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OFFICE OF
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January 8, 1997

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MEMORANDUM

TO: Department Heads and Division Managers

RE: Guide to City Policy Covering 9/80 Schedules

The City policy covering 9/80 work schedules is attached. The only change to the policy issued on July 14, 1996 is Attachment 1 of the original policy, the worksheet for the Employee Workweek Schedule. The attached policy includes the new worksheet, and a separate copy of the worksheet is also attached. Departments should give consideration to the impact on overtime prior to approval of the 9/80 schedule. For departments with employees who work a considerable amount of overtime on a consistent basis, and have "add-ons" such as out-of-class or stand-by pay, consideration should be given to some other schedule. A 9/80 schedule should not be considered where overtime will increase due to the schedule. Additionally, the following is to be used as a guide to the necessary steps in implementing a 9/80 schedule:

1. 9/80 worksheets are prepared by employees and/or supervisors and are submitted to Labor Relations for review.
2. Labor Relations meets with and prepares a letter of understanding with the applicable union agreeing to implementation and including a flexible effective date for the 9/80 schedule.
3. Timesheet training is then coordinated with payroll to insure correct completion of 9/80 schedule timesheets. **After completion of timesheet training, the implementation date of the 9/80 schedule will be confirmed by Labor Relations. Employees who have not been trained in completion of 9/80 timesheets will not be permitted to begin the 9/80 schedule.**
4. The GHRs 9/80 work cycle change is accomplished by submitting the earlier prepared and approved worksheet to Personnel Services.
5. Employee(s) begin 9/80 schedule on the agreed upon effective date.

If you have any questions regarding the policy, the new worksheet, or these procedures, please feel free to contact our office.

Edward J. Takach
Labor Relations Officer



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July 14, 1996

MEMORANDUM**TO: Department Heads and Division Managers****RE: City Policy Covering 9/80 Schedules**

The final City policy covering the 9/80 schedules is attached. The policy covers unrepresented confidential/administrative employees and employees covered by labor agreements which include such schedules. The procedures will be effective as soon as the 9/80 pilot testing of the payroll system has been completed. That is estimated to occur following the pay check of August 13, 1996. In the interim, the Office of Labor Relations will be working with departments interested in implementing 9/80 schedules so that they can be implemented once the pilot is completed.

The original draft has been modified to reflect changes as a result of meeting with the employee organizations. The most significant change reflects a twenty (20) day notice to terminate a 9/80 schedule. I have also attached a sample copy of the letter of understanding which will be prepared with the recognized employee organization to implement the schedule.

If you have any questions regarding the policy, or would like assistance with establishing a 9/80 schedule, please feel free to contact our office.

Dee Contreras
Labor Relations Director

9/80 WORK WEEK SCHEDULE GUIDELINES

PHILOSOPHY

The purpose of the 9/80 Work Week Schedule Guidelines is to provide maximum flexibility to both employees and the department while maintaining consistency among the affected departments and employees. These Guidelines provide employees with an alternate work schedule which might better accommodate their personal life styles as well as the work requirements of their jobs.

These guidelines acknowledge that employees involved in alternative work schedules have the same responsibility as all employees to maintain the level of service to the City's customers and its departments, while assuring there is no net increase in overall costs relative to the benefits of this program to the City.

Some employees may need to maintain a standard schedule because of the nature of their job or the size of the work group or to meet our customers' needs. Some may wish to stay on a standard schedule for personal reasons.

Although having a common day off for all employees could make program administration easier and allow managers to take advantage of the program, the City believes that, on balance, the existing flexibility is more beneficial to our customers and employees.

DEFINING THE 9/80 WORK WEEK

- What is a 9/80 work week?

The 9/80 work schedule revises an employee's work schedule so that he/she works 80 hours in nine days over a two-week period. Usually, the employee will work eight nine-hour days and one eight-hour day during the two weeks, with an additional day off when compared to the traditional work schedule. The beginning of an employee's work week is the first workday after returning from the additional day off.

On a 9/80 plan an employee gains an additional 26 days of "free" time per year. The City also benefits by reducing trips to the workplace (thus supporting the Transportation Management Plan and anticipated regional requirements to reduce traffic), and possibly, increasing hours of service to the public.

Along with the change in the work schedule, the 9/80 plan modifies an employee's "work week" as defined by the Fair Labor Standards Act (FLSA). These changes to the work week are not made to avoid payment of overtime. When an employee agrees to work a 9/80 schedule, the work week is revised to comply with this modification. Thus, the work week of an employee with this schedule may look like:

	MON	TUE	WED	THU	FRI	SAT	SUN
Week 1	Off	9	9	9	9	-	-
Week 2	8	9	9	9	9	-	-

In this example, the work week splits on the second Monday, with four hours credited to the employee's previous calendar work week. An employee's day off (ie, in this case, Monday) is also the 8 hour day that is worked in Week 2.

