

CITY OF INDIO 9/80 ALTERNATE WORK WEEK SCHEDULE (AWWS) POLICY

1. Policy

It is the policy of the City of Indio to authorize each Department Director to offer, at his/her discretion, an Alternate Work Week Schedule (AWWS). Any agreement to provide an AWWS shall be accomplished within the guidelines of this policy. It is intended that the AWWS will enable employees to work alternate work hours to accommodate departmental needs as well as the employee's personal needs. The AWWS is not an entitlement. The AWWS shall not be provided at the expense of service to the public, and most not adversely affect a Department's ability to provide coverage or maintain service levels. A Department Director, at his/her discretion, may discontinue an AWWS by an individual, group or Department, if it is determined that service levels are not being maintained and/or if concerns develop regarding the employee's performance or attendance. Department Directors, with a 14-day notice to the employee(s), may discontinue the AWWS. Employees shall be required to sign the "Alternate Work Week Schedule Agreement" (Attachment A) acknowledging receipt and acceptance of the requirements of this policy. This policy will remain in place until cancelled by management.

2. Definitions

- 2.1 9/80 AWWS: The 9/80 AWWS shall consist of eight (8) work days of nine (9) hours and one work day of eight (8) hours for a total of eighty (80) hours during the two (2) consecutive works weeks. City Hall will remain open Monday through Friday, from 8:00 a.m. until 5:00 p.m.
- 2.2 Regular Day Off (RDO): The Regular Day Off (RDO) shall be an eight (8) hour day and can be scheduled to occur on either Payday Friday or Non-Payday Friday. The RDO must be the same day of the week as the employee's 8-hour work day that occurs in the preceding and subsequent work weeks (i.e., if the employee's RDO is each alternate Friday, then the employee shall be scheduled to work 8 hours the preceding and subsequent Fridays).
- 2.3 9/80 FLSA Workweek: Under the Fair Labor Standards Act (FLSA) the workweek is defined as "a fixed and regularly recurring period of seven consecutive 24-hour periods (168 hours).
- 2.4 Regularly Scheduled Work Week: The 9/80 work week begins on the employee's 8-hour day, exactly 4 hours after the scheduled start time and ends exactly four (4) hours after the scheduled start time on the same day the following week (their Regular Day Off), totaling 40 hours (i.e., 4+9+9+9+9=40).
- 2.5 Pay period: The pay period begins on Saturday at 12:01 a.m.

3. Eligibility

- 3.1 Employees are not required to participate in the AWWS.
- 3.2 Only full-time employees are eligible to participate in the AWWS.
- 3.3 Participants must maintain a minimum balance of 20 hours of leave credits (through comp time, vacation, or administrative leave, if applicable, but excluding sick leave) to cover any deficit that results from working less than the required number of hours for a pay period.

- 3.4 Department Directors, with a 14-day notice to the employee(s), may discontinue the AWWs for an individual, group or Department if they determine that service levels are not being maintained and/or if concerns develop regarding an employee's performance or attendance.

4.Approvals

- 4.1 Approval of an AWWs, including the selection of the Regular Day Off and times, shall be based on the business needs of the City and Department and requires written approval from the employee's immediate Supervisor and Department Director.
- 4.2 Individual participation in the AWWs requires the employee to complete the AWWs Schedule Request and Agreement and acknowledge they have received and read the policy.
- 4.3 A copy of the approved AWWs Schedule Request and Agreement form must be forwarded to Human Resources at least 14 days prior to the employee beginning the AWWs to allow sufficient time to process the form. Human Resources will forward a copy of the approved schedule to Payroll. (See Attachment 1)

5.Management Responsibilities

Managers/supervisors are responsible to ensure that their units have coverage during the normal business hours, including the lunch period. Consideration should be given to the employees' workload and the type of work performed. These issues should be considered prior to approving any request for an AWWs.

Prior to approving the AWWs, managers/supervisors must consider the impact the proposed work schedule will have on fellow employees, as well as the City as a whole, and make any necessary adjustments.

