HOURS OF DUTY AND LEAVE

1. **REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) procedures regarding hours of duty and leave.

2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook sets forth mandatory procedures previously contained in numerous other issuances. The pages in this handbook replace the corresponding page numbers in VA Handbook 5011. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the Office of Human Resources Management Web site. Significant changes include:

   a. Earning of credit hours for full-time and part-time physicians, dentists, podiatrists, chiropractors, and optometrists on a flexible work schedule;

   b. Full-time physicians, dentists, podiatrists, chiropractors, and optometrists may carry over no more than 24 credit hours into the next pay period (part-time employees may carry over no more than 25 percent of the hours in their biweekly basic work requirement);

   c. Employees working a flexible work schedule may earn credit hours as an option with supervisory approval; and

   d. Establishes the Maxiflex Work Schedule for Senior Executive Service (SES) and SES Equivalents including Title 38 executive-level appointments.

3. **RESPONSIBLE OFFICE:** The Human Resources Management Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources and Labor Relations.


5. **RESCISSIONS:** None.

**CERTIFIED BY:**

/s/
Dat P. Tran
Acting Assistant Secretary for Enterprise and Integration

**BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS:**

/s/
Peter J. Shelby
Assistant Secretary for Human Resources and Administration
b. References

(1) 5 U.S.C. 6120--6133.

(2) 5 CFR 610.401--610.407.

(3) 38 U.S.C. 7421(a) and 7423(a)

(4) Managing Time – Alternative Work Schedule Options/A Guide for Supervisors

c. Definitions

(1) **Administrative Workweek.** A period of 7 consecutive calendar days, which coincide with the calendar week, Sunday through Saturday.

(2) **Alternative Work Schedule.** A work schedule that is other than the traditional work schedule (8 hours per day/40 hours per week with fixed starting and quitting times), which consists of either a flexible work schedule or compressed work schedule.

(3) **Basic Work Requirement.** The number of hours during a biweekly pay period, excluding overtime hours, which an employee is required to work or is required to account for by leave or otherwise.

(4) **Biweekly Pay Period.** The pay period covering two administrative workweeks authorized under 5 U.S.C. 5504.

(5) **Compressed [Work] Schedule**

(a) In the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays.

(b) In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays.

(6) **Core Time Band.** Those designated hours and days during the biweekly pay period when an employee on a flexible schedule must be present for work.

(7) **Credit Hours.** Those hours within a flexible schedule that an employee elects to work in excess of the basic work requirement so as to vary the length of a workday or workweek (not applicable to SES employees).

(8) **Flexible Time Band.** That part of the schedule of working hours during which, under procedures contained herein, employees may choose their time of arrival and departure from the worksite, within limits consistent with the duties and responsibilities of their position.

[(9)] **[Flexible Work Schedule]:**

(a) In the case of a full-time employee, an 80-hour biweekly basic work requirement which an employee may elect the time of arrival and departure from work within limits consistent with the duties and responsibilities of their position.
(b) In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which an employee may elect the time of arrival and departure from work within limits consistent with the duties and responsibilities of their position.]

[(10)] **Flexitime.** A system of work scheduling which splits the workday into two distinct kinds of time: Core time and Flexible time.

[(11)] **Flexitour.** A type of flexitime where an employee, having selected starting and stopping times within the flexible time band, continues to adhere to these times. Employees may request different starting and stopping times. Such tours, and changes to such tours, however, must be approved by the employee's supervisor and documented in accordance with the procedures in this paragraph.

[(12)] **Gliding Flexitour.** A type of flexitime 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 an arrival time each day, and may change that arrival time daily as long as it is within the flexible hour band established by the supervisor.

[(13)] **Maxiflex Work Schedule.** A type of flexible work schedule for Senior Executive Service (SES) and SES Equivalents, including Title 38 executive-level appointments, 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.]

