

**STATE OF MARYLAND
JUDICIARY**

Policy on Alternative Work Schedules

I. PURPOSE

The Judiciary seeks to provide employees some latitude in scheduling their work hours by establishing the hours that make the best use of their skills and time.

II. DEFINITIONS

A. Administrative Official

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk of the District for the respective district in which the employee works;
3. The Director of the respective department or office within the Courts of Appeal, the District Court Headquarters, or the Court-Related Agency in which the employee works; or
4. The State Court Administrator for employees within the Administrative Office of the Courts.

B. Compressed Work Week - A work week of fewer than five days in a seven-day period (Wednesday through the following Tuesday) or fewer than ten days in a 14-day pay period.

In the following four options for a compressed work week, the employee's days off are according to a fixed schedule and contingent upon the approval of the immediate supervisor and Administrative Official:

1. An employee may work four ten-hour days in a work week to equal 40 hours.
2. An employee may work four nine-hour days and one four-hour day in a work week to equal 40 hours.
3. An employee may work four ten-hour days in a work week followed by a work week of five eight-hour days for a total of 80 hours per pay period.

4. An exempt* employee may work four nine-hour days and one eight-hour day in a work week to equal 44 hours followed by a work week of four nine hour-days equal to 36 hours for a total of 80 hours per pay period.

***NOTE:** Federal Law requires that employees in positions subject to the overtime provisions of the Fair Labor Standards Act (otherwise known as nonexempt employees under the FLSA) be compensated at time and one-half (in cash or leave) **for all hours worked in excess of 40 in a given work week.** Employees in such nonexempt positions are, therefore, ineligible to participate in an alternative work schedule that allows over 40 hours of work in a work week.

- C. Core Hours - The scheduled hours of the workday during which all employees must be present at work. Core hours established under this policy for employees working the day shift are 9:00 a.m. - 3:30 p.m.
- D. Fixed Flex-Time - A work schedule consisting of *core* time (9:00 a.m. - 3:30 p.m.) during which the employee must be at work and *flex-time bands* during which employees may choose the times they begin and end their workday. An employee's daily arrival and departure time should be part of a fixed schedule. An employee shall not be allowed, on any given day, to alter his or her arrival and departure times at his or her discretion.
- E. Flex-Time Bands - Periods of time at the beginning and end of the core hours during which employees may choose their arrival and departure time. *Under this policy, the morning flextime band is 7:00 a.m. - 9:00 a.m. The evening flextime band is 3:30 p.m. - 6:00 p.m. An employee may vary the arrival and departure times within the flex-time bands, as part of a fixed schedule.* Break time cannot be used to alter the beginning or end of the employee's workday, nor can it be combined with a lunch period to further change an employee's start or ending time.
- F. Regular Work Schedule – Five 8-hour days (40 hours) in a work week.
- G. Voluntary – Employees may choose to request an alternative work schedule.
- H. Work Week – A work week is Wednesday through the following Tuesday.

III. SCOPE

This policy applies to all employees (regular, temporary and contractual) of the Judiciary except District Court Commissioners.

IV. POLICY STATEMENT

Administrative Officials are encouraged to use alternative work schedules (AWS) when practical. The use of AWS will be subject to the following conditions:

- A. The Judiciary Human Resources Department (JHRD) should be consulted prior to the implementation, modification or termination of an AWS program for a court, department or agency. If there is an AWS program in effect, it is not necessary, however, that the Administrative Official seek JHRD's approval for an employee's individual request for an AWS. The Administrative Official is encouraged to consult with the JHRD, Office of Employee Relations, anytime the Administrative Official may have questions or concerns regarding a request.
- B. The respective Administrative Official has the discretion to determine whether to allow alternative work schedules in his or her jurisdiction, department or agency and to determine which work schedule options under this plan will be made available to employees based on an assessment of operational needs.
- C. Staff coverage sufficient to meet the operating requirements of the departments shall be maintained at all times.
- D. All employees on an AWS must be present at work during the core hours on a full workday.
- E. No employee may schedule work time before 7:00 a.m. or beyond 6:00 p.m.
- F. Employee participation in the AWS Program is strictly voluntary.

