

**SECTION 15. WORK SCHEDULES, ATTENDANCE, HOURS OF WORK**

(As amended December 11, 2007, October 21, 2008, July 12, 2011, July 23, 2013, June 30, 2015, July 25, 2017 and July 17, 2018)

**15-1. Definitions.**

- (a) **Compressed work schedule:** An alternate work schedule that allows an employee to work 80 hours in 9 days with the following fixed schedule:
  - (1) 8 days at 9 hours a day; and
  - (2) 1 day at 8 hours a day.
- (b) **Core hours:** The established hours in a workday that an employee on a flexible work schedule must work. Core hours are established by the department director.
- (c) **Display period:** The display part of the employee's electronic timecard. Typically, the display reads Sunday through Saturday. For employees below Grade 25, whether Non-exempt or Exempt, on compressed work schedules, the display period may be altered to either a Monday through Sunday or Friday through Thursday.
- (d) **Flex hours:** The remaining hours in the work schedule that are not core hours for an employee on a flexible work schedule. These hours may be different from the hours worked by other employees in the work unit or the employee's supervisor may allow the employee to vary the times when these hours are worked from day to day or week to week.
- (e) **Flextime.** A work schedule that requires an employee to work during established core hours but allows the employee to work the remaining hours on a flexible basis.
- (f) **Job Sharing:** A work arrangement in which 2 employees, each working part-time, equally share the duties, responsibilities, and hours of one full-time position.
- (g) **Modified liberal leave:** A period declared by the County Executive or CAO in a non-emergency situation, during which a department director should allow as many employees as possible to take leave, after ensuring in advance that minimum staffing requirements are met.
- (h) **Reporting period:** The reporting period part of the employee's electronic timecard. Typically the reporting period is Sunday through Saturday. For employees below Grade 25, whether Non-exempt or Exempt, on compressed work schedules, the display period may be altered to either a Monday noon through Monday noon or Friday noon through Friday noon reporting period for purpose of compliance with the Fair Labor Standards Act (FLSA).

- (i) **Severe weather:** An occurrence of atmospheric conditions that lead to unpleasant, dangerous, or destructive environmental conditions such as:
  - (1) extreme temperatures;
  - (2) heavy rain, snow, or ice;
  - (3) violent winds;
  - (4) flooding; or
  - (5) tornados, hurricanes, or other violent storms.
  
- (j) **Telework:** A work arrangement in which some or all of the work of a County employee is performed at an alternative work site, such as a home or office space near a home.
  
- (k) **County Telework Manager:** An employee designated by the Director of the Office of Human Resources who is the primary point of contact between the Office of Human Resources and each County department or office who provides advice to County departments, managers and employees on telework matters.

### 15-2. Work schedules.

- (a) **Basic work hours.** The CAO must establish the basic work hours of the County Government.
  
- (b) **Work schedule records.** A department director must maintain current work schedule records for employee groups in the department.
  
- (c) **Authority to change work schedule.** A supervisor may change the work schedule of an employee who reports to the supervisor. However, an employee must request a compressed work schedule, flextime, or job sharing arrangement under Section 15-4(b) or (c), as appropriate, and only the department director may approve an agreement to change to one of these types of alternate work schedules.
  
- (d) **Telework.** A department director may allow an eligible County employee to telework if the employee has met all the requirements for telework under Section 15-11.

### 15-3. Workday and workweek.

- (a) **Normal workday.**

- (1) The normal workday for a full-time County employee is not less than 8 hours or more than 12 hours, except for a uniformed fire/rescue employee.
- (2) The normal workday for a full-time uniformed fire/rescue employee is not less than 8 hours or more than 24 hours.

**(b) Normal workweek.**

- (1) The normal workweek for a full-time County employee, other than an employee who works 12-hour shifts, is at least 40 hours worked between 12:00 a.m. Sunday to 11:59 p.m. Saturday.
- (2) The CAO may approve a 40-hour workweek based on a different period of 7 consecutive days.
- (3) The CAO must establish the normal workweek for uniformed fire/rescue employees.
- (4) The normal workweek for a full-time employee who works 12-hour shifts is 48 hours in one week of the pay period and 36 hours in the other week of the pay period.

**(c) Days off.** A department director should grant an employee 2 consecutive days off in each workweek, subject to operational needs.

