

MS 630 Hours of Duty

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Responsible Office: M/HRM

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[Issuance Memo](#)

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1.0 Purpose

This Manual Section sets forth the Peace Corps policy governing hours of duty or work, including the Alternative Work Schedules (AWS) program at the Peace Corps and the official hours of duty policy for all Peace Corps U.S. Direct Hire (USDH) employees, regardless of location of assignment.

This Manual Section also establishes the Peace Corps' policy regarding nursing mothers.

It is the policy of Peace Corps to foster a workplace environment predicated upon a humane approach to working life. This policy is intended to increase opportunities for employee satisfaction, development, and fulfillment and to maximize employee creativity and productivity.

2.0 Scope

This section covers all Peace Corps employees in domestic and overseas offices except foreign service national (FSN) employees and employees on intermittent appointments.

3.0 Authorities and Background

- a) "The Federal Employees Flexible and Compressed Work Schedules Act of 1982," Public Law 97-221 (1982), codified in 5 U.S.C. §§ 6120-33.
- b) Office of Personnel Management (OPM) regulations in Subpart D of 5 CFR Part 610.
- c) OPM website on work schedules <http://www.opm.gov/oca/worksch/INDEX.asp>.
- d) Foreign Affairs Manual, Volume 3, Chapter 2330.

- e) Section 4207 of the Patient Protection and Affordable Care Act (Act), Pub. L. 111-148, which added a new subsection (r) to section 7 of the Fair Labor Standards Act of 1938 (FLSA) (codified as amended at 29 U.S.C. 207(r)).
- f) Office of Personnel Management Memo: *Nursing Mothers in Federal Employment* (12/22/10).
- g) Section 631, 2002 Treasury and General Government Appropriations Act, Pub. L. 107-67 (11/12/01).

4.0 Hours of Work - Domestic Application

The underlying premise of AWS is that within the context of basic requirements and criteria decisions will be made at the "work unit" or individual level regarding the most appropriate AWS schedule for use in each work unit. The basic requirements, criteria, and process are provided for in this section for both the Flexitime and Compressed schedules. A highly cooperative and participatory decision-making process is required for determining what the work unit levels will be in the various offices and what AWS schedule will be adopted within each work unit. Office Heads, Division/Regional Directors, first-line supervisors, and staff are expected to work out mutually acceptable arrangements based on common criteria.

4.1 Employee Rights

Public Law 97-221, the Federal Employees Flexible and Compressed Work Schedules Act of 1982, provides specific protections against intimidating, threatening, coercing, or interfering with an employee's right to elect an arrival or departure time, to work or not work credit hours, or to request compensatory time off in lieu of overtime pay—rights the exercise of which is always subject to agency restrictions, i.e., supervisory approval, as set forth in paragraph 4.2, based upon the public interest and the efficiency of Government operations.

Further, it provides specific remedies for any employee who requests to be excluded from his or her unit's Compressed Work Schedule on the basis of personal hardship. Such a request must be made by the employee in writing to his or her Associate Director or equivalent Agency official (see paragraph 4.10.). The Agency's determination will be made no later than ten days after the day of the written request.

In addition to the protections provided in this law, an employee will continue to retain his or her right to initiate action in court for alleged violations of the Fair Labor Standards Act.

4.2 The Public Interest

The Act also protects the public interest and the efficiency of Government operations by insuring that the U.S. Office of Personnel Management (OPM) or the head of the Agency may terminate an alternative work schedule if it disrupts Agency operation or increases costs. The Act provides that Agency heads may restrict the employees' choice of arrival and departure times and the use of credit hours, and may exclude any employee or group of employees from an established AWS schedule where that schedule hampers the efficient operation of the Agency.

4.3 Employee Responsibility

AWS is more than a simple rearrangement of the arrival and departure time of staff. In order for AWS to function effectively, it must be recognized as imparting considerable additional responsibility upon each and every employee. AWS gives each employee a greater measure of personal control over the work environment. With this freedom comes the responsibility to account for one's time and attendance accurately and completely. In arranging schedules, employees need to be mindful of the needs of others as well as their own. A cooperative, considerate approach, with compromise and accommodation where necessary, will result in the most practical schedule.