In addition, the employee's performance and attendance records shall be reviewed. Careful consideration must be given before approving an AWWs for any employee who has performance issues or whose leave balances are consistently hovering around the required 20 hour minimum. Exceptions to this policy can be made at the discretion of the Department Director; however, the reason for approval must be documented.

This AWWs is being implemented on a trial basis, and may be discontinued at the City Manager's discretion. An individual's AWWs will also be approved on a trial basis for a minimum of 3 months. This will allow sufficient time to determine any impact the scheduling change may have on meeting workload commitments, assessing impact on attendance, as well as allowing the employee and their supervisor to determine whether the new work schedule will meet individual and program needs.

6.A and B Work Schedules

To continue to provide service to the public every Friday, employees on a 9/80 schedule are to be divided between two schedules, known as the "A" or "B" schedule, based upon departmental needs. For identification purposes, the schedules shall be designated as follows:

- "A" schedule shall have "Payday" Friday off
- "B" schedule shall have the "Non-Payday" Friday off

9/80 Employee Example (Schedule A):

Human Resources Department, Revised, June 2022

	FRI	MON	TUES	WED	THURS
Week 0	4 hrs at beginning of shift applies to week prior to Week 1				
	4 hrs at end of shift applies to Week 1				
Week 1	Regular Day Off (0 hours) (Payday Friday)	9 hrs	9 hrs	9 hrs	9 hrs
Week 2	4 hrs at beginning of shift applies to Week 2	9 hrs	9 hrs	9 hrs	9 hrs
	4 hours at end of shift applies to Week 3				

9/80 Employee Example (Schedule B):

	FRI	MON	TUES	WED	THURS
Week 0	4 hrs at beginning of shift applies to week prior to Week 1				
	4 hrs at end of shift applies to Week 1				
Week 1	4 hrs at beginning of shift applies to Week 1	9 hrs	9 hrs	9 hrs	9 hrs
	4 hours at end of shift applies to Week 2				
Week 2	Regular Day Off (0 hours) (Non-Payday Friday)	9 hrs	9 hrs	9 hrs	9 hrs

Note: Regular Days Off other than Fridays are utilized only by specific positions designated and approved by Department Directors for purposes of maintaining departmental efficiency (i.e., 4/10/40's).

7. Schedule Changes

- 7.1 Changes to an employee's schedule may only be made when an employee requires a schedule change to accommodate major life changes (e.g. change in daycare situations, care for seriously ill relative, death of spouse, adoption of child, etc.). Directors have discretion to temporarily change an employee's schedule because of business demands including staff report preparation, vacation schedules, disciplinary issues, etc. All such temporary changes initiated by a Director must be requested of HR in writing, be for a minimum of two weeks, and must begin at the beginning of a pay period.
- 7.2 If an employee is required to work on their RDO, (which may include training or attendance at conferences), non-exempt employees may be asked to change their work schedule for that week so that hours worked in the work week do not exceed the regular schedule of 36 hours. For example, if an employee is required to work 8 hours on the RDO, the supervisor may request that the employee work four 7-hour days that week, instead of four 9-hour days, so that the total number of hours for the week does not exceed 36. If the employee is required to work more than 4 hours on their RDO, the employee may be entitled to FLSA overtime for the hours in excess of 4. This will vary depending on the number of hours actually worked in the following week.

7. Notification

Both Human Resources and Payroll must be notified in writing at least 2 weeks in advance on the form referenced as Attachment 1, when an employee begins or ends the 9/80 AWWWS. The beginning notification must include the beginning date of the 9/80 AWWWS, the Regular Day Off, and the 8-hour workday. The ending notification must designate the ending date of the 9/80 AWWWS.

8.8-Hour Workday

For FLSA covered (non-exempt) employees, changes in the starting time or ending time (**flexing the work shift**) on **the 8-hour day is not permitted**) unless specifically authorized to meet departmental work demands. Since flexing the work shift on the 8-hour workday incurs overtime liability, the Participant's time sheet must reflect appropriate hours worked to correspond with the flexing of the work shift.

