

NMFS/Office of Science and Technology

Work Hours and Time & Attendance Procedures

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This policy is intended to standardize and clarify options and procedures in order for management to provide staff the flexibility to balance worklife and personal/family life with Agency mission requirements.

Additionally, flexibility exists in this policy to allow for some discretion in its application by division, therefore please check with your supervisor for clarifications or questions.

This policy is consistent with the U.S. Office of Personnel Management (OPM), Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), and the National Marine Fisheries Service (NMFS) requirements.

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	Employee	Timekeeper	Supervisor
Annually	<ul style="list-style-type: none"> • request desired type of Work Schedule (i.e., flexible, compressed) and biweekly schedule (i.e., times/days) • complete employee Telework application 		<ul style="list-style-type: none"> • approve employee Work Schedule, and outline any pre-approvals (i.e., credit hours) or constraints/limits • approve/modify employee Telework Agreement
Two Weeks Advance Notice	<ul style="list-style-type: none"> • maintain Google calendar schedule with known meetings, leave, telework, travel, and non-work hours. Viewing access level shall be set to “normal”. • make every effort to request planned absences at least two weeks in advance 		
Each Pay Period	<ul style="list-style-type: none"> • submit T&A worksheet to timekeeper or enter WebTA data by COB of last day (Friday) of each pay period, including any leave requests and comptime approvals 	<ul style="list-style-type: none"> • review and validate all WebTA data by COB of first day (Monday) of each pay period 	<ul style="list-style-type: none"> • review and certify all WebTA data by COB of second day (Tuesday) of each pay period
Daily	<ul style="list-style-type: none"> • office hours are 6:30 AM to 7:00 PM • work schedule must include a minimum 30-minute, unpaid lunch period • at supervisor’s discretion, teleworking employees may be required to email their supervisor and team when logging in and out for the day 		
Prior to Time of Need	<ul style="list-style-type: none"> • for leave requests of less than or equal to one workday, verbal or written requests may be made to the supervisor • for leave requests of greater than one workday, submit leave requests prior to the requested date to supervisor or through WebTA • for earning comptime, credit time, travel comp time, submit request to supervisor or through WebTA 		<ul style="list-style-type: none"> • approve/deny requests in a timely manner and return to employee

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WORK HOURS

CORE HOURS

Core Hours - designated periods when all employees must be present or accountable (9:30 AM to 3:00 PM) on days that they are scheduled to work unless specific, written authorization to deviate from this has been granted by their supervisor.

LUNCH PERIOD

On any workday of five hours or more, employees must include a minimum 30-minute, unpaid lunch. An employee may not elect to work through the lunch period in order to extend paid time or shorten the work day.

WORK SCHEDULE OPTIONS

The basic work requirement for a full-time employee is 80 hours in a biweekly pay period, within which there are three types of work schedules available for consideration, depending on the duties of the employee:

1. *Regular* – Employee maintains a regular daily work schedule each day (8hrs/day, example - 8:00 AM – 4:30 PM).
2. *Flexible* – Employee work schedule consists of workdays with core hours and flexible hours. Core hours are the designated period of the day when all employees must be at work. Flexible hours are the part of the workday when employee may (within the flexible time bands) choose their time of arrival and departure. Employee can alter their work schedule to better fit personal needs and help balance work, personal, and family responsibilities.
 - i. “Maxiflex” is the most flexible schedule, which allows the employee to vary the number of hours per day (within the defined “office hours”) or days per week worked such that they meet 80 hours for the pay period. This work schedule does allow an employee to work fewer than 10 days in a pay period as long as they work 80 hours. An employee on Maxiflex cannot accrue credit time until after their 80 hours have been met.
 - ii. “Variable Week” requires the employee to work every day of the pay period, such that they are at least present or accountable during core hours every day and meet 80 hours per pay period. At the end of the pay period, if an employee has logged more than 80 hours, then the employee may have the option to account for a maximum of 2 hours per day of credit time (within the defined “office hours”) for those day(s) that may have contributed to their surplus.

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- iii. “Variable Day” is similar to “Variable Week” but that the employee must meet 40 hours per week instead of 80 hours per pay period (slightly less flexible).
 - iv. “Gliding” requires the employee to work 8 hours per day, but their arrival and departure time is flexible within the morning and evening time bands (most common for those who regularly work 5 days/wk).
 - v. “Flexitour” is similar to “Gliding” but requires that the employee choose a set time for arrival and departure within the time bands and must keep to those times until a new schedule is approved.
3. *Compressed* – Employee works a fixed daily schedule of greater than 8 hours per day, resulting in a consistent day(s) off per pay period. Credit time cannot be earned under a compressed work schedule.
- i. “5/4-9” is the most common compressed schedule where the employee works eight 9-hour days and one 8-hour day per pay period, resulting in one fixed day off per pay period.
 - ii. “4-day workweek” is when an employee works four 10-hour days per week.

