



# Alternative Work Schedules and Flexible Work Hours Report

2024



Department of  
Civil Service

# Table of Contents

Executive Summary.....	2
Background .....	3
Definitions.....	3
Reporting Requirements.....	5
Data Collection and Methodology.....	5
Section 1. Current Programs .....	7
Section 2. Positive and Negative Experiences .....	9
Section 3. Reasons affecting ability to offer scheduling alternatives .....	10
Section 4. Select Agency Profiles.....	11
Conclusion.....	22
Appendix A – New York State Legislation .....	23
Appendix B – Executive Order 68.....	24
Appendix C – Policy Bulletin 2008-05.....	26
Appendix D – Responding Entities .....	36
Notes .....	38

## EXECUTIVE SUMMARY

Legislation passed in January of the 2017-18 legislative session and amended in June 2018 requires the President of the Civil Service Commission to publish a triennial report on Alternative Work Schedules and Flexible Work Hours at New York State agencies. An amendment to the legislation focused on specific requirements for the report, attached as [Appendix A](#).

Civil Service Law section 7(7) requires the report to include information relating to current programs within State agencies that allow for alternative work schedules (AWS) or flexible work hours (flextime). The report has four sections: (1) details on current programs and their use, including plans agencies may have for altering schedule options; (2) positive and negative experiences for agencies in utilizing those schedules; (3) whether legal or practical reasons affect the ability to offer such schedules; and (4) select agency profiles on alternative work schedules and flexible work hours programs in practice.

To effectively identify and evaluate the use of such programs, the Department of Civil Service (Department) issued a survey to personnel and human resources directors at approximately 110 New York State agencies and facilities. The survey focused on the identification of current schedule modification programs and trends in relevant work practices. Subsequent in-depth analyses were conducted based on select *agencies and facilities'* (agencies) responses to determine impact on business operations and employee experience.

This year, the Department found regular use of alternative work schedules and, although less common, there was a slight increase in the use of flexible work hours at a variety of agencies. Agencies whose representatives responded to the survey reported benefits to agency recruitment and retention of staff. Flexible work arrangements continue to allow these agencies to meet mission critical objectives and cover more business hours while responding to employee needs and remaining efficient. Scheduling and/or predicting adequate staffing levels continue to be obstacles for many agencies making it a challenge to ensure adequate administrative oversight.

While the nature of the work for some agencies restricts their ability to offer schedule modifications, some of these agencies do offer some form of alternative work schedule, the most common being a compressed work week. Numerous agencies decline to offer flexible work hours for various practical reasons; the main barrier to implementation is the impact it would have on operational needs.

While there remains varied use and interpretation of schedule modification types at state agencies, this year's review of the current programs and experiences continues to confirm that flexibility in work scheduling practices is generally valued by both agencies and employees. Although no one type of flexible work schedule will satisfy all business requirements or meet every individual need, the ability to offer flexible options provides an opportunity to improve outcomes for agencies and employees.

## BACKGROUND

State agencies pursue operational efficiency using various strategies, with the common goal of maximizing and improving service quality. Balancing the equally important goals of service quality with employee satisfaction can be challenging. Flexible work schedules can be used to meet both these goals.

Executive Order (EO) No. 68, issued in 1978, was the guiding principle for the appropriate establishment of alternative and flexible scheduling programs. (Attached as [Appendix B](#)). EO 68 placed responsibility on the Department of Civil Service (Department) for advising agencies on implementation and compliance, as well as preliminary and ongoing review of proposed programs. While EO 68 is no longer in effect, the state continues to support the practice of alternative schedules in agencies where its use increases productivity and efficiency of operations; enhances the delivery and availability of services; encourages qualified individuals to apply for employment with state government; improves morale; and decreases work absences or lateness.

To facilitate appropriate development and practice of alternative work schedules (AWS) and flexible work hours (flextime), the Department, in conjunction with the Office of Employee Relations (OER), currently provides agencies with guidance around required procedures for proposing, approving and implementing an AWS or flextime program. These procedures can be found on the Department's website, attached as [Appendix C](#).

## DEFINITIONS

As the procedure for establishing work schedule modifications changed over time, so did the terminology. AWS and flextime schedules were once defined interchangeably, and flextime was long considered a type of AWS as well as a synonym for it (Appendix C). With the recent legislation, agencies have been provided with statutory definitions for both terms which are detailed below. Analysis on current programs in use at State agencies reveals that a level of informality in interpreting the terminology still exists, presenting a potential opportunity for education and the establishment of consistent standards and practices.

Civil Service Law (CSL) section 7(7) defines AWS or flextime as ongoing schedule modifications that apply to more than one employee in a described business unit. This does not include Voluntary Reduction in Work Schedule (VRWS) agreements or individualized work schedules.

**Work Schedules** are considered a combination of the following elements as defined by the New York State Attendance and Leave Manual: The basic workweek; the normal workday; and meal and rest periods.<sup>1</sup>

**Alternative Work Schedules (AWS)** are of four types: Staggered hours; compressed workweek; compressed pay period; and part-time employment. While part-time employment is considered a type of AWS, it is not subject to the same approval procedures as outlined in the Department's Attendance and Leave manual and is therefore not detailed below. It should also be noted that employee participation in an AWS or flextime does not affect or imply a change to the employee's overtime eligibility status.

**Staggered hours:** With a staggered hours schedule, employees are assigned fixed intervals for their workday starting and ending times, resulting in overlapping schedules of predetermined hours. Staggered hours are established for the total workforce of an agency or facility to ensure adequate coverage for delivery of services or care. Individual employees are not permitted to arrive or depart at different times on different days when staggered hours are in place; however, employees may be allowed to switch starting times during specified periods and with supervisory approval.

**Compressed workweeks:** A compressed workweek schedule increases the number of hours worked per day and shortens the number of days worked per week. Variations in the number of days worked per week and the specific days worked are permitted, depending on agency needs. Once a compressed workweek schedule is determined for an individual employee, it should remain fixed.

**Compressed pay periods:** In this type of alternative schedule, employees work a full pay period in less than ten days. An employee is permitted to compress the number of hours in a biweekly payroll period by increasing the number hours on some or all the days worked. Variations in the number of days worked per week and the specific days worked are permitted, depending on agency needs. Once a compressed pay period schedule is determined for an individual employee, it should remain fixed, until a modification has been requested and approved.

**Flexible work hours (flextime)** is defined as a work schedule that permits an employee the option of choosing daily starting and ending times around a mandated core work period while working a fixed number of hours per day.

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<sup>1</sup> New York State Attendance and Leave Manual. 1992. Part 20, Section 1. Retrieved from: [https://www.cs.ny.gov/attend\\_leave\\_manual/020Attendance/20\\_1Rulespages-Basic%20Workweek.htm](https://www.cs.ny.gov/attend_leave_manual/020Attendance/20_1Rulespages-Basic%20Workweek.htm)

For further clarification on work schedule definitions, please refer to the CSL section 7(7) attached as Appendix A and the Attendance and Leave Manual, Policy Bulletin 2008-05, attached as Appendix B.