- **What is the impact of 9/80 on the first and last pay periods?**

Because the pay period on a 9/80 begins half way between the eight hour day, the first pay period once the 9/80 work schedule begins, will only have 76 hours if the day off falls in the first week of the schedule. However, going out of the 9/80 will result in a pay period of 84 hours. The employee may elect to use four hours of paid leave to compensate for the lost four hours during the first pay period.

- **How are the hours established?**

The departments will define the parameters of the work hours based upon their particular business needs.

- **Making a request for 9/80**

Participation in a 9/80 schedule is subject to the approval of the supervisor. At the request of an individual employee or a group of employees, the work unit supervisor will evaluate the implementation of a 9/80 schedule within any particular work unit. This evaluation will consider whether the work or operation of the unit concerned will be unduly impaired by such a schedule. The work unit is to be defined by the department.

A request for consideration, including a work unit plan, will be provided by the employee(s) to the work unit supervisor, who shall review and respond to the request within ten working days. The evaluation will consider a number of factors, such as availability of adequate coverage and supervision, overall costs to the City that may be incurred, impact on the effectiveness of the work unit and employees, the potential for an out-of-class situation, and response to customer needs. In some cases, the participation of all the employees in a work unit will be required. Each employee's request must be made on the "Employee Workweek Schedule" form (Attachment 1).

If the supervisor/department approves a work unit's 9/80 plan, Labor Relations is then consulted to initiate discussions with the union at least 30 days prior to the implementation date if the affected employees are represented. Specific agreements will then be developed for each work unit to address the particular needs of that unit.

- **How will the scheduled day off be determined for each employee?**

The department will identify the available days off and each employee should indicate his/her choices for the day off. The assignment of days off will be made by the department.

- **How much flexibility do I have in my hours and the type of schedule I work?**

The work schedule should be established through discussions with the supervisor; however, the scheduled day off must remain the same. With approval of the work unit supervisor or other department designee, flexible schedule changes may be made for employees on the 9/80 schedule so long as requests do not impact the operation of the unit. Appeals may be made to the department director whose decision is final.

- **Changing your day off**

After 9/80 day off established - permanent change of day off: Employees are encouraged to carefully request and arrange their chosen days off to minimize the need for future changes. For those employees who have an unanticipated need to change their established 9/80 day off, requests should be made through the work unit supervisor who will consider impacts to the work unit operation and/or balance of staffing. Otherwise, work schedules will be for a duration as determined by the department. A revised "Employee Workweek Schedule" form must be submitted and approved. Effective dates of changes need to coincide with the beginning of a pay period.

Within a 7-day work week: Due to problems with FLSA and the definition of a work week, employees cannot change their scheduled day off temporarily. If time off is needed, then vacation, holiday, or other leave time is to be used.

- **Does the entire unit/work group need to be on 9/80?**

Generally, no. The issue of full unit participation in 9/80 depends on the operational needs of the work unit. Under certain circumstances, full unit/group participation may be necessary. Departments are to define the necessary level of participation required for each work unit.

- **Who is allowed to participate in the 9/80 program?**

Represented and confidential/administrative employees are eligible for participation in the program under this policy. Probationary employees may immediately participate in the 9/80 program at the discretion of the department.

- **Will cross training be provided to ensure that employees have the skills to adequately cover a co-worker's day off, to cover for key people, and to coordinate projects?**

The supervisor of the unit should ensure that employees have the necessary training to provide coverage in the absence of others, and that the work load and tasks are coordinated to maintain coverage on days off.

Units and sections need to coordinate and communicate their respective work schedules and provide coordination for work projects as necessary. Units on 9/80 should advise the units they work with of their schedules. When full coverage is necessary, a person of the same classification will be scheduled to cover on the employee's day off and will do whatever work is necessary. The departments will identify cross-training as needed.

- **What if I am hired into, or move to a work unit or crew that has the 9/80 work week - do I "inherit" the schedule if I replace someone else?**

Yes, if it is still available (ie. no other employee in the work unit has requested it) or you will be allowed to revert to an eight-hour schedule upon entering the work unit depending upon the operational impact on the work unit. This assessment will be made by the department's work unit supervisor.