Each work schedule differs in how an employee accounts for his/her time and accrues credit/comp time. It is the supervisor’s responsibility to approve all work schedules and notify the timekeeper in order for proper time accounting in the WebTA system. **Work schedules should be reviewed and verified by employee and supervisor annually.**

CREDIT HOURS

Credit hours are hours that an employee elects to work in excess of the employees basic work requirement under an appropriate flexible work schedule. Credit hours are worked at the election of the employee and are not officially ordered, however are subject to supervisory approval. An employee may not earn more than two credit hours on any given day (also limited by work schedule such as Maxiflex) and carryover a maximum of 24 credit hours to the next pay period. An employee's right to use earned credit hours is also subject to supervisory approval.

Credit hours can only be earned after the basic work requirement is completed. For employees on a Maxiflex work schedule, 80 hours must first be worked prior to earning any credit hours. For employees on other flexible work schedules, 8 hours on any given day must first be worked prior to earning any credit hours. Employees can earn credit hours only within the flexible time bands (“office hours”) in the pay period. Additionally, credit hours cannot be earned on weekends. Weekend work must be approved as compensatory time.

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COMPENSATORY AND OVERTIME HOURS

Compensatory and overtime hours are those officially ordered or approved (using form CD-81 or by making the request through the WebTA system for those with access) by management in advance and that are in excess of 8 hours a day or 40 hours a week. The Fair Labor Standards Act (FLSA) provides for minimum standards for both wages and overtime entitlement, and spells out administrative procedures by which covered worktime must be compensated. All employees are eligible to earn compensatory and overtime hours unless prohibited by reason of the maximum limitation on premium pay. For FLSA exempt employees, basic plus premium pay in any given pay period may not exceed the greater of the biweekly salary of a GS-15 step 10 or level 5 of the Executive Schedule. This limits the amount of compensatory time that can be earned as well as the amount of overtime pay. Even if the compensatory time is never converted to overtime pay, the potential overtime pay represented by the compensatory time earned is calculated in determining whether the biweekly pay limitation is exceeded.

Overtime hours for employees on a “regular” or “flexible” work schedule means all hours in excess of 8 in a day or 40 hours in a week (depending on work schedule) that are officially ordered in advance, not including credit hours. For employees on a “compressed” schedule, overtime is hours of work that are officially ordered or approved and that are in excess of the basic work requirement. The procedures for compensating overtime hours vary depending on an employee’s grade (GS equivalent) and FLSA status (non-exempt or exempt). An employee’s FLSA status is listed on an SF-52, “Notification of Personnel Action,” in block number 35, under “Position Data.” FLSA non-exempt employees earn overtime at 1.5 times their straight-time hourly rate. FLSA exempt employees whose basic pay is greater than that of a GS-10 step 1, overtime pay rate is equal to 1.5 times the hourly rate of a GS-10 step 1. For employees whose rate of basic pay is less than or equal to that of a GS-10 step 1, overtime pay is calculated at 1.5 times the hourly rate of their current grade and step.

Compensatory Time is hours earned in lieu of overtime pay. FLSA exempt employees with a rate of basic pay exceeding that of a GS-10 step 10 **can be required** by their supervisor to substitute compensatory time for overtime pay. No employee may carry over more than 80 hours of compensatory time into a new pay period. An employee may receive a blanket compensatory hour approval for up to three months, at the supervisor’s discretion. Compensatory time is paid out at the employee’s rate of basic pay upon leaving Federal Service.

COMPENSABLE TRAVEL AND TRAINING

The determination of whether time in travel status is compensable is made by the person who authorizes the travel. For FLSA exempt employees, travel time is compensable with compensatory time and/or overtime when travels that results from an event that could not be scheduled or controlled administratively. For example, travel outside of regular hours for spill response activities and litigation-driven schedules is compensable with overtime and/or compensatory time, since these schedules often cannot be controlled administratively. Travel outside of regular hours is also compensable with overtime and/or compensatory time if it is

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required to accommodate the schedules of partners, state and tribal co-trustees and/or private parties, and as necessary to meet conference or training schedules (e.g., travel on weekends or outside core hours). If flight delays or other uncontrollable conditions cause travel time to exceed the scheduled travel time, the additional hours are compensable. The law rarely permits FLSA exempt employees to earn compensatory time and/or overtime for training. Credit hours cannot be earned for travel time or for training since the travel or training are ordered and not voluntary increases in work hours.

