

**Forest Service Handbook
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**Forest Service Handbook 6109.11 – Pay Administration, Attendance and Leave Handbook
Chapter 20 - Hours of Duty (Work Schedule)**

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Digest: Following is an explanation of the changes throughout the directive by section.

22.17 – Exhibit 1: Under Maxiflex, 1. Basic Work Requirement and 3. Flexibility, changes from “see variable day schedule” to “see variable week schedule”.

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20.2 - Objective

The objective of this chapter is to provide instructions to administer the hours of duty for employees. This includes the:

1. Identification of the basic 40-hour workweek and holidays; and
2. Determination of the alternative or other work schedule options to be used.

20.05 - Definitions

Administrative Workweek. The administrative workweek is a period of 7 consecutive calendar days beginning on Sunday and ending on Saturday.

Alternative Work Schedule (AWS). This term is used to describe both flexible and compressed work schedules.

Basic Workweek. The 40-hour workweek which generally does not extend over more than 6 of any 7 consecutive days for full-time employees, except when employees are placed on a first 40-tour of duty, required to perform standby duty, or allowed to work a flexible or compressed schedule.

Basic Work Requirement. The number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave, credit hours, excused absence, holiday hours, compensatory time off, or time off taken as an award. A full-time employee shall work the equivalent of 80 hours per pay period. The basic work requirement for part-time employees is the number of hours established by a personnel action.

Compressed Work Schedule (CWS). A CWS is a fixed work schedule that requires:

- a. In the case of a full-time employee, an 80-hour biweekly basic work requirement that is scheduled by the Forest Service for less than 10 workdays.
- b. In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours that is scheduled by the Forest Service for less than 10 workdays and that may require the employee to work more than 8 hours in a day.

Core Hours. The time periods during the workday, workweek, or pay period that are within the tour of duty during which an employee covered by a flexible work schedule (FWS) is required by the Forest Service to be present for work or otherwise account for their time by charging leave, credit hours, excused absence, holiday hours, compensatory time off, time off as an award, or an approved core hour deviation.

Credit Hours. Those hours within a FWS that an employee elects to work in excess of employee's basic work requirement so as to vary the length of a workweek or workday. Employees have the option of recording credit hours earned daily or after 80 hours.

Emergency or Disaster. A major emergency or disaster (such as a wildfire, tornado, hurricane, or earthquake) that results in severe adverse effects such as loss of life or property for a substantial number of people.

Fixed Work Schedule. The specific days and clock hours are set, and the employee may not vary the time of arrival or departure.

Flexible Hours (also referred to as "flexible time bands"). The times during the workday, workweek, or pay period within the tour of duty during which an employee covered by a FWS may choose to vary employee's times of arrival to and departure from the work site, consistent with the duties and requirements of the position.

Flexible Work Schedule (FWS). The core and flexible hours are set by the Forest Service within which an employee shall complete the basic work requirement. The Forest Service has designated core hours and days when an employee shall be present for work. It has also designated flexible hours during which an employee may elect to work in order to complete their basic non-overtime work requirement.

- a. In the case of a full-time employee, an 80-hour biweekly basic work requirement that allows an employee to determine employee's own schedule with Supervisory approval within the limits set by the Forest Service.
- b. In the case of a part-time employee, has a biweekly basic work requirement of less than 80 hours that allows an employee to determine employee's own schedule with Supervisory approval within the limits set by the Forest Service.

Full-Time. A regularly scheduled tour of duty which requires the employee to be in a leave and/or duty status for 80 hours each biweekly pay period.

Intermittent. Work based on sporadic and unpredictable requirements which prevent advance scheduling of a regular tour of duty. Employees work on an as-needed basis, are paid only for those hours worked, and are not entitled to earn or use leave.

Maxiflex Schedule. A type of FWS that contains core hours on fewer than 10 workdays in the biweekly pay period. A full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but may vary the number of hours worked on a given workday or the number of hours each week within the limits established by the Forest Service unit.

Non-Temporary Employees. An individual whose appointment is not limited to 1 year or less.