4.4 Management Responsibility

AWS requires Agency managers and supervisors to adapt their management styles. It requires effective methods to plan and organize the work and to assess the effectiveness of the work unit, as well as effective communications with and between employees.

As a matter of courtesy, meetings should be scheduled between 9:30 a.m. and 3:30 p.m. whenever possible. There will be occasions when this is not possible, and staff will have to alter their schedules temporarily to accommodate such situations.

Given the very flexible nature of the Peace Corps AWS Program, there is potential for abuse. Should abuse become a problem, it could result in the Office Head returning an individual employee or work unit to a traditional fixed work schedule. Decisions in this regard are subject to the appropriate grievance procedure.

4.5 Implementation

AWS must be implemented in a manner which ensures the following:

- a) Coverage is maintained for the function of the unit. For those units, which deal directly with the public, the "Public Service Band" (defined in paragraph 4.5.2) determines the minimal coverage required.
- b) Given adequate coverage - at least one employee who understands the major functions of the work unit - employees are given maximum flexibility.
- c) Unit efficiency and productivity are not reduced.
- d) Decisions occur on the most decentralized basis feasible.
- e) Decisions about work unit level and AWS models are to be mutually arrived at and acceptable to employees and supervisors alike. (See Attachment A Guide to selecting Work Units and Schedules)

Each work unit may select one AWS schedule, either maxiflex or a specific fixed compressed schedule, for its use. This selection should be accomplished within a cooperative, participatory

process, utilizing the "Guide to Selecting Work Units and Schedules." Each employee in that unit shall submit to the supervisor in writing the particular schedule, i.e., hours and days of work, which he or she intends to follow within the work unit's parameters. If in the course of the year, an employee's particular schedule varies substantially from the one he or she previously submitted, the employee shall submit a revised schedule. For the purposes of this Manual Section, the basic work unit is determined on a combination of factors, including the commonality of supervision, function, and office space. Normally the basic work unit is defined by those employees reporting to a single supervisor.

4.5.1. Agency Operating Hours

The basic operating hours for the Peace Corps are from 7:00 a.m to 6:00 p.m., Monday through Friday. At Headquarters and where arrangements can reasonably be made for offices to be accessible, employees may opt to work outside of these hours and days, but justification for such work must be approved by the supervisor, in advance, in order for it to be credited toward the basic 80 hour work requirement.

4.5.2 Core Time

All employees must be at work during core time unless on approved leave or "core time deviation" (see paragraph 4.8.1.1.2. below). Core times are 9:30 a.m. (arrival by 9:30 a.m.) to 11:00 a.m. and 2:00 p.m. to 3:30 p.m. (departure after 3:30 p.m.) on Tuesdays, Wednesdays and Thursdays of each week.

4.5.3 Public Service Band

The Public Service Band is to ensure that office coverage is sufficient to meet the needs of the general public, Federal and other agencies, and other offices and staff within the Peace Corps. The Peace Corps' Public Service Band extends from 8:30 a.m to 5:00 p.m., Monday through Friday. Offices and work units may be excepted from observing the Public Service Band only if they can clearly demonstrate to office heads that their function does not require their availability to the public, other agencies, or other Peace Corps staff during the Public Service Band.

4.5.4 Midday Flex Band

A flexible band extends from 11:00 a.m. to 2:00 p.m., during which a minimum half-hour lunch period is to be taken. (Note: A minimum half hour lunch break is mandatory on all workdays in excess of six hours.) The Midday Flex Band provides employees the opportunity to take an extended lunch period, either on a regular basis or from time-to-time, to conduct personal business, attend a doctor or dental appointment, or whatever the employee pleases, without charging the time to leave. However, the time must not be computed when figuring the number of hours worked for that day.