- **What is the appeal process for employees who are not permitted to participate in the 9/80 program? At what level does the final decision reside?**

Employees who are not approved for participation in the 9/80 program may request that the department director review the decision. The director's decision is final and is not subject to the grievance procedure.

- **May the 9/80 work schedule be discontinued?**

Yes. The City reserves the right to discontinue the 9/80 plan and to revert to the standard 5/8 work schedule upon twenty (20) calendar days written notice to be effective on the beginning of the next pay period.

- If there is an increase in tardiness, failure to adhere to designated work hours, or a negative change in job performance, may an employee be taken off the 9/80 program?

Yes; however, an employee may request a change in his or her schedule as a way to address these concerns, and the supervisor and employee should discuss this as an alternative for correcting these issues. If the supervisor decides to take an employee off of the 9/80 program, the decision may be appealed to the director whose decision is final.

SCHEDULE AND HOURS MANAGEMENT

- What happens on holidays?

1a: When a holiday falls on the employee's nine-hour day?

Employees shall be paid for eight or four hours if a holiday falls on a nine-hour work day. The employee shall make up the shortfall by: (1) charging one hour to vacation, accumulated holiday credit, or compensatory time, or (2) working an additional hour within the same work week based on operational needs. If the employee fails to account for this hour, the hour will be recorded as leave without pay (WOPTL time).

1b: When a holiday falls on the employee's day off?

Employees whose regular day off falls on a recognized holiday will accrue eight or four hours of holiday time.

CLARIFICATION: Employees shall not convert to a "regular" schedule to adjust for holidays, but rather maintain their 9/80 schedule.

- What about vacation and sick leave use?

Both vacation and sick leave are deducted on an hour-for-hour basis.

An employee's participation in the 9/80 program should not have any impact on vacation scheduling; thus, vacation use in conjunction with the employees day off shall not be restricted, except as necessitated by the operation of the work unit.

Vacation and sick leave will be accrued in the same way as a regular work week, and in accordance with the City Charter.

- **Do employees have to schedule medical appointments on their day off?**

Employees are encouraged, but not required to schedule appointments on their day off. Employees should not schedule appointments on the 9/80 work week day off of other employees if the employee is providing overlapping coverage or directly participating in related projects. For example, if Sally's day off is Friday, Bill should not schedule medical appointments on that day if he is providing coverage for her.

- **What if I am called for jury duty?**

Jury leave will be compensated per the employee's work schedule. If called for jury duty and dismissed, the employee will return to work. Employees will not be compensated for jury duty that falls on their day off.

- **How will overtime be handled?**

If overtime work is approved by the supervisor, employees working the nine (9) hour workday shall be compensated at time and one-half for hours worked over nine in a workday and employees working the eight (8) hour work day shall be compensated at time and one-half after 8 hours.

During the work week, employees shall be compensated at time and one half for hours worked over forty (40) hours during that workweek. Overtime shall not be pyramided. This 9/80 plan shall not result in additional overtime pay, holiday time, sick leave or vacation accruals.

- **How will the 9/80 work week interact with Workers' Compensation?**

If an employee is deemed to be medically, temporarily disabled from performing her/his usual and customary duties as the result of a work related injury, they shall return to the 5-day, 40-hour work week. This schedule will be in effect until such time as the treating physician releases said employee for full, unrestricted duty.

- **How will a workday be defined for disciplinary purposes?**

The workday is defined as eight hours. Discipline will be meted out in eight-hour increments by allowing an employee to work a partial day. If the balance of the workday is less than four hours, the employee may use vacation, CTO, or holiday credit.

- **What happens when meetings, training sessions, or mandatory appearances are scheduled on the employee's day off?**

Working on the employee's day off will create overtime; however, all effort will be made to schedule training on an employee's regular work day.

- **What is "adequate" supervision? If I am a supervisor with employees on various 9/80 schedules, do I have to be there all the hours that they are? If my supervisor is on 9/80, who supervises when he or she is off?**

The supervisor does not need to oversee the work of the employees 100% of their working hours. Adequate supervision includes monitoring employee performance, providing guidance and direction, and coaching employees. Matching the employee's hours is not required to accomplish this.

If the supervisor is off on his/her day off, supervision of the unit will be handled by a peer supervisor or the next higher level for that day. Making an out-of-class assignment to cover the supervisor's day off is not permitted.

- **Are breaks different on a 9/80 work week schedule?**

Per state law, employees are granted two rest periods, one in the first half of the work day and one in the second half of the work day. Employees also receive one unpaid lunch period. Employees on a 9/80 work schedule do not receive any additional, or longer, breaks or lunch periods.

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