Overtime Work. The work hours in excess of 8 hours per day or 40 hours in an administrative workweek that is officially ordered or approved in writing and performed by an employee. For employees on first 40-hour tours and AWS, see FSH 6109.11, chapter 10.

Part-Time. A regularly scheduled tour of duty which generally requires an employee to be on duty no less than 16 hours and no more than 32 hours per week.

Regularly Scheduled Administrative Workweek. For full-time employees, the days, hours, and meal periods established within an administrative workweek of 7 consecutive days beginning on Sunday when employees are regularly scheduled to work. For part-time employees, the officially established days, hours, and meal periods within an administrative workweek during which the employee is regularly scheduled to work.

Regularly Scheduled Work. Work that is scheduled in advance of an administrative workweek.

Tour of Duty under a Fixed Schedule. The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

Tour of Duty under a FWS. The limits set by the Forest Service within which an employee shall complete the basic work requirement. This includes flexible and core time bands.

Variable Day Schedule. A type of FWS in which a full-time employee has a basic work requirement of 40 hours in each week of the biweekly pay period, but the employee may vary the number of hours worked on a given workday during the week within the limits established by the Forest Service unit.

Variable Week Schedule. A type of FWS in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, and the employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established by the Forest Service unit.

21 - Establishment of Workweek and Work Schedules

Sections 21.01 through 21.27b provide direction on establishing the employee's regularly scheduled administrative workweek and daily work schedule.

21.01 - Authority

1. Title 5, United States Code, Chapter 61, Subchapter I – General Provisions. This authority provides the general provisions for the determination of the basic 40-hour workweek, and provides the work schedule regulations as they apply to both the General Schedule (GS) and Federal Wage System (FWS) employees.

2. Title 5, Code of Federal Regulations, Part 610 – Hours of Duty. The Office of Personnel Management (OPM) has issued regulations in order to fulfill its responsibilities for the overall administration of the weekly and daily scheduling of work for GS and FWS employees.

21.02 - Objectives

The objective of this chapter is to provide instructions for establishing weekly and daily work schedules for employees.

21.03 - Policy

It is Forest Service policy for Line Officers and unit managers to:

1. Schedule or adjust hours of duty to ensure efficiency of operations and to meet the needs of employees.
2. Limit hours of duty to not more than 12 hours per day except in emergencies or when extenuating circumstances warrant, with Supervisory approval.

21.04 - Responsibility

Line Officers, including the Chief, Associate Chief, Deputy Chiefs, Regional Foresters, Station Directors, and the Area Director have the responsibility to:

1. Set the work schedules for employees to accomplish the mission.
2. Determine policy with regard to use of standard, nonstandard, and alternate work schedules.
3. Conduct quarterly reviews to determine that nonstandard tours are valid and reflect current need.
4. Monitor and evaluate the effectiveness of tours of duty in terms of set objectives.

21.1 - Regularly Scheduled Administrative Workweek

The Regularly Scheduled Administrative Workweek (RSAW) is used to make determinations on an employee's entitlement to compensation for leave, excused absence, injury, training, travel, and premium pay. The RSAW for each employee should be established prior to the start of the administrative workweek, and it should correspond to the employee's actual work requirements. It must be recorded for every employee on the electronic Time and Attendance Record (form FS-6100-11) in the Established Hours tab, Workweek and Hours field.

1. Standard Work Schedule. The RSAW for a standard work schedule:
 - a. Is a fixed schedule consisting of 40 hours per week and 8 hours per day plus any regularly scheduled overtime; and
 - b. Does not extend over more than 5 of any 7 consecutive days.
2. Compressed Work Schedule. The RSAW for a compressed schedule:

- a. Is a fixed schedule consisting of the basic work requirement plus any regularly scheduled overtime; and
 - b. Extends over fewer than 10 days per pay period.
3. Flexible Work Schedule. The RSAW for a flexible schedule:
 - a. Is a flexible schedule consisting of the basic work requirement plus any regularly scheduled overtime;
 - b. Indicates the days and times during the administrative workweek when an employee is regularly scheduled to work; and
 - c. May be flexed. (see sec. 22.1).
4. First 40-Hour Workweek. The RSAW for a first 40-hour schedule:
 - a. Is an irregular schedule wherein it is impracticable to prescribe a regular schedule of definite hours of duty for each workday; and
 - b. Does not extend over more than 6 of the 7 days of the administrative workweek.
5. Non-Standard Tour of Duty. A non-standard tour of duty is established to:
 - a. Meet unusual circumstances for which a deviation from the standard workweek is necessary (sec. 21.21).
 - b. A non-standard tour may be used, for example, for employees who are:
 - (1) Teaching at educational institutions;
 - (2) Employed as Wilderness Rangers; and
 - (3) Located at remote field camps such as survey or trail maintenance crews.

21.2 - Establishment of Work Schedules

The daily standard tour of duty for all full-time employees, except those on AWS, must consist of 8 working hours, worked continuously except for a meal period.

1. Establishing and Changing Work Schedules.
 - a. Established work schedules are recorded on form FS 6100-11, Time and Attendance Record.
 - b. Changes in work schedules that are made by a Supervisor or manager prior to the beginning of an administrative workweek require written notification to the employee, except when emergencies and unforeseen situations require a change in the employee's work schedule.

- c. For bargaining unit employees, refer to the applicable union contract for additional guidance.

2. Tours of Duty.

- a. Tours of duty must not begin before 6:00 a.m. nor extend beyond 6:00 p.m., unless it is a requirement of the position or the Forest Service mission, although employees on a FWS may elect, with Supervisory approval, to work outside of these hours (see sec. 22.12).
- b. The daily standard tour of duty for all full-time employees, except those on AWS, must consist of 8 working hours, worked continuously except for a meal period.
- c. Any basic tour of duty established between 6:00 p.m. to 6:00 a.m. requires the payment of night pay differential. However, when an employee's tour of duty under a FWS includes 8 or more hours available for work between 6 a.m. and 6 p.m., they are not entitled to night pay or night differential if they voluntarily elect to work between 5 a.m. and 6 a.m. or between 6 p.m. and 10 p.m. An employee on a fixed work schedule (either standard or compressed) is entitled to night pay or night differential.
- d. Any basic tour of duty which includes Sunday hours requires the payment of Sunday differential.

3. Meal Period and Rest Breaks.

- a. The meal period for full-time employees must be set administratively and should normally be 30 minutes to 1 hour in length.
- b. Meal periods must not be taken at the end of a workday in an attempt to shorten the length of the workday.
- c. Meal periods are non-compensable, except for law enforcement officers receiving administratively uncontrollable overtime.
- d. Employees who are required to work during their scheduled meal period shall be compensated at the appropriate rate.
- e. Rest breaks are included as compensated time in the basic workday.

21.21 - Non-Standard Tours

1. Establishment of non-standard tours.

- a. Non-standard tours may be established under conditions in which standard tours would seriously handicap the functions of the organization or substantially increase costs.

- b. When the need for such tours ceases, reassign the employees to a standard tour.
2. Approval.
 - a. Approval of non-standard tours must be documented to support the decision and retained with the employee's pay records.
 - b. Non-standard tours must be for a period of not less than 1 pay period in length, (see secs. 21.24, 21.25, and 21.26).
3. Assignment of an employee to a non-standard tour must be effective at the beginning of the pay period.

21.22 - Spot Changes Made to the Tour of Duty during Emergencies

1. After the first day on an incident, individuals are spot changed to a first 8-, 9-, or 10-hour daily tour of duty, depending upon the tour of duty they will be working for that week. The individual resumes their normal daily tour of duty on the day following their return from the incident.
2. For a 2-day incident, the unit may elect not to spot change the individual's daily tour of duty.
3. Individuals on a first 40-hour tour or a FWS are changed to a first 8-hour daily tour when assigned to an incident and are compensated at overtime rates for all hours in excess of 8 hours in a workday.
4. Individuals under a compressed 9-hour or 10-hour work schedule could be spot changed to a first 9 or 10 hours per day on days which correspond to their weekly tour of duty.

On days which would have been scheduled off at the home unit, individuals shall be guaranteed 8 hours unless work is performed in excess of 8 hours.