COMPENSATORY TIME FOR RELIGIOUS OBSERVANCE

To the extent that modifications in work schedules do not interfere with the efficient accomplishment of an agency's mission, an employee whose personal religious beliefs require that he or she abstain from work at certain times of the workday or workweek must be permitted to work alternative work hours so that the employee can meet the religious obligation. The hours worked in lieu of the normal work schedule ("religious comp time") must be approved in advance by the supervisor and do not create any entitlement to premium pay (including overtime pay).

HAZARDOUS DUTY DIFFERENTIAL PAY

A Federal employee is entitled to hazard pay differential for irregular or intermittent duty involving: 1) unusual physical hardship, 2) hazards not usually involved in carrying out the duties of the position, or 3) hazards not taken into account in the classification of the position. The hazard pay differential may not exceed 25 percent of the basic pay. Federal employees must be paid hazardous duty pay for the entire 8-hour workday in which the hazardous duty was performed (reference: Title 5 CFR Part 550, Subpart I).

Physical hardship means duty that may not be hazardous in itself but causes extreme physical discomfort and distress and cannot be eliminated or significantly reduced by preventive measures (e.g., safety equipment, protective clothing).

Hazardous duty means duty performed under circumstances in which an accident could result in serious injury or death, such as a duty performed on a high structure where protective facilities are not used, or on an open structure where adverse conditions such as darkness, lightning, steady rain, or high wind velocity exist.

The specific criteria for Hazard Pay relating to diving situations, including SCUBA (Self-Contained Underwater Breathing Apparatus) diving required for scientific and engineering activities are contained in NAO 202-532A (reference: Title 5 CFR Part 550, Subpart I, Appendix A).

All employees must receive supervisory approval prior to conducting any work subject to hazardous duty differential pay.

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WORKING ON HOLIDAYS

An employee must receive advanced authorization to work on a holiday. Up to 8 hours of work between the hours of 6:30 AM and 7:00 PM may be authorized and paid at the employee's basic pay rate. Hours in excess of 8 and/or hours outside the time period of 6:30 AM to 7:00 PM are earned as compensatory time or overtime.

TIME AND ATTENDANCE

T&A DATA

It is the responsibility of the employee to load and validate their T&A Data in the WebTA system biweekly:

- By close of business on the *last Friday of each pay period*, T&A Data must be validated in the WebTA system.
- WebTA leave approvals should be obtained by the employee prior to his/her validation.

An employee who will be away when WebTA validations are due must validate their WebTA Data ahead of time. If an employee is away from the office for an extended period of time, he or she is responsible for making arrangements with the timekeeper to complete WebTA validations. Please note that employee-entered WebTA Data can be accessed via the internet at:

<https://docwebta.ocs.doc.gov/webta/>

It is the responsibility of the timekeeper to:

- Review all individual WebTA validations to ensure task numbers and hours of work and leave are properly recorded.
- If no discrepancies are found, the timekeeper will enter the hours into the NOAA WebTA reporting system or review employee-entered WebTA validations, and provide their own validation by 2:00 PM of the *first Monday of each pay period*.
- If discrepancies are identified, the timekeeper will contact the employee for verification prior to validation on the *first Monday of each pay period*.
- *If employee-entered WebTA Data is validated by the employee*, the timekeeper will ensure that validations are made by the employee and timekeeper prior to supervisory certification.

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It is the responsibility of the supervisor to:

- Review all WebTA entries (including leave requests by employee-entered WebTA entries where applicable), and approve them.
- If no discrepancies are found, the supervisor will certify WebTA entries prior to 10:00 PM on the *first Tuesday of each pay period*.
- If discrepancies are found and the employee cannot be consulted prior to certification, the supervisor will coordinate with the timekeeper to make the correction and consult the employee as soon as possible in order to determine if a corrected T&A should be submitted at the time of the next pay period deadline.

For case-related time accounting, certified T&A records may require employee and supervisory signature. Additionally, case logs may be required to account for case specific hours worked. For those divisions not implementing an employee-entered WebTA system, filed records will include T&A worksheets, leave request forms, compensatory and credit time approvals, and any other supporting documentation.

ATTENDANCE AND GOOGLE CALENDARS

Employees **must use their Google calendars** to indicate when away from their assigned work station; this includes 1) telework or flexiplace (and should include a contact telephone number; see *S&T Telework Implementation Procedures* <http://www.st.nmfs.noaa.gov/home/office.html>), and 2) commitments that cause an employee to be away from his or her assigned work station for a length of time that might interrupt normal business operations. Examples of this would include meetings, travel, leave, or non-work hours. Google calendars must be up to date for at least two weeks out.

