

KANSAS ADJUTANT GENERAL'S DEPARTMENT

MEMORANDUM FOR ALL STATE EMPLOYEES

FROM: TAG-SHRO

SUBJECT: HOURS OF WORK
TAG Policy No. 034-06

EFFECTIVE DATE: November 1, 2016

POLICY STATEMENT: It is the policy of the Adjutant General's Department to establish core work hours and schedules to meet the operational needs of the Department. The work of the agency shall be the primary factor in making decisions regarding requests for schedule modifications.

DEFINITIONS:

Established Core Hours. The Established Core Hours for the Adjutant General's Department is 6:00 am to 6:00 pm. The work schedule for employees must begin and end within these hours unless the work of their position requires shift or other non-standard work schedules.

Established Work Shifts. Established Work Shifts for the Adjutant General's Department are used for the 24 hour operation of work units as required by agreement. Established Work Shifts are as follows: 1st Shift, 7:00 am to 3:00 pm; 2nd Shift, 3:00 pm to 11:00 pm; and 3rd Shift, 11:00 pm to 7:00 am.

Fair Labor Standards Act. The federal law that governs hour and wage requirements and employee eligibility for overtime is the Fair Labor Standards Act (FLSA).

Flexible Work Schedule. A non-standard work schedule initiated at the request of an employee is a Flexible Work Schedule.

Non-Standard Work Schedule. A work schedule that is either required by the Agency or requested by an employee as a Flexible Work Schedule is a Non-Standard Work Schedule. Examples of a Non-Standard Work Schedule are as follows:

- Four 10-hour workdays per week.
- Four nine-hour work days and one four-hour workday per week.
- Five eight-hour workdays in one week of a payroll period; and four 10-hour workdays in the other week of the same payroll period.

Rearranged Workweek. A work schedule that is adjusted within the work week to accommodate a pre-approved period of time off for a Non-Exempt employee, which is made up during the same work week in lieu of using personal leave time, is a Rearranged Workweek.

Standard Work Schedule. A schedule of five eight-hour days, Monday through Friday with at least a 30 minute unpaid lunch break, set or approved by the Supervisor is a Standard Work Schedule.

Standard Workweek. The seven day period beginning at 12:01 am Sunday morning, and ending at 12:00 am the following Sunday morning is a Standard Workweek. A Standard Workweek shall consist of 40 hours for a full-time employee, 20 hours or less for a part-time employee.

Temporary Position. A position limited to 999 hours of employment in a 12-month period, which begins on the employee's first day of employment, is a Temporary Position. Employees may work in Temporary Positions for more than one agency as long as the total number of hours worked does not exceed 999 hours in the 12 month period.

Tour of Duty. The period of time during which an employee is considered to be on duty for the purpose of determining compensable hours is a Tour of Duty. This term is reserved for firefighters who work 24 hour schedules and are normally scheduled 48 hours on duty and 96 hours off duty.

PROCESS GUIDELINES:

Hours of Work

The Standard Work Schedule for State positions is typically 8:00 a.m. to 5:00 p.m., Monday through Friday with a one hour or one-half hour non-paid/non-work lunch break.

Employees may request a Non-Standard work schedule by submitting a TAG Form #006, "Non-Standard Work Schedule Request" to their Manager for approval.

Hours of work shall be approved by the Manager based upon the business needs of the Department. Managers and supervisors may schedule overtime or extra shifts to meet the operational needs of the Agency, and may temporarily rearrange work schedules to avoid the payment of overtime.

Employees shall not work overtime without Manager/Supervisor approval **prior** to working the hours.

Employees are not allowed to begin working before their scheduled start time, or end their work day prior to scheduled end time without prior permission of their Manager/Supervisor.

Employee attendance at meetings and training, which are required for their position or requested by management, including travel time, are considered hours of work, and compensable. Time spent while at training during which the employee is free to use for personal pursuits is not compensable.

Once worked, all hours in excess of 40 hours during a single workweek must be compensated in the form of paid overtime, compensatory time, or flexible scheduling. Due to budget restrictions, every effort shall be made to avoid the payment of overtime.

Managers maintain the discretion to stagger employees' beginning and ending hours and meal periods to provide adequate office coverage to meet the operational needs of the Department.

When an employee is covered by a Memorandum of Agreement (MOA), the employee, supervisor and manager must adhere to any provisions pertaining to Work Schedules in the MOA.

Work Breaks

Work Breaks are not a requirement of the FLSA. Work Breaks are authorized paid time set aside for employees to step away from their work space to rest or refresh. Supervisors may allow 15 minute work breaks, one for each four-hour period worked or one for each half-day worked for schedules of more than eight hours per day. The 15 minutes includes all time spent away from the work station. The time and place of the work break is at the discretion of the Manager or Supervisor. Failure to advise supervisors and co-workers prior to leaving ones work station or failure to return to work in a timely manner may lead to disciplinary action up to and including termination.

Managers and Supervisors may elect to eliminate work breaks during emergencies or to meet the operational needs of the Agency; however, when an employee is covered by a Memorandum of Agreement (MOA) the manager or supervisor must adhere to the provisions in the agreement.

Employees shall not forgo Work Breaks to lengthen lunch breaks, accumulate time off, consolidate time off, or shorten work hours in any way. Employees are not permitted to leave the worksite for Work Breaks.