21.23 - Temporary Duty

1. The receiving unit manager should set the work schedule for employees on a detail.
2. If the employee is notified of the detail after reporting to the regular job, the employee's tour of duty must not be changed for that day.
3. When an employee covered by a FWS program is assigned to a temporary duty station using another schedule, either standard or AWS, the Supervisor may allow the employee to:
 - a. Continue to use the schedule at the employee's permanent work site.

- b. Require the employee to change or modify the schedule to meet work needs at the temporary work site.

21.24 - Variations for Educational Purposes

1. The regularly scheduled administrative workweek may be varied to allow non-temporary, full-time employees to take courses in nearby educational institutions, provided the course serves:
 - a. A work related purpose.
 - b. Equips the employee for more advanced work in the Forest Service.
2. The rescheduling must not significantly impact:
 - a. The employee's work.
 - b. The work schedules of other employees.
3. No premium pay may be paid to the employee solely because of rescheduling their tour of duty for educational purposes.
4. FWS may be used to accommodate the variation.

21.25 - Job Corps

1. Tours of duty for Job Corps personnel may require adjustment to provide 24-hour coverage.
2. Within Federal regulations requiring each full-time employee to have a basic administrative workweek of 40 hours, Center Directors may establish group schedules containing non-standard tours through which Center employees rotate on a pay period (or multiple pay period) basis.
3. A schedule of tours:
 - a. May include a mixture of standard and nonstandard tours.
 - b. May be composed of only nonstandard tours.
 - c. Must be for employees with similar duties.

21.26 - Indefinite (First 40-Hour) Weekly Tours

1. An indefinite workweek may be established when it is not practicable to establish a definite, prearranged weekly tour of duty because working hours are determined by irregular, and often unpredictable, needs for service.

2. Scheduling an indefinite workweek:
 - a. Reserve the indefinite workweek for use in non-emergency situations.
 - b. Schedule an indefinite tour in advance, and only for the period when the need for service is irregular and unpredictable.
 - c. Specify the days of the week on which the basic 40-hour week is to begin and end.
 - d. The 40 hours must occur during 6, and preferably 5, of the days of the administrative workweek. Clearly document records to show whether the basic 40 hour week is to be completed within 5 or 6 days of the administrative workweek.
3. The first 40 hours in a pay status is considered the basic workweek for indefinite tour employees including, as appropriate, hours worked, creditable holiday absence, compensatory time, and/or leave during this period.
4. All work performed by an employee within the first 40 hours is considered regularly scheduled work for premium pay (such as Sunday and night differential) and hours of duty purposes.
5. In the event that work is officially ordered and performed on a holiday, up to 8 hours of such work must be compensated for at the holiday premium rates.

21.26a - Tour of Duty for Senior Executive Service Members

Senior Executive Service (SES) members are eligible to work a first 40-hour, flexible, or CWS. SES members may not earn credit hours under a FWS and must have at least one day off per week.

21.27 - Less Than Full-time Tours of Duty

Sections 21.27a and 21.27b describe less than full-time tours of duty, such as the use of part-time and intermittent work schedules.

21.27a - Part-time Work Schedule

1. Part-time employees shall not be scheduled to work more than 5 of the 7 days in the administrative workweek.
2. Part-time employees can be regularly scheduled to work from 16 to 32 hours per week on a regular, repetitive basis.
3. Supervisors may require an employee to work up to a total of 8 hours of work per day or 40 hours per week without entitlement to premium pay on an irregular and occasional basis (not more than two pay periods in a row without changing their tour of duty to full-time).

21.27b - Intermittent Work Schedule

An unscheduled tour of duty requiring service on an irregular or occasional basis is intermittent. Compensate employees with intermittent tours only for time actually worked.

22 - Alternative Work Schedules

Sections 22.01 through 22.26 provide detailed direction on the administration of FWS and CWS, jointly referred to as AWS.

Section 22.06, exhibit 01 provides an overall comparison of flexible and CWS in terms of the basic work requirement, tour of duty, credit hours, and units represented and not represented by unions.