**Agencies and facilities:** For this report, the term “agency” or “entity” is used to include any executive-controlled entity of the State of New York. A list of responding entities is attached as [Appendix D](#).

### **Exclusions**

Excluded from the report is the concept and definition of **telecommuting**, i.e., working remotely through the assistance of technology. The United States Office of Personnel Management defines telecommuting (telework) as an arrangement under which an employee performs the duties and responsibilities of their position from an approved alternative worksite or location.<sup>2</sup> Given this definition, telecommuting is to be considered a work characteristic rather than a work schedule modification, and is, therefore, not within the report scope.

## **REPORTING REQUIREMENTS**

Civil Service Law section 7(7) requires the Department to prepare and deliver information relating to current programs within State agencies that allow for alternative work schedules or flexible work hours. The report has four sections: (1) details on current programs and their use, including plans agencies may have for altering schedule options; (2) positive and negative experiences for agencies in utilizing those schedules; (3) legal or practical reasons that affect the ability to offer such schedules; and (4) select agency profiles on the use of alternative work schedules and flexible work hours programs in practice.

Nothing contained in the report is meant to impede or diminish the integrity of the collective bargaining process through which employees and employers establish similar rights and benefits of attendance and leave.

### **Data Collection and Methodology**

The Department collected data on work schedule practices in two phases:

**Phase 1:** An extensive survey was distributed to directors of human resources on the use of (AWS) and flextime programs.

**Phase 2:** Select agencies were identified for an in-depth analysis of their current programs and experiences. Details are provided in Section 4, Agency Profiles.

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<sup>2</sup> U.S. Office of Personnel Management. 2017. <https://www.opm.gov/faqs/topic/workforceinfo/index.aspx>

**Phase 1: Survey Data Collection.** To appropriately identify state agencies that utilize alternative work schedules and/or flexible work hours, a survey was sent to Directors of Personnel and Human Resource staff at 103 executive branch state agencies and State Universities. The survey was designed to capture details of current programs in use at agencies. Questions asked about current programs; positive and negative experiences with either or both types of scheduling practices; reasons affecting the ability to offer schedule modifications to employees; and plans for altering current programs. More than half of State Agencies/Facilities and Universities responded to the survey.

**Phase 2: Agency Profiles.** Following a comprehensive data collection survey, select agency responses were evaluated for an in-depth analysis to record additional and detailed information about their work scheduling practices. Agencies were selected for further evaluation from the listed business clusters and based on the following criteria:

1. The responding entity submitted a complete survey.
2. The responding entity provided contact information.
3. The responding entity provided detailed answers to pertinent questions.

Once the analysis was concluded, profiles for select agencies were compiled and included in Section 4.

## SECTION 1. CURRENT PROGRAMS

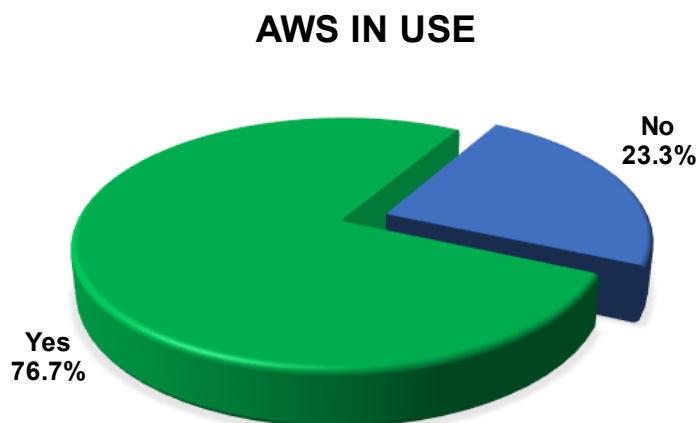
Of the two main types of schedule modifications, AWS is more commonly used at state agencies (76.7%). The use of flextime, as it is defined, is far less frequent.

### **Alternative Work Schedules**

Approximately 76.7% of responding entities indicate that AWS is in current use at their agency or facility (*Table 1*). The most common types of AWS in use are Compressed Workweek (53.3%) and Staggered Hours (48.3%). Compressed Pay Period (45.0%) is the third most used AWS schedules. Part-time employment (41.7%)

continues to be a common type of schedule modification but is not subject to the same approval processes as the other three types.

*Table 1: Percentage of agencies that currently offer the use of AWS to employees.*



There is a notable variety in the operational and business needs of the responding entities who rely on AWS; the location and type of agency or facility (administrative, business, health and human services, recreation and environment, education, or transportation and utilities) do not appear to correlate to the use of AWS. In line with prior years, there are also no reportable trends on job-specific or title-specific use of AWS.

Of responding agencies who have implemented some form of AWS, 41.3% report the use of formal productivity measures or performance metric(s); however, approximately 95.7% indicate that there are defined limitations to employees utilizing AWS. Common limitations continue to include supervisory or managerial approval; staffing levels; operating hours; and business needs. Additional limitations are typically more employee-specific, such as time and attendance records; performance program and evaluation ratings; demonstrated abilities; count of probationary status; count of minimum service in a current position; and count of seasonal requirements.

Most agencies that have implemented some form of AWS indicated that they have no plans to alter their current use of AWS (91.3%). Of the agencies with AWS programs, 93.5% noted they would recommend their program to other agencies, citing that an AWS program benefits both agency and employee alike, with many noting that AWS programs continue to be powerful recruitment and retention tools.



## ***Flextime***

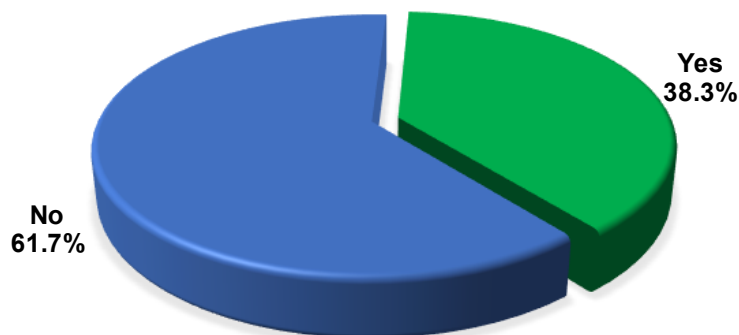
Use of flextime at agencies is notably less common than AWS. Approximately 38.3% of responding entities indicate that flextime is in current use at their agency or facility (*Table 2*).

Respondents without current flextime programs indicate that practical reasons impact their ability to offer this type of scheduling modification to their employees, noting that business or operational needs

of the agency or facility, collective bargaining agreements, and adequate staffing for the provision of services or programs might not be met if flextime was implemented (see Section 3 for additional information). Approximately 41.2% of agencies without current flextime programs would not consider offering flextime in the future for many of the same reasons.

With flextime, formal productivity measures or performance metrics are not commonly implemented amongst agencies. However, numerous limitations to the use of flextime do exist, including administrative approval; office coverage requirements and minimum staffing levels during business hours; operational or business needs; minimum service requirements; time and attendance records; performance program and evaluation ratings; and whether a business unit or employee is 'public-facing' in carrying out their work duties.

