







Article 21 - Hours of Work and Overtime

The purpose of this article is to create guidelines for:

- Work schedule options
- Tours of duty
- Overtime
- Paid on-call and standby



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Article 21, Section 1B Rest Breaks

- Regular 8-hour day
 - Two 15-minute breaks
 - Usually one in each half of the day
- Cannot be added to leave or beginning/end of work shift



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Article 21, Rest Breaks New Mobility Language

- **** "Except where the immediate work requirement of an employee's position requires the employee's constant presence, the Department will not restrict employee mobility during rest breaks." **** Article 21, Section 1B
 - If there's an immediate work requirement, management can require your presence.
 - Leaving the premises jeopardizes Office of Workers' Compensation (OWC) benefits.
 - Management can ask "What's the best way to contact you?"
 - This does not mean you are obligated to have a cell phone.

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**Article 21, Section 2
Work Schedule Options**

- *****When an employee(s) makes a request supervisors must consider operational needs, including the employee's work unit(s) and the interests of the employee(s) before making a decision. The Department shall apply AWS in a fair and equitable manner. AWS is a subject for local bargaining consistent with this Agreement. AWS programs will not require the Department to extend the operating hours of the facility.***** Article 21, Section 2A



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**Article 21, Section 2
New Language in Flextime/CWS**

Flextime	Compressed Work Schedule (CWS)
<ul style="list-style-type: none"> • Employees have the right to use approved credit hours if they are precluded from completing a full workday prior to 6 p.m. 	<ul style="list-style-type: none"> • Applications based on valid operational needs • Locally defined seniority • Hardships considered to greatest extent possible • Employees in CWS need not reapply

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**Article 21, Section 3
Tours of Duty/Scheduling**

- C. Employees shall not be scheduled to work more than two work shifts within any 14 consecutive days.
- G. The Department shall keep weekend and off tour schedules and make available for review.
- J. Department will notify local union of established work schedule changes.
- K. Schedules will be provided to the local union upon request.
- L. Employees will be allowed a reasonable amount of time to change soiled clothing.

Article 21, Section 3C-L

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**Article 21, Section 4
General Overtime Provisions**

- ****“The Department shall make a reasonable effort to give the employee as much notice as possible when planned overtime is required, and further, will give due consideration to the employee’s personal circumstances. At the employee’s request, the Department will endeavor to avoid mandated overtime exceeding four hours at the end of the employee’s tour of duty.”****

Article 21, Section 4E



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**Article 21
Section 4, F**

- Eligible employees can accrue and use compensatory time when approved by the Department.
- ****“Eligible employees may request compensatory time off in lieu of premium pay for overtime work.”**** Article 21, Section 4F
- Supervisors shall not require employees to take compensatory time in lieu of overtime pay.



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**Article 21
Section 4, G and H**

- G. Employees who earn compensatory time instead of overtime can use it within 26 pay periods or be paid the overtime.
- **H. **“Employees who are required to work overtime will be allowed to call at no cost to themselves to make necessary arrangements.”**** Article 21, Section 4H



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**Article 21, Section 5
Paid On-Call/Standby**

- **** ... "Other hybrid employees may earn premium pay on the same basis as nurses for officially scheduled on-call duty pursuant to 38 USC 7454(b)." ****

Article 21, Section 5



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Article 35 – Time and Leave

- Section 1, General
- Section 2, Annual Leave
- Section 4, Sick Leave
- Section 9, Court or Court-Related Services
- Section 11, Hazardous Weather/Emergency
- Section 13, Military Leave
- Section 19, Funeral Leave
- Section 20, Rest & Relaxation (Some Title 38 staff)

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**Article 35, Section 1
General**

- ****H. "When the employee is present on duty, the employee can use the electronic time and attendance system or SF-71 to request leave."**
- **I. "No approved leave or approved absence will be a basis for disciplinary action except when it is clearly established that the employee submitted fraudulent documentation or misrepresented the reasons for the absence."**
- **J. "Employees will not be adversely affected in any employment decision solely because of leave balances." ****

Article 35, Section 1

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**Article 35, Section 2
Annual Leave**

- A. Employees may:
 - Take leave for personal and unscheduled purposes.
 - Request at least two consecutive weeks of annual leave per year, subject to approval.
- C. The Department will make every effort to accommodate employee requests, consistent with valid operational needs.
- ****F. "...previously approved annual leave may be cancelled if necessary to meet valid operational needs.**** Article 35, Section 2F

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Group Discussion

Valid Operational Needs



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**Article 35, Section 2
Annual Leave**

- J. Employees will be notified four times per year of maximum carryover amount.
- ****L. "The Department will allow the maximum number of employees to use leave in accordance with coverage requirement.**** Article 35, Section 2L



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Group Activity

Quick Search – Article 35, Section 4, Sick Leave



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Article 35, Section 4 Sick Leave

- Department Responsibility
 - Assure a designated number is established.
- Employee Responsibility
 - Complete phone call to established number.