[(14)] **Modified Flexitour.** Another type of flexitime where the employee selects a starting time within the established flexible time band which establishes the employee's assigned schedule; however, in this case the employee is given 15 minutes of flexibility on either side of the selected arrival time. The actual time of arrival becomes the employee's starting time for that day. For example, an employee selecting 7:30 a.m. as a starting time under the modified flexitour may report for work anytime between 7:15 a.m. and 7:45 a.m. If an employee arrives for duty at 7:20 a.m., this becomes the employee's starting time for that day. Assuming a half-hour lunch period and an 8-hour tour of duty, the departure time would be 3:50 p.m. If the same employee reports at 7:05 a.m., his or her starting time would not begin until 7:15 a.m. The same employee arriving for work at 7:50 a.m. is 5 minutes tardy. Under the modified flexitour, the starting time and changes in the starting time must be approved by the supervisor and documented in accordance with the procedures in this chapter.

[(15)] **Overtime Work**

(a) For the purposes of flexitime, all hours of work in excess of 8 hours in a day or 40 hours in a week which are officially ordered and approved.

(b) For the purposes of compressed work schedules:

1. For full-time employees, the term overtime hours refers to officially ordered or approved hours of work performed in excess of the employee's basic work requirement.

2. For part-time employees, overtime hours are those hours of work performed in excess of the basic work requirement for a day (but must be in excess of 8 hours) or for a week (but must be in excess of 40 hours).
Tour of Duty. Under a flexible work schedule, the limits set by the authorizing official within which employees must complete their basic work requirement. Under a fixed schedule, such as a compressed work schedule, an employee’s tour of duty is synonymous with the employee’s basic work requirement.

Work Unit. An organizational entity located in one place with a specific mission and with homogeneous procedures or technology headed by a supervisor or manager authorized to certify a group of employees’ time and attendance.

d. Planning Flexible and Compressed Work Schedules. Flexible and compressed work schedules require careful advance planning and good employee communication. The possible positive and negative effects of flexible and compressed schedules must be explored. If affected employees are in an exclusive unit of recognition, the employee involvement will be provided by, or coordinated with, their exclusively recognized labor organization. An analysis of the work requirements in the work unit and an evaluation of the potential impact of flexible and compressed work schedules on the functions of the work unit should be made. This should include special attention to the following:

(1) Workload Characteristics

(a) Tasks which must be performed within a specific period or according to a predetermined schedule;

(b) How much workflow can be adjusted to accommodate a system of flexible or compressed work schedules;

(c) The coordination required between work units and functions, as well as employee scheduling;

(d) The period of daily or weekly peak workloads where all or most of the employees in the work unit must be present;

(e) The employee coverage required during public service hours; and

(f) The effect of such schedules on efficiency and productivity.

(2) Other Considerations

(a) Work unit costs (additional staff, premium pay, space and equipment), potential increased heating and cooling costs, impact on employee commuting, operation of the cafeteria and employee health unit, potential increased rent or standard level user charges, increased security, cleaning, and maintenance service expenses;

(b) Effects on recruitment and retention, opportunities for full and part-time employment, and opportunities for women and disabled individuals;
5. FLEXIBLE AND COMPRESSED WORK SCHEDULES FOR EMPLOYEES IN TITLE 38 POSITIONS

a. General. This paragraph contains Veterans Health Administration policies and procedures concerning flexible and compressed work schedules for VHA title 38 health care employees. All of the provisions of this paragraph apply to full and part-time nurses, graduate nurse technicians, nurse technicians pending graduation, nurse anesthetists, PA's (physician assistants) and EFDAs (expanded function dental auxiliaries) appointed under authority of 38 U.S.C. 7401(l) or 7405(a)(1.). The provisions on compressed work schedules apply to full-time [and part-time] physicians, dentists, podiatrists, chiropractors, or optometrists appointed under 38 U.S.C., sections 7306, 7401(1), 7405 or 7406. The provisions in this paragraph do not apply to student nurse technicians or nurses and nurse anesthetists on the Baylor Plan.