### **FLEXTIME IN USE**



*Table 2: Percentage of agencies that currently offer the use of flextime to employees.*

## SECTION 2. POSITIVE AND NEGATIVE EXPERIENCES

Experiences vary with both AWS and Flextime schedules, but many positive outcomes have been identified. The use of AWS and flextime has reported benefits to both individual employees as well as agencies; no agencies indicate that flextime has negatively impacted employee productivity.

One of the most prominent benefits identified is the improvement of employee morale concurrent with the use of AWS and flextime. Research in this area is supportive; employees with flexible work schedules reportedly experience lower levels of stress, higher levels of commitment to their current employer, increased work effectiveness and improved overall wellbeing.<sup>3</sup> These benefits are evident in the NYS Workforce with over 50% of agencies responding to the question agreeing that both AWS and flextime help agencies with recruitment and retention efforts, 90.6% of those agencies noting that AWS provides benefits to both agencies and employees, and 76.7% of those agencies noting that flextime provides benefits to both agencies and employees (*Table 3*).

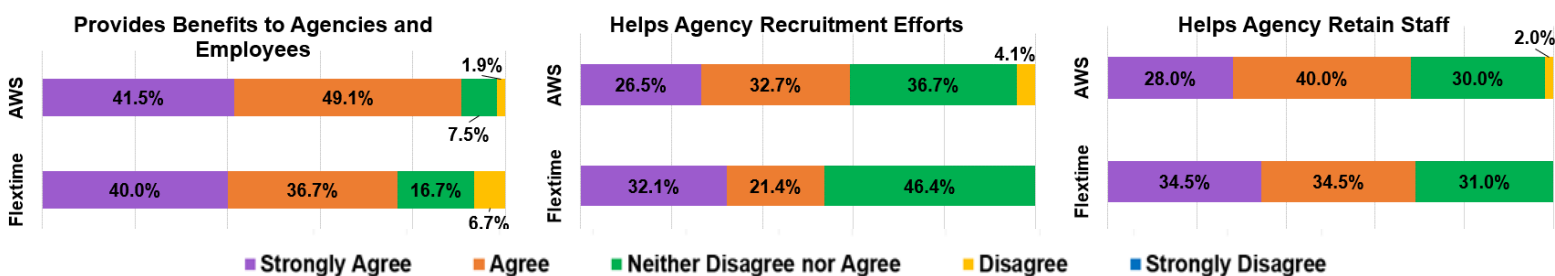


Table 3: AWS and Flextime Impact on Operations and Employees

Additional positive outcomes include:

- Increased employee satisfaction – Agencies reported higher levels of morale amongst employees and beneficial impacts on employee work-life balance, directly correlating to enhanced productivity. Research has shown that there is a direct correlation between flexibility in work scheduling and a greater willingness on the part of the employee to perform job duties.<sup>4</sup>
- Decreased costs – Both types of scheduling options are inherently cost-neutral while offering cost-saving potential in areas such as transportation and energy

<sup>3</sup> McKoy, Jillian. "Job Flexibility and Security Promotes Better Mental Health." Boston University School of Public Health, 29 Mar. 2024, <https://www.bu.edu/sph/news/articles/2024/job-flexibility-and-security-promotes-better-mental-health/>.

<sup>4</sup> SHRM Survey Findings: Workplace Flexibility - Strategic Use of Flexible Work Arrangements, 2014. Retrieved from: <https://www.shrm.org/hr-today/trends-and-forecasting/special-reports-and-expert-views/Documents/Flexible%20Work%20Arrangements.pdf>

consumption. While AWS and flextime can potentially lower personnel costs associated with unscheduled absences, agencies highlighted that scheduling options also reduced overtime expenditures.

- Competitive edge – Agencies reported offering alternative scheduling options to employees helped their agency to remain competitive during recruitment efforts and aided them in talent retention.
- Expanded coverage hours – Agencies reported that with the use of alternative scheduling options, employees were able to cover operational needs that sometimes fall outside of traditional work hours.

Agencies identified very few negative experiences; however, some are highly impactful:

- Difficulties exist for supervisors and managers when coordinating schedules or predicting staffing needs in larger business units with employees who utilize various types of available scheduling options, some of which include telecommuting.
- Agencies noted that scheduling alternatives results in lesser full-time employees.
- Supervisory challenges are presented when alternate scheduling options are not monitored appropriately by management, leading to calls of unfair implementation amongst employees.

### **SECTION 3. REASONS AFFECTING ABILITY TO OFFER SCHEDULING ALTERNATIVES**

Out of all responding agencies that have opted not to offer one of the alternative scheduling options, less than 12% indicated the reason to be legal, defined primarily as “contractual obligations.” Of this same group of responding agencies, almost half noted that practical reasons affected their agency’s ability to offer one of the alternative scheduling options. Other challenges included:

- Requirements for a 24/7 business or facility operation;
- Effect on agency operational needs;
- Supervisory accountability and effective management; and
- Limited number of staff within agency workforce.

## SECTION 4. SELECT AGENCY PROFILES

Profiles for select agencies were identified for inclusion in the report. Those selected include a variety of business areas and settings as they are defined by state guidelines.<sup>5</sup> The profiles represent approximately 11% of all responding entities; each profile will provide specific information about the agency and their current programs.

Agency Grouping	Type of Schedule
Recreation & Environment	<b>AWS</b>
Health and Human Services (2)	<b>AWS &amp; Flextime</b>
Transportation and Utilities	<b>AWS &amp; Flextime</b>
Business	<b>AWS &amp; Flextime</b>
Administration	<b>AWS &amp; Flextime</b>
Public Safety	<b>AWS &amp; Flextime</b>

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<sup>5</sup> New York State Agencies and Authorities: Groupings and Architecture, retrieved from: <https://ocfs.ny.gov/ohrd/assets/docs/omtv/NYS-Branding-Overview-and-Guidelines-2022.pdf>

### Agency Profile 1.

<p style="text-align: center;"><b>Agency or Facility Type: Recreation &amp; Environment</b></p> <p style="text-align: center;"><b>Agency or Facility Size:</b> 4,000 – 4,500 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS)</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered Hours; Compressed Pay Period; Part-Time Employment</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> More than 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>Agency AWS approvals are subject to the approval of the employee's supervisor and the Division Director for central office employees or the Regional Director for regional employees. For Part-time employment, employees may be appointed to specifically designated part-time items, while in other cases, two or more employees may work part-time and be paid out of the same full-time item on a shared basis. Staggered hours allow participants to continue to work 7.5 or 8 hours per day but may select non-core arrival and departure times in 15-minute intervals. The staggered hours work schedules must be the same for all five (5) days of the work week and must fall within the hours of 7:00 a.m. to 6:00 p.m. Once a schedule is selected and approved, an employee must follow that approved schedule each day. Under this agency's Compressed Pay Period policy, the number of days an employee works during a two-week pay period is reduced from ten to nine and the number of hours worked per day is increased. Participating overtime eligible employees are required to account for 37.5 or 40 hours within the payroll work week. Participating overtime ineligible employees must account for 75 or 80 hours in the biweekly pay period.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives</b></p> <p>This agency stated that overall, they did not have reasons beyond operational needs, in relation to specific requests, affecting their ability to offer scheduling alternatives.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This agency stated that offering alternative work schedules to its employees has made their agency a competitive and attractive work environment, making the retention of staff possible, while also allowing for a better work-life balance within their workforce.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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## Agency Profile 2.

