

		<b>Policy # 861</b>
<b>Subject:</b> 9/80 Work Schedule		
<b>Responsible Department:</b> Personnel Services		
<b>Effective Date:</b> 12/1987		<b>Revision Date:</b> 10/2015
<b>David Devine</b> <b>Director of Personnel Services</b>		<b>Navdeep S. Gill</b> <b>County Executive</b>

### 1. **Purpose**

To provide an alternative to the normal five-day/forty-hour work schedule in order to meet the individual needs of employees and to help reduce employee commuting and automobile pollution, with no adverse impact upon the County.

### 2. **Authority**

Unrepresented Employees: Personnel Ordinance Section 2.78.565.

Represented Employees: Must be included in the labor agreement for the affected employee.

### 3. **Scope**

This policy applies to all non-management County employees.

### **Definitions**

Employees who do not receive overtime at time and one-half rate:

- The workweek commences at 12:00 A.M. Sunday and ends 12:00 A.M. the following Sunday, a period of seven consecutive twenty-four hour periods.
- A 9/80 work schedule is a schedule which during one week of the bi-weekly pay period the employee is scheduled to work four nine-hour work shifts for a total of thirty-six hours, and during the other week of the pay period, is scheduled to work four nine-hour work shifts and one eight-hour work shifts or a total of forty-four hours.
- Overtime is defined by the County as paid time in excess of 1) nine hours per day on a normally scheduled nine-hour work day, 2) eight hours per day on the normally scheduled eight-hour work day,

3) forty-four hours per week when the employee is scheduled to work forty-four hours or 4) thirty-six hours per week when the employee is scheduled to work thirty-six hours per week.

Employees who receive overtime at time and one-half rate:

- The workweek must be re-designated so that it commences in the middle of the eight-hour work shift and ends the following week on the same day and time, a period of seven consecutive twenty-four hour periods.
- A 9/80 work schedule is a schedule in which during each workweek the employee works four nine-hour work shifts and one four-hour work shift. The two four-hour work shifts are worked consecutively in a manner to constitute one eight-hour work period.
- Overtime is defined by the County as paid time in excess of nine hours when normally scheduled to work the nine-hour work shift, and in excess of forty hours during the workweek. Overtime will also be earned when the employee is required to work more than four hours when normally scheduled to work either of the four-hour work shifts.

Overtime is defined by the federal Fair Labor Standards Act as any time worked over forty hours in a designated seven day workweek.

**4. Policy**

Subject to the approval of the County Executive, appointing authorities may adopt 9/80 work schedules for employees in individual sections and or divisions of their department. 9/80 work schedules may be implemented on a department-wide, section-wide, or division-wide basis, or may be permitted on a voluntary employee basis where the nature of the work permits.

Departments are encouraged to adopt 9/80 work schedules consistent with this policy and procedure.

The County Executive may approve 9/80 work schedule requests so long as there is no adverse impact upon the services of the department and there is no increase in operating costs.

## **STANDARDS OF APPLICATION**

### Covered and Exempt Classes:

The Department of Personnel Management determines which classes are covered and which are exempt from the federal Fair Labor Standards Act (FLSA).

- Covered classes or those receiving overtime at one and one-half pay are subject to the re-designated workweek.
- Exempt classes are not subject to the re-designated workweek.

### Time Off:

- Holidays - An employee shall be granted a holiday that falls on the employee's scheduled workday, except that if the workday is a nine-hour day, the remaining hour must be taken off as leave first from accumulated compensating time off, and second from accumulated vacation time. If there are insufficient leave balances, then the employee shall be charged leave without pay. If the holiday falls when the employee is scheduled to work the two four-hour work shifts, both four-hour work shifts shall be deemed to be the holiday. If a holiday falls on an employee's scheduled day off, the employee shall accrue eight hours compensating time off.
- Leave balance usage - Full day absences shall result in the deduction of 1) nine hours accrued leave balance for absences during the scheduled nine hour day, 2) eight hours accrued leave balance for absences during the scheduled eight hour day, and 3) four hours accrued leave balances for absences during the four hour shift.
- Military Leave/Jury Duty/Family Death Leave - Employees who take paid time off on Family Death Leave, Jury Duty or Military Leave on a regularly scheduled workday will be charged with the number of hours they were regularly scheduled to work.
- Lunch Periods - The lunch period shall be a period provided for in the Personnel Ordinance for unrepresented employees or in the labor agreement for represented employees. Normally, the lunch period is in the middle of the nine-hour and eight-hour work shifts, or between the two four-hour work shifts.
- Rest Periods - Rest periods shall be a period provided for in the Personnel Ordinance for unrepresented employees or the labor agreement for represented employees. Normally, the employee may

receive two rest periods. One during the first half of the nine or eight-hour work shift and one during the second half of the nine-hour or eight-hour work shift, or one rest period during each of the four hour work shifts.

