



REPLY TO
ATTENTION OF:

**DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
9301 NW 33RD STREET
DORAL, FL 33172-1202**

*SC Regulation 0239

22 August 2019

ALTERNATIVE WORK SCHEDULES (AWS) PROGRAM

TABLE OF CONTENTS

	Paragraph	Page
Purpose	1	1
References	2	1
Background	3	1
Policy.....	4	1
Applicability.....	5	2
Performance Requirement.....	6	2
Records Management.....	7	2
Appendices		
Appendix A: Responsibilities		A
Appendix B: Definitions		B
Appendix C: Types of Alternate Work Schedules (AWS)		C
Appendix D: AWS Procedures D-1Appendix E: Work Schedule Request Form		E

1. Purpose. To establish guidelines and procedures specific to U.S. Southern Command for administering an AWS program.

2. References.

- a. 5 U.S.C. §§ 6120 – 6133– Flexible and Compressed Work Schedules
- b. 5 CFR Part 610, Hours of Duty
- c. OPM Handbook on Alternative Work Schedules, Dec 1996.
- d. DOD Financial Management Regulation, Volume 8, DOD 7000.14-R
- e. The Fair Labor Standards Act, 29 U.S.C §§ 201-219.

3. Background. Reference (a) gives federal agencies authority to implement alternative work schedules (AWS) instead of traditional fixed work schedules. The two categories of AWS are Flexible Work Schedules (FWS) and Compressed Work Schedules (CWS). FWS and CWS are designed to increase work productivity through allowing employees to balance work, family and personal responsibilities.

4. Policy. The minimum work day for USSOUTHCOM will be 0800-1600hrs, excluding holidays and down days. Each directorate will determine whether implementation of AWS flexibilities contributes to the effective management of an office and what specific types of AWS, if any, will be made available to employees.

*This regulation supersedes SC Regulation 0239, dated 13 April 2012.

When AWS is authorized, supervisors are encouraged to work with individual employees to ensure that all work schedules maintain office coverage and achieve performance results while still accommodating the personal needs of employees to the maximum extent reasonable. Officials with the responsibility of approving/disapproving AWS must ensure that their decisions regarding individual requests are rational, fair, and based on legitimate, nondiscriminatory reasons.

5. Applicability. All USSOUTHCOM full-time and part-time federal civilian employees, to include supervisory and non-supervisory, may be eligible to participate in AWS as established by a command/directorate subject to the approval of their supervisor or his/her designee. Senior Executive Service (SES) employees may request to participate, although they are prohibited from accruing credit hours. (See 5 CFR § 610.408).

6. Performance Requirement. The mission requirements and organizational goals and objectives of the directorate as well as the established performance objectives of individual employees must continue to be met when an office utilizes AWS. If at any time any commander, director, section chief, supervisor, or manager determines that the organizational effectiveness, productivity, efficiency, or individual performance in his or her organization or section is negatively impacted, AWS arrangements may be restricted or terminated.

7. Records Management. Records created through the implementation of this policy will be maintained in accordance with CJCSM 5760.01A, Volume II, Records Schedule

8. Point of contact for this regulation is SCJ14 at COMM 305-437-1278/3358/1129/0799 or DSN 567-1278/3558/1129/0799.

The proponent agency of this regulation is the US Southern Command. Users are invited to send comments and suggested improvements to: HQ USSOUTHCOM ATTN: J14, 9301 NW 33rd St., Doral, FL, 33172-1202

FOR THE COMMANDER

PATRICIA M. ANSLOW
Major General, USA
Chief of Staff

DISTRIBUTION
D

APPENDIX A RESPONSIBILITIES

1. USSOUTHCOM Directorate/Special Staff. All directorates and special staff must ensure compliance regarding the following Alternative Work Schedules (AWS).

a. Director/Special Staff Section Chiefs/SCO leadership. Establish and/or modify AWS programs to meet the mission of their organization. The authority may be delegated as deemed appropriate.