Example 1: Normal shift begins at 8:00 a.m. and ends at 5:00 p.m. Employee arrives at 7:00 a.m. and leaves at 4:00 p.m. 1 hour of FLSA overtime (which applies to the previous work week) is incurred because he/she worked 5 hours before lunch (in previous FLSA work week), and only 3 hours after lunch (in the new FLSA work week).

Example 2: Normal shift begins at 8:00 a.m. and ends at 5:00 p.m. Employee arrives at 9:00 a.m. and leaves at 6:00 p.m. He/she only worked 3 hours before lunch (in previous FLSA work week), and 5 hours after lunch (in the new FLSA work week), thus incurring 1 hour of FLSA overtime (which applies to the new work week).

9. Lunch

- 9.1 A minimum of 30 minutes shall be required to be taken for the lunch break, with times varying according to individual schedules and coverage needs.

10. Holidays, Jury Duty, Bereavement, Leave of Absence and Time Off

10.1 Holidays - For all holidays, the City will pay for the standard eight (8) hours of work.

10.1.1 On Workday: When a holiday falls on a regular nine (9) hour workday, the employee must use one (1) hour (or 2 hours for those on a 4/10/40 schedule) of personal accrued vacation, compensatory time, or administrative leave to make up the ninth (9th) hour in order to receive a full paycheck. If a person has no leave time, he/she will be docked one (1) hour of Leave Without Pay (LWOP), which requires supervisor approval in advance.

10.1.2 On Regular Day Off (RDO): When a holiday falls on an employee's Regular Day Off, the holiday shall be observed on the preceding work day. The employee will be required to use one (1) hour (or 2 hours for those on a 4/10/40 schedule) of personal accrued vacation, compensatory time, or administrative leave to make up for the ninth (9th) hour in order to receive a full paycheck. If a person has no leave time, he/she will be docked one (1) hour of Leave Without Pay (LWOP), which requires supervisor approval in advance.

10.2 Jury duty: Employees required to report for Jury Duty on their RDO shall not be entitled to overtime pay.

10.3 Bereavement Leave: Three (3) days or 24 hours up to a maximum of 40 hours is allowed, and must be charged in 8 hour increments. An employee on a 9/8/80 schedule who is absent on three 9-hour days (27 hours) must charge the additional 3 hours to vacation, comp time, admin leave, or sick leave (with the proper substantiation). Likewise, an employee on a 4/10/40 schedule who is off for three

days (30 hours) must charge the additional 6 hours to vacation, comp time, admin leave, or sick leave (with proper substantiation).

- 10.4 Leaves of Absence of more than two weeks**, (i.e., FMLA/CFRA, Military Leave, Worker's Compensation Leave, etc.) not including regularly schedule vacations, may require special timekeeping therefore employees and supervisors should contact payroll for assistance immediately upon receiving notice of the need for leave. Employees may be required to change to a regular five (5) day 40-hour work schedule during a leave of absence.
- 10.5 Time off:** Time off from work for vacation, sick, or other paid leave will be charged nine (9) hours for time taken on a scheduled nine hour day (or 10 hours for those on a 4/10/40 schedule). Time off from work on the eight (8) hour work day will be charged eight (8) hours.

11.Overtime

- 11.1 Supervisory Approval:** Overtime worked will be credited to the employee as compensatory time or paid overtime with supervisor approval.
- 11.2 Overtime:** California Code of Regulations 599.700 defines overtime as "authorized time worked in excess of regularly scheduled work week." The regularly scheduled work week is 40 hours for all employees covered under the provisions of FLSA, including those on an AWWWS. Non-exempt employees shall receive overtime pay at one and one-half (1-1/2) times the regular rate for all hours worked in excess of 40 in their Regularly Scheduled Work Week, as defined in Section 2.4 above.
- 11.3 Overtime on Regular Day Off (RDO):** An employee may occasionally be required to work on their Regular Day Off. If or when this occurs, the employee may be asked to alter their schedule for that week so as not to incur overtime (i.e., work 8 hours on RDO, but only work 7 hours per day on the 9-hour days to make up for the excess hours). If unable to alter the schedule for that week, employee will receive payment or be credited with compensatory time for the number of excess hours worked. The timecard must be coded RDO on the specific Regular Day Off and the number of excess hours worked must be identified on that same day.

