



FLEXIBLE WORK SCHEDULE POLICY (FWS) PILOT – Phase I

References:

Fair Labor Standards Act (FLSA)
City of Detroit Municipal Code

PREAMBLE

The City of Detroit values employee work/life balance and encourages the use of flexible work schedules as a viable, voluntary option to foster a more satisfying and productive employment experience.

The City recognizes the benefits of a formal Flexible Work Schedule Program, including:

- Boosting employee morale, job satisfaction and productivity;
- Reducing absenteeism;
- Supporting employee work/life balance;
- Decreasing traffic congestion by allowing employees to travel during non-peak hours;
- Positioning the City as an employer of choice by creating work-life balance options that are useful in the recruitment and retention of top talent.

As the Flexible Work Schedule Program grows, the City will benefit by:

- Creating opportunities to provide critical services during/following an emergency;
- Maximizing the use of City resources, including office space;
- Impacting the City's Sustainability Plan by reducing our carbon footprint.

PURPOSE

This policy outlines the Flexible Work Schedule (FWS) options, guidelines, processes, and forms that are available to eligible City employees. The FWS program intends to promote a more satisfying work/life balance through the flexible scheduling of shifts. This policy does not alter, amend or otherwise supersede any labor agreement, ordinance, State or Federal law. Please refer to the appropriate collective bargaining agreement for specific bargaining unit provisions, if applicable.

SCOPE

This policy applies to eligible full-time City of Detroit employees in departments that are in the Ultipro HRIS/Payroll System and bargaining units that opt-in to the FWS Program. This policy does not apply to part-time employees or Personal/Professional Services Contractors. Departments who are paid out of PDS must migrate to UltiPro before their employees can participate in the FWS Program.

DEFINITIONS

Compressed Work Schedule 4/10's – Eligible employees approved for this schedule work four (4) 10-hour days per week; totaling eighty (80) hours in 8 days per pay period.

Compressed Work Schedule 9/80's – Eligible employees approved for this schedule work four (4) 10-hour days one week and five (5) 8-hour days the next week; totaling eighty (80) hours in nine (9) days per pay period.

Compressed Schedule (Exempt) – An eighty (80) hour work schedule completed over the course of the bi-weekly pay period. Applies to employees who are not eligible for overtime; generally non-union, “Administrative Roster” personnel. Schedules may be comprised of any combination of hours which ensure a minimum of 80 hours worked. Lunch breaks must be at least one half-hour. The compressed work schedule cannot vary from pay period to pay period.

Core Hours/Days – Hours or days when all employees are expected to be physically present at their primary work location. Core hours or days may vary depending on the requirements of the position and operational needs of the department.

Exempt Employee – An employee who is not eligible for overtime compensation after forty (40) hours worked, pursuant to the provisions of the Fair Labor Standards Act (FLSA). Also referred to as Administrative Roster.

Non-Exempt Employee – An employee who is required to receive overtime compensation after forty (40) hours worked, pursuant to the provisions of the Fair Labor Standards Act (FLSA).

Program Year – A period of one year that runs commensurate with the City of Detroit’s fiscal year calendar. The employee will be required to submit a new application and new attachments for each subsequent year they participate.

Prohibited Data – Confidential information that employees may be prohibited from accessing while off City Premises. This includes:

- Personally Identifying Information (PII) such as Driver’s License Numbers and Social Security Numbers;
- Protected Health Information (PHI) such as personal health and medical information;
- Payment Card Industry Information (PCI) such as information related to financial transactions and credit card numbers; and
- Any other applicable information deemed confidential by the City.

Shift – A daily schedule consisting of a start time, end time, lunch break, and off days.

Supervisor – A City of Detroit employee who has direct oversight of another employee’s work product and scheduling.

Telework – A flexible working arrangement that allows eligible employees the opportunity to work away from their primary worksite.

VPN – The City’s Virtual Private Network which allows employees to access the City’s IT infrastructure remotely.

POLICY

The Flexible Work Schedule (FWS) Program exists to promote work efficiency while maintaining a high-level of customer service and reducing costs to the participating employee; including but not limited to costs associated with commuting, parking, gas, etc.