<p style="text-align: center;"><b>Agency Type: Health &amp; Human Services</b></p> <p style="text-align: center;"><b>Agency Size:</b> 500 – 1,000 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered Hours; Compressed Workweek; Compressed Pay Period; Part-Time Employment</p> <p style="text-align: center;"><b>Number of employees participating:</b> More than 500</p> <p style="text-align: center;"><b>Plans for altering current program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>All requests for approval of alternate work schedules must be submitted via agency request form. All requests for alternate schedules are subject to the demands of Bureau/Unit coverage and provision of required services. All requests for other than standard work schedules must be requested by the employee. Any modification to an approved work schedule requires submission and approval of a new agency request form. The employee must request and receive the approval of his/her supervisor for the work schedule decided. Once approved, scheduled work hours may be changed only with the approval of the supervisor. Changes are to be requested in writing.</p> <p>An employee can request to work any 7 ½ consecutive hours, excluding lunch, commencing no earlier than 7:30 a.m. and ending by 6:00 p.m. For Compressed Work Schedules, Employees may apply for a compressed work week of less than five full days. Employees may also apply for a compressed bi-weekly schedule of less than ten work days in a pay period. For Compressed Work Schedules, no employee may start work before 7:30 a.m. or remain at work after 6:00 p.m.; if a partial work day is scheduled, it must include at least four consecutive hours and there will be no lunch period scheduled for work days of less than five hours; and once this type of schedule is selected it is a fixed schedule both on a daily and weekly basis. Exceptions to workday parameters by time-limited or personal extenuating circumstances may be requested. Employees issued denials or employees who will be removed from a particular work schedule must be given thirty (30) days' notice and informed in writing of the reason(s) for the denial or removal. A denial or removal may be appealed to the Director of the Bureau of Human Resources for review and a final determination.</p>
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**Agency Profile 2. (continued)**

<p style="text-align: center;"><b>Agency Type: Health &amp; Human Services</b></p> <p style="text-align: center;"><b>Agency Size:</b> 500 – 1,000 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered Hours; Compressed Workweek; Compressed Pay Period; Part-Time Employment</p> <p style="text-align: center;"><b>Number of employees participating:</b> More than 500</p> <p style="text-align: center;"><b>Plans for altering current program:</b> None</p>	<p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives</b></p> <p>This agency stated that operational needs requiring in-office staff, as well as agency institutional facility minimum staff requirements and the needs of those who receive services from their institutional facilities, dictate the agency’s ability to offer scheduling alternatives.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>Agency noted that having scheduling alternatives ensures coverage for all core business hours and allows for a better flexibility amongst staff leading to positive impacts on work productivity.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No specific negative experiences were noted, but this agency did state that potential for negative experiences exist where supervisor and staff schedules do not overlap where close supervision is needed.</p>
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**Agency Profile 3.**

<p style="text-align: center;"><b>Agency Type: Health &amp; Human Services</b></p> <p style="text-align: center;"><b>Agency Size:</b> 3,000 – 3,500 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS)</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered Hours; Compressed Workweek; Part-Time Employment</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> More than 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>For this agency, any exceptions to the normal workday, as outlined above, must be approved in advance by completing a form and must be based upon operational need and efficiency. Any alterations to schedules outside of the times outlined above must be approved by the deputy or associate/assistant commissioner of the respective division or their designee and the associate director of human resources or their designee before the modified schedule may be implemented. Employees may work a part-time schedule if such a schedule is consistent with the operational needs of the agency. Part-time schedules must be approved by the appropriate deputy or associate/assistant commissioner.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives</b></p> <p>The agency can offer AWS without any reasons affecting their ability to do so.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This agency stated that offering scheduling alternatives not only helps with staff morale but allows for them to accommodate staff members with fluctuating off days as well as staff that are already working long hours without the ability to receive any additional days off.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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**Agency Profile 4.**

<p style="text-align: center;"><b>Agency Type:</b> <b>Transportation and Utilities</b></p> <p style="text-align: center;"><b>Agency Size:</b> 3,000 – 3,500 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered Hours; Compressed Workweek; Compressed Pay Period; Part-Time Employment</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> 200 – 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>For this agency, subject to management approval, compressed work schedules are available to full-time or part-time annual salaried employees. Application for a compressed work schedule must be made on the designated agency form. A copy of the employee's ten-day work schedule, including start time, lunch break and end time, and pass day(s) must be attached to this form and submitted to and approved by the manager and the Division of Personnel. Flexible work hours have a starting time between the hours of 7:30 a.m. and 9:00 a.m. and a corresponding departure time between 3:30 p.m. and 5:00 p.m. Once a schedule is selected and agreed upon by a manager, and employees are expected to adhere to that schedule. Under a Flexible Work Hours program, occasional lateness may be charged to accrued leave or may be made up by working later in the day, if approved by a manager for business reasons. Compressed Work Weeks allow employees allows to work a full week, 37.50 hours, in less than five workdays (Thursday through Wednesday) with the workday beginning no earlier than 7:30 a.m. and ending no later than 6:30 p.m., including one lunch break of at least one-half hour. Compressed workweeks of less than four days will not be approved. A typical compressed four-day workweek consists of three 9.50-hour workdays and one nine-hour workday with one set pass day each work week. Compressed Pay Period allows staff to work a full pay period, 75 hours, in less than ten workdays, with the workday beginning no earlier than 7:30 a.m. and ending no later than 6:30 p.m., including one lunch break of at least one-half hour. Employees are allowed to I work a compressed pay period in the form of a nine-day pay period. A typical compressed pay period consists of five 8-hour days (40 hours - Thursday through Wednesday) and four 8.75-hour days (35 hours -Thursday through Wednesday) with one set pass day each pay period. An employee</p>
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**Agency Profile 4. (continued)**

<p style="text-align: center;"><b>Agency Type: Transportation and Utilities</b></p> <p style="text-align: center;"><b>Agency Size:</b> 3,000 – 3,500 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p style="text-align: center;"><b>AWS Type(s):</b> Staggered Hours; Compressed Workweek; Compressed Pay Period; Part-Time Employment</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> 200 – 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description (continued)</b></p> <p>whose request to participate in a compressed pay period or workweek schedule is denied, or whose participation in the program is scheduled to end because of operational needs, will be notified in writing by the manager. The written notification will include the information upon which the denial or termination is based. The employee may appeal this decision within ten business days following the receipt of written notice.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives</b></p> <p>This agency stated that some program areas would not be able to accommodate a longer workday via their AWS program.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>Agency noted that offering scheduling alternatives is a positive experience, allowing for continuity of work and employee work-life balance.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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### Agency Profile 5.

