

To: Indiana's Workforce System

From: Indiana Department of Workforce Development (DWD)

Date: May 20, 2022

Subject: DWD Policy 2021-23
DWD Employee Alternative Work Schedule Guidance

Purpose

To provide guidelines and requirements for alternative work schedules¹ for DWD employees within the administrative and local offices.

Rescission

- DWD Policy 2007-44 *Alternative Work Schedule Policy*

References

- ISPD Policy *Flexible Work Arrangements*,² effective March 7, 2022
- ISPD Policy *Hours of Work and Overtime*,³ effective November 27, 2016

Definitions

Exempt Employees - Those employees who are not covered by the overtime pay provisions of the Fair Labor Standards Act and/or applicable state rules and policies on premium overtime pay. They are also known as overtime ineligible employees.

Alternative Work Schedule (AWS) - A work schedule that deviates from the standard 7.5 hours of work per day, for ten days per pay period.

Alternative Work Schedule Agreement (AWSA)⁴ - The form used to request, modify, outline the structure, and document the determination of an AWS arrangement between the agency and the employee.

Overtime-eligible Employees - Those employees who are covered by the overtime pay provisions of the Fair Labor Standards Act and/or applicable state rules and policies on premium overtime pay. They are also known as "non-exempt employees".

¹ This policy does not constitute a right or entitlement to an alternative work schedule.

² <https://www.in.gov/spd/files/Flexible-Work-Arrangements-Policy.pdf>.

³ <https://www.in.gov/spd/files/Hours-of-Work-and-Overtime-Policy-11-27-16.pdf>.

⁴ See Attachment A.

Content

Work schedule flexibility is beneficial for employees, organizations, and customers. Such flexibility can often enhance work-life balance, increase productivity, and may afford greater access to DWD services.

Prior to implementing an AWS, it must be determined by the employee's supervisor and Lead Team member that such work will:

- Improve or maintain service delivery;
- Improve or maintain availability to the public or customers;
- Allow for employee work and productivity to be measured and appraised in the same way, or better, as it would be if the employee were working a standard schedule;
- Have no negative impact on other departments, functions, or staff;
- Improve or maintain employee productivity and satisfaction; and
- Contribute to hiring and retention of productive and engaged staff.

General Alternative Work Schedule Information

1. An AWS does not affect the employee/employer relationship, neither does it constitute an employment contract or an amendment to any existing contract. It does not change the employee's compensation or benefits. AWS employees retain the same rights and benefits as any other employee with the same job code.
2. Employees under an AWSA are required to be scheduled for and work 75 hours during a pay period. Employees may **not**:
 - a. Work less than 35 hours in a work week; and
 - b. For non-exempt employees:
 - i. Work more than 40 hours in any week of a pay period.
 - c. For exempt employees:
 - i. Work more than 40 hours in any week of a pay period unless the employee has been pre-approved for overtime for that week.
3. Two schedules are available:
 - a. A 4-day week and a 5-day week, in either order during a pay period: or
 - b. A 4-day week for both weeks of a pay period.
4. AWSA must be approved by the employee's supervisor and Lead Team member
5. DWD employees:
 - a. may
 - i. request to initiate, modify or terminate an AWS by submitting an AWSA to their supervisor preferably 30 days in advance of any action. Circumstances may arise precluding the provision of prior notice.
 - ii. start or end a new or modified AWSA on the first day of the next payroll period after approval.
 - iii. be required to work on a day or time outside of the schedule listed on an AWSA to meet DWD business needs upon management request.
 - iv. be approved to participate in both AWS and a remote work arrangement if this arrangement meets the needs of the business unit (but only up to 15 hours can be worked remotely).
 - b. must

- i. have a fully executed and approved AWSA in place prior to beginning an AWS. This applies to any transfer, promotion or new hire.
- ii. perform their job duties during the agreed-upon hours as listed on the AWSA.
- iii. accurately and honestly report hours worked and leave time used for hours not worked.

Alternative Work Schedule Agreement⁵

- Must be used to start, modify, or terminate an AWS arrangement.
- Must be reviewed and modified (as needed) annually by the employee's supervisor. This may be done sooner or more frequently as determined by DWD management.
- Will have a determination completed and documented by the employee's supervisor for all requests, changes, and terminations, with a brief explanation of the key reasons for the decision.

DWD Employee Responsibilities

Full-time exempt employees must:

- Perform all assigned work;
- Work all scheduled hours and/or comply with notice requirements for requesting use of leave; and
- Account for a minimum of 75 hours of work and/or use of available, appropriate approved leave in each biweekly pay period.

Overtime-eligible employees must:

- Report all hours worked;
- Work all scheduled hours and/or complying with notice requirements for requesting use of leave;
- Take meal periods as scheduled;
- Obtain authorization before working hours more than the regularly established work schedule;
- Not work unauthorized overtime; and
- Perform any overtime work for which the employee has volunteered or been assigned.

Action

All DWD divisions must adhere to this guidance. DWD divisions may, at the discretion of leadership, impose additional requirements pertaining to their specific division.

Attachments

Attachment A - Alternative Work Schedule Agreement (separate Word file)

⁵ See Attachment A.

Effective Date

Immediately.

Ending Date

Upon rescission.

Additional Information

Questions regarding the content of this publication should be directed to DWDHumanResources@dwd.in.gov.

Attachment A
Alternative Work Schedule Agreement

See DWD's Active Policy page, <https://www.in.gov/dwd/compliance-policy/policy/active/>, to access the editable Word file.