**(d) Workweek for MLS and PLS employees.**

- (1) An employee assigned to an MLS or PLS position is expected to work the hours required to complete assigned work, but not less than 80 hours per pay period for a full-time employee, or the regularly scheduled number of hours in a part-time employee's pay period.
- (2) If an employee in an MLS or PLS position works more than half of the employee's regularly scheduled workday, the employee's supervisor may grant administrative leave to the employee for the remainder of the work day.
- (3) The department director may grant administrative leave for more than half of a regularly scheduled work day to an MLS or PLS employee who has worked an unusually large number of hours in the same or any previous pay period.

**(e) Alteration to normal workweek.**

- (1) An employee may request a reasonable alteration to the employee's normally scheduled workday or workweek. An employee must request an alternate work schedule for religious observance under Section 15-4(a), a

compressed work schedule or flextime under Section 15-4(b), or a job sharing arrangement under Section 15-4(c).

- (2) A supervisor may grant an employee's request for a short-term alteration to the regular workday or workweek on an hour-for-hour basis, but must not pay overtime to the employee unless overtime pay is required under the FLSA.

#### **15-4. Alternate work schedules.**

##### ***(a) Alternate work schedules for religious observance.***

##### ***(1) Policy on alternate schedule for religious observance.***

- (A) A supervisor must allow an employee to use leave, work an alternate schedule to make up for time taken off for religious observance, or to do both, unless granting the employee's request would impose an undue hardship on the work unit.
- (B) Allowing an employee to work an alternate work schedule would be an undue hardship if it would:
  - (i) cause the work unit to incur additional costs;
  - (ii) jeopardize the health and safety of others;
  - (iii) reduce minimum service levels;
  - (iv) be difficult or impossible for the employee to perform useful work at the same level in an alternate work schedule; or
  - (v) cause other problems of a similar nature.
- (C) An employee who is allowed to work an alternate schedule must:
  - (i) work at times when the employee is not usually scheduled to work;
  - (ii) work an equal period of time to the time taken off for religious observance; and
  - (iii) perform work at the same level as the work normally performed by the employee.

##### ***(2) Procedure for establishing an alternate work schedule.***

- (A) An employee must submit a written request to the employee's supervisor at least 10 working days before the first absence for religious observance or the first date on which the employee proposes to work alternate hours to make up for time off. The written request must include the following information:
    - (i) purpose of requested time off;
    - (ii) requested dates of absence for religious observance; and
    - (iii) the total period of absence on each date.
  - (B) A supervisor must respond to the employee's request within 5 working days of the date it is received. A supervisor's initial response may be a reasonable request for additional information. If the supervisor denies the employee's request, the supervisor must give the employee a written response.
- (3) ***Requirements for an alternate work schedule for religious observance.***
- (A) ***For a non-exempt employee.*** A non-exempt employee who is absent from work for religious observance must work additional hours during the same workweek to equal the amount of time taken off for religious reasons.
  - (B) ***For an exempt employee.*** An exempt employee may work additional hours for compensatory time in order to use the earned compensatory time to cover work absences for religious observance. The compensatory time may be earned before, after, or both before and after the absence for religious observance but must be earned over no more than 8 pay periods.
    - (i) An exempt employee below grade 25 must earn compensatory time for this purpose at the employee's regular (straight time) salary rate.
    - (ii) An exempt employee at grade 25 or above will begin to earn compensatory time for this purpose after 40 hours in a pay status or immediately after completing the normal workweek.
    - (iii) An exempt employee should use the earned religious leave on the dates indicated in the written request to work an alternate work schedule approved by the employee's supervisor. The religious leave earned will expire after 12 months if it is not used.

- (C) **For an MLS or PLS employee.** An MLS or PLS employee may request an alternate work schedule during the same pay period to equal the amount of time taken off for religious observances
- (4) **Appeal of denial of request for alternate work schedule for religious observance.**
  - (A) An employee with merit system status may file a grievance under Section 34 of these Regulations if the employee’s supervisor denies the employee’s request for an alternate work schedule for religious observance.
  - (B) An employee may file an EEO complaint under the process described in Section 5-4 of these Regulations.
- (b) **Compressed work schedule and flextime.** A compressed work schedule and flextime are types of alternate work schedules that are intended to enable employees to better balance their work lives and personal lives.
  - (1) **Requirements for employees on compressed work schedules.**
    - (A) An employee on a compressed work schedule must work one of the following 4 established compressed work schedules and may select either alternate Mondays or Fridays off:
      - (i) Schedule A, Reporting period is from 12:01 p.m. Monday through 12:00 noon Monday;

