and in accordance with the Fair Labor Standards Act or Chapter 55 of U.S. Code Title 5, for the hours worked in excess of the number of daily hours set forth in the CWS or, to the extent the employee is directed to work on their scheduled day off, for FLSA-covered employees, the hours in excess of 40 hours in a workweek not otherwise accounted for in their CWS, or for Title 5-covered employees, the hours is excess of 80 hours in the pay period, or may be directed by the supervisor to temporarily change their day off to another day in the pay period. Employees may also request a temporary change in their 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, ICOs may determine day(s) 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.

Additional Requirements for Flexible Work Schedules (FWS)

Employees using a FWS may determine their own schedule within the limits set by the NIH and ICOs. (See paragraph D.)

1. **Types of FWS**

   - Gliding schedules allow employees to select a starting and stopping time each day, and they may change starting and stopping times daily within the organization's established flexible bands. Full-time employees have a basic work requirement of 8 hours in each day and 40 hours in each week.
   - Flexitour schedules allow employees to have different start/end times within the organization's (or organization sub-unit'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. Full-time employees have a basic work requirement of 8 hours in each day and 40 hours in each week.
   - Flexible 9.5 and Flexible 10.5 schedules allow employees to work longer hours to complete their total work requirement in less than 10 workdays, while also varying their start/end times within the ICO's flexible bands. The Flexible 9.5 and Flexible 10.5 schedules differ from Maxiflex, in that the starting and stopping and times must fall within the ICO's flexible bands. Note that for employees that opt for this type of FWS, overtime hours refer to any hours more than those that constitute the work schedule and that are officially ordered and approved in advance.
   - Finally, the NIH offers Maxiflex, which is described in this Manual Chapter.

2. **Core Hours:** On a FWS, employee work schedule requirements include core hours and flexible bands. Core hours are the time during the workday, workweek, or pay period which employees covered by a FWS must be present for work or in a leave status. Core hours may be established Monday through Friday, at least one day per period, and no more than nine days per pay period. Flexible bands may be established at ICO discretion for non-core time provided they occur between 6 a.m. and 6 p.m. An example of official core hours for FWS are 9:30 a.m. to 11 a.m. and 1:30 p.m. to 3:30 p.m. ICOs may establish longer core hours 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.

3. **Credit Hours:** Credit hours are any hours that an employee on a FWS may elect to work in excess of their basic work requirement to vary the length of a workweek or a workday. At the discretion of the ICO, FWS may include a provision for participants to earn and use credit hours. Credit hours require a one-time supervisory approval which is documented in the timekeeping system, after which time employees 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 more than the employee's scheduled tour of duty. However, supervisors may not require FLSA-covered employees to work credit hours as a substitute 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.

   Commissioned Corps Officers, Senior Executive Service (SES) members, SES-Equivalent Senior Title 42 employees (IC Directors, Scientific Executives, etc.) 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.

Additional Requirements for Maxiflex

Maxiflex is a specific type of FWS that provides employees with a high level of flexibility in managing their tour of duty over the course of the biweekly 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 and are eligible to participate.

The Maxiflex Work Schedule contains core hours on fewer than 10 workdays in the biweekly pay period, and full-time employees have a basic work requirement of 80 hours per biweekly pay period. Employees on a Maxiflex Work Schedule 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 or organization sub-unit. However, these 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 ICO policy on Maxiflex:** Each ICO that decides to offer Maxiflex to their employees must first address several items in an ICO policy. They are as follows:

    - Eligibility to utilize a Maxiflex Work Schedule
    - Minimum number of regular hours worked in a day, if there are any, to be no less than 2
    - Maximum number of regular hours worked in a day, to be no more than 13
    - Minimum number of regular hours worked in a week, to be no less than 20
    - Maximum number of regular hours worked in a week, to be no more than 60
    - Earliest start time available, to be no earlier than 5 a.m.
    - Latest end time available, to be no later than 11:59 p.m.
    - ICO Core Hours
    - Allowance for work on Saturdays
    - Eligibility to earn credit hours
    - Guidelines for use of split schedules
    - Procedures for informing supervisor of schedule and scheduling changes
    - ICO policies on Maxiflex must be sent to the Office of Human Resources' Leave Policy and Workplace Flexibilities Team in the Workforce Relations Division before implementation for review and approval. A sample Maxiflex policy can be obtained by contacting the WRD.

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 ICO policy should identify eligibility standards based on their business needs and the nature of the position. This determination can be re-delegated to ICO 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 ICO and employer.

3. **Core Hours:** ICOs must establish their own core hours in their Maxiflex policy based on their business needs. Core hours may be established down to the individual

organization code. 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 ICO's earliest start time and no later than the ICO'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 approved for and using Maxiflex must document their hours of work in the NIH's time and attendance system. Employees on Maxiflex can be required by their supervisor 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. Employees who use the split schedule flexibility under Maxiflex must record their start and stop times for each split in the time and attendance system.