LEAVE REQUESTS

Any employee taking unscheduled or emergency leave is responsible for requesting approval from his or her immediate supervisor as early as possible, preferably before the beginning of the regular tour of duty. Every effort should be made to call during a time when the supervisor would normally be available, but the supervisor's cellular telephone can be called at any time. It is the employee's responsibility to communicate with the supervisor directly. **Employees should not assume that leave has been granted unless verbal or written confirmation has been received from the supervisor.** Also, when calling in, employees should alert their supervisor of pending deadlines, file locations, etc., necessary for providing office coverage during their absence. If the supervisor is not available, the employee should leave a message (and a phone number where he or she may be contacted) with someone in the office as the supervisor may not be in.

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An employee's supervisor is not required to grant leave. If the supervisor determines that the needs of the work unit preclude a grant of leave, or if the reasons expressed by the employee for absence are not acceptable, the supervisor may order the employee to report for duty or may document that the employee is absent without leave (AWOL). Abuse of leave, including multiple instances of being AWOL, will result in disciplinary action.

Hours of paid leave taken during an employee's basic workweek count as hours of work for purposes of meeting the daily or weekly overtime standards. This includes sick leave, annual leave, military leave, court leave, holidays, time on continuation of pay, and periods of excused absence. However, excused absence may not be granted in excess of an employee's base hours, thereby providing the employee with an overtime entitlement.

ANNUAL LEAVE

Annual leave is a period of approved absence from official duties with pay. It is intended to allow the employee vacation, rest, and recreation. It is also intended for the employee's use in attending to personal or emergency business, to extend the time available to the employee under some other leave programs, and for use with specific military leave entitlements. All full-time employees assigned to an 80-hour tour of duty shall earn and be credited with annual leave for each full biweekly pay period in accordance with 5 U.S.C. 6303. Annual leave accruals shall be credited at the end of each pay period. An employee may not use leave that has yet to be credited, (i.e., leave cannot be earned and used within the same pay period). Federal employees stationed within the United States are not allowed to carry over a maximum of 240 hours into the new leave year (Pay Period 01). Some exceptions to this rule may apply, but not for the majority of the staff within the Office of Science and Technology.

Employees must make every effort to request planned absences to their supervisor at least two weeks in advance through the WebTA system. Additionally, for unplanned or unexpected leave, employees must request leave as follows:

- for leave greater than one workday, requests using WebTA must be made; and
- for leave one workday or less, requests may be made verbally or in writing to their supervisor.

An employee may request leave in quarter hour increments. As with any absence, an employee should alert the supervisor of pending deadlines, file locations, etc., necessary for providing office coverage during his/her absence. The employee also is responsible for coordinating with colleagues to ensure coverage of essential tasks during their leave.

Advanced Annual Leave may be advanced up to the amount of annual leave an employee would accrue in the remainder of the leave year (pay periods 1-26). Advanced annual leave is granted at the discretion of the supervisor.

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Abuse of Annual Leave is when an employee appears to be misusing the procedures for request and approval of leave (for example, by chronic requests for unplanned emergency leave, whether under dubious circumstances or not); the employee may be required to comply with special leave procedures more stringent than those applied to other employees. (For example, an employee may be required to notify their supervisor, in person, of unanticipated absences or to document, with evidence, any unscheduled, emergency absences.) An employee who is placed on special leave procedures must be notified in writing before the procedures take effect. Notification will include the details of the procedures, their duration, as well as the possible consequences of non-compliance.

SICK LEAVE

Sick leave accruals shall be credited at the end of each pay period. Sick leave not used during the year in which it accrues shall accumulate without limitation and be available for use in succeeding years. All full-time employees assigned to an 80 hour tour of duty shall earn sick leave at the rate of one-half day (4 hours) for each full biweekly pay period.

Employees may request the use of sick leave from their supervisor through the WebTA system, verbally (e.g., telephone), or in writing (e.g., email). A supervisor may request evidence or supporting documentation when granting sick leave. Regardless of the duration of the absence, a supervisor may consider an employee's personal certification as sufficient and acceptable evidence. However, for an absence in excess of three workdays, or for a lesser period when determined necessary by a supervisor, the supervisor may require a medical certificate or other administratively acceptable documentation regarding the reason for an absence.