Bargaining unit employees may participate in an AWS program only under the terms provided in the applicable collective bargaining agreement between the Forest Service and the union representing them.

22.01 - Authority

1. Title 5, United States Code, Chapter 61, Subchapter II – Flexible and Compressed Work Schedules. This authority provides the general framework for FWS and CWS which is to be used to improve productivity in the Federal Government and to provide greater service to the public.
2. Title 5, Code of Federal Regulations, Chapter 610, Subpart D – Flexible and Compressed Work Schedules. This authority provides legislation for the overall administration of FWS and CWS for use by GS and FWS employees. These OPM regulations are incorporated into their Handbook on AWS which can be found at <http://www.opm.gov/oca/aws/index.asp>.

22.02 - Objective

To provide policy on the use of AWS including both flexible and CWS in the Forest Service.

To enable managers and Supervisors to meet their program goals while, at the same time, allowing employees to be more flexible in scheduling their personal activities.

22.03 - Policy

It is Forest Service policy to require Line Officers and unit managers to:

1. Schedule or adjust AWS of employees to ensure efficiency of operation and to meet the needs of employees.
2. Limit hours of duty to not more than 12 hours per day except in emergencies or when extenuating circumstances warrant, with supervisory approval.

3. Document in writing any deviations from the core hours granted to an employee under a FWS.

22.04 - Responsibility

Line Officers, Directors, unit managers, Supervisors, and employees have distinct responsibilities relating to the implementation of work schedules and adherence to the requirements which are established by law, regulation, and Agency policy.

22.04a - Regional Foresters, Station Directors, and Area Director

Regional Foresters, Station Directors, and the Area Director have the authority to:

1. Modify current AWS in accordance with applicable collective bargaining agreements.
2. Approve use of a particular work schedule.
3. Establish tour expectations including policies for recording attendance.
4. Resolve differences between employees and subordinate Supervisors on tour of duty requests.

22.04b - Unit Managers and Supervisors

Unit managers and Supervisors shall:

1. Approve the tour of duty for each employee and any changes in the schedule.
2. Ensure that the office is covered during customer service hours.
3. Attempt to schedule meetings and other all-employee functions during core times.
4. Ensure that employees who are non-exempt from the Fair Labor Standards Act regulations do not exceed an 8-hour workday except when overtime is officially authorized or as permitted by regulations governing flexible or compressed tours (see sec. 13).
5. Order and approve overtime work in writing.

22.04c - Employees

Employees are responsible for:

1. Following applicable rules related to work schedules.
2. Preparing and signing the Time and Attendance Record (form FS-6100-11) to verify that it accurately reflects hours actually worked.
3. Maintaining appropriate documentation to support scheduled and performed work.

22.06 - Comparison of Flexible and Compressed Work Schedules

The following exhibit clarifies the differences between the FWS and the CWS.

22.06 – Exhibit 01

Comparison of Flexible and Compressed Work Schedules

FLEXIBLE WORK SCHEDULES	COMPRESSED WORK SCHEDULES
<p>1. Basic Work Requirement</p> <ul style="list-style-type: none"> a. A full-time employee shall work 80 hours in a biweekly pay period. b. A part-time employee's hours are determined by the Supervisor in a specific period. c. The Forest Service permits employees to complete their basic work requirement in less than 10 workdays. 	<p>1. Basic Work Requirement</p> <ul style="list-style-type: none"> a. A full-time employee shall work 80 hours in biweekly pay period and must be scheduled to work on fewer than 10 workdays. b. A part-time employee has a fixed schedule of fewer than 80 hours in a biweekly pay period and must be scheduled to work on fewer than 10 workdays.
<p>2. Tour of Duty</p> <p>The tour of duty defines the limits within which an employee shall complete employee's basic work requirement, including flexible and core time bands.</p>	<p>2. Tour of Duty</p> <p>The tour of duty is a fixed work schedule established by the Forest Service that is completed in a compressed (or smaller) amount of days during the normal workweek, by working more hours (such as 9 or 10 hours) in a day.</p>
<p>3. Credit Hours</p> <ul style="list-style-type: none"> a. Hours may be worked in excess of the basic work requirement at the option of the employee in order to vary the length of the workday or workweek. b. Of the FWS; only variable day, variable week, and maxiflex allow credit hours to be earned and used. 	<p>3. Credit Hours</p> <ul style="list-style-type: none"> a. Credit hours may not be earned on a CWS. b. There is no legal authority for credit hours under a CWS program. (5 U.S.C. 6121(4)).
<p>4. Application of FWS in Units Represented by Unions</p> <p>The Forest Service FWS apply to all units.</p>	<p>4. Application of CWS in Units not Represented by Unions</p> <p>A majority of affected employees must vote to be included in a CWS program. (5 U.S.C. 6127(b)).</p>