Civilian Personnel Office (J14). Establish procedures to facilitate the provisions of establishing AWS in accordance with applicable laws, regulations, and command policy.

b. Supervisors and Managers. Once appointed are required to approve or modify individual employee work schedules. If the AWS is approved, the timekeeper should change the work schedule in the Automated Time and Attendance Production System (ATAAPS). Supervisors monitor staff attendance and work practices to determine whether abuses are occurring in the use of AWS and will also assess the impact of the staff schedules on the functioning of the office. As a result of such monitoring or assessments, supervisors may restrict, modify, or cancel an employee's participation in AWS.

c. Employees. Coordinate their work schedules with supervisors for approval, in advance. Additionally, employees must adhere to the office attendance requirements (including the proper and accurate reporting of the actual hours they work) and adjust their work schedules, as required by their supervisors, to ensure that the needs of the office are met.

d. Timekeepers. Monitor Automated Time and Attendance Production System (ATAAPS), work schedule request forms and other required time accounting forms. Apparent discrepancies (such as unapproved overtime or unreported leave) will be brought to the attention of the supervisor prior to ATAAPS certification and submission.

APPENDIX B DEFINITIONS

Alternative Work Schedules (AWS). The AWS means both flexible work schedules and compressed work schedules.

AWS Day(s) Off. Under an alternative work schedule or Maxiflex schedule, the days out of the pay period that may be scheduled by the employees and management to be non-workdays.

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

Biweekly pay period. The 2 week period for which employee is scheduled to perform work.

Compensatory Time. The paid absence from duty taken by a GS employee in lieu of monetary payment for an equivalent amount of irregular or unscheduled overtime worked. Compensatory time must be *officially ordered or approved in advance by management*. Compensatory time may be earned and used in as little as 15-minute increments and must be used within 26 pay periods or it will expire.

Compressed Work Schedule (CWS). (1) In case of a full-time employee, an 80-hour biweekly basic work requirement that is scheduled by an agency for less than 10 workdays; and (2) 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).)

Core Hours. The time periods during the workday, workweek, or pay period that are within the tour of duty during which employees are required to be present at work.

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 a workday. A maximum of 24 credit hours can be accrued and carried over for use in another pay period. Members of the Senior Executive Service are prohibited from accruing credit hours.

Exempt Employees. May be allowed to work beyond their scheduled 80 hours in a pay period without compensation under the Fair Labor Standards Act (FLSA) at 29 U.S.C. § 213.

Flexible hours (also referred to as “flexible time bands”). The times 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 or her times of arrival to and departure from the work site consistent with duties and requirements of the position. (See U.S.C. 6122(a) (2).)

Flexitour. A type of flexible work schedule in which an employee is allowed to select starting and stopping times within the flexible hours. Once selected, the hours are fixed until the agency provides an opportunity to select different starting and stopping times.

Flexible work schedule (FWS). A work schedule established under 5 U.S.C. 6122, that 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; and in the case

of a part-time employee, has a bi-weekly 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.

Gliding schedule. A type of flexible work schedule in which a full-time employee has a basic work requirement of 8 hours in each day and 40 hours in each week, may select a starting and stopping time each day, and may change starting and stopping times daily within the established flexible hours.

Intermittent Employees. Employees who serve without a regularly scheduled tour of duty. Intermittent employees are paid only for the hours they actually work when required and requested by their supervisor.

Irregularly Scheduled Overtime. Overtime that is not specific as to the employee, day, hour, and time to be worked, or is scheduled later than midnight Saturday of the pay period before it is to be performed.

Maxiflex schedule. 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 the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.

Non-Core Work Hours. That part of the schedule of working hours during which employees may choose their time of arrival and departure from the work site, within limits, consistent with duties and requirements of the position as set by management/supervisor.

Non-exempt Employees. Those employees to whom the maximum hour limitation in FLSA applies. See 29 U.S.C. § 207. Non-exempt employees cannot be permitted to work any hours beyond the 80 hours in a pay period without proper compensation (overtime or, if elected by the employee, compensatory time earned.)

Organization. An entity within an agency that is headed by an official with the authority to establish tours of duty.

Overtime hours. When used with respect to FWS programs, refers to all hours in excess of 8 hours in a day or 40 hours in a week that are officially ordered in advance, but does not include credit hours. With respect to CWS programs, overtime hours refers to any hours in excess of those specified hours for full-time employees that constitute the compressed work schedule. For part-time employees, overtime hours are hours in excess of the compressed work schedule for a day (but must be more than 8 hours) or for a week (but must be more than 40 hours). Overtime may be earned and used in as little as 15-minute increments. Employees ordered to work overtime must do so, and management must compensate them with either overtime pay or compensatory time. Provisions of the FLSA stated in 29 U.S.C. § 207 apply.