<p><b>Agency Type:</b> Business</p> <p><b>Agency Size:</b> 2,000 – 2,500 employees</p> <p><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p><b>AWS Type(s):</b> Compressed Workweek; Compressed Pay Period</p> <p><b>Number of Employees Participating:</b> 200 – 500</p> <p><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>For this agency, all requests shall be subject to approval by the Department Head and shall be discretionary and not arbitrary. All employees approved for an alternate work schedule must sign an acknowledgment stating that they fully understand the terms of the alternate schedule, and that it can be revoked at the discretion of the Department Head. If the Department Head approves a compressed pay period or compressed workweek AWS, they will send an email notification to the Department of Administration. If the Department Head wishes to grant a request for a compressed AWS that is not described in this procedure, permission must be secured from the Director of Administration or their designee. All procedural memos relating to alternative work schedules must be approved by the Director of Administration or their designee prior to distribution. Flextime allows the employee to work a 7.5-hour day (not including lunch) with no fixed start/end time. Instead of a specific start time, the employee is given a “band” of time during which to start the workday. Under flextime, an employee may start anywhere between 7:30 am and 9:30 am, and work 7.5 hours; however, certain parameters (including start time, end time and duration of lunch break) may be restricted due to operational needs. No time is excused for lateness. For a Compressed Pay Period the employee works nine days during a normal pay period, rather than ten. The employee maintains seventy-five hours per pay period by working beyond the 7.5-hour workday on some or all the nine days worked (or charging accruals to account for balance). On this compressed schedule, the number of hours to be worked each day will be fixed, as will the employee’s chosen day off; however, the employee’s schedule may be fixed or flextime. Compressed Workweeks allows the employee works a four-day work week, rather than the usual five.</p>
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**Agency Profile 5. (continued)**

<p style="text-align: center;"><b>Agency Type:</b> <b>Business</b></p> <p style="text-align: center;"><b>Agency Size:</b> 2,000 – 2,500 employees</p> <p style="text-align: center;"><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p style="text-align: center;"><b>AWS Type(s):</b> Compressed Workweek; Compressed Pay Period</p> <p style="text-align: center;"><b>Number of Employees Participating:</b> 200 – 500</p> <p style="text-align: center;"><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description (continued)</b></p> <p>The employee maintains 37.5 hours per workweek by working beyond the 7.5-hour workday on some or all the four days worked (or charging accruals to account for balance). On compressed workweek schedule, the number of hours to be worked each day will be fixed, as will the employee’s chosen day off; however, the employee’s schedule may be fixed or flextime. If a Department Head denies (or revokes) a request for an AWS, they shall provide the employee with a written explanation as to why the AWS request was denied (or revoked) and that employee requesting the AWS may choose to appeal the decision to the Department of Administration.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives</b></p> <p>The agency can offer flextime as well as AWS without any reasons affecting their ability to do so.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This agency stated offering scheduling alternatives has increased employee morale and work-life balance as well as helped with agency recruitment and retention.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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**Agency Profile 6.**

<p><b>Agency Type:</b> Administration</p> <p><b>Agency Size:</b> 1 – 50 employees</p> <p><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p><b>AWS Type(s):</b> Staggered hours; Part-Time Employment</p> <p><b>Number of Employees Participating:</b> 1 – 50</p> <p><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>For this agency, because it is a smaller agency, supervisors are in contact with their employees on a regular basis. Supervisors and staff coordinate their schedules to best fit the needs of the agency.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives</b></p> <p>The agency can offer flextime as well as AWS without any reasons affecting their ability to do so.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>This agency stated that managers are allowed the flexibility to operate their program area as operational needs demand works well for the agency and for the employees. This agency also noted that agency work units require a flexible alternative to typical work hours and scheduling alternatives provides this flexibility allowing employees a better work-life balance.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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**Agency Profile 7.**

<p><b>Agency Type:</b> <b>Public Safety</b></p> <p><b>Agency Size:</b> 800 – 900 employees</p> <p><b>Current Program:</b> Alternative Work Schedules (AWS) and flextime</p> <p><b>AWS Type(s):</b> Staggered Hours; Compressed Workweek; Compressed Pay Period</p> <p><b>Number of Employees Participating:</b> More than 500</p> <p><b>Plans for Altering Current Program:</b> None</p>	<p style="text-align: center;"><b>Program Description</b></p> <p>For this agency, AWS is used primarily for emergency response requirements where employees learn about AWS through their supervisory structure and by consulting with the Human Resource Liaison Unit. The Human Resource Liaison Unit assists employees with using AWS on their timesheets.</p> <p style="text-align: center;"><b>Reasons Affecting Ability to Offer Scheduling Alternatives</b></p> <p>The agency can offer flextime as well as AWS without any reasons affecting their ability to do so.</p> <p style="text-align: center;"><b>Positive Experiences</b></p> <p>Agency stated that use of scheduling alternatives allows their agency to provide optimal coverage in emergency response situations to increase flexibility in scheduling. This agency notes that this leads to having a positive impact on morale and operational needs.</p> <p style="text-align: center;"><b>Negative Experiences</b></p> <p>No negative experiences are noted.</p>
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## CONCLUSION

State agencies have successfully implemented both AWS and flextime programs within their agencies, and while the use of AWS remains the most sought-after schedule alternative, this year, there was a slight increase in the utilization of flextime. While some negative experiences have been reported, very few agencies with current programs have plans to alter or discontinue them, and the majority would recommend their use to others. Agencies without the ability to offer AWS or flextime report that practical reasons are the primary barrier; the most cited obstacle was supervisory or managerial approval.

In reviewing agency responses and use of AWS and flextime, it is notable that agencies make use of both formal and informal scheduling alternatives, and that agencies have different interpretations and applications of each. As business needs will likely continue to be the top priority of state agencies, employee morale follows close behind. It remains that in reviewing current programs and agency experiences there is confirmation that trends in work flexibility options have important implications for the state workforce, particularly in the areas of recruitment and retention.

## Appendix A – New York State Legislation

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### CIVIL SERVICE LAW CHAPTER 7, ARTICLE 2, TITLE A § 7

The president, with the assistance of the office of information technology services as needed, shall prepare a report on or before the first day of September two thousand eighteen and every three years thereafter to be issued to the governor, the speaker of the assembly, the temporary president of the senate, the minority leader of the assembly, and the minority leader of the senate. Such report shall detail current programs within state agencies that allow for alternative work schedules or flexible work hours, the positive and negative experiences for agencies in utilizing alternative work schedules or flexible work hours, whether legal or practical reasons affect the ability to offer such schedules, and any existing plans agencies may have for altering schedule options available to employees. The president shall compile input from agencies selected pursuant to this subdivision, and each agency shall provide all available information upon request to the president. The president may also include information about best practices among selected agencies. Nothing set forth in this section shall be construed to impede, infringe or diminish the rights and benefits that accrue to employees and employers through collective bargaining agreements, or otherwise diminish the integrity of the collective bargaining relationship. For purposes of this subdivision, "alternative work schedules or flexible work hours" shall mean an ongoing schedule modification that applies to more than one employee in a described business unit. Alternative work schedules or flexible work hours shall not include voluntary reduction in work schedule agreements and individualized work schedules.