5. **Meal Periods:** NIH Manual Chapter 2300-610-5, Meal Periods and Breaks, provides important guidance for employees. NIH's time and attendance system will automatically deduct a meal period from hours worked for full-time employees on a Maxiflex schedule who record having worked 8 or more hours by 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. The NIH time and attendance system will automatically calculate the total hours when the Start/Stop times are entered on the Timecard Details screen. A 30-minute meal break will be automatically deducted for 8 or more hours of work.

6. **Night Work:** Employees on Maxiflex may elect to work before 6 a.m. or after 6 p.m., if their ICO 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, but instead may only elect to work credit hours on Sunday. Employees will not earn Sunday premium pay for hours voluntarily worked on Sunday. Management may direct employees to work overtime or compensatory time off on Sunday (or, in the case of an employee covered by the FLSA, the employee may elect by which method they will be compensated for such directed hours), and premium Sunday pay may be earned for any such hours directed.

8. **Leave on Maxiflex:** Full-time employees on Maxiflex must record a minimum of two, and a maximum of 13, hours of work per workday. Thus, a full-time 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 employees 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 an employee typically

work 8 hours on Mondays, they may receive 8 hours of holiday leave. If a holiday falls on a Friday, and an employee typically works 4 hours on Fridays, they may receive 4 hours of holiday leave.). If the employees have 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 otherwise planned during inclement weather situations. If unusual circumstances exist, employees 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:

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    - Designating the closure day as a standard 8-hour day or
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    - 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.

12. **Travel on Maxiflex:** Employee work schedules 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 employees will be doing while on travel, and if it is possible for them to use 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, or that are otherwise induced by management (i.e., hours that the employee does not elect to work for the purpose of varying the normal workday). Overtime hours do not include hours that the employee elects to work voluntarily in excess of 8 hours per day or 40 hours per workweek for the purpose of varying the normal workday under a Maxiflex schedule, including credit hours. The requirement that over time hours be officially ordered and approved in advance, or induced by management applies to both employees covered by

the Fair Labor Standards Act (FLSA (i.e., "FLSA nonexempt") and those for whom overtime is governed by Chapter 55 of U.S. Code Title 5.

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.

E. Responsibilities

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1. **Director, NIH**:

    - Develops the Alternative Work Schedule (AWS) program and policy for NIH
    - Ensures compliance with applicable Federal laws and regulations related to AWS; and
    - Ensures the fair and equitable implementation and use of AWS across NIH.

2. **The Principal Deputy Director, NIH**:

    - Develops the Alternative Work Schedule (AWS) program and policy for NIH
    - Ensures compliance with applicable Federal laws and regulations related to AWS.
    - Ensures the fair and equitable implementation and use of AWS across NIH; and
    - Holds ICO leadership accountable if they do not ensure the fair and equitable implementation and use of AWS across NIH

3. **Director of Human Resources, NIH**:

    - Oversight of Leave, Payroll and Workforce Support Branch
    - Ensures the fair and equitable implementation and use of AWS across NIH
    - Ensures compliance with applicable Federal laws and regulations related to AWS
    - Develops NIH WPF guidance in accordance with this policy and ensures proper implementation at NIH.
    - Manages compliance and accountability for WPF training requirements for NIH employees.
    - Serves as the NIH's primary subject matter expert for the WPF and point of contact for addressing employee and supervisor inquiries.
    - Ensures employee WFAs remain current and accurate.
    - Ensures appropriate collective bargaining obligations are applied and satisfied.

4. **Workplace Flexibilities Program Manager:**

- Complies with this manual chapter and applicable Federal laws and regulations related to AWS and workplace flexibilities.
- Develops NIH workplace flexibilities guidance in accordance with this manual chapter and ensures proper implementation at NIH.
- Manages compliance and accountability for AWS & WFP training requirements for NIH employees.
- Coordinates, as necessary, with HHS and others to ensure proper implementation and oversight of AWS.
- Provides information and data when requested.
- Serves as NIH's primary subject matter expert for AWS and point of contact for addressing employee and supervisor inquiries.
- Ensures employee WFAs remain current and accurate.

5. **Managers and Supervisors**:

- Complies with, applies and enforces this policy and applicable Federal laws and regulations related to AWS and WPF.
- Ensures the fair and equitable implementation and use of AWS and WPF across subordinate staff.
- Ensures employee position description and assigned duties accurately reflect the employee's duties and responsibilities, and position eligibility for AWS is in alignment with the Position Description and assigned duties.
- Reviews employees' WFA requests for AWS and approves, disapproves, or modifies the requests in accordance with this manual chapter, any applicable NIH guidance, and collective bargaining agreement requirements. Ensures employees renew their agreement annually.
- Annually, completes the assigned mandatory WPF training as required.
- Ensures employees complete the annual mandatory WPF training.

