



STATE OF VERMONT
JOINT FORCE HEADQUARTERS, HUMAN RESOURCE OFFICE
VERMONT NATIONAL GUARD
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Colchester, VT 05446-3099

NGVT-HRO

13 September 2020

MEMORANDUM FOR All VTNG Federal Employees

SUBJECT: HRO-JP 21 Flexible Work Schedule during COVID-19 Pandemic

1. References: OPM, Fact Sheet: The Use of Flexible Work Schedule in Response to Coronavirus Disease 2019 (COVID-19)
2. Effective on the date of this Memorandum, Vermont National Guard (VTNG) Brigade/Wing Commanders or JFHQ Directors are authorized to use a flexible work schedule (FWS) as a workplace flexibility tool during COVID-19 COOP.
3. Brigade/Wing Commanders or JFHQ Directors may use flexible work schedules (FWS) to maintain the productivity, health, and safety of the workforce (e.g. by facilitating maintenance of social distance in the workplace). FWS can provide agencies with the flexibility to maintain safe social distance between employees in the workplace by reducing the percentage of employees who are in the office at any given time. FWS can also assist employees in balancing professional duties with caregiving and other responsibilities.
4. A flexible work schedule is a work schedule that has a basic work requirement to work 80 hours in a biweekly pay period or account for by leave or otherwise. The FWS allows Brigade/Wing Commanders or JFHQ Directors work schedule flexibility within the following limits:
 - a. Flexible hours are the hours during which an employee may choose to vary his or her arrival to and departure from the work site (or starting or stopping times when teleworking) consistent with the duties and requirements of the position. The flexible hours are Monday through Saturday, 0600 to 2300. An employee is limited to no more than 12 basic work requirement hours on any workday.
 - b. The Brigade/Wing Commanders or JFHQ Directors will set core hours for their Command/Directorate. Cores hours are periods when all employees must be working and are not required every workday. As a minimum there must be 2 core hours on each of 2 workdays within a biweekly pay period. As a rule core hours will not be established outside of the normal 0600-1800 work window and will not be set on a Saturday.

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c. Employees eligible to telework IAW with the NGVT Guide to Telework are permitted to work a flexible work schedule.

d. FWS employees will not perform work on a holiday, see para 5b.

e. Exceptions to these limitations must be approved through the HRO.

5. Premium Pay

a. Night Pay: Normally, night pay is payable for any regularly scheduled hours of work between 1800 and 0600. However, special rules apply to night pay for FWS employees.

1) Employees scheduled for hours between 1800-0600 as part of their work week requirement will receive night pay for hours worked between 1800-0600.

2) Employees scheduled for hours between 0600-1800 as part of their work week requirement but taking advantage of the flexible work schedule will not earn night pay for hours worked after 1800. The work schedule allows for 8 hours of work to be completed between 0600 and 1800. Therefore if an employee works outside those hours due to family care or other circumstances they do not earn night pay for hours worked between 1800-0600.

b. Holidays: A full-time employee who is relieved or prevented from working on a day designated as a Federal holiday is entitled to his or her rate of basic pay on that day for 8 hours. An FWS employee cannot receive more than 8 hours of paid holiday time off. Consult with HRO to designate the 8 hour holiday applicable to each FWS employee.

c. Compensatory Time Off: Compensatory time is earned for hours worked in excess to the basic work week requirement (80-hour in a biweekly pay period).

d. Overtime: There are a limited number of employees within the agency that are authorized overtime. If an employee that is authorized overtime requests a FWS the supervisor will consult with HRO to determine if and when overtime would be available.

6. Responsibilities

a. The Human Resources Office

1) Provide information and guidance concerning the policies and procedures relating to the flexible work schedule as directed by the TAG.

2) Act as the approval authority for any exceptions to the limitations set within this policy.

3) Maintain copies of all approved flexible work schedule requests and track schedules for reporting purposes.

b. Brigade/Wing Commanders or JFHQ Directors

1) Act as the approving authority for flexible work schedules for their command or directorate. This authority may not be delegated. Approval should occur only after verifying appropriate levels of subordinate command/staff have reviewed and endorsed the individual flexible schedule and ensuring proper manning exists to accomplish mission essential functions.