NOTE: Instructions for compressed work schedules for employees in VA Central Office have been published in VA Directive 5610.3.

b. References


(2) 5 CFR 2472

(3) 38 U.S.C. 7421(a) and 7423(a)

c. Definitions

(1) Administrative Workweek. A period of 7 consecutive calendar days, which coincide with the calendar week, Sunday through Saturday.

(2) Alternative Work Schedule. A work schedule that is other than the traditional work schedule (8 hours per day/40 hours per week with fixed starting and quitting times), which consists of either a flexible work schedule or compressed work schedule.

(3) Basic Work Requirement. The number of hours during a biweekly pay period, excluding overtime hours, which an employee is required to work or required to account for by leave or otherwise.

(4) Biweekly Pay Period. The pay period covering two administrative workweeks.

(5) Compressed Schedule

(a) In the case of a full-time employee, an 80-hour biweekly work requirement which is scheduled for fewer than 10 workdays.

(b) In the case of a part-time employee, a biweekly basic work requirement which is scheduled for less than 10 workdays.

(6) Core Time Band. Those designated hours and days during the biweekly pay period when an employee on a flexible schedule must be present for work.
(7) **Flexible Time Band.** That part of the schedule of working hours during which, under procedures contained herein, employees may choose their time of arrival and departure from the worksite, within limits consistent with the duties and responsibilities of their positions.

(8) **Flexible Work Schedule**

(a) In the case of a full-time employee, an 80-hour biweekly basic work requirement which an employee may elect the time of arrival and departure from work within limits consistent with the duties and responsibilities of their position.

(b) In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which an employee may elect the time of arrival and departure from work within limits consistent with the duties and responsibilities of their position.

(9) **Flextime.** A system of work scheduling which splits the workday into two distinct kinds of time: the core time band and the flexible time band.

(10) **Flexitour.** A flexible schedule in which an employee, having once selected starting and stopping times within the flexible time bands, continues to adhere to these times. Employees may request different starting and stopping times. Such tours, and changes to such tours, however, must be approved by the employee's supervisor and documented in accordance with the procedures contained herein.

(11) **Maxiflex Work Schedule.** A type of flexible work schedule for Senior Executive Service (SES) and SES Equivalents, including Title 38 executive-level appointments, 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.

(12) **Modified Flexitour.** A type of flextime where the employee selects a starting time and stopping time within the established flexible time band and, once selected, this becomes the employee's assigned schedule. The employee, however, is given 15 minutes of flexibility on either side of the selected arrival time. The actual time of arrival becomes the employee's starting time for the day. For example, an employee selecting 7:30 a.m. as a starting time under the modified flexitour may report for work anytime between 7:15 a.m. and 7:45 a.m. If the employee arrives at 7:20 a.m., this becomes the employee's starting time for that day. Assuming a half-hour lunch period, the departure time would be 3:50 p.m. If the same employee reports at 7:05 a.m., his or her starting time would not begin until 7:15 a.m. The same employee arriving at 7:50 a.m. is 5 minutes tardy. Under the modified flexitour, the starting time, and changes in the starting time, must be approved by the supervisor and documented in accordance with the procedures contained herein.

(13) **Overtime Work**

(a) For the purpose of flexitime, overtime means all hours of work in excess of 8 consecutive hours or 40 hours in a week which are officially ordered or approved in advance.

(b) For the purposes of compressed work schedules, overtime work means:

1. For full-time employees, the term “overtime hours” refers to officially ordered or approved hours of work performed in excess of the employee's basic work requirement.
For part-time employees, overtime hours are those hours of work performed in excess of the basic work requirement for a scheduled period of service day (but must be in excess of 8 consecutive hours) or for a week (but must be in excess of 40 hours), or in excess of 80 hours in the pay period.