Overtime Administration:

Employees who receive overtime compensation at something other than time and one-half rate shall receive compensation for any hours paid in excess of:

- Nine hours on a normally scheduled nine-hour work shift
- Eight hours on the normally scheduled eight-hour work shift
- Forty-four hours per week when the employee is scheduled to work forty-four hours
- Thirty six per week when the employee is scheduled to work thirty six hours per week.

Employees who receive overtime at time and one-half rate shall be entitled to receive compensation for any hours paid in excess of:

- Nine hours of a normally scheduled nine-hour work shift
- Four hours when normally scheduled to work either of the four-hour work shifts
- Forty hours during the re-designated week.

Return to five-day/forty-hour schedule:

The appointing authority shall have the right to return an employee to the normal five-day/forty-hour workweek after providing advance written notice of two full pay periods to the employee.

Employees may return to the normal five-day/forty-hour workweek upon the approval of the appointing authority.

Procedures:

*Operating Department*

- Submit request to adopt a 9/80 work schedule to the County Executive.
- The request for the 9/80 work schedule shall specifically address the following:
  - Explain the current schedule
  - Explain the proposed schedule
  - Include the divisions, sections, work groups, and number of employees affected
  - State the impact upon the services being provided by each division or section affected
  - State the impact upon the budget for each division/section affected
- Return the completed Request for 9/80 Work Schedule form to employee approving or denying the request.
- Supply employees with copies of this policy to ensure compliance.
- Receive and verify the employee has completed and signed the Request for 9/80 Work Schedule form.
- Approve or deny request for 9/80 work schedule based in the following:
  - A 9/80 work schedule is permitted under the applicable labor agreement.
  - The department/section remains open to the public during regular business hours.
  - There is adequate coverage in the section.
  - There is no adverse impact upon the services of the department.
  - There is no increase in operating cost due to the 9/80 work schedule.

## 9/80 Work Schedule, Policy # 861

- Indicate the beginning of the workweek in the appropriate area on the Request for 9/80 Work Schedule form.
  - If the employee is eligible for overtime at the rate of time and one half the workweek must begin in the middle of the eight hour work shift.
  - If the employee is eligible for overtime at the rate of straight time or no overtime compensation the workweek will begin at 12:00 A.M. on Sunday.
- If the workweek begins at something other than 12:00 A.M. on Sunday, instruct the employee to mark the timesheet using slashes on the two consecutive four-hour shifts (see example, Attachment 2).
- Verify that the timesheet is completed accurately.
- Compute any additional amount due the employee when the workweek is changed and there are overlapping work shifts in the workweek.
- Prepare the necessary earning adjustment forms to compensate the employee any additional amount.
- Prepare masterfile for any employee whose workweek begins in the middle of the eight hour work shift in accordance with the example contained in the Personnel Payroll System manual.
- Forward masterfile with copy of the Request for 9/80 Work Schedule form to Personnel Actions Section of the Department of Personnel Management.
- Maintain copy of the Request for 9/80 Work Schedule form in the Time and Attendance file.
- Require employee to complete another Request for 9/80 Work Schedule form if the:
  - employee changes classes and the rate of overtime changes
  - overtime rate for the employee existing class changes
  - day of the week the two four hour work shift changes
  - employee returns to a normal five-day/forty-hour work schedule

## 9/80 Work Schedule, Policy # 861

### *Employee*

- Submit the form, Request for 9/80 Work Schedule (see Attachment 1) to immediate supervisor indicating the desire to work a 9/80 work week. The request includes:
  - Current Section or Division
  - Current classification
  - Desired days off
- Complete and sign the Request for 9/80 Work Schedule form.
- Keep an accurate record of all time worked and absences.
- If the workweek has been re-designated, indicate the number of hours compensated during each of the two consecutive four hour shifts by using slashes.
- Complete another Request for 9/80 Work Schedule if the:
  - employee changes classes and the rate of overtime changes
  - overtime rate for the employee existing class changes
  - day of the week the two four hour work shift changes
  - employee returns to a normal five-day/forty-hour work schedule
- Submit a request to the appointing authority for approval to return to the normal five-day/forty-hour workweek.

### *County Executive*

- Approve or deny the request for 9/80 based on the following:
  - There is no adverse impact upon the services of the department.
  - There is no increase in operating cost due to the 9/80 work schedule.
  - A 9/80 work schedule is permitted under the applicable labor agreement.

## 9/80 Work Schedule, Policy # 861

### *Department of Personnel Management*

- Verify masterfile is completed appropriately and there is a completed Request for 9/80 Work Schedule form attached.
- Verify the additional amount due the employee has been computed correctly.
- Maintain the Request for 9/80 Work Schedule form in the official personnel file.
- Instruct the departmental payroll personnel on the proper procedure to use in calculating the overlapping work shifts in the workweek and determining the additional amount due the employee.

### **5. Review** Not Applicable