Display period for Non-Exempt and Exempt Below Grade 25 is

	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Sun</u>	<u>Total</u>
<u>Week 1</u>	<u>OFF</u>	9	9	9	9			<u>36</u>
<u>Week 2</u>	8	9	9	9	9			<u>44</u>

Display period for Exempt Grade 25 and above is

	<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Total</u>
<u>Week 1</u>		<u>OFF</u>	9	9	9	9		<u>36</u>
<u>Week 2</u>		8	9	9	9	9		<u>44</u>

- (ii) Schedule B, Reporting period is from 12:01 p.m. Monday through 12:00 noon Monday;

Display period for Non-Exempt and Exempt Below Grade 25 is

	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Sun</u>	<u>Total</u>
<u>Week 1</u>	8	9	9	9	9			<u>44</u>
<u>Week 2</u>	<u>OFF</u>	9	9	9	9			<u>36</u>

Display period for Exempt Grade 25 and above is

	<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Total</u>
<u>Week 1</u>		8	9	9	9	9		<u>44</u>
<u>Week 2</u>		<u>OFF</u>	9	9	9	9		<u>36</u>

- (iii) Schedule C, Reporting period is from 12:01 p.m. Friday through 12:00 noon Friday;

Display period for Non-Exempt and Exempt Below Grade 25 is

	<u>Fri</u>	<u>Sat</u>	<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Total</u>
<u>Week 1</u>	8			9	9	9	9	<u>44</u>
<u>Week 2</u>	<u>OFF</u>			9	9	9	9	<u>36</u>

Display period for Exempt Grade 25 and above is

	<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Total</u>
<u>Week 1</u>		9	9	9	9	<u>OFF</u>		<u>36</u>
<u>Week 2</u>		9	9	9	9	8		<u>44</u>

- (iv) or Schedule D, Reporting period is from 12:01 p.m. Friday through 12:00 noon Friday;

Display period for Non-Exempt and Exempt Below Grade 25 is

	<u>Fri</u>	<u>Sat</u>	<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Total</u>
<u>Week 1</u>	<u>OFF</u>			9	9	9	9	<u>36</u>
<u>Week 2</u>	8			9	9	9	9	<u>44</u>

Display period for Exempt Grade 25 and above is

	<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Total</u>
<u>Week 1</u>		9	9	9	9	8		<u>44</u>
<u>Week 2</u>		9	9	9	9	<u>OFF</u>		<u>36</u>

- (B) An employee must work the scheduled number of hours each day as required by the fixed schedule.

- (C) An employee must adhere to the schedule on the 8 hour day and must not change the 8-hour day to another day during the pay period.
  - (D) If an employee uses annual or sick leave for the entire day on a day on which the employee is scheduled to work 9 hours, the employee must record 9 hours of annual or sick leave on the timesheet for that day. Similarly, an employee must record 8 hours of leave on the timesheet for a day on which the employee is scheduled to work 8 hours.
- (2) ***Holidays for employees on compressed work schedules.*** If a holiday falls on an employee's regularly scheduled day off, a department director should schedule an alternative day off for the employee in the pay period in which the holiday falls instead of compensating the employee with compensatory time. A department director must give the employee 9 hours of compensatory time if the employee does not have an alternate day off in the pay period.
- (3) ***Requirements for flextime.*** An employee who works a flextime work schedule must work the required number of hours every day, including:
- (A) the established core hours; and
  - (B) the remaining flex hours.
- (4) ***Eligibility for compressed work schedule or flextime.*** A full-time employee may work a compressed schedule or flextime if the employee's supervisor and department director approve the employee's request.
- (5) ***Effect of compressed work schedule or flextime on an employee's compensation and job duties.***
- (A) A compressed work schedule or flextime does not affect an employee's salary, benefits, or job duties and responsibilities.
  - (B) A department director must not pay overtime compensation to an employee solely because the employee works a compressed work schedule or flextime. However, an employee who works compressed work schedule or flextime is eligible for overtime compensation under Section 10 of these Regulations.
  - (C) If a supervisor approves flextime for an employee on a compressed work schedule, the supervisor must ensure that the flextime does not cause the employee to work more than 40 hours in a workweek.