Tour of Duty. Under a flexible work schedule, the limits set by the authorizing official within which employees must complete their basic work requirement. Under a fixed schedule, such as a compressed work schedule, an employee’s tour of duty is synonymous with the employee’s basic work requirement.

Work Unit. An entity located in one place with a specific mission and with homogeneous procedures or technology, and headed by a supervisor or manager authorized to certify the employee's VA Form 4-5631, Time and Attendance Report, or other applicable agency documents for reporting employees’ work schedules.

d. Planning Flexible and Compressed Work Schedules. (See chapter 2, paragraph 11d of this part.)

e. Review of Alternative Work Schedules. (See chapter 2, paragraph 12g(5).)

f. Approval Authority and Responsibilities

(1) Facility directors are authorized to approve flexible and compressed work schedules for employees under their jurisdiction. They are also responsible for ensuring that approved flexible and compressed work schedules are consistent with the criteria contained herein, and with periodically reminding employees of workplace flexibilities available.

(2) Supervisors are responsible for assuring that sufficient numbers and kinds of personnel are scheduled to be present to carry out operations in an efficient and economical manner. To meet this responsibility, supervisors may place restrictions on the starting and stopping times of individual employees. Supervisors are also responsible for taking appropriate action if an employee under his or her jurisdiction fails to meet his or her responsibilities under subparagraph (3) below.

(3) Employees using flexible or compressed work schedules are responsible for fulfilling their obligations to account for a full day's work. Abuse of flexible or compressed work schedules may result in restrictions on the employee's starting and stopping times, termination of the employee's flexible schedule and/or appropriate disciplinary action.

g. Flexitime

(1) General Requirements

(a) The establishment of flexible tours of duty is limited to flexitour and modified flexitour, as defined in paragraph 5c above.

(b) Core time bands shall be determined by field facility directors; however, core time bands should be the same for employees performing similar work under similar situations. Facility directors may authorize deviations from approved core times in individual cases.
(d) A flexible work schedule under this paragraph and a compressed workweek under paragraph g may not be established in the same work unit.

(e) The modified flexitour may not be used in combination with on-call duty (see chapter 3, paragraph 5c(12) above.

(f) Flexible schedules shall not be established if they would result in the payment of any additional premium pay for work to an employee, or group of employees, who would not normally be entitled to premium pay (e.g., night differential, overtime, holiday pay, etc.).

(g) If it is found that a particular flexible schedule has had or would have an adverse impact (see par. 8), the facility Director shall not establish or shall discontinue the flexible schedule(s) of affected employees.

(2) Credit Hours

(a) Credit hours may be earned at the option of employees with supervisory approval.

[(b)] [Full-time and part-time physicians, dentists, podiatrists, chiropractors, and optometrists on a flexible schedule may earn credit hours for work in excess of their basic work requirement.]

[(c)] Employees do not receive overtime pay for credit hours and, unlike overtime, credit hours are not ordered in advance by management. Employees on flexible work schedules may work them to shorten the length of another workday or workweek. However, they may be used only after approval by the appropriate approving official.

[(d)] Full-time employees may carry over no more than 24 credit hours into the next pay period (part-time employees may carry over no more than 25 percent of the hours in their biweekly basic work requirement).

[(e)] When an employee ceases to work in a work unit where credit hours may be earned, the employee will be given the following options:

1. Sufficient advance notice to use earned credit hours prior to leaving the work unit;

2. Compensation for the earned credit hours at the employee’s current rate of basic pay [(see (2)(f) below)]; or

3. Transfer of the earned credit hours to the new work unit, if credit hours have been authorized for that work unit.

[(f)] If compensated for credit hours, a full-time employee will be paid for not more than 24 credit hours. A part-time employee will be paid for not more than 25 percent of the hours in the employee’s basic work requirement. Credit hours will not be transferred between facilities.[Full-time and part-time physicians, dentists, podiatrists, chiropractors, and optometrists will not be compensated for unused credit hours under any circumstances.]