Part-Time. Basic work requirements of less than 80 hours in a pay period must be itemized by day and times on form SF-52 (Request for Personnel Action). However, with supervisory approval and as permitted under a Maxiflex schedule, a part-time employee can deviate from the hours documented on the SF-52, if the total number of hours worked remains the same. If the number of hours to be worked changes, a new SF-52 (Request for Personnel Action) must be submitted.

Regularly Scheduled Overtime. Overtime that is scheduled in advance of the basic work requirement. To be regularly scheduled, overtime work must be specific as to the employee, day, hour, and the time to be worked, and must be scheduled no later than midnight Saturday of the period before it is to be performed. Overtime which does not meet all above conditions is defined as irregular or occasional.

Time Accounting. A system established and/or maintained by each supervisor which will provide affirmative evidence of the employee's presence and absence, which each employee working an AWS schedule has worked the proper number of hours in a biweekly pay period, and whether the employee is entitled to pay.

Tour of duty under a flexible work schedule. The limits set by an agency within which an employee must complete his or her basic work requirement. Under a compressed work schedule or other fixed schedule, tour of duty is synonymous with basic work requirement.

Variable day schedule. A type of flexible work schedule containing core hours on each workday in the week and in which a full-time employee has a basic work requirement of 40 hours in each week of the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday within the week within the limits established for the organization.

Variable week schedule. A type of flexible work schedule containing core hours on each workday 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 the number of hours worked on a given workday or the number of hours each week within the limits established for the organization.

Work day. Established by policy, these are the hours during which the Headquarters is open for business. Supervisors must ensure that their offices are staffed during the workday.

Work unit. An entity located in one place with a specific mission, with homogeneous procedures or technology, and headed by a supervisor or manager authorized to approve time and attendance reports and approve leave.

APPENDIX C TYPES OF AWS

1. Types of AWS. The following describes the types of AWS; however, each directorate/office will determine which specific schedules are available to their employees and establish guidelines/procedures for the implementation of such schedules.

a. **Flexible Work Schedules.** Flexible Work Schedules have a work requirement of 80 hours within a pay period. Each flexible schedule has a designated core time when employees are expected to be at work or on approved leave. Management establishes the parameters of employee options. Employees under flexible work schedules may work more than 8 hours a day as long as they stay within the established parameters. Employees may be allowed to earn credit hours under the guidelines in this policy after the bi-weekly work requirement is met.

b. **Flexible Time.** Flexible times are the hours during the workday, workweek, or pay period that are within the tour of duty and during which employees may choose to vary their time of arrival to and departure from the work site. The flexible times will be determined by each directorate/office and may be delegated to individual supervisors as deemed appropriate by the directorate/office. For example, in the Manpower & Personnel Division, flexible times are 6:30 a.m. to 9:30 a.m. through 3:30 p.m. to 6:00 p.m. The starting and ending times of alternative work schedules must be consistent with these flexible times; therefore, in this example the earliest employees may begin work is 6:30 a.m., and the latest they may work is 6:00 p.m.

c. **Maxiflex.** This type of AWS allows for the establishment of flexible arrival and departure times, and flexible lunch periods and requires that specific core hours be established on at least 3 days of the work week. There is no daily or weekly requirement. Employees must work or account for their whereabouts, by leave, credit time, or compensatory time off, to meet their bi-weekly work requirement (80 hours for full-time employees). Employees may vary the number of hours they work each day and each week for a maximum of two days off per pay period. Employees working under this type of AWS should gain approval from their immediate supervisor for their "planned" schedule by the beginning of each pay period. Credit hours may be earned with supervisory approval, but will not accrue until after the biweekly work requirement is met. In addition to full Maxiflex, employees have the option of working schedules similar to those under a compressed schedule as follows:

(1) Maxiflex 5/4-9. Requires the employee to establish a daily schedule of 9 hours on each of 8 work days, 8 hours on 1 work day and 1 AWS day off per pay period. The AWS day off is established but may be "swapped" for another day within a pay period, with prior supervisory approval. Arrival and departure time bands and core hours are established for days on which work is scheduled. Flexible lunch periods are allowed, with prior supervisory approval. Credit hours may be earned, but will not accrue until after the bi-weekly work requirement has been met.