- (6) Requesting a compressed work schedule or flextime.
- (A) An employee who is interested in working a compressed work schedule must submit a completed *Compressed Work Schedule Agreement* (Appendix H - revised) to the employee's supervisor. The employee must specify either a Monday or Friday as the fixed day off in each pay period. The employee may need to work a transition period before starting the Compressed Work Schedule and may be required to use four to eight hours of leave. Department of Finance Mtime personnel will provide guidance on an appropriate transition schedule.
- (B) An employee who is interested in working flextime must submit a completed *Flextime Agreement* (Appendix I) to the employee's supervisor. The employee must specify the core hours to be worked and the manner of scheduling flex hours.
- (7) ***Review of employee request for compressed work schedule or flextime.***
- (A) The supervisor must review the form submitted by the employee and meet with the employee to discuss the request.
- (B) The supervisor should suggest to the employee any adjustments to the schedule necessary to maintain the effectiveness of the work unit.
- (C) If the supervisor agrees with the terms of the request as stated in the form, the supervisor and employee must sign the form and forward it to the department director.
- (D) If the supervisor and employee do not agree to the terms stated on the form, the supervisor must forward a copy of the form and a summary of the points on which the supervisor and employee agreed and disagreed to the department director.
- (E) The department director must review the form and:
- (i) approve it;
- (ii) disapprove it; or
- (iii) suggest changes in the terms for consideration by the employee and the supervisor to help them reach agreement on the alternate work schedule.
- (F) A department director must review an employee's request for a compressed work schedule or flextime under the following criteria:

- (i) operational requirements must be met;
  - (ii) service to clients or the public must be maintained or improved;
  - (iii) costs to the County must not increase;
  - (iv) each office or operation must have enough staff on duty during the normal period of public service, and
  - (v) the schedule must not diminish the ability of the department to assign responsibility and accountability to the employee for providing County services and performing the employee's official duties.
- (G) The department director must give a copy of the approved or disapproved form to the employee, ensure that a copy is placed in the employee's department operating file, and send a copy to the OHR Director. If the request is not approved, the department director must give the employee the reason for not approving the request. The department director's decision is final.
- (H) The employee's supervisor or department must submit the appropriate schedule change form to the MTime Team to enter the employee's schedule change in the Time and Attendance module.
- (8) ***Transition to or from a compressed work schedule.***
- (A) Transitioning on or off of a compressed work schedule may be complicated by factors such as the FLSA Exempt Status and pay grade of the employee and the scheduling system used by the department. Therefore, MTime staff must be consulted to determine the appropriate transition schedule for each employee transitioning on or off a compressed schedule.
  - (B) An employee must change to a compressed work schedule at the start of a pay period.
  - (C) An employee below grade 25, whether FLSA exempt or non-exempt, who changes to a compressed work schedule no longer has a Sunday to Saturday workweek and must work a special transition work schedule during the first pay period of the compressed work schedule. The transition pay period may require the use of eight (8) or four (4) hours of annual or compensatory leave. The charts below illustrate the considerations that come into play in determining the transition schedule. If the original schedule

is other than a Monday through Friday regular 8 hours schedule, additional considerations must be applied.

For Non-Exempt and Exempt Employee, below Grade 25, when transition is from a M-F regular eight hour schedule:

	<u>Transition to Schedule A</u>	<u>Transition to Schedule B</u>	<u>Transition to Schedule C</u>	<u>Transition To Schedule D</u>
<u>Pay period*</u> <u>*except Police Department</u>	<u>Monday – Sunday</u>	<u>Monday – Sunday</u>	<u>Friday - Thursday</u>	<u>Friday - Thursday</u>
<u>Leave required for Transition</u>	<u>0</u>	<u>4 or 8 hours</u>	<u>8 hours</u>	<u>4 hours</u>
<u>Impact of use of Personal Leave</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Impact of Holiday in Pay period</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

For Exempt Employee, Grade 25 and above, when transition is from a M-F Regular Eight hour schedule:

	<u>Transition to Schedule A</u>	<u>Transition to Schedule B</u>	<u>Transition to Schedule C</u>	<u>Transition to Schedule D</u>
<u>Pay period</u>	<u>Sunday – Saturday</u>	<u>Sunday – Saturday</u>	<u>Sunday – Saturday</u>	<u>Sunday – Saturday</u>
<u>Leave required for Transition</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Impact of use of Personal Leave</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Impact of Holiday In Pay Period</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

**(9) *Limits on availability of alternate work schedules.***

- (A) Because some operations in the County do not lend themselves to compressed work schedules or flextime, a department director may

exclude employees in an organizational unit, position, or class of positions from working such schedules.