Under the FWS Program, employees have the following options:

- ✓ **(Telework):** Work a normal shift for one or more days at an approved alternate location
- ✓ **(Compressed 4/10’s):** Work (4) 10-hour days both weeks in a pay period
- ✓ **(Compressed 9/80):** Work (4) 10-hour days one week and (5) 8-hour days the other week
- ✓ **(Compressed EXEMPT):** Work any combination of hours that ensure a minimum of 80 hours worked per pay period. The only compressed schedule option for Exempt employees

The duties, obligations, responsibilities and conditions of the participant’s employment remain unchanged. The employee’s rate of pay and all associated fringe benefits remain unchanged.

The participating employee and their supervisor shall continue to comply with all City and/or departmental policies, procedures, contract provisions, rules and regulations; the violation of any may result in the immediate termination of the FWS agreement and/or disciplinary action, up to and including termination of employment. FWS shall not be used in the place of sick leave, vacation or other types of leave, unless approved by Human Resources.

All FWS applications will be evaluated on a case-by-case basis. The employee’s employment record, inclusive of performance history and disciplinary history in addition to an assessment of the employee’s position, may be reviewed by the supervisor to determine if the employee can be placed on an FWS. Applications shall be reviewed and processed on a first come, first served basis.

FWS is not a universal employee benefit; employees do not have a “right” to participate in the program. The City reserves the right to approve or deny an employee’s application or terminate an approved FWS at any time. Employees who desire to participate in the FWS program must apply and receive approval of their supervisor, Division Head or Director and Human Resources before the FWS can start.

Employees who experience work performance difficulties, attendance problems, receive

coaching, are placed on a Performance Improvement Plan (PIP), or receive disciplinary action during the approved FWS period, may be immediately removed from the FWS Program.

When the participating department elects to terminate or change the FWS, a two-week (one pay period) notice to the affected employee(s) shall be provided, except in instances where operational need, emergencies or employee conduct dictate an immediate termination or change. In such cases, the supervisor may unilaterally adjust or terminate the FWS.

Employees who experience a job change (i.e., promotion, demotion, transfer, location change) must re-submit their request to their new supervisor for review and approval.

The terms of this FWS Policy are not grievable; including but not limited to FWS decisions, terminations or changes to an approved FWS.

ELIGIBILITY

Full-time City of Detroit employees who are appointed or certified by the HR Department and have successfully completed probation period are eligible to apply for the **Telework** option; provided the employing department is in UltiPro, elects to participate in the FWS Program, and the employee's respective union participates in the FWS Program.

Full-time City of Detroit employees who are appointed or certified by the HR Department are eligible to apply for the **Compressed Schedule** options (4/10'S, 9/80, Compressed Exempt); provided the employing department is in UltiPro and elects to participate in the FWS Program, and the employee's respective union participates in the FWS Program.

Any employee who received a suspension within twelve (12) months of the application date shall not be eligible to participate in any FWS option.

Eligibility, as defined throughout this policy, shall not be interpreted as an approval of the employee's application. No employee is entitled to, or guaranteed the opportunity to have an FWS, as some positions or departmental operations are not suitable for FWS. Consideration is based on a combination of job characteristics and contingent on satisfactory employee performance.

The applicant and supervisor will receive a formal letter from the HR Employee Services Consultant stating if the application was approved or denied. This letter will serve as the City's official determination of the FWS Application.

UNIFIED APPLICATION

Any employee seeking approval to participate in any of the flexible work options referenced in this policy must complete the attached Flexible Work Schedule Application.

To determine if an FWS application should be approved, the supervisor must assess if all the employee's tasks can be performed successfully away from the office or within a compressed

work schedule. Prior to approval, the supervisor must confirm that the employee's absence from the primary work location will have a minimal impact on the business operation; the resources that an employee needs to do his/her job are easily transportable or available, and that other qualified employees are available onsite to provide adequate coverage at the assigned work location.

FLEXIBLE WORK SCHEDULES

A combination of telework and compressed schedules is not allowed under any circumstances.

An employee can request to change the location of their work site or request to alter the start and end times of their shift, provided the hours worked are within the department's core hours and the schedule is approved.

The department may institute core work hours or days that will ensure appropriate staffing levels are in place. Any reduced schedule requires special approval and special programming in payroll systems to accommodate changes in shifts. Once an FWS is set, the schedule may not be changed, in any way, without the written permission of the immediate supervisor/manager.

The City's FWS Program runs on a fiscal year calendar. Requests approved on or after July 1st will terminate on June 30th of the following year. The maximum length of an approved FWS is (12) twelve months. At the end of this period or at the beginning of a subsequent fiscal year, the employee may renew by submitting an updated request. Employees are encouraged to submit their applications at least 30 days prior to the expiration of the FWS to minimize disruption and allow time for departmental and HR review.