V. REQUEST FOR ALTERNATIVE WORK SCHEDULE

- A. Employee Responsibility
 - 1. An employee may request an AWS by completing the AWS form and submitting it to his or her immediate supervisor for review and approval. The immediate supervisor and Administrative Official have the discretion to approve or deny a request for an AWS.
 - 2. Should a conflict arise between two or more employees concerning requests for specific hours under an AWS, the Administrative Official shall have final authority to resolve the matter in a way that ensures uninterrupted service to the public and coverage of job duties.
 - 3. On a quarterly basis (the pay period that encompasses January 1, April 1, July 1, and October 1), an employee may elect a different AWS option or return to a regular work schedule. To do so, the employee must complete and submit an AWS request form to his or her immediate supervisor. The request form must be submitted two weeks prior to the first full pay period that encompasses the beginning of the quarter. The immediate supervisor and Administrative Official must approve any changes to the schedule prior to the changes taking effect.
 - 4. In emergency situations, the supervisor and Administrative Official will

consider requests for immediate changes based on the merits of such requests.

5. At any time, any employee's AWS may be rescinded at the discretion of the Administrative Official. A two-week written notice will be provided to the affected employee, except in situations that require immediate action. Any employee who abuses the privileges of this program or exhibits deficiencies in performance, conduct, or attendance will be returned to a regular schedule.
6. At the discretion of their Administrative Official, employees may be called to work during their scheduled time off to meet workload requirements. Compensation for such work shall be in accordance with established policy.

B. MANAGEMENT RESPONSIBILITY

1. The Administrative Official must submit an AWS program for his or her court, department or agency to the JHRD for approval prior to its implementation. Each AWS program plan shall include:
 - a. Jurisdictions, departments and or units covered under the plan;
 - b. Type of plan which will be made available to employees: fixed flex-time, compressed work weeks (specify options), or a combination;
 - c. Method of dissemination of policy and communication of AWS options to employees;
 - d. Method of measuring productivity and assessing performance; and
 - e. Certification that the use of the proposed AWS program will not adversely affect the efficient operation of offices, departments, units or court functions as a whole.
2. The proposed AWS program shall be submitted in writing to the JHRD for review and consideration at least one month prior to the implementation of the AWS program.
3. Once an AWS program is approved, management must ensure sufficient office coverage prior to approving individual AWS plans for employees. In order to maintain appropriate coverage during peak periods and vacations, the management may request employees to revert to a regular work schedule.
4. If an AWS option available to employees is not producing positive results, then management has the discretion to make other options under this policy available. Management must provide employees with two weeks written notice prior to the change.

5. Managers/supervisors are responsible for monitoring the performance of employees and taking immediate corrective action if an employee abuses the privileges of the program, or exhibits deficiencies in performance, conduct or attendance.
6. Managers/supervisors are also responsible for assessing productivity. At the request of the Administrative Official, the JHRD will assist with assessing the level of the productivity and performance of employees who elect an AWS.
7. Administrative Officials shall keep a record of the employees who are working an AWS and their individual schedules in the event they are required to provide that information to the JHRD or other Judiciary officials.

VI. JUDICIARY HUMAN RESOURCES DEPARTMENT (JHRD) RESPONSIBILITY

The JHRD is responsible for overseeing implementation of the AWS program, ensuring equitable and consistent application of the guidelines and serving as a resource for the Administrative Officials in developing an AWS program for individual courts, departments or agencies. In addition, it is the responsibility of the JHRD to provide feedback on the AWS program and recommend revisions to the existing policies and procedures. In this role, the JHRD may request from an Administrative Official the names and work schedules of those employees working an AWS.

VII. HOLIDAYS

Paid time off for holidays will be eight (8) hours, the equivalent number of hours as provided for by a regular work schedule. For any given holiday, the excess of an employee's scheduled work day over 8 hours must be charged to accrued personal, annual or compensatory leave. For example, an employee working a 4/10 schedule would record 8 hours holiday leave and 2 hours annual leave. If a holiday falls on a day which the employee is not scheduled to work as a result of an AWS, then the employee will be granted 8 hours of compensatory leave at straight time.

VIII. LEAVE BENEFITS

Annual and sick leave benefits will accrue at the same rate as for an employee on a regular work schedule. Leave benefits (sick, compensatory, annual and personal) shall be expended on an hour-for-hour basis equal to the number of hours used during a scheduled work period. For example, if an employee has selected a condensed workweek and is scheduled to work 10 hours on a day he or she requests to take leave, then 10 hours will be charged against accumulated leave for the day. In the case of bereavement leave, an eligible employee will be granted a maximum of 16 hours of bereavement leave (prorated based on percentage of employment for part-time employees) regardless of the daily hours worked as a result of an AWS.

IX. RELEASE PROCEDURES

In the event there is a need to release employees early, delay opening or close for the full day, the established release procedures will be followed.

X. INTERPRETIVE AUTHORITY

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.