- (B) A department director may limit an employee to a particular compressed work schedule with a specified day off or to a flextime schedule with specific flex hours if the department director determines that it is consistent with operational requirements.
- (C) A department director may exclude an employee with a performance or attendance problem from working a compressed work schedule or flextime.
- (D) A supervisor may require an employee to modify an alternate work schedule temporarily to address operational requirements, workload fluctuations, or problems with the employee's performance or attendance.

**(10) *Withdrawal from an alternate work schedule.***

- (A) An employee may withdraw from a compressed work schedule or flextime at any time.
- (B) A supervisor may require an employee to stop working a compressed work schedule or flextime if the supervisor determines that the criteria stated in (7)(F) above are not being met. The supervisor must give the employee notice and a reasonable opportunity to correct the problem.
- (C) An employee below grade 25, whether FLSA exempt or non-exempt, who withdraws from a compressed work schedule must work a special transition work schedule during the first pay period of the new work schedule. The transition pay period may require "time off" without the use of leave or the use of four (4) hours of annual or compensatory leave, depending on the prior compressed work schedule.

**(c) *Job Sharing.***

- (1) ***Employee request to job share.*** When an employee wishes to job share, the employee must submit a job sharing plan to the supervisor. If 2 employees wish to share one job, they must both develop the job sharing plan. The plan should include the method of sharing job duties and hours of work for each participant.
- (2) ***Review of job sharing plan.***

- (A) The supervisor must review the plan and meet with the employee or employees to discuss the plan. The supervisor should suggest any adjustments to the plan necessary to maintain the effectiveness of the work unit. If the supervisor and employee or employees agree, they must sign a completed *Job Sharing Agreement* (Appendix J) and submit it to the department director for approval. If they cannot agree, the supervisor must submit to the department director a written summary of the areas of agreement and disagreement and a copy of the proposed plan.
- (B) A department director must review the requested job sharing arrangement under the following criteria:
  - (i) operational requirements must be met;
  - (ii) service to clients or the public must be maintained or improved;
  - (iii) each office or operation must have enough staff on duty during the normal period of public service, and
  - (iv) the arrangement must not diminish the ability of the department to assign responsibility and accountability to the job sharing employees for providing County services and performing the employees' official duties.
- (C) After reviewing the job sharing plan, the department director must:
  - (i) approve it;
  - (ii) disapprove it; or
  - (iii) suggest changes in the terms for consideration by the employee or employees and the supervisor to help them reach agreement on the plan.

The decision of the department director is final.

- (D) The department director must give a copy of the approved or disapproved plan to the employee or employees, ensure that a copy is placed in each employee's department operating file, and send a copy to the OHR Director. If the plan is not approved, the department director must give the employee or employees the reason for not approving the request.

(3) ***Creation of job sharing positions and status of employee who job shares.***

- (A) If the department director approves a plan submitted by one employee, the department director must:
  - (i) ask the OMB director to reduce the hours of the existing position to part-time and create a second comparable part-time position;
  - (ii) fill the newly created part-time position under merit system procedures; and
  - (iii) ensure that the duties of the former full-time position are divided between the 2 part-time positions.
- (B) If the department director approves a plan submitted by 2 employees, the department director must ask the OMB director to reduce the hours of the existing position to part-time and create a second comparable part-time position for the second employee.
- (C) The department director must treat the job sharing positions as part-time positions and the employees assigned to the positions as part-time employees subject to the terms and conditions of part-time employment.
- (D) If one of the job-sharing employees leaves, the department director may:
  - (i) renew the job sharing agreement and fill the vacant position under merit system procedures; or
  - (ii) dissolve the job sharing agreement and return the remaining employee to full-time status.

The decision of the department director is final.
- (E) If the department director dissolves the job sharing agreement and the remaining employee refuses to return to a full-time position, the department director may abolish the part-time position and conduct a RIF under Section 30 of these Regulations.

#### **15-5. Meal periods.**

- (a) A normal workweek for a County employee must not include any meal periods.
- (b) A supervisor must not include a meal period in any computation to determine the amount of compensation or compensatory time due an employee for overtime work, unless compensation is authorized by the CAO.

- (c) The CAO may authorize a paid meal period not to exceed 30 minutes for:
  - (1) an employee assigned to work an around-the-clock shift schedule; or
  - (2) other groups of employees as appropriate.

