

NEW CASTLE COUNTY
PERSONNEL POLICY

POLICY # 5.23

PAGE 1 of 4

DATE 3/21/2022

SUBJECT: ALTERNATIVE WORK SCHEDULE (“AWS”)

APPROVED:



OBJECTIVE

The purpose of this Policy is to provide guidance to employees requesting alternative work schedules. An alternative work schedule is a compressed or flexible schedule that allows employees to work their total hours in a non-standard workweek. The added flexibility in creating alternative work schedules also provides new opportunities for efficiency and expanded hours of customer service.

STATEMENT

New Castle County offers an alternative work schedule to employees to allow for flexibility, to meet the needs of employees, and to promote work-life balance. Alternative work schedule requests will be considered consistent with operational needs and on a case-by-case basis solely at the discretion of the employee’s General Manager. Some positions may not be eligible for an alternative work schedule due to the departmental needs and/or the job duties of the assigned position. Employees interested in working an alternative work schedule shall complete an Alternative Work Schedule Agreement Form (see Attachment #1 hereto).

ELIGIBILITY

To be eligible for consideration to work an alternative work schedule, the employee must perform duties that, while working an alternative work schedule, will not adversely impact the operations of the department. The employee’s most recent performance evaluation must have a satisfactory rating or above and there must be no discipline resulting in suspension within the preceding twelve (12) months, unless circumstances arise which require an alternative work schedule for the continuity of operations. A request for an exception to the eligibility requirements must be submitted in writing by a General Manager to the Chief Human Resources Officer (CHRO), who shall approve or deny such requests.

PROCEDURE

- A. Each department shall determine the parameters of the scheduled work hours to be permitted based upon the operational needs, staffing requirements, service delivery requirements, and back-up coverage needs of the department. Meal break periods should not be scheduled for the start or end of an employee’s scheduled workday. When working 7.5 or more hours consecutively, meal break periods should be scheduled after the first 2 hours of working and before the last 2 hours of working.
- B. The standard workweek schedules are 7 hours per day, 5 days per week for 35-hour employees or 8 hours per day, 5 days per week for 40-hour employees with a ½ or 1-hour unpaid meal break each day. Departments are prohibited from scheduling employees for regular work hours that would incur overtime.
- C. All alternative work schedules for employees working a standard 35-hour workweek shall require the employee to be scheduled to work 70 hours during each two-week pay period. For employees covered by the standard 40-hour workweek, alternative work schedules shall require the employee to be scheduled to work 80 hours during each two-week pay period.
 - i. An example of an alternative work schedule could be, a 40-hour per week employee

NEW CASTLE COUNTY
PERSONNEL POLICY

POLICY # 5.23

PAGE 2 of 4

DATE 3/21/2022

SUBJECT: ALTERNATIVE WORK SCHEDULE ("AWS")

APPROVED:



requests to work four 10-hour days, instead of the standard 8.0 hours for five days.

- D. Employees working alternative schedules who are nonexempt under the Fair Labor Standards Act (FLSA) will not be scheduled to work more than 40 hours in any week.
- E. Employees working alternative work schedules may only accrue compensatory time, overtime, or any premium pay in accordance with existing policies and procedures regarding the accrual of such time.
- F. Employees eligible for working an alternative work schedule shall enter into a written agreement by completing an Alternative Work Schedule Agreement Form ("AWS Agreement Form"), which shall be signed by the employee, and the employee's supervisor, or General Manager. A copy of the AWS Agreement Form should be submitted to the Office of Human Resources Secretary for filing in the employee's file upon execution.
- G. Unless modified in the AWS Agreement Form, an employee's job duties and responsibilities are not modified by the fact that the employee is working an alternative work schedule.
- H. An employee can submit a written request to return to the standard work schedule. This request must be submitted with at least five (5) business days advance written notice to their department General Manager or Supervisor, to be implemented on the following pay period start date, if approved by the department General Manager or Supervisor. The department General Manager or Supervisor can request an employee to return to the standard work schedule at any time, with five (5) business days advance written notice, to be implemented on the following pay period start date. Employees cannot change the approved alternative work schedule without approval from the department General Manager or Supervisor.
- I. If an employee is covered by a negotiated Collective Bargaining Agreement ("CBA"), alternative work schedule provisions in that Agreement will take precedence over this Policy if there is a conflict between those Provisions and this Policy.
- J. Vacation and Sick Leave will accrue on an hourly basis according to the employee's hourly workweek. For example: Employees who work 35 hours shall be credited 7 hours for each day of vacation or sick leave that they accrue, employees who work 40 hours shall be credited with 8 hours for each day of sick or vacation they accrue.
- K. Bereavement Leave will accrue on an hourly basis according to the employee's hourly workweek. For example: Employees who work 35 hours may be eligible for leave upon death of an immediate family member up to a total of 28 hours for employees with a 35-hour workweek, and 32 hours for employees with a 40-hour workweek; and upon the death of a near relative, an employee may be

NEW CASTLE COUNTY
PERSONNEL POLICY

POLICY # 5.23

PAGE 3 of 4

DATE 3/21/2022

SUBJECT: ALTERNATIVE WORK SCHEDULE ("AWS")

APPROVED:



eligible on the day of the funeral for 7 hours for employees with a workweek of 35-hours, and 8 hours for employees with a workweek of 40-hours.