4.6 Time Accounting

It is important that accurate and certifiable time and attendance records be kept. Employees are responsible for working their full tour of duty as part of their agreement with the Peace Corps. Supervisors are responsible for accounting accurately for the time and attendance of employees under their supervision. Government regulations require maintenance of a record for accounting and audit purposes. (See MS 742 Maintenance of Employees' Time and Leave Records)

4.7 Travel Status

When employees are engaged in temporary duty travel, their administrative workweek shall be 8:30 a.m. - 5:00 p.m. (includes a 1-hour lunch) 5 days a week unless modified by the supervisor. Time spent traveling outside of these hours is compensable only under certain conditions (see MS 625 Premium Pay). Travel may necessitate changing a work schedule for one or more pay periods. Employees engaged in work while in travel status are subject to the onsite administrative workweek. Therefore, those hours specified as the workweek at the worksite shall be considered the administrative workweek for traveling employees unless otherwise specified by their supervisor. The earning of credit hours while in travel status is governed by paragraph 4.8.1.1.3. of this Manual Section.

4.8 Optional Schedules

Each work unit shall select its own work schedule from among the maxiflex schedule and three fixed, compressed schedules. All employees in a given work unit are required to adopt the schedule selected by that unit. However, for the purposes of calculating leave and premium pay, the Agency will operate on a 5-day, 40-hour week.

The following schedules are approved for use at the Peace Corps:

4.8.1 Maxiflex

The flexible schedule authorized in the Peace Corps is the Maxiflex Schedule, which affords employees a degree of flexibility in choosing work schedules.

4.8.1.1 Maxiflex Work Schedule Requirements

4.8.1.1.1 Basic Work Requirement

Full-time employees have an 80-hour biweekly basic work requirement, not to exceed 13 hours/20 minutes on any day. The basic work requirement for part-time employees, that is, employees with a regularly assigned basic work requirement of from 32 to 64 hours per pay period, is specified at the time of their appointments.

4.8.1.1.2 Core Time Deviation

A supervisor may approve an employee's request to be absent during core time. Absence during core time shall be made up by the employee. The supervisor may authorize the employee to make up the absence during the same workday, within the workweek, or in the same bi-weekly pay period.

4.8.1.1.3 Credit Hours

Credit hours are those hours which an employee under the maxiflex schedule elects to work in excess of his or her basic work requirement, i.e., 80 hours per pay period for full-time employees, and which may be used to vary the length of a succeeding workweek or workday.

If management orders an employee in advance to work in excess of the basic work requirement, such hours are not credit hours and must be compensated as overtime. An employee's intent to earn credit hours requires reasonable notification of the supervisor; an employee's intent to use credit hours requires the supervisor's approval as in the case of annual leave. A full-time employee may carry over no more than twenty-four (24) credit hours into a succeeding pay period; a part-time employee may carry over no more than one-fourth of his or her biweekly basic work requirement, not to exceed 24 hours.

When an employee has worked more than his or her basic work requirement before the end of the pay period, any time off during that pay period must be discussed with and approved in advance by the supervisor. Credit hours cannot be used before they are earned, except within the same pay period.

4.8.1.2 Premium Pay

4.8.1.2.1 Overtime Pay

For employees on the maxiflex schedule, overtime hours are all hours in excess of 8 in a day, 40 in a week, or 80 in a biweekly pay period which are officially ordered in advance by the supervisor. Employees shall be compensated for such overtime hours in accordance with the provisions of applicable law (see MS 625 Premium Pay).

If a supervisor orders an employee to work hours that are in excess of the number of hours which that employee had scheduled to work on that day, but which are not in excess of 8 in that day or 40 in that week, the Peace Corps will allow that employee to work a number of hours on a subsequent workday equal to those ordered, which would be in excess of his or her basic work requirement, and which would be compensated as overtime hours.