**15-6. General emergency; liberal leave period; modified liberal leave period.**

**(a) *Declaration of a general emergency, liberal leave period, or modified liberal leave period.***

- (1) If severe weather conditions or other emergencies occur, the County Executive or CAO must evaluate the conditions and decide whether to declare a general emergency or liberal leave period.
- (2) When deciding whether to declare a general emergency or liberal leave period, the County Executive or CAO should consider weather conditions including recent weather reports regarding the amount of precipitation already accumulated as well as the forecast for further accumulations during the succeeding 8-hour period, road conditions including whether the major roadways of the County as passable and safe for travel, whether the County public schools have been closed for the day, and the actions being taken by other public sector jurisdictions in the Washington Metropolitan Region. The decision whether to declare a general emergency should be based on the cumulative effects of all these factors and no one factor shall be conclusive or determinative. The County Executive or CAO should attempt to give employees the earliest notice of whether a general emergency or liberal leave period will be declared.
- (3) The County Executive or CAO may announce a modified liberal leave period. During a modified liberal leave period:
  - (A) a department director must maintain minimum staffing to meet service needs but should permit as many employees as possible to be on leave; and
  - (B) an employee who wants to use leave must request and obtain approval for leave in advance.

**(b) *Announcement of a general emergency or liberal leave period.***

- (1) If the County Executive or CAO declares a general emergency or liberal leave period, the Director of the Office of Public Information must:
  - (A) inform local radio stations, such as WMAL 630 AM and WTOP 1500 AM; and

- (B) notify the Associated Press (AP) wire service for distribution to all subscribing radio and television stations in the Washington, D.C. metropolitan area
  - (2) During severe weather or other emergency, an employee should listen to local radio and television stations for an announcement that County government offices will be closed or that a liberal leave period has been declared.
  - (3) If there is no announcement on local radio and television stations that County government offices are closed or that a liberal leave period has been declared, an employee should:
    - (A) assume that the County is maintaining normal operating hours; and
    - (B) report to work as usual.
  - (4) If the County Executive or CAO declares a general emergency or liberal leave period during normal operating hours:
    - (A) the OHR Director must inform department directors; and
    - (B) department directors must then notify department employees of the general emergency or liberal leave period.
- (c) ***Designation of essential employees.***
- (1) The CAO must designate employees in appropriate occupational classes and positions as essential employees based on the recommendations of department directors.
  - (2) The OHR Director must maintain and update as necessary the list of essential employees.
  - (3) Department directors must ensure that department employees in occupations or positions that are designated as essential are informed of their designation and their responsibilities if a general emergency or liberal leave period is declared.
  - (4) A department director or supervisor may designate a non-essential employee to be an essential employee during a particular general emergency period if the employee is needed to:
    - (A) provide essential services, such as snow removal or helping public safety agencies deal with the emergency; or

- (B) perform other work that is critical to the department's mission but unrelated to the general emergency.

Under such circumstances, the County must compensate the non-essential employee as if the employee is an essential employee.

(d) ***Responsibilities and compensation of employees during a general emergency or liberal leave period.***

- (1) The County must compensate an employee for a declared general emergency period as required by Section 10-14 of these Regulations.
- (2) The County must compensate an employee who works during a liberal leave period as required by Section 10-15 of these Regulations.
- (3) If the County Executive or CAO declares a general emergency or liberal leave period, an essential employee must report to work as scheduled.
- (4) A non-essential employee should not report to work during a declared general emergency period unless the employee's supervisor requires the employee to work.
- (5) During a liberal leave period, a supervisor must allow a non-essential employee to use leave without prior supervisory approval when reporting late, leaving work early, or not reporting for work. However, a supervisor may require a non-essential employee to work during a liberal leave period if the supervisor determines that the employee is needed to maintain minimum staffing during the normal period of public service.
- (6) An essential employee may use leave during a liberal leave period only if severe weather or another emergency causes the employee to report late or not report at all.
- (7) If a non-essential employee chooses not to report for work during a liberal leave period, the employee must notify the employee's supervisor of the employee's leave status as soon as possible and no later than the beginning of the employee's regularly scheduled workday.
- (8) If an employee is at work during a liberal leave period, the employee must notify the employee's supervisor before leaving work.