## Appendix B – Executive Order 68

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### 9 CRR-NY 3.68

3.68 Executive Order No. 68: Directing the implementation of alternative work schedules in agencies of government.

Agencies of government must constantly seek to maximize productivity of operations and the quality of services provided to the people of the State, and at the same time, enhance employment opportunities for qualified persons unable to obtain employment under conventional work schedules.

It is hereby declared to be the policy of this State to encourage and promote the implementation of alternative work schedules such as “flextime” and year-round part-time work schedules in those agencies of government where it is demonstrated that the use of such alternative work schedules:

- will provide increased availability of public service or otherwise enhance the productivity of State government operations; and

- will increase the number and caliber of individuals available for recruitment into State services; and

- will increase employee morale and reduce absenteeism and/or tardiness and enhance the delivery of necessary care and services to persons dependent upon the State, without compromising effective supervision.

Each State agency shall identify those organizational units and positions for which alternative work schedules may be appropriate. The Department of Civil Service shall provide each State Agency with information on ways of implementing various types of alternative work schedules, shall assist the management of each agency in determining the extent to which it is feasible to adopt alternative work schedules and at the same time to increase hours of operation and/or the productivity of operations, and shall review the performance of State agencies in complying with the Order.

Prior to implementing alternative work schedules, State agencies shall file a brief statement with the Director of the Budget, the President of the Civil Service Commission, and the Director of Employee Relations describing the nature of the change in the work schedule, the extent to which the change is consistent with existing attendance rules and contractual provisions, the means by which continued employment for incumbent employees is ensured, the method for maintaining accurate time records under the proposed work schedule, any added costs to be generated by the change in work schedule, and the specific benefits in terms of expanded hours of operation and/or improved productivity that will be associated with the change in work schedule.

If the proposed change in work schedule involves the creation of any new positions or reclassification of any existing positions, it shall not be implemented until the new positions and/or reclassifications have been approved pursuant to existing procedures by the Department of Civil Service and the Division of the Budget. The Department of Civil Service and the Division of the Budget shall act on such requests as expeditiously as possible.

If the change in work schedule proposed in such a statement does not involve the creation of any new positions or the reclassification of any existing positions, it may be implemented thirty working days after the filing of the statement unless the Director of the Budget disapproves the proposal in writing (copies of any such written disapprovals shall be filed with the Department of Civil Service and the Office of Employee Relations); provided, however, that before implementing any changes in work schedules pursuant to the provisions and intent of this Order, a State agency shall first consult the Office of Employee Relations and, with Office of Employee Relations concurrence, enter into appropriate discussions with duly designated representatives of the State employees who will be affected by the work schedule.

Prior to April 1, 1978, each State agency shall provide a written report to the Secretary to the Governor outlining specific alternative work schedule proposals that it has implemented or intends to implement.

Not later than September first of each year, the President of the Civil Service Commission shall submit a report to the Governor describing the impact of alternative work schedules on the quality of State operations and on employment opportunities for minorities, women, the elderly and the disabled and all agencies of State government; recommending areas to be explored during the coming year to determine where alternative work schedules might be used effectively to meet the obligations and objectives expressed in this Order; and proposing any necessary changes in law, regulation or policy growing out of the Department's experience in carrying out its responsibilities under this Order. Copies of such report, which shall be available for use in conjunction with the Governor's review of current operations and the development of his program and budgetary recommendations for the coming fiscal year, shall be filed with the Division of the Budget and the Office of Employee Relations. The Department of Civil Service may make such inspections and require such reports as may be necessary to fulfill its responsibilities under this program.

Signed: Hugh L. Carey  
Dated: February 15, 1978

## Appendix C – Policy Bulletin 2008-05

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### **A. Alternative Work Schedule Approval Procedure**

This policy bulletin describes the Alternative Work Schedule Approval Procedure (Approval Procedure) that agencies must follow to develop and implement alternative work schedule proposals. A prior approval procedure was contained in Budget Policy and Reporting Manual Item G-068, dated November 8, 1985. The procedure described in G-068 required review of proposed alternative work schedules by the Division of the Budget (DOB), the Department of Civil Service Attendance and Leave Unit (A&L Unit), and the Governor's Office of Employee Relations (GOER). G-068 was rescinded by DOB in 1999. GOER and the A&L Unit continue to have responsibility for approval of alternative work schedules.

### **B. Background and General Policy**

Since 1978 State agencies have been encouraged to consider whether use of alternative work schedules would facilitate meeting operational and programmatic needs.

It is the policy of the State to encourage and promote the implementation of alternative work schedules in those agencies of government where the use of an alternative work schedule will:

- Increase the availability of public services or otherwise enhance the productivity of state government operations;
- Increase the number of qualified persons available for recruitment into state government; and
- Improve employee morale, reduce absenteeism and/or tardiness, and (as appropriate) enhance the delivery of necessary care and services.

### **C. Types of Alternative Work Schedules**

The common types of alternative work schedules (AWS) are staggered hours, the compressed workweek, the compressed pay period, and use of part-time employees on

a year-round basis. \*Participation in an AWS has no effect on an employee's overtime eligibility or ineligibility.

**Staggered hours** are a type of alternative work schedule that provides for assignment or selection of beginning and ending times at different fixed intervals that do not vary from day to day. Staggered hours do not permit employees to arrive and depart at different times on different days. Overlapping schedules of predetermined hours are established for the total work force. Employees work a fixed number of hours each day, always between the same starting and quitting hours. Starting times are usually staggered at 15 minute intervals; however, variations of 20, 30, and 45 minutes are also common. Staggered hours schedule options are either assigned by management or chosen by employees subject to management approval. Some flexibility can be built into this system by permitting employees to switch starting times during specified "open periods" or with the approval of the supervisor.

**Compressed workweeks** are a type of alternative work schedule that shortens the number of days in a workweek by lengthening the number of hours worked per day. For example, the normal five day eight-hour schedule may be compressed into four days of ten hours each or 3 days of 13 1/3 hours each. In addition to variations in the number of days worked, the specific days worked can vary. For a four-day schedule, workdays may be Monday through Thursday, Saturday through Tuesday, etc., depending on agency needs. Once the schedule has been determined, this should ordinarily remain fixed for the employee.

**Compressed pay periods** are a type of alternative work schedule in which employees work a full pay period in less than ten days. For example, an employee may compress the number of hours in a biweekly payroll period over nine days by lengthening some or all nine days in the pay period. In addition to variations in the number of days worked, the specific days worked can vary. Once the schedule has been determined, this should ordinarily remain fixed for the employee.

Reference(s): Alternative work schedules are described in detail in Section 20.1, Basic Workweek, of the Attendance and Leave Manual.

*Note: Voluntary Reduction in Work Schedule (VRWS) agreements and individualized work schedules are not subject to this Approval Procedure. VRWS is not a type of alternative work schedule. Similarly, a temporary schedule change requested by a single employee and approved by a supervisor is an individualized work schedule and not an alternative work schedule.*

\* Please note that although part-time employment is considered a type of AWS, it is not subject to this Approval Procedure.