22.07 - Benefits of Alternative Work Schedules

AWS programs have the potential to enable managers and Supervisors to meet their program goals while, at the same time, allowing employees to be more flexible in scheduling their personal activities. As employees gain greater control over their time, they can, for example, balance work and family responsibilities more easily, become involved in volunteer activities, and take advantage of educational opportunities. The employee benefits provided by AWS programs also are useful recruitment and retention tools.

22.08 - Premium Pay under Alternative Work Schedules

Title 5, United States Code, Chapter 61, Subchapter II provides for the modification of premium pay and scheduling provisions of Title 5, United States Code, Chapter 55, Subchapter V. It also modifies the overtime pay provisions of the Fair Labor Standards Act of 1938, as amended (FLSA), for Forest Service units participating in AWS programs. All other provisions of Title 5 and the FLSA remain in effect for participating Forest Service units.

22.1 - Flexible Work Schedules

Sections 22.11 - 22.16 describe the flexible time bands and core time established for use in the Forest Service as well as provide overall policy for the different types of FWS.

Section 22.17, exhibit 01, provides an overall comparison of three types of FWS (variable day, variable week, and maxiflex) in terms of the basic work requirement, tour of duty, overtime work, and flexibility.

22.11 - Basic Work Requirement

The basic work requirement of a FWS is the number of hours, excluding overtime hours, an employee shall work or otherwise account for by leave, credit hours, holiday hours, excused absence, compensatory time off, or time off taken as an award. All employees shall establish a regularly scheduled administrative workweek (RSAW) in their Time and Attendance Record (form FS 6100-11) header for the purpose of making determinations for compensable travel and holidays.

1. A full-time employee shall work 80 hours in a biweekly pay period.
2. A part-time employee works 32 to 64 hours within a specified period of time.

22.12 - Flexible and Core Time Bands

1. The flexible time bands for the Forest Service are Sunday through Saturday from 5 a.m. to 10 p.m., including the core days and hours during which employees shall be present for work.
2. Default core hours for the Forest Service are the three middle days of the employee's regularly scheduled administrative workweek from 10 a.m. to 2 p.m. with the exception of a 30-minute non-compensable meal period.

3. Changes to the default core hours and core days may be negotiated by management and the union at the appropriate levels.
4. Supervisors may grant a deviation to core hours. The signature on an employee's timesheet is adequate to document the Supervisor's approval.

22.13 - Tour of Duty

1. The employee's tour of duty comprises all hours and days (except overtime) for which flexible and core hours have been designated, including those days within a maxiflex schedule for which only flexible hours are scheduled.
 - a. The tour of duty defines the limits within which an employee shall complete the basic work requirement.
 - b. The limits are set by the Forest Service within which an employee shall complete the basic work requirement, including the flexible and core time bands.
2. Temporary changes in the tour of duty may be made under the terms of the negotiated collective bargaining agreement between Forest Service and the union, if applicable, or Forest Service policy.
3. For employees on a FWS, all work within the basic work requirement is considered regularly scheduled work for premium pay and hours of duty purposes. However, when an employee's tour of duty under a FWS includes 8 or more hours available for work between 6 a.m. and 6 p.m., they are not entitled to night pay or night differential if they voluntarily elect to work between 5 a.m. and 6 a.m. or between 6 p.m. and 10 p.m.