- L. Vacation, Sick, and Bereavement Leave will be used on an hourly basis corresponding to the employee's alternative work schedule. Sick leave usage must be reported and recorded as per the New Castle County's Sick Call-Off Policy 2.05.
 - i. An example is if an employee is approved to work 4 10-hour days and takes a day of vacation or sick leave, the employee would take 10 hours of vacation or sick leave.

- M. Holiday pay will be paid on an hourly basis according to the employee's hourly workweek. For example: Employees who work 35 hours shall be granted 7 hours of holiday pay, and employees who work 40 hours shall be granted 8 hours of holiday pay. If an approved County holiday falls on a day that a full-time employee is on an alternative work schedule for more than 7 hours with a standard 35-hour workweek (or 8 hours for employees with a standard 40-hour workweek), the employee may:
 - i. Account for the additional time required through the use of vacation leave or compensatory time in order to complete 70 hours (or 80 hours) in a pay period, if approved by the department General Manager or Supervisor.
 - ii. Complete the required hours by working additional time within the same workweek, if approved by the department General Manager or Supervisor.
 - iii. If an approved County holiday falls on a day that a full-time employee on an alternative work schedule would not be scheduled to work, the employee may revert to a 5 day, 7 or 8-hour workday week for the full pay period in which the holiday falls.

- N. If the County Executive grants Administrative Leave ("LAD") time in accordance with Policy 2.03, LAD will be granted based on the number of hours normally worked that day on the alternative work schedule. However, if LAD time is granted by the County Executive on the employee's scheduled day off, the employee shall not be entitled to LAD.

- O. An employee eligible shall be entitled to other leaves such as Military Leave, Civil Leave, and Jury Duty based on the alternative work schedule.

- P. An employee eligible for educational leave shall be entitled to a maximum of 160 hours in a calendar year.

- Q. The department General Manager or Supervisor has the right to temporarily revert the employee on an alternative work schedule to a normal workweek or a special flexible schedule to accommodate training, attendance at conferences, or other special events. With approval of the department General Manager or Supervisor, employees may further flex their schedule within an individual workweek to utilize any compensatory and/or premium time that would otherwise be accrued within

NEW CASTLE COUNTY
PERSONNEL POLICY

POLICY # 5.23

PAGE 4 of 4

DATE 3/21/2022

SUBJECT: ALTERNATIVE WORK SCHEDULE ("AWS")

APPROVED:



that time period. If an employee is out for more than two weeks, then his/her schedule automatically reverts to a normal schedule for the duration of the time that he/she is not working unless otherwise arranged with the department General Manager or Supervisor.

RELATED POLICY CONSIDERATION: Alternative Work Schedule staff must adhere to all departmental and NCC policies.

REQUIRED ACTION: The Chief Human Resources Officer and department general managers shall be responsible for the implementation of and compliance with this policy.

Established:3/21/2022



NEW CASTLE COUNTY ALTERNATIVE WORK SCHEDULE (“AWS”) AGREEMENT

Employee ID:	Department:
Effective Date:	Expiration Date:
Termination Date:	Termination Reason:

Part 1: Employee Information

To be completed by requesting employee

1. Name: _____
2. Position: _____
3. Department: _____

Part 2: Requested Schedule

Employee hereby requests the following alternative work schedule:

FIRST WEEK	Monday	Tuesday	Wednesday	Thursday	Friday
Start Time:					
Lunch (30 or 60)	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60
End Time:					
Hours Worked:					
SECOND WEEK <small>(if different from week 1)</small>	Monday	Tuesday	Wednesday	Thursday	Friday
Start Time:					
Lunch (30 or 60)	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60	<input type="checkbox"/> 30 <input type="checkbox"/> 60
End Time:					
Hours Worked:					

Part 3: Acknowledgement and Effective Date

Please read terms and conditions of Alternative Work Schedule Agreement

I understand and agree with the following:

1. The terms and conditions of the New Castle County Alternative Work Schedule Policy, Personnel Policy 5.23 (“AWS Policy”), are incorporated into this AWS Agreement by reference and made a part of this agreement.
2. This AWS Agreement may be modified or cancelled in accordance with the AWS Policy.
3. A proposed AWS Agreement with a work schedule that would incur overtime will not be approved.
4. This AWS Agreement will not result in a change in base pay.
5. This AWS Agreement is a privilege and failure to abide by the terms and conditions of it may result in loss of the privilege.

Part 4: Signature Section

Employee, Manager/Supervisor & General Manager Required

<i>Employee</i>	<i>Date</i>
<i>Manager/Supervisor</i>	<i>Date</i> <i>Approved</i> <input type="checkbox"/> <i>Denied</i> <input type="checkbox"/>
<i>General Manager</i>	<i>Date</i> <i>Approved</i> <input type="checkbox"/> <i>Denied</i> <input type="checkbox"/>

*A copy of this completed Agreement **must** be sent to The Office of Human Resources*

Copy provided to Employee on: _____ **via:** _____

Copy provided to CHRO on: _____ **via:** _____