(e) ***Leave status and compensation of employees during a local emergency.*** During a local emergency at one or more work locations, a department director must:

- (1) place an employee who is scheduled but not required to be at work on administrative leave; and

- (2) ensure that an employee who is required to work is compensated as required by Section 10-15 of these Regulations.
- (f) ***County Government Facility Closings.*** In the event of a breakdown of equipment, power failure or other adverse situation resulting in a closing of a facility, a department director:
- (1) should grant up to two hours of administrative leave to employees who work at that closed facility with two or fewer hours remaining in their scheduled workday;
  - (2) should reassign employees who work at that closed facility with more than two hours remaining in their scheduled workday to a different work site or allow such employees to use annual leave in lieu of working the rest of their shift; and
  - (3) may require public safety employees or other employees in essential operations to work at a time when a departmental facility is closed.
- (g) ***Role of a supervisor during severe weather or other emergencies.***
- (1) A supervisor must not take adverse action against a non-essential employee who uses leave during a liberal leave period, unless the supervisor directed the employee to report to work because of service needs.
  - (2) During severe weather or other emergencies when schools are closed all day, opened late, or closed early, a supervisor should:
    - (A) favorably consider a non-essential employee's request for annual leave, PTO, LWOP, or compensatory time to attend to children;
    - (B) approve or disapprove a similar request for leave from an essential employee based on service needs; and
    - (C) if approving an employee's leave request, approve an amount of leave that corresponds with the school schedule.

#### **15-7. Attendance of employees.**

- (a) The CAO must establish a method to record and report leave and attendance.
- (b) A County employee must maintain regular and punctual attendance at work.
- (c) An employee must be at work during scheduled work hours unless the supervisor or other authorized individual approves an absence under an established department procedure or practice.

- (d) A department director may allow an employee to work at home or at an alternate work site.

**15-8. Absent without leave (AWOL).**

- (a) A department director must consider an employee to be AWOL if the employee:
  - (1) fails to report for duty as scheduled;
  - (2) leaves the work site prior to the end of the scheduled workday without the approval of a supervisor;
  - (3) fails to notify a supervisor of an absence from work under established department procedures or practice; or
  - (4) obtains approval of an absence for fraudulent reasons.
- (b) A supervisor must place an employee in a non-pay status for the period that the employee is AWOL.
- (c) An employee who is AWOL for 3 consecutive workdays or longer has abandoned the employee's position. However, an employee has not abandoned the employee's position if the employee was:
  - (1) physically or mentally unable to obtain approval for the absence; or
  - (2) unable to report for work for reasons beyond the employee's control.

**15-9. Disciplinary action or termination for noncompliance with attendance requirements and procedures. A department director may:**

- (a) take disciplinary action against an employee who fails to observe department attendance requirements and procedures for recording and reporting of attendance.
- (b) terminate the employment of an employee who abandons the employee's position.

**15-10. Appeal of disciplinary action or termination for attendance violation.**

- (a) An employee with merit system status may appeal a disciplinary action or termination by filing a grievance under Section 34 of these Regulations. Termination and some disciplinary actions may be appealed directly to the MSPB under Section 35 of these Regulations.
- (b) A probationary or temporary employee may appeal a disciplinary action by filing a grievance under Section 34.

**15-11. Telework****(a) *Telework guidelines.***

- (1) A supervisor may allow an eligible employee to telework where the employee has applied for a telework schedule, has been found to be suitable for telework, and meets the following criteria established by the Director of the Office of Human Resources:
  - (a) has enough tasks appropriate for telework;
  - (b) can schedule face-to-face meetings on non-telework days;
  - (c) is able to meet client and co-worker needs when teleworking;
  - (d) can schedule use of resources that must stay at work (e.g. security sensitive files, shared resource materials, or large equipment);
  - (e) is free to manage his or her own work flow;
  - (f) can benefit from quiet or uninterrupted time;
  - (g) can be evaluated on their work performance; and
  - (h) can keep information secure and confidential.
- (2) The Director of the Office of Human Resources will develop policies and procedures for implementation of telework in County departments.
- (3) Eligible County employees should be permitted to telework because telework has the potential to save energy, mitigate traffic congestion and improve air quality, enhance the work life experiences of County employees, advance employee recruitment and retention, and to improve the continuity of operations in severe weather and other emergency condition.

**(b) *Policy on telework***

- (1) An eligible employee approved for telework must not conduct personal business or on-site work meetings at the Remote Work Location listed in the Telework Agreement.
- (2) Telework is not a substitute for dependent care.