In accordance with Family Friendly Leave policies and the Family and Medical Leave Act of 1993 (FMLA), sick leave may also be used by an employee to provide for the health care needs of a family member. Please refer to the U.S. Office of Personnel Management's (OPM) Family Friendly Leave policies (<http://www.opm.gov/oca/leave/>) for definitions, benefits, and limitations. In all cases of sick leave used for family care, the supervisor will require an employee to apply for leave through the WebTA system. In cases where the employee wishes to invoke the FMLA, the employee must specifically identify that in WebTA. The supervisor may also require the employee to provide medical certification regarding the family member's need for personal care and/or psychological comfort. In these instances, the health care provider must document: (1) that the family member requires physical and/or psychological care; (2) that the family member would benefit from the employee's care or presence; and (3) the period of incapacitation over which the employee will need to care for the family member.

Advanced Sick Leave of up to a maximum of 30 days may be advanced to an employee with a medical emergency or for purposes related to the adoption of a child. A maximum of 5 days of sick leave may be advanced for family care or bereavement purposes. Advanced sick leave is granted at the discretion of the supervisor.

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Abuse of Sick Leave, when determined by the supervisor as having not been authorized or should not be charged as approved leave or excused absence, the employee will forfeit pay for that time. The employee's forfeiture of pay for the period of absence is not a disciplinary action because the decision to be absent was made by the employee rather than by the supervisor. However, such periods of absence may be the basis for disciplinary action. While annual leave may be used in lieu of sick leave, sick leave may not be used in lieu of annual leave.

ADMINISTRATIVE LEAVE

An excused absence is a period of administratively authorized absence from official duties without loss of pay and without charge to an employee's leave account. Excused absence is synonymous with the term "administrative leave" and is distinct from the absence of an employee who is performing officially sanctioned activities away from the employee's usual worksite or regular duties.

- Previously unauthorized absences of less than one hour may be authorized afterwards by the approving official.
- Excused absence may be authorized for voting/registration (max 3 hrs), blood donations (max 4 hrs), treatment for illness occurring during work hours (max 1 hr), delayed arrival, emergency leave, early dismissal, or court (i.e., jury or witness) duty. Note: When unscheduled leave (a.k.a., liberal leave) is announced by the U.S. Office of Personnel Management, employees may use earned leave without prior approval of their supervisor; employees must inform their supervisor of their intent to take unscheduled leave.
- Early dismissal of one hour or more, delayed arrival or emergency leave are governed by the U.S. Office of Personnel Management.
- NOAA employees are subject to the provisions of the "Emergency Closure and Dismissal Procedures for Employees".

LEAVE GUIDANCE FOR HAZARDOUS WEATHER

For Employees in the Washington, DC metropolitan area, guidance is provided in accordance with Departmental guidance and the U.S. Office of Personnel Management policy. This guidance is found can be found at: <http://www.opm.gov/oca/compmemo/dismissal.pdf>.

Current operating status for the Washington, D.C. metropolitan area can be found at: <http://opm.gov/status/>

Current operating status for areas other than the Washington, D.C. area can be found with each Federal Executive Board for specific geographic areas at <http://www.feb.gov/>

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Guidance for specific weather events is provided by email from the Department of Commerce to employees via an email message from Broadcast@doc.gov

LEAVE WITHOUT PAY

Leave without pay (LWOP) is a temporary non-pay status and approved absence from duty that, in most cases, is at the employee's request. An employee may request LWOP for 30 calendar days or less through the WebTA system. In most instances, granting LWOP is a matter of supervisory discretion. For LWOP in excess of 30 calendar days or requests for extension of LWOP, which in total would exceed 30 calendar days, the supervisor must provide the Human Resources Office with an SF-52, Request for Personnel Action. If the LWOP request is made for health reasons, the employee may be required to furnish a statement from a physician, or other licensed health care practitioner, indicating the need for the absence and the prognosis of the employee's ability to return to work at the end of the LWOP period.

Employees should be aware that LWOP affects their entitlement to or eligibility for certain Federal benefits. Employees have an entitlement to LWOP in the following situations:

- The Family and Medical Leave Act of 1993 (FMLA) provides covered employees with an entitlement up to a total of 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs.
- The Uniformed Services Employment and Reemployment Rights Act of 1994 provides employees with an entitlement to LWOP when employment is interrupted by a period of service in the uniformed services.
- Executive Order 5396, July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.

REFERENCES

U.S. Department of Commerce, Office of the Secretary, Office of Human Resources Management; Hours of Duty and Work Schedules: (http://hr.commerce.gov/Practitioners/CompensationAndLeave/DEV01_006627) and AWS: Flexible Work Schedule Types (http://hr.commerce.gov/Employees/Leave/DEV01_006015).