## **D. Steps to Developing an Alternative Work Schedule Proposal**

### ***1. Preliminary Discussion with A&L Unit and GOER***

Agencies should consult with GOER and the A&L Unit when developing an AWS. Such preliminary discussions are particularly helpful in avoiding creation of alternative work schedules that violate the Attendance Rules, the negotiated agreements, and/or the Fair Labor Standards Act (FLSA).

Discussion with the A&L Unit may address questions about types of alternative work schedules and methods of implementing those schedules consistent with the Attendance Rules, negotiated agreements, and Fair Labor Standards Act. Discussion with AWS designees at GOER may address parameters for the alternative work schedule, such as the organizational units in which the schedule will be made available, work schedule issues, and guidance concerning consultation with the duly designated representatives of the State employees who will be affected by the AWS.

References: In developing an AWS proposal, agencies should refer to the discussion of Alternative Work Schedules in Section 20.1, Basic Workweek, of the Attendance and Leave Manual, and to Section E, *Contents of the Proposed Alternative Work Schedule*, below.

### ***2. When Filing is Required***

#### ***a. Complete Written Proposal***

Agencies must file complete AWS written proposals under the following circumstances:

- When creating a new AWS;

- When an agency seeks to extend an existing approved AWS to a new organizational unit not specifically covered in the original approval (for example, when seeking to extend to a field unit an AWS approved for the administrative unit); and
- When changing or adding the type of AWS (for example, replacing a staggered hours schedule with a compressed workweek schedule).

*b. Extension Request*

Agencies are not required to submit a complete written proposal when simply extending the time period of a current program beyond its scheduled termination date. In such cases, agencies are required to provide (1) a written statement to the A&L Unit advising them of the new period for the existing AWS; and (2) documentation confirming that union consultation has taken place.

### ***3. Filing Procedure***

*a. Submission of Draft Proposal*

To avoid AWS policies that violate pertinent rules, laws, or contractual provisions, agencies should submit draft AWS proposals for comments and suggestions prior to consultation with employee unions. Draft proposals are submitted to the A&L Unit for comments and suggestions. The A&L Unit will forward the draft proposal to the AWS designees at GOER for their comments and suggestions.

*b. Union Consultation*

Agencies proceed to consult with the unions as described in Section F, Union Consultation, below, after receiving comments and suggestions from the A&L Unit and AWS designees at GOER.

*c. Submission of Final Proposal*

Following union consultation, agencies **must** submit their final AWS proposal, along with confirmation of union consultation, for formal approval. The final proposal is submitted to the A&L Unit. Following their approval, the A&L Unit will forward the final proposal to the AWS designees at GOER for their review. Agencies will be notified of final approval by GOER.

Agencies must have final approval prior to implementing an AWS. Accordingly, agencies need to allow sufficient time for submission and review of both draft and final proposals.

If the proposed alternative work schedule involves creating new positions or reclassifying existing positions, the new AWS cannot be implemented until the position requests have been approved. See Section E(4)(b) *Cost Implications*, below.

## **E. Contents of the Proposed Alternative Work Schedule**

The proposed alternative work schedule should be submitted in the following format and agencies must include all of the elements described below:

### ***1. Type of Proposed Schedule***

Identify what AWS is proposed for adoption. The common forms of AWS are staggered hours, the compressed workweek, and the compressed pay period. Describe the proposed schedule including starting time, ending time, meal periods, number of workdays, etc. See Section C, *Types of Alternative Work Schedules*, above, for a description of types of alternative work schedules.

### ***2. Organizational Units and Positions Affected***

Identify what work units and positions will participate, including the number of employees. If the AWS will apply to the entire agency, describe any conditions for participation.

### ***3. Program Impact***

- a. Describe how the alternative work schedule will meet the goals described in Section B, *Background and General Policy*, above.
- b. Describe how it will meet the operational and programmatic needs of the agency.
- c. Describe how the alternative work schedule will be evaluated in relation to these goals and objectives and how it will be modified or discontinued if they are no longer being met. Describe how program improvements will be measured after the alternative work schedule is put into effect.

- d. Explain how adequate coverage will be maintained and how supervision will be maintained.

#### ***4. Cost Implications***

- a. Clarify the impact the proposal will have on personal service expenditures, fringe benefits, overtime, or other cost related items. AWS proposals which result in increased overtime costs or other increased operational expenditures are not consistent with the long-standing goal of the AWS program to generate additional efficiencies and are strongly discouraged.
- b. Identify the specific positions, if any, that the agency has requested be established, reclassified, or filled in order to implement the proposal. If the proposed change in work schedule involves creating new positions or reclassifying existing positions, the new work schedule cannot be implemented until the position requests have been approved in accordance with established procedures by the Department of Civil Service and the Division of the Budget. The requests for such positions should be filed simultaneously with the complete AWS proposal (See Section D(2), *When Filing is Required*, above).

#### ***5. Duration of the Program***

- a. Generally, when an agency is implementing a new AWS, or extending an existing AWS to a new organizational unit, it is appropriate to pilot the AWS for a short period of time to evaluate its consistency with operational and programmatic goals. If the agency is seeking approval for an AWS pilot, indicate the period of the pilot (usually six months or one year), evaluation plans for the pilot program and what happens when the pilot is over.
- b. The AWS proposal must have a beginning date and an end date (for example, a one-to-two-year period might be appropriate). Prior to the end date, the agency would determine whether the program should be discontinued, modified, and/or continued for a new time period. If modified, see Section D(2), *When Filing Is Required*, above to determine if a new AWS proposal must be submitted.



- c. The proposal should state that management retains the right to end or suspend the AWS prior to the termination date of the program in an emergency or where it is determined by management to be necessary in order to carry out the mission, purposes, objectives, and policies of the State.

### ***6. Administrative Implications***

Agencies must analyze and describe the administrative implications of the proposed AWS on agency policies.

- a. Describe the agency's policy regarding meal periods and rest periods and the impact of the proposal on such policies.

- b. Describe the agency's policy regarding tardiness penalties and the impact of the proposal on such policy.

- c. Describe the method the agency will use to maintain accurate time records under the proposed alternative work schedule. If the existing method is to continue, the agency should describe that method.

- d. Attach sample schedules and sample time cards for both overtime eligible and overtime ineligible employees. The time cards should also indicate the manner in which holidays will be treated.

The agency must show how the schedule works and must account for how employees charge leave credits. This must be done for both overtime eligible and overtime ineligible employees.

- e. Additional information needed to develop compressed pay period schedules is set forth below.

Overtime eligible employees on compressed pay period schedules must account for 37.5 or 40 hours in each workweek. Hours in excess of 40 in a workweek must be compensated at the overtime rate. Such employees on compressed pay period schedules with a 37.5 hour basic workweek could, for example, be scheduled to work five days/37.5 hours plus 2.5 additional hours credited as overtime compensatory time

in week 1 of a biweekly payroll period (five 7.5-hour days plus .5 hour of overtime compensatory time each day), and four days/37.5 hours in week 2 (four longer days totaling 35 hours in addition to charging, during those four days, the 2.5 hours of overtime compensatory time earned in week 1). Credits charged for days of absence in week 1 would correspond to the number of hours that fall within the employee's 37.5 hour basic workweek and the employee would not earn overtime compensatory time on that day. Credits charged for a day of absence in week 2 equal the number of hours the employee was scheduled to work on that day and any overtime compensatory time scheduled to be charged on that day.