For example, an employee on the maxiflex schedule submits the following schedule for a subsequent week to his or her supervisor and has it approved: 10 hours on Monday, 10 hours on Tuesday, 6 hours on Wednesday, 8 hours on Thursday, and 6 hours on Friday. On Wednesday, the supervisor decides that the employee is needed for two additional hours and orders the employee to work the additional time. Although this is work officially ordered in advance, it is

not in excess of 8 hours in a day or 40 hours in a week, and therefore, is not overtime. In such a case, the employee may:

- a) Work 2 hours less on a subsequent workday;
- b) Work out the balance of his or her schedule as planned, and receive 2 credit hours; or
- c) Work out the balance of his or her schedule as planned, and receive overtime pay for 2 hours, which would be the 41st and 42nd hour of the week or the 81st and 82nd hour of the bi-weekly pay period.

4.8.1.2.2 Compensatory Time Off

An employee may elect compensatory time off in lieu of overtime pay, for regularly scheduled overtime work, as well as for occasional overtime work, ordered in advance. (See MS 625 Premium Pay)

4.8.1.2.3 Credit for Holiday Work

A full-time employee who elects to work on a holiday, and who receives prior approval of his or her supervisor to do so, is credited with 8 hours (holiday pay) plus the number of hours worked; a part-time employee is credited with the number of hours he or she is scheduled, plus the hours he or she elects to work.

4.8.1.3 Absence and Leave During Maxiflex

4.8.1.3.1 Holiday

Please see MS 625, Premium Pay, paragraph 5.4 Holiday Pay.

4.8.1.3.2 Leave

Absence during core time, without prior approval of the employee's supervisor, and failure of an employee to complete his or her basic work requirement, must be charged to the appropriate leave category unless the employee is authorized compensatory time off or has been granted an excused absence (see MS 635 Absence and Leave). Such leave must be recorded in whole hours. Because the Agency is operating on a 5-day, 40-hour week, sick leave may be used for only 8 hours on any given day.

NOTE: Although the maxiflex schedule allows for much flexibility, there exists the possibility that an employee may be forced to use leave. As an example, assume an employee works a small number of hours during the first week of a pay period in anticipation of working longer hours in the second week. If it then becomes impossible, in the second week, to complete the 80 hours basic work requirement, the employee must use sick leave, annual leave, or LWOP for those hours short of the requirement.

4.8.1.3.3 Excused Absence - Administrative Leave

Under certain conditions, as detailed in MS 635, absences may be administratively authorized without charge to leave or loss of pay. The most frequent circumstance under which excused absence is authorized is hazardous weather. The guiding principles for authorizing excused absence under Peace Corps' flexitime program are the necessity for the absence and the equitable treatment of employees.

4.8.1.3.3.1 Hazardous Weather

The follow conditions apply to attendance during hazardous weather:

- a) Late Arrival. The amount of excused absence granted for late arrivals caused by hazardous weather conditions will be determined on an individual basis depending on conditions prevailing between the employee's home and the workplace. Upon specific authority of the Peace Corps Director, supervisors may excuse reasonable absences in such cases.
- b) Early Dismissal. When hazardous weather results in the early dismissal of employees, the period of excused absence will not exceed the difference between the authorized time of early dismissal and the end of the Public Service Band which is 5:00 p.m. If, for example, early dismissal is authorized as early as 3:00 p.m., the maximum excused absence will be two (2) hours; the difference between 3:00 p.m. (time of dismissal) and 5:00 p.m. (the end of the Public Service Band). This would affect individual employees differently depending on their scheduled workday. Employee A, who is scheduled to complete the workday at 6:00 p.m. would be excused for two (2) hours and could leave at 4:00 p.m. Employee B, scheduled to complete the workday at 3:30 p.m., could leave at 3:00 p.m. and would be excused 1/2 hour. One of the intents behind this rule is to provide for staggered departures which would ease traffic congestion. Equity among employees is not an intent here since early dismissal is based upon the convenience of the government.
- c) Emergency Conditions. When a decision is made to evacuate the workplace due to an emergency condition such as fire, flood, earthquake, etc., all employees will be excused immediately.

4.8.2 Compressed Work Schedules

Rather than work on a maxiflex schedule, a work unit may elect one of three fixed, compressed schedules: a four-day workweek, a three-day workweek, or the 5-4/9 pay period plan. Whichever compressed schedule is elected, all employees must abide by it unless exempted by an office head, as in paragraph 4.1 of this Manual Section.