- (3) The telework program is not a reasonable accommodation program. ADA accommodation must be provided within the guidelines of the Americans with Disabilities Act.
- (4) An eligible employee may not telework under an approval for the Family Medical Leave Act (FMLA).

**(c) *Procedure for establishing a telework schedule.***

- (1) An employee must submit a written request to the employee's supervisor for a telework schedule.
- (2) The employee's supervisor will review the request to telework based on the suitability of the employee's work in the unit to telework, the suitability of the employee to telework, and the operational impact on the work unit.
- (3) An eligible employee and the employee's supervisor must agree upon on a telework schedule prior to an employee beginning to telework.

**(d) *Requirements for a telework schedule.***

- (1) An eligible employee may be approved to telework if the employee has met all requirements for the remote work location or alternate work site related to the availability of technology, security, communication between the teleworker and the supervisor, and the confidentiality of County-owned information.
- (2) An eligible employee may be approved to telework if the employee has successfully completed the telework training and assessment provided by the County telework manager.
- (3) An eligible employee must have an agreed upon work plan and schedule approved by their supervisor prior to beginning a telework schedule.

**(e) *Review of employee request to telework.***

- (1) An eligible employee's application to telework will be reviewed by the employee's supervisor and Department Director to determine whether the employee may telework.
- (2) Telework is a privilege and is not a mandatory right for a County employee.

**(f) *Appeal of denial of request for telework schedule.***

- (1) An eligible employee who has submitted an application to telework and who is denied an opportunity to telework by the employee's supervisor may appeal that decision to the County telework manager.
- (2) The decision of the County telework manager regarding the denial of an appeal of an employee to telework may be reviewed in accordance with applicable provisions of MCPR, Section 34 or a collective bargaining agreement.

**(g) *Transition to or from a telework schedule.***

- (1) A County employee who has been approved to telework may return to a regular schedule.
- (2) A supervisor may deny an employee an opportunity to continue to telework where either the employee's performance or the operational needs of the unit have changed and telework is no longer appropriate for the teleworking employee.
- (3) Telework is not transferable to other County positions.
- (4) An employee who does transfer to a new County position, may reapply to Telework after completing six months of performing at a successful level in their new position.

**(h) *Limits on availability of telework schedules.***

- (1) A department director may determine that no employees in an operational unit or a work unit are in positions that are suitable for telework.
- (2) A supervisor may determine that no other employees in a work unit may telework where operational needs would be adversely impacted by allowing additional employees in the work unit to telework.

**(i) *Withdrawal from a telework schedule.***

- (1) A County employee who has been approved for a telework schedule must notify their supervisor that they wish to return to a regular schedule.
- (2) A supervisor who has approved a telework schedule for an employee in their work unit may return that employee to a regular schedule and must provide a basis for the decision in writing to the employee.

**(j) *Training.***

- (1) The Director of the Office of Human Resources, after consultation with the Chief Information Officer, will develop telework training for eligible County employees and County managers.
- (2) An eligible County employee or manager may not telework or be approved to telework until the employee or manager has completed all telework training assessments that have been approved by the Director of the Office of Human Resources.

**(k) *Annual report***

- (1) The Chief Administrative Officer will report to the County Executive and the County Council by January 15 of each year on the County's telework program.
- (2) The Chief Administrative Officer's annual report will provide information on:
  - (a) how the telework program is being implemented;
  - (b) how many employees in each department or office are teleworking in the preceding year;
  - (c) how many teleworking hours are being worked in each department or office in the preceding year; and
  - (d) recommendations on how to improve the telework program.

**Editor's note** – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

<b>Bargaining unit</b>	<b>Articles of current agreements with references to work schedules, attendance, and hours of work</b>
Firefighter/Rescuer	6, Annual Leave 7, Sick Leave 16, Holidays 23, Hours of Work 24, Daily Work Schedule 25, Reporting Time 48, Job Sharing Program
OPT/SLT	2, Management Rights 5, Wages, Salary and Employee Compensation 13, Work Schedules, Attendance, Hours of Work 16, Leave Without Pay 20, Holiday Leave 29, Labor Management Relations Committee (LMRC) Appendix IV, OPT, Department of Corrections and Rehabilitation Appendix VI, OPT/SLT Units, DPW&T
Police	15, Hours and Working Conditions 27, Secondary Employment 42, Management and Employee Rights 43, Discipline 55, Job Sharing Program 63, Childcare