Overtime ineligible employees on compressed pay periods must account for 75 or 80 hours each biweekly payroll period. They may exceed 40 hours in one of the two workweeks in a pay period as part of a compressed pay period schedule and be scheduled to work fewer than 37.5 or 40 hours in the alternate workweek so long as they are scheduled to work the required 75 or 80 hours in the biweekly payroll period. Credits charged for days of absence correspond to the number of hours the employee was scheduled to work on that day.

### ***7. Opt-out Procedures***

The AWS proposal should address whether employee participation in the proposed AWS will be optional or required and, once participation has begun, the circumstances under which an individual employee and/or a manager can terminate the employee's participation in the AWS.

- a. Clarify whether an employee's participation in the proposed AWS will be optional or required. If participation will be required, describe what provision, if any, is made for special circumstances.
  
- b. Once participation in the AWS has begun, describe the circumstances, if any, under which an employee and a manager may mutually agree to terminate or modify the employee's participation in the AWS at any time.
  
- c. Describe whether an employee may, at his/her option, terminate participation in the AWS and elect to return to a standard workweek. If so, describe the procedures that

need to be followed by the employee, including appropriate notice to management. If return to the standard workweek at employee option is permissible, describe whether the employee can elect to do so at any time or only during "open periods."

d. Describe the circumstances under which a manager, at his/her option, may elect to terminate an employee's participation in an AWS with appropriate notice.

### ***8. Employee Relations Implications***

When submitting the final proposal, agencies must confirm that consultation has occurred with responsible union representatives of the affected employees as described in Section F, *Union Consultation*, below. Include the name of the union(s), name(s) of union official(s) and union office of the union officials with whom consultation has been held and the outcome of that consultation, including issues raised. Any signed letters from the union(s) indicating their approval of the alternative work schedule must be attached to the written proposal.

Agencies are reminded to discuss employee relations implications with the AWS designees at GOER. Work Schedule revisions must be consistent with current contractual provisions regarding workday/workweek, where applicable and relevant.

### **F. Union Consultation**

Consultation with duly designated representatives of the state employees who will be affected by the work schedule must take place after the draft proposal has been reviewed by the A&L Unit and GOER and before the final proposal is submitted. See Section D(3), *Filing Procedure*, above. It is advisable to involve representatives of employee organizations at both the local and agency level in discussions leading to the development of alternative work schedules.

Based on GOER's analysis and/or relevant contract arbitration awards, the following should be considered as the proposed alternative work schedules are discussed with the employee organizations:

- Consultation should occur before management reaches their final decision.

- Consultation should be held with responsible agents of the employee organization, either local presidents/division leaders and/or field representatives.
- Consultation should include analysis and consideration of objections the employee organization may have to the proposed change and of alternatives they may propose.
- Records of the consultation should be retained, including the dates, names and union offices of the union officials with whom consultation has been held. Any signed letters of agreement obtained from the unions should also be retained.

Agencies are reminded that consultation with the unions must take place prior to filing an AWS proposal with the A&L Unit for final approval.

### **G. Monitoring Responsibilities**

The A&L Unit is responsible for monitoring alternative work schedules. Therefore, the A&L Unit is authorized to make such inspections and require such information from agencies as may be necessary to fulfill these monitoring responsibilities.

### **H. Revocation of Approval**

In the event it is determined that the policy and goals set forth in Section B, *Background and General Policy*, above, are not being achieved by a particular alternative work schedule arrangement, the A&L Unit and GOER may require that such schedules be discontinued.

## Appendix D – Responding Entities

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Addiction Services and Supports, Office of  
Adirondack Park Agency  
Aging, Office for the (OGS hosted)  
Agriculture and Markets, Department of  
Alcoholic Beverage Control/State Liquor Authority, Division of (OGS hosted)  
Arts, Council on  
Attorney General, Office of  
Budget, Division of the  
Cannabis Management, Office of (OGS hosted)  
Canal Corporation  
Children and Family Services, Office of  
Commission on Corrections  
Corrections and Community Supervision, Department of  
Criminal Justice Services, Division of  
Economic Development, Department of  
Education, Department of  
Employee Relations, Governor's Office of  
Environmental Conservation, Department of  
Gaming Commission  
General Services, Office of  
Homeland Security and Emergency Services, Division of (OGS hosted)  
Housing and Community Renewal, Division of  
Human Rights, Division of  
Indigent Legal Services, Office of (OGS hosted)  
Information Technology Services, Office of  
Inspector General, Office of the (OGS hosted)  
Justice Center for Protection of People with Special Needs  
Labor, Department of  
Medicaid Inspector General, Office of  
Mental Health, Office of  
Motor Vehicles, Department of  
Parks, Recreation and Historic Preservation, Office of  
People with Developmental Disabilities, Office of  
Prevention of Domestic Violence, Office for the (OGS hosted)  
Public Employment Relations Board  
State Comptroller, Office of the

State Insurance Fund  
State Police, Division of  
SUNY System Administration  
SUNY Albany  
SUNY Canton  
SUNY Cobleskill  
SUNY Cortland  
SUNY Farmingdale  
SUNY Fredonia  
SUNY Geneseo  
SUNY Morrisville  
SUNY Plattsburgh  
SUNY Potsdam  
SUNY Purchase  
SUNY Upstate Medical University  
Tax Appeals, Division of  
Taxation and Finance, Department of  
Temporary and Disability Assistance, Office of  
Thruway Authority  
Veterans' Services, Department of (OGS hosted)  
Victim Services, Office of  
Waterfront Commission (OGS hosted)  
Workers' Compensation Board

## Notes

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<sup>1</sup> See New York State's Attendance and Leave Manual. 1992. Part 20, Section 1.

[https://www.cs.ny.gov/attend\\_leave\\_manual/020Attendance/20\\_1Rulespages-Basic%20Workweek.htm](https://www.cs.ny.gov/attend_leave_manual/020Attendance/20_1Rulespages-Basic%20Workweek.htm)

<sup>2</sup> See United States Office of Personnel Management. 2017. Workforce Information Index. .

<https://www.opm.gov/faqs/topic/workforceinfo/index.aspx>

<sup>3</sup> See American Sociological Association, 2016. Workplace Flexibility Benefits Employees.

<http://www.asanet.org/press-center/press-releases/study-workplace-flexibility-benefits-employees>

<sup>4</sup> See Society for Human Resource Management Survey Findings. 2014. Workplace Flexibility - Strategic Use of Flexible Work Arrangements.

<https://www.shrm.org/hr-today/trends-and-forecasting/special-reports-and-expert-views/Documents/Flexible%20Work%20Arrangements.pdf>

<sup>5</sup> See Office of Children and Family Services, Operations Manual for Training Vendors. 2013. New York State Agencies and Authorities Groupings.

[https://ocfs.ny.gov/ohrd/OMTV/OMTVfinal/NYS\\_GUIDELINES.PDF](https://ocfs.ny.gov/ohrd/OMTV/OMTVfinal/NYS_GUIDELINES.PDF)