After an employee starts an FWS, periodic reviews should be conducted by the participating department and/or Human Resources to evaluate the success of the arrangement. These reviews shall be conducted at 90-day intervals during the first year of the arrangement. A renewed arrangement can be reviewed in longer increments.

<u>COMPRESSED SCHEDULE</u> <u>4/10's</u>	<u>COMPRESSED SCHEDULE</u> <u>9/80</u>	<u>COMPRESSED SCHEDULE</u> <u>EXEMPT Only</u>	<u>TELEWORK</u>
<ul style="list-style-type: none"> • (4) (10-hour) days per workweek • Employees receive one (1) additional off-day per week • Overtime pay for time worked over 40 hours in a workweek 	<ul style="list-style-type: none"> • (4) (10-hour) days one week and five (5) (8-hour) days the next week; totaling (80) hours in nine (9) days • Overtime pay for time worked over 40 hours in a workweek 	<ul style="list-style-type: none"> • 80-hours worked over the course of the bi-weekly pay period • Applies to EXEMPT employees who are not eligible for overtime; generally non-union, "Admin. Roster" personnel 	<ul style="list-style-type: none"> • Employees work at an approved alternate location • Employees must ensure that their time sheet accurately reflects hours worked • Not be on probation

COMPRESSED SCHEDULE CONSIDERATIONS for 4/10's ONLY

Vacation, Sick & Departmental Leave

Vacation, Sick, and Departmental Leave will be charged against the employee's respective banks to cover the 10-hour absence.

Example:

If an employee is scheduled to work (4) 10-hours days in a week and requests to take a vacation or sick day on their scheduled workday, 10 hours will be charged against their time off bank.

Conversely, if an employee is ill on their scheduled day off, nothing is recorded on the time sheet because the employee was already scheduled off.

Holiday Pay – Occurring on Employee's Scheduled Workday *Option #1*

Holidays are paid in 8-hour increments. The employee can supplement the 8-hour Holiday pay with 2 hours from their Vacation, Dept. Leave or Compensatory Time (C-Time) bank(s).

Holiday Pay – Occurring on Employee's Scheduled Workday *Option #2*

The employee can request that the supervisor conduct a shift override and return them to their normal work schedule. The shift override should only be done for the week(s) containing the holiday(s).

Holiday Pay – Occurring on Employee's Scheduled Off Day

The employee can request that their supervisor move the holiday to another scheduled workday in UltiPro so that the employee receives the benefit of the additional day off. Because holidays are paid in 8-hour increments, the employee could supplement the 8-hour Holiday pay with 2 hours from their Vacation or Dept. Leave bank(s).

Jury Duty – Occurring on Employee's Scheduled Workday

Jury Duty shall be paid in accordance with City policy. The employee will receive payment for their entire shift.

Jury Duty – Occurring on Employee's Scheduled Day Off

Jury Duty will not be paid for jury service on an employee's regularly scheduled day off, since the employee is not scheduled to work on that day.

Restrictions on Schedule Changes

Employees on a Compressed Schedule are required to take the same "flex" day off for the duration of the FWS (e.g., regularly scheduled day off is Monday, cannot switch to Tuesday). Any requested change would have to be approved by the supervisor.

Overtime

Exempt employees are not entitled to overtime compensation. Non-exempt employees will be compensated for overtime in excess of forty (40) hours in a workweek. Non-exempt employees on a FWS are not entitled to daily overtime.

TELEWORK AGREEMENT

Employees wishing to telework, MUST sign and submit a telework agreement with the FWS Application. If approved by the department and Human Resources, the agreement will be signed and a fully executed copy will be provided to the supervisor and employee.

TELEWORK

Telework allows employees to work at a location other than their primary work site. Supervisors may require employees to report to the primary work location on a scheduled telework day, as needed. The supervisor should provide as much notice as possible. The employee must be prepared to attend mandatory meetings or reply to correspondence and phone calls as soon as possible, but in no more than two (2) hours or as agreed. Employees must also be prepared to provide status updates upon request of their supervisor.

Should an employee fail to respond to correspondence or report within the proscribed amount of time, the supervisor has the discretion to charge the employee's time-off bank, end the FWS arrangement, and/or issue discipline. Employees are responsible for maintaining a safe and ergonomic working environment including a work area, bathroom, and other areas that may be necessary for working. Employees must have an area free from distractions.