4.8.2.1 Absence and Leave - Compressed Work Schedules

4.8.2.1.1 Holiday

Full-time employees, whether or not they are scheduled to work on a day officially designated as a holiday, are entitled to pay with respect to that day for the number of hours scheduled for that day. For full-time employees, this would be either 10 hours, 13 hours/20 minutes, or 9 hours (or 8 if the day is the one day of the pay period scheduled for 8), depending on which compressed schedule the employees work.

When a full-time employee has more than two consecutive non-workdays off and a holiday falls on one of these non-workdays, the following rules shall apply in designating the workday as the "in lieu of" holiday. When the holiday falls on the employee's first or second non-workday, the preceding workday shall be designated as the "in lieu of" holiday. When the holiday falls on the third or fourth non-workday, the next workday shall be designated as the "in lieu of" holiday.

A part-time employee is entitled to holiday pay for the number of hours that he or she was scheduled to work on the day on which a holiday falls. Part-time employees are not entitled to an "in lieu of" holiday if a holiday falls on a non-workday.

4.8.2.1.2 Leave

Time off during an employee's basic work requirement must be charged to the appropriate leave category unless the employee is authorized compensatory time off or an excused absence. An employee who takes one full day of leave will be charged for the number of hours scheduled for that day. For a full-time employee, this would be either 10 hours, 13 hours/20 minutes, or 9 hours (or 8 if it is the one day of the pay period scheduled for 8), depending on which compressed schedule the employee works. A part-time employee would be charged the number of hours in his or her fixed schedule for that day.

The statutory provisions of Title 5, U.S. Code, relating to the earning of or entitlement to sick, annual, military, and funeral leave, and in some cases creditable service for retirement purposes, have as a frame of reference the 8-hour day, with the result that the provisions are stated in terms of "days." Such references to a day or workday (or to multiples or parts thereof) shall be considered to be references to 8 hours (or the respective multiples or parts thereof). It is not intended to either decrease or increase any employee's existing entitlement to leave or creditable service for retirement purposes. Part-time employees whose alternative work schedules have biweekly rather than daily or weekly work requirements are entitled to accrue leave even though they may not be scheduled to work in one of the weeks of a pay period.

4.8.2.2 Premium Pay - Compressed Work Schedules

4.8.2.2.1 Overtime Pay

Work which has been ordered by a supervisor in advance to be performed outside of an employee's compressed work schedule is overtime work. Employees are entitled to overtime pay for overtime work in accordance with applicable provisions of law (see MS 625 Premium Pay).

4.8.2.2.2 Compensatory Time Off

An employee may elect compensatory time off in lieu of overtime pay, for irregular or occasional overtime work ordered in advance. (See MS 625 Premium Pay)

4.8.2.2.3 Premium Pay for Holiday Work

An employee on a compressed schedule who performs work on a holiday is entitled to basic pay, plus premium pay at a rate equal to basic pay, for the work that is not in excess of the employee's compressed work schedule for that day. For hours worked on holidays in excess of the compressed work schedule, a full-time employee is entitled to overtime pay under applicable provisions of law, and a part-time employee is entitled to straight time pay or overtime pay, depending on whether the excess hours are non-overtime hours or overtime hours.

Approval for work on a holiday must be obtained in advance from the employee's supervisor in order for the employee to be entitled to premium pay.

4.8.2.3 Four-Day Workweek

Full-time employees have a 10-hour daily, a 40-hour weekly, basic work requirement. Work units establish a fixed tour of duty within the five day workweek, Monday through Friday, consisting of four ten-hour days for full-time employees or four days of shorter duration for part-time employees.

4.8.2.4 Three-Day Workweek

Full-time employees have a 13-hour/20 minute daily basic work requirement and a 40-hour weekly basic work requirement. Work units establish a fixed tour of duty within the five day workweek, Monday through Friday, consisting of three 13 hour and 20 minute days for full-time employees or three days of shorter duration for part-time employees.