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Article 35, Section 4 Title 5 and Hybrid Employees

- Medical, dental or optical exam/treatment
- Incapacitated due to physical/mental illness, injury, pregnancy or childbirth
- Providing care for a family member
- Make arrangements due to the death of a family member or attend the funeral of a family member
- Contagious disease exposure
- Attend to requirements relating to the adoption of a child

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**Article 35, Section 4
Title 38 Employees**

- Incapacitated due to personal illness, disease, injury, pregnancy, confinement
- Necessary medical, dental, optical examination or treatment
- Care of an immediate family member with a contagious disease
- Through exposure to contagious disease may jeopardize health of others

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**Article 35, Section 4
Sick Leave**

- If an employee has insufficient sick leave accrued, the employee can request Leave Without Pay (LWOP) or other available leave, subject to approval of the absence by the supervisor.
- Employees will not be required to reveal the nature of the illness as a condition for approval of sick leave.

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**Article 35, Section 5
Documentation for Sick Leave**

- A, Certification
- C, Administratively Acceptable Evidence
- E, Sick Leave abuse



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Article 35, Section 5
Documentation for Sick Leave

- For sick leave exceeding three consecutive workdays:
 - Employee must make an appropriate request (sick leave, annual leave, LWOP).
 - Documentation may be required on return to duty.



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Article 35, Section 5
“Administratively Acceptable”

- Meets the needs of the supervisor to determine the validity of the illness
- Says the employee was incapacitated for work and provides date(s) of incapacitation
- Nature of illness will not be required



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Article 35, Section 5
Sick Leave Abuse

- “Where there is substantial reason to believe that an employee is abusing sick leave entitlement, **** medical certificates may be required for any period of absence provided the employee has been formally notified in writing that such a requirement has been established for that person.**” **

Article 35, Section 5E



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**Article 35, Section 9
Jury Duty**

- I showed up for jury duty and was released at 2 p.m. My shift starts at 6 p.m. Do I have to report to work?



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**Article 35, Section 10
Leave Without Pay (LWOP)**

- *****Employees granted LWOP for more than 30 calendar days will be notified that they can usually expect to return to their former position. However, it may become necessary in the interest of the service to reassign them to other positions at the same grade and pay within the commuting area of the employee's current duty station during their absence or upon their return.*****



Article 35, Section 10D
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**Article 35, Section 11
Hazardous Weather & Emergencies**

- Local union notification occurs when the facility declares hazardous weather/emergency conditions.
- When hazardous conditions arise, the Department will:
 - Decide whether to stay open or close.
 - Notify the employees of leave or authorized absence arrangements.
- Critical service employees are generally not excused during emergency situations.

Article 35, Section 11B-D
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**Article 35, Section 13
Military Leave**



- *****A. "Military leave will be granted consistent with government-wide rules and regulations."*****
- **B. Permanent employees *****"who are members of the National Guard or Armed Forces Reserves are entitled to 15 calendar days of regular military leave in a fiscal year for active duty or active duty for training."*******
- **H. Employees returning from Active Duty *****will be granted 5 days of excused absence for every deployment."*******

Article 35, Section 13A, B & H

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Article 35, Sections 16 and 19

- Section 16, Family and Medical Leave Act
 - If need for leave is not foreseeable, must provide notice within reasonable period
- Section 19, Funeral Leave
 - Used for an immediate relative who died while serving in a combat zone
 - Not to exceed three days excused absence



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**Article 35, Section 20
Rest and Relaxation**

- Title 38 Physicians, Dentists, Podiatrists and Optometrists only
- When required to serve long hours in the care and treatment of patients – provided 24 hours rest and relaxation time



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Group Activity



True or False Quiz

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Activity

- Medical certification is required for sick leave exceeding two workdays.
- The nature of the illness must be disclosed when sick leave exceeds three consecutive workdays.
- Voicemail may be used when notifying supervisor of a leave request.
- Critical service employees have the same excused absence rights in hazardous conditions as other employees.

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Activity

- An employee uses 200 hours of sick leave in six months. Management can put employee on sick leave certification based on hours (which means employee must provide doctor's certification every time he or she uses sick leave).



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Article 36 – Timely and Proper Compensation

The purpose of this article is to create guidelines for:

- Timely receipt of wages
- Emergency payments



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**Article 36, Section 1
Timely Receipt**

- Employees are entitled to timely receipt of all wages earned for the applicable pay period.
- Employees shall receive their leave and earning statements in a secure manner and no later than payday, when available.
- The available options (Electronic Funds Transfer (EFT) or check) will be communicated to existing employees within 30 days from the effective date of this Agreement, and to new employees.
- Employees will receive their salary payments through EFT unless they submit a written request for a waiver.

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**Article 36, Section 3
Emergency Payments**



- When a Department error results in an employee not receiving full payment on time, the Department will:
 - Issue an emergency payment within three working days.
 - Pay employee using EFT or check.

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