Lunch Breaks

While working a Standard Work Schedule employees are required to take a one or one-half hour non-paid/non-work lunch break. Lunch breaks should be taken away from the work station to avoid answering telephones that are designated for business use or answering work related questions from supervisors or co-workers.

Lunch breaks begin when the employee leaves their work station and ends upon the employees return. Employees may leave the work site provided they return prior to the end of their Lunch Break. Failure to return to work in a timely manner may result in disciplinary action up to and including termination.

Employees who are required, or request and approved, to work a Non-Standard Work Schedule may elect to use a 20-minute working lunch or a non-duty, non-paid lunch of 30 minutes to one hour. If a lunch break is not selected, employees are authorized a period of twenty minutes to consume lunch while remaining available to respond to calls and/or questions related to their work.

Under no circumstances shall an employee leave the worksite during this period. If an employee leaves the worksite to run errands, pick up lunch, etc., the employee will be in non-paid status. Supervisors are responsible for enforcing the 20-minute on-duty time for consuming lunch. If the 20-minute working lunch is abused, the supervisor will counsel the employee and with notice, advise the employee that a non-working lunch break will be required.

Required Non-Standard Work Schedules

Employees may be required to work outside their regular work schedule to meet critical agency needs, cost management and efficiencies, or emergencies.

Employees required to work a Non-Standard Work Schedule for an extended period of time or on a permanent basis shall receive written notice of such change a minimum of 20 working days prior to the effective date of the schedule change.

Employees whose job it is to manage and/or respond to emergencies and disasters shall be provided advance notice to the extent possible given the nature and severity of the emergency event.

In accordance with the 48/96 hour scheduled worked by firefighters, each 14 day work period begins at 7:01 Sunday and ends at 7:00 am two weeks later. Hours worked during each 14 day period averages 112 hours.

Flexible Work Schedules

Employees may request a Non-Standard Work Schedule by submitting a "Work Schedule Request Form" for approval to their Manager.

All requests for a Non-standard Work Schedule must meet the above criteria for Hours of Work. Approval of all Non-Standard Work Schedules will be based upon the operational needs of the Agency, enhancement of productivity or service to the public, or decreased cost of operation.

Once approved, this form shall be sent to the Office of Human Resources (OHR) for placement in the employees personnel file.

Flexible Work Schedules are not an employee right, and not all positions can be adapted to a Flexible Work Schedule. All work schedules are approved by the manager or supervisor based on the operational needs of the Department.

Rearranged Time

Managers or supervisors may require employees to work overtime based upon the operational needs of the Department or may temporarily rearrange work schedules to avoid the payment of overtime.

With prior authorization, non-exempt employees may request a rearranged work schedule instead of using personal leave time for short periods of time during the workweek, and make up the same amount of time by working during another part of the same workweek.

Under no circumstances shall a non-exempt employee's work time exceed 40 hours within a work week without the approval of their immediate supervisor or manager.

Employees shall not use paid work breaks to make up time taken off or leave work early for the day.

Exempt employees are not eligible to rearrange work schedules to avoid the use of personal leave time.

Time Documents

All employees are required to enter and submit all time actually worked on their timesheet via the State Employee Self-Service Center. Every effort should be made to submit timesheets and supporting leave requests by noon on the Monday immediately following the end of each pay period. Missing documentation or signatures will affect the timely processing of pay checks.

Once submitted, supervisors shall review each day of recorded hours and approve. Discrepancies in time reported should be discussed with the employee and updated by the employee as appropriate. Supervisors shall not change the hours reported on an employee's time document without discussing with the employee prior to changing/submitting as approved.

Time Documents are legal documents, and as such, the signature and/or SHARP approval of the employee and the supervisor are a statement of the accuracy of all information entered onto the document. Falsifying a time document or approving a false time document is prohibited and subject to disciplinary action up to and including termination.

Attendance

Punctual and regular attendance is an essential responsibility of each employee. Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees are also expected to remain at work for their entire work schedule.

Employees are required to notify their supervisor or manager prior to the beginning of their scheduled work day if they will be late or absent from work for any reason, in the time frame and manner designated by their supervisor or manager.

An employee who fails to report to work without notifying his/her supervisor or manager for a period of five consecutive work days will be considered to have abandoned their job and voluntarily terminated their employment with the Department.

Employees who arrive to work late and/or leave work early without approval shall be counseled by their immediate supervisor. Continued behavior shall be addressed using progressive discipline.

Employees who consistently and repeatedly arrive late or leave early shall receive an unsatisfactory employee review and be subject to disciplinary action, up to and including dismissal.

Responsibilities

All employees shall be responsible for following Department policy regarding attendance and work schedules.

The Manager of each work group shall be responsible for developing and advising all employees of the timeline and manner for reporting any absence from work.

Supervisors shall be responsible for following FLSA requirements and Department policy related to Hours of Work.

AUTHORITATIVE REFERENCES:

KAR 1-9-1, "Hours of work".

Division of Personnel Services Bulletin No. 05-04, "Clarification of Work Week and Work Period".

U.S. Department of Labor, "Fair Labor Standards Act".

Firefighter Memorandum of Agreement, October, 2015