6. **Employees**:

- Complies with this manual chapter, NIH guidance, procedures, etc., and applicable Federal laws and regulations related to AWS.
- Ensures the WFA accurately reflects AWS information, the WFA is updated in a timely manner if circumstances change and renews the WFA annually.
- Obtains supervisor's approval prior to making any changes to their schedule.
- Completes mandatory WPF training prior to entering into any WFA for AWS. Training is required annually, or for each new WFA.
- Maintains a current WFA for AWS detailing any emergency responsibilities, if applicable, specified for a continuity of operations and/or other emergency event, as appropriate for the approved flexibilities.
- Notifies the supervisor of a decision to end participation in the WPF for AWS.
- Complies with the appropriate protocol for reporting computer security incidents or when the employee suspects there may have been an incident.

- Adheres to the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part2635) and to supplemental standards, as issued.

F. References

0.
1. OPM Handbook on Alternative Work Schedules
2. NIH Alternative Work Schedules
3. 5 U.S.C. §§ 6122-6128, Hours of Work
4. HHS Instruction 610-1, "Establishing and Administering Hours of Duty"
5. HHS Instruction 610-2, "Temporary Closing of Workplaces and Treatment of Absences"
6. HHS Instruction 990-1, “Workplace Flexibilities”
7. 5 CFR Part 610, Subpart D, Flexible and Compressed Work Schedules
8. NIH Manual Chapter 2300-610-5, "Meal Periods and Breaks"
9. NIH Manual Chapter 1743,"Managing Federal Records," Appendix 4, "NIH Records Management Resources”
10. NIH Delegations of Authority, HR: Work Schedules No. 01, Alternative Work Schedules
11. NIH Leave Guide for Civilian Employees

Appendix 1: Definitions

1. **Alternative Work Schedules (AWS) : Refers to** Flexible Work Schedules and Compressed Work Schedules.
2. **Compensatory Time Off:** Time off with pay earned 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 employees, an 80-hour biweekly basic work requirement that is scheduled for less than 10 workdays. For part-time employees, 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. (See 5 U.S.C. 6121(5).)
4. **Core Hours:** The time during the workday, workweek, or pay period which employees covered by a FWS must be present for work or in a leave status. Core Hours are not used for CWS.
5. **Credit Hours:** Those hours within a FWS or Maxiflex schedule that employees elect to work more than their basic work requirement to vary the length of a workweek or workday. Employees can request to use previously earned credit hours as time off. Employees on a CWS are not eligible to earn Credit Hours.

6. **Flexible Time Bands:** The time during the workday, workweek, or pay period within an employee's tour of duty during which an employee covered by a FWS may choose to vary their 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 full-time employees, an 80-hour biweekly basic work requirement that allows employees to determine their own schedule within the limits set by the NIH. In the case of part-time employees, a work schedule with a biweekly basic work requirement of less than 80 hours that allows employees to determine their own schedule within the limits set by the NIH.
8. **Maxiflex:** A type of FWS 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 CWS. Under FWS such as Maxiflex 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, or induced by management, but do not include additional hours an employee elects to work for the purpose of varying the length of the workday or workweek (i.e., credit hours).
10. **Regular Day Off:** Refers to the day(s) within a pay period on which an employee on a CWS 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 time off duty. 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 time limits set by an ICO within which employees must complete their basic work requirement.
13. **Workplace Flexibilities Program:** A program that promotes use of alternative work schedules, telework, and/or remote work to promote work/life balance for employees.

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	No, an employee on Maxiflex has no set schedule.

		work each day or flexible start/stop times.	
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 Regular Day Off (RDO).
Credit Hours	No.	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 Holiday Leave 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.	
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, or are induced by management, but do not include those hours an employee on a FWS or Maxiflex schedule elects to work for purposes of varying the length of the workday or the workweek (i.e., credit hours).	
Saturday Work	Not permitted.	Yes, if permitted in ICO policy.	Yes, if permitted in ICO policy.
Sunday Work	Only if regularly scheduled.	Only if regularly scheduled.	Only for credit hours – regular hours not permitted.
Night Differential/ Night Pay	The regular rule under 5 U.S.C. 5545(a) and 5 CFR 550.121 and 122 apply. An employee is entitled to night pay for regularly scheduled nightwork performed between the hours of 6 p.m. and 6 a.m. The regular rules under 5 U.S.C. 5343(f) apply in determining the majority of hours for entitlement to night pay for prevailing rate employees.	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 participate in Workplace Flexibility Programs of telework or remote work.		