4.8.2.5 The 5-4/9 Pay Period

Full-time employees have a 9 hour daily work requirement (with the exception of one 8-hour day per pay period) and an 80 hour biweekly basic work requirement. Work units establish a fixed tour of duty within the five day workweek, Monday through Friday, consisting of 9 hours per day for eight days and 8 hours for one day, allowing one fixed day off within each pay period.

4.9 Fine Tuning

At any time after the annual selection of work schedules, unanticipated contingencies, issues, or problems may come into play. It is expected that the supervisor and staff will need to work together to make adjustments to the schedule and/or change schedules to fit the functional needs of the office and the personal needs of the employees of the unit. The need to make such adjustments is expected and permissible. However, each work unit must select one specific schedule to which all employees in that unit must adhere.

4.10 Delegations of Authority

Associate Directors and the Directors of Staff Offices, with respect to their offices, are delegated the authority to arbitrate disagreements arising from the implementation and exercise of AWS and to exclude an employee or group of employees from the AWS program and assign them a traditional fixed schedule.

5.0 Hours of Work - Overseas Application

The Country Director establishes the hours of duty for the overseas post taking into account the hours of duty of the U.S. embassy and other operational factors.

5.1 Time Accounting and Travel Status

The provisions of paragraphs 4.6 and 4.7 apply overseas.

5.2 Maxiflex or Compressed Work Schedule Requirements

- a) The Country Director must establish either a Maxiflex Work Schedule or a Compressed Work Schedule unless the Country Director determines that the efficient operation of the Post requires that any, some, or all employees work the Post's traditional fixed work schedule.
- b) A Country Director establishing a Maxiflex Work Schedule or a Compressed Work Schedule is authorized to modify the Work Schedules provisions to take into account the hours of duty of the U.S. embassy and other operational factors.

6.0 Nursing Mothers Policy

6.1 Break time

Peace Corps will provide a reasonable amount of break time or administrative leave for employees to express milk and/or breastfeed, as frequently as needed by the nursing mother, for up to two years following the birth of the employee's child.

6.2 Place for expressing milk

Peace Corps will provide a room, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express

breast milk and/or breastfeed. A room that provides utmost privacy is most important. The room should be large enough to contain, and should be provided with, a small table, two chairs, and a small refrigerator, as well as a trash receptacle. In addition, the room should have at least two electrical outlets. One outlet will be for the pump and the other can accommodate the refrigerator and any personal pumps. If there is no sink in the room, one should be nearby.

6.3 Eligibility

US Direct Hire employees are eligible for this benefit for up to two years following the birth of their child. Contractor employees working at the Peace Corps may use the Peace Corps' room described in paragraph 6.2 for the purpose of expressing breast milk and/or breastfeeding with the prior approval of their supervisor and the permission of the Associate Director for Management.

6.4 Responsibilities

6.4.1 Associate Directors – A Delegates

Associate Directors or their designees are responsible for reviewing and granting, as appropriate, a request from an eligible employee for a reasonable amount of break time/administrative leave for the purpose of expressing breast milk and/or breastfeeding as frequently as needed by the nursing mother. The frequency of breaks to express milk as well as the duration of each break will likely vary, according to the needs of the individual mother. Associate Directors or their designees are required to use their best judgment on what is considered reasonable.

6.4.2 Office of Administrative Services (M/AS)

The Office of Administrative Services (M/AS) is responsible for ensuring that an adequate room, meeting the criteria of paragraph 6.2, is available for nursing mother's to use to express milk and/or breastfeed.

6.4.3 Employees

Employees are responsible for requesting approval in writing from their Associate Director for administrative leave for the purpose of expressing breast milk and/or breast-feeding during duty hours. The written request should contain the following information:

- a) Name
- b) Office
- c) Date of child's delivery
- d) Anticipated frequency of breaks to express milk, as well as the duration of each break
 - a. requested for expressing milk.

Nursing mothers should contact the Office of Administrative Services (M/AS) for the room location and code number to access the nursing mothers' room.

7.0 Effective Date

The effective date is the date of issuance.