(2) Maxiflex 4/10. Requires the employee to establish a daily schedule of 10 hours on each of 4 workdays each week with 1 AWS day off per week. The AWS day off is scheduled on a recurring basis, but may be "swapped" for another day within a pay period, with prior supervisory approval. Arrival and departure time bands and core hours are established for days on which work is scheduled. Flexible lunch periods are allowed with prior supervisory approval. Credit hours may be earned, but will not accrue until the bi-weekly work requirement has been met.

d. **Compressed Work Schedules.** This type of AWS requires a fixed schedule where the employee may fulfill the bi-weekly work requirement on less than 10 workdays in the pay period.

Arrival and departure times are fixed. There are no core hours, flexible time bands, or flexible lunch periods. Employees are limited to a 1 hour uncompensated lunch period. Credit hours may not be earned. Employees may select, with supervisory approval, a set arrival time and may work one of the following schedules:

(1) Compressed 5/4-9. Under this schedule, employees work 9 hours on workdays in the pay period, 8 hours on 1 day in the pay period and have 1 AWS day off. The AWS day off is fixed at the time the schedule is established and may not be "swapped" for another day.

(2) Compressed 4/10. Under this schedule, employees work four 10-hour days each week of the biweekly pay period and have 1 AWS day off each week. The AWS day off is fixed at the time the schedule is established and may not be "swapped" for another day.

2. **Credit Hours.** Credit hours, when authorized, are hours an employee works voluntarily (with prior supervisory approval) in excess of the normal hours worked in a pay period. Credit hours can be carried over for use in another pay period. Supervisory approval is required to earn and use credit hours. Credit hours must be earned within the time period established for the length of the directorate/office's workday. Credit hours may be earned in 15 minute increments. Members of the Senior Executive Service are prohibited from accruing credit hours under an AWS (See 5 CFR § 610.408).

a. Full time employees may only carry over a maximum of 24 credit hours from one pay period to the next. Part time employees may only carry over a maximum number of credit hours equal to one quarter (1/4) of their regular bi-weekly work requirement. Credit hours in excess of the maximum allowed are forfeited and do not entitle the employee to overtime compensation. Credit hours may not be earned or used by employees working under a compressed schedule.

APPENDIX D AWS PROCEDURES

1. Core Hours. Core hours will be determined by USSOUTHCOM policy and in accordance with the Battle Rhythm. For USSOUTHCOM the core hours are 0900hrs to 1500hrs with a break of either one half or 1 hour mid-day for lunch. Employees must be present at work during core hours, except for their scheduled lunch break, or must account for absent time with credit hours, compensatory time off, or appropriate charge to leave, or other excused absence.

2. Meal Time/Break. Meal time or an unpaid break of no less than 30 minutes and no more than one hour is required for each 6 hours or longer of work. The meal time or unpaid break may not be taken at the beginning or end of the normal scheduled workday, unless provided for in a labor agreement and the employee has no entitlement to a paid break during work hours. .

3. Holidays. Normal regulations regarding pay status before or after a holiday apply under AWS. Part time employees will be paid under the appropriate regulations for holidays commensurate with their schedule. Employees working under a compressed work schedule (as described in section 9B) will be paid the number of hours for which they were scheduled to work on the holiday. For example, an employee who works a compressed 4/10 schedule will receive 10 hours of holiday pay. If the holiday falls on the AWS day off and that day is a Monday, the employee will be scheduled to take Tuesday off in lieu of the holiday and will be paid the number of hours they are scheduled to work on that day. If the holiday falls on an AWS day off and that day is a Friday, the employee will be scheduled to take Thursday off in lieu of the holiday and will be paid the number of hours they are scheduled to work on that day. Full-time employees working under a flexible work schedule (as described in section 9A), will receive only 8 hours holiday pay for holidays. Under a flexible work schedule, if the AWS day off is the same day as the holiday, the employee and supervisor will determine which day within the same pay period will be taken as the AWS day off.

4. Leave or Other Excused Absence. AWS has no effect on an employee's right to use annual or sick leave. All requirements for the advanced approval of non-emergency leave remain in effect. Responsibilities of employees and supervisors with regard to requesting and approving or disapproving leave, both annual and sick, remain the same. Time off during an employee's basic work schedule must be charged to an appropriate leave category, compensatory time off, credit hours, or other excused absence. Approved leave taken for the entire day will be charged according to the number of hours that would normally have been worked. If an AWS employee uses annual or sick leave on a day the employee was otherwise scheduled to work, the employee must be charged leave for the total number of hours required by the work schedule on that day. Excused absence may be granted to employees on AWS under the same circumstances as with employees on other work schedules.