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3) Where appropriate ensure the presence of a supervisor during approved schedules.

2) Have the authority to exclude any employee or groups of employees from participating in a flexible work schedule.

c. Supervisors

1) Supervisors must balance the daily mission and operational requirements of their section when considering employee flexible work schedule requests. Supervisors must maintain coverage during the core hours and on all non-CDO regular workdays. This includes coverage when employees are out of the office for planned or unplanned absences such as vacations, sick time, or for the completion of other assigned mission requirements.

2) Upon receipt of approval from the Brigade/Wing Commander or JFHQ Director, supervisors will submit the approved VTNG Work Schedule Form for each Federal employee to HRO ERS mailbox (NG VT VTARNG List HRO Employee Relations-Benefits: ng.vt.vtarng.list.hro-employee-relations-benefits@mail.mil) and their designated Comptroller office in order to update the Automated Time Attendance and Production Systems (ATAAPS).

7. This policy remains in effect during the COVID-19 Pandemic until revoked.

8. For more information contact Jessi Lasly, HR Benefits Supervisor, 802-338-3245 or by email at jessi.l.lasly.civ@mail.mil.

Encls
FWS Scenarios

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Enclosure
Flexible Work Schedule Scenarios

Scenario 1 (Monday - Friday Flexible Schedule)

Normal Work Schedule Hours: Monday through Friday, 0600 to 1800

Expanded Flexible Hours under COVID-19: Monday through Saturday, 0600 to 2300

Core days/hours: Wednesdays & Thursdays, 1000-1400 (excluding a 30-minute unpaid meal break).

An employee participates in an agency's flexible work schedule and typically begins the workday at 0700, working an 8-hour day (plus a 30-minute unpaid lunch break), and ending the workday at 1530. Under the flexible work schedule, the employee can change his or her work schedule to 1100-1930 Monday through Friday, completing an 8-hour workday without the need to take leave or other time off.

Is night pay authorized? No. The employee does not earn night pay for any hours worked after 1800 because there are 8 hours available within the agency's established flexible time bands to be worked outside of the nighttime hours (1800 to 0600) and no core hours are required during the night. The core hours are 1000 to 1400 on Wednesday & Thursday.

Scenario 2 (Expanded Flexible Hours and Holidays)

Flexible Hours: Monday through Friday: 0600 to 2200

Core day/hours: Tuesdays & Thursdays, 1000 to 1400 (excluding a 30-minute unpaid lunch break)

An employee, teleworking full-time due to COVID-19, participates in the flexible work schedule. In a particular biweekly pay period, this employee completes his 80-hour basic work requirement in 9 days by working more than 8 hours on some days. In addition, in this particular biweekly pay period, there is a Federal holiday.

Is holiday paid time off authorized? When a holiday occurs, a full-time employee on a flexible work schedule is entitled to 8 hours of pay on a holiday when the employee does not work. (See 5 U.S.C. 6124.) The employee may not receive holiday paid time off for more than 8 hours even if the number of hours the employee might typically have worked on a day that is designated as a holiday exceed 8 hours. The employee must account for any additional hours the employee typically works on the 8-hour holiday and would either need to take leave (or other time off) or work additional hours during the biweekly pay period to ensure the employee has an 80-hour workweek.

Scenario 3 (Monday - Saturday Flexible Schedule)

Normal Flexible Hours: Monday through Friday, 0600 to 1800.

Expanded Flexible Hours under COVID-19: Monday through Saturday, 0600 to 2300

Core day/hours: Thursdays & Fridays, 1330 to 1530

An employee, teleworking full-time, participates in the flexible work schedule. The employee is unable to work Monday through Wednesday. Due to the expanded flexible hours, the employee can complete the 80-hour biweekly work requirement on Thursday through Saturday without needing to take leave or other time off.

Is night pay authorized? No. The employee does not earn night pay for any hours worked during nighttime hours (1800 – 0600) because there are 8 hours available to be worked in the flexible time bands outside of the nighttime hours and no core hours are required during the night. The core hours are 1330 to 1530 on each Thursday and Friday.