12.Personal Time Off

To the greatest extent possible, employees should attempt to schedule medical or other personal appointments on their scheduled regular Friday off (Regular Day Off). Also, employees should make all efforts to avoid taking miscellaneous time off on the "working" Fridays to avoid undue hardship on their fellow coworkers.

13.Emergencies

All employees on the 9/80 AWWWS are subject to be called to work any time to meet any and all emergencies or unusual conditions which, in the opinion of the City Manager, Department Director or designee may require such service from any of said employees. This includes staff shortages in a department. In the case of staff shortages, management will notify the affected employee at least one (1) week prior to the change of the work schedule.

Attachment 1: AWWWS Schedule Request and Agreement form

Policy questions regarding the AWWWS may be directed to the Director of Human Resources & Risk Management at Extension 4009.

Human Resources Department, Revised, June 2022

ALTERNATE WORK WEEK SCHEDULE REQUEST AND AGREEMENT

REQUESTER'S NAME		TYPE OF AWWs REQUESTED	
		9/8/80 <input type="checkbox"/> <input type="checkbox"/>	
DEPARTMENT NAME			
WORK WEEK WILL BEGIN AT	REGULAR DAY OFF (RDO)	REQUESTED EFF DATE (beginning of pay period)	
12:01 am every Saturday	<input type="checkbox"/> A (payday Friday off) <input type="checkbox"/> B (non-payday Friday off)		


SELECT	WORK SCHEDULE	MONDAY - THURSDAY			FRIDAY (No deviation permitted)		
		START	LUNCH	END	START	LUNCH	END
	6:00 a.m.-3:30 p.m.	6:00 a.m.	11:00-11:30	3:30 p.m.	6:00 a.m.	10:00-10:30	2:30 p.m.
	7:00 a.m.-4:30 p.m.	7:00 a.m.	11:00-11:30	4:30 p.m.	7:00 a.m.	11:00-11:30	3:30 p.m.
	7:00 a.m.-5:00 p.m.	7:00 a.m.	11:00-12:00	5:00 p.m.	7:00 a.m.	11:00-12:00	4:00 p.m.
	7:30 a.m.-5:30 p.m.	7:30 a.m.	12:00-1:00	5:30 p.m.	8:00 a.m.	12:00-1:00	5:00 p.m.
SUMMER SCHEDULES (for safety purposes dues to seasonal temperatures only)							
	5:00 a.m.-2:30 p.m.	5:00 a.m.	9:00-9:30	2:30 p.m.	5:00 a.m.	9:00-9:30	1:30 p.m.

In accordance with the Alternate Work Week Schedule policy, I hereby request the above Alternate Work Week Schedule shown above. If approved, I agree to the following terms and conditions of this agreement:

I understand that this change in the workweek is voluntary; it is a privilege and not a right and may be changed or canceled by the Department at any time. I agree to abide by the Department's 9/80/80 alternate workweek schedule policy and procedures. I agree to maintain an accumulation of at 20 hours in vacation, comp time, or administrative leave(excludes sick leave). I understand that I will not accrue overtime solely as a result of my Alternate Work Week Schedule and that overtime requires prior approval of my immediate supervisor. I agree that should a holiday fall on a day I am scheduled to work, I will be required to supplement the eight-hour holiday credit with an appropriate number of hours to fit my alternate work week schedule from accrued vacation, comp time, or administrative leave hours. I understand that my alternate work schedule may be canceled during the period of time that I am serving Jury Duty, or disabled due to a work-related or non-industrial disability leave.

EMPLOYEE'S SIGNATURE	DATE
	

CERTIFICATION OF APPROVAL

SUPERVISOR'S AUTHORIZATION	DATE
	
DEPARTMENT DIRECTOR'S APPROVAL	DATE