5. Travel, Training, Meetings and Conferences. Advanced planning is required to ensure that employees are able to attend required training, conferences, or temporary duty assignments without overtime authorization resulting from schedule conflicts. In cases where the training, travel, conference, or temporary assignments do not conflict with the normal work schedule, no change is necessary. Employees must work with their supervisors to amend their schedule as needed to attend conferences, training, and report for temporary duty assignments away from the regular duty station. The amendment need not require the employee to revert to a normal 8-hour a day schedule, but may require switching the AWS day, or in the case of an employee working a 4/10

schedule, the employee may be required to work the 4/10 one week of the pay period and revert to five (5) 8-hour days for the week of training, travel or the conference.

6. **Telework Hours of Work.** Specific guidance for this program is covered under SC Reg 0244, Telework Regulation. The total number of hours that employees are expected to work will not change, regardless of the work location. Employees agree to apply themselves to their work during work hours. Supervisors must ensure that procedures are in place to document the work hours of employees who telework to ensure compliance with the Fair Labor Standards Act. Supervisors may require employees to report to the workplace as needed for work-related meetings or other events.

7. **Time Accounting.** With AWS, greater responsibility is placed on both the supervisor and the employee for scheduling, recording, and monitoring arrival and departure times. A system must be established and maintained by each supervisor which will provide affirmative evidence that each employee working an AWS schedule has worked the proper number of hours in a biweekly pay period, to establish the employee's entitlement to pay. The system must show the number of hours of duty, attendance, and the nature and length of absences. See 5 CFR § 610.404. The manager/supervisor may require that employees keep track of the beginning and ending time of each day's work. It is recommended that sign-out logs are used to record arrival and departure times of all employees in offices that implement the flexible work schedules. Other timekeeping methods are described in the OPM Handbook on Alternative Work Schedules, in the section title Special Procedures for Time Accounting,

8. **AWS Agreement.** Where AWS is authorized, a written AWS agreement is required for participation. Use of the attached Work Schedule Request Form, showing the signature and approval of the supervisor, can satisfy this requirement. Each directorate/office will determine the specific agreement format to be used and the process employees should use to request an AWS. Directorate/offices are expected to establish a fair and equitable method for resolving schedule conflicts among their employees. The Civilian Personnel Office should receive a copy of the employee's work schedule request.

APPENDIX E

WORK SCHEDULE REQUEST FORM							
<p>PRIVACY ACT STATEMENT: Section 6311 of Title 5, United States Code, authorizes collection of this information. The primary use of this information is by management and your payroll office to approve and record your primary work schedule. Additional disclosures of the information may be: to the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health Benefits carriers regarding a claim; to a Federal, State, or local law enforcement agency when your agency becomes aware of a violation or possible violation of civil or criminal law; to a Federal agency when conducting an investigation for employment or security reasons; to the Office of Personnel Management or the General Accounting Office when the information is required for evaluation of leave administration; or the General Services Administration in connection with its responsibilities for records management. Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to Title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application.</p>							
Name:		SSN:		Directorate:		Date:	
SECTION I – EMPLOYEE REQUEST							
I request to participate in the following alternate work schedule (AWS): (Check one)							
<input type="checkbox"/> Regular – Eight hours per day, five days a week <input type="checkbox"/> Compressed Work Schedule – 5 /4-9 or 4/10 <input type="checkbox"/> Flexible Work Schedule <input type="checkbox"/> Maxiflex Schedule – 5/4-9 or 4/10							
SECTION II – WORK SCHEDULE DESIGNATION							
Enter the # of Hours / Arrival / Departure Times Scheduled on the Appropriate Days.							
Week 1	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	ARR:	ARR:	ARR:	ARR:	ARR:	ARR:	ARR:
	DEP:	DEP:	DEP:	DEP:	DEP:	DEP:	DEP:
	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:
Week 2	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	ARR:	ARR:	ARR:	ARR:	ARR:	ARR:	ARR:
	DEP:	DEP:	DEP:	DEP:	DEP:	DEP:	DEP:
	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:	TOTAL:
FOR PAY PERIOD BEGINNING:				SIGNATURE / DATE:			
EMPLOYEE COMMENTS:							
SECTION III: SUPERVISORY APPROVAL / DISAPPROVAL							
<input type="checkbox"/> Request Approved				<input type="checkbox"/> Request Disapproved			
REASON (If Disapproved):							
SUPERVISOR NAME:							
SIGNATURE OF SUPERVISOR							
DATE							