Telework employees shall not hold meetings at their alternate work location where the physical presence of others is required. Employees may not, under any circumstances, conduct any non-City work while on City time. The employee shall participate in any and all evaluations of the FWS Program, including inspections and investigations resulting from an injury sustained during work. Employees are required to store, safeguard, and dispose of documents in a manner that will not jeopardize the City's interest and will protect information deemed confidential from disclosure.

Teleworking employees shall abide by all Department of Innovation & Technology (DoIT) rules and policies. The employee should be familiar with the following policies and guidelines accessible on the City's CityWeb Intranet page under the City Policies heading:

- CoD Data Security Policy
- CoD Data Security Awareness Policy
- CoD Mobile Device Policy
- CoD Workstation Usage Policy
- CoD Remote Access – VPN Policy

TELEWORK - COMMUNICATION

In order to maintain close communication and standards of professionalism while working from a remote location, the telework employee shall:

- Notify their manager, co-workers, etc..., of any change in the telework schedule
- Turn on the Out of Office reply in Outlook and on voicemail to provide contact info.
- Be available by telephone and email during scheduled working hours
- Return calls and emails in a timely manner
- Participate in any required communication with manager – such as daily contact
- Have office calls forwarded to another City phone or periodically check voicemail.
- Answer the telephone professionally during scheduled working hours

The telework employee will agree with their manager on a plan for receiving assignments, returning assignments, and reporting to the manager on telework days. The employee will maintain contact with their work unit and colleagues, including attending meetings on telework days when requested to do so by their manager.

TELEWORK - WORKERS COMPENSATION

Employees will be covered by worker's compensation for all job-related injuries occurring during their defined work period. In the event of a job-related incident, accident or injury during telework hours and only at the approved telework location(s), the employee shall report the incident to their supervisor as soon as possible and follow established procedures to report and investigate workplace incidents, accidents, or injuries. All injuries will be investigated on a case-by-case basis.

Worker's compensation shall not apply to non-job-related injuries that occur while teleworking or for non-job-related injuries that are sustained during working hours for unauthorized tasks.

The City of Detroit will not be responsible for injuries to third parties or members of the employee's family that occur on the employee's premises or third party work location. It is the employee's responsibility to maintain a safe work environment.

TELEWORK - SAFETY AND EQUIPMENT

The employee must acknowledge in writing that their space complies with all prescribed requirements, if any. If a job-related incident, accident, or injury occurs, then a mandatory home safety inspection will be conducted as soon as possible. The City will provide routine maintenance and repairs only for City equipment, if the equipment is returned to the assigned work location.

The City will not maintain and repair an employee's own equipment. The City will not pay

for or reimburse the employee for any communications charges including but not limited to, local or long- distance telephone calls or service, internet access or service, DSL charges, cell phone charges, etc.

Employees who telework may use City supplied office supplies such as pens, pencils, stationary, envelopes, etc. only for authorized work purposes. Necessary supplies should be obtained through the normal procurement process. The City will not furnish office furniture, toner, ink, or paper for printers or copiers to employees who telework.

All equipment and supplies must be returned to the City upon conclusion of the telework arrangement, or when the equipment is no longer needed to perform their work.

An employee who desires to telework from any other location, other than those approved on the Telework Agreement must notify and receive approval from their supervisor in advance.

RECORDING HOURS

The department is responsible for ensuring that the appropriate HR - Employee Services Consultant receives the approved application for final review. HR shall notify the supervisor and employee of the approved FWS start date via letter. **An employee shall not begin a FWS shift until notification from HR Employee Services is received.** Upon HR notification, the supervisor and employee shall ensure that time is accurately reported in UltiPro.

CALL-IN PROCEDURE & LEAVES OF ABSENCE

FWS employees who are ill and unable to perform the functions of their job on a scheduled workday, shall follow their department's call in procedure. Teleworking should not be used in place of sick leave, or other types of leaves. Normal policies apply when requesting sick leave, vacation, and other types of leave.

An FWS will not change how sick leave or other type of paid time off is accrued, paid, or used. When employees use Sick time for all or part of their workday, the number of hours off-duty due to illness or other allowable reason, shall be charged to the employee's time-off bank(s).

CONCLUSION

The City of Detroit is an Equal Employment Opportunity Employer committed to complying with all Federal, State, and local laws. For additional information concerning the application of this policy, please contact the HR Policy & Planning Division or your HR Employee Services Manager or Consultant.