22.14 - Credit Hours

1. Credit hours may be worked in excess of the basic work requirement in place of overtime or compensatory time at the option of the employee.
 - a. The employee shall be assigned to a FWS (variable day, variable week, or maxiflex schedule) in order to work credit hours.
 - b. Credit hours may be earned on non-workdays including Sundays.
2. Credit hours are earned at the election of the employee.
 - a. Credit hours, unlike overtime hours, are not officially ordered or approved in advance by management.
 - b. Credit hours must be earned within the unit's flexible time bands.
 - c. There should be an agreement between the Supervisor and the employee prior to the employee earning credit hours.

3. An employee's right to use earned credit hours is governed by policies established in this handbook. The use of credit hours must be scheduled and approved in advance like any other absence from work.
4. When an employee uses credit hours, the hours are counted as a part of the basic work requirement to which they are applied. An employee is entitled to the employee's rate of basic pay for credit hours. An employee may not use credit hours solely to increase entitlement to overtime pay.
5. A full-time employee may carry over a maximum of 24 credit hours from one pay period to the next pay period. A part-time employee can carry over one-fourth of the employee's biweekly work requirement as credit hours from one pay period to the next pay period.
6. When an employee is no longer subject to a FWS program, the employee will be paid for accumulated credit hours at employee's current rate of pay.
 - a. For a full-time employee, payment for accumulated credit hours is limited to a maximum of 24 hours.
 - b. For a part-time employee, the limit is one quarter of the employee's biweekly work requirement.
 - c. An employee shall not be compensated for credit hours for any other reason (for example, such as excess, unused credit hours that cannot be carried forward into the next pay period).
7. An employee shall not be paid overtime pay, Sunday premium pay, or holiday premium pay for credit hours. Credit hours must always be part of the employee's non-overtime basic work requirement.
8. Credit hours must be considered daytime hours whenever possible. Whether an employee is entitled to night pay for credit hours on the day on which the credit hours are earned (worked) depends on the rules for night pay.
9. In the event of an Agency closure or early dismissal before the beginning of an employee's daily tour of duty, an employee shall retain credit hours that have not been used to the extent permitted by law and regulation. For example, full-time employees may not carry over more than 24 credit hours to a new biweekly pay period.
 - a. If an early dismissal occurs during or after the employee's daily tour of duty, the employee will be charged for credit hours that have already been used.
 - b. Nonexempt employees, whose credit hours worked exceed 24 hours, shall be paid overtime for those hours.

10. Credit hours must not be included in the employee's regularly scheduled administrative workweek. Credit hours must not replace regularly scheduled overtime.

22.15 - Examples of Scheduling Flexibility

Management may order an employee who is covered by a FWS program to work hours that are in excess of the number of hours the employee planned to work on a specific day. If the hours "ordered to be worked" are not in excess of 8 hours in a day or 80 hours in a pay period at the time they are performed, the employee may be permitted or required to:

1. Take time off from work on a subsequent workday for a period of time equal to the number of extra hours of work ordered.
2. Complete employee's basic work requirement as scheduled. This may result in overtime pay for hours of work ordered in excess of 8 hours in a day or 40 hours in a week.

22.16 - Application of Flexible Work Schedules in Unorganized Units

FWS may be used in all Forest Service units.

22.17 - Comparison of Flexible Work Schedules

The following exhibit is a comparison of the three types of FWS; variable day schedule, variable week schedule, and maxiflex.

22.17 - Exhibit 01

Comparison of Flexible Work Schedules

VARIABLE DAY SCHEDULE	VARIABLE WEEK SCHEDULE	MAXIFLEX
<p>1. Basic Work Requirement</p> <p>a. A full-time employee shall work 40 hours a week.</p> <p>b. A part-time employee shall work the number of hours the Supervisor determines in a week.</p>	<p>1. Basic Work Requirement</p> <p>a. A full-time employee shall work 80 hours in a biweekly pay period.</p> <p>b. A part-time employee shall work the number of hours the Supervisor determines in a biweekly pay period.</p>	<p>1. Basic Work Requirement</p> <p>(See Variable Week Schedule)</p>
<p>2. Tour of Duty</p> <p>a. The Forest Service has established flexible and core hours.</p> <p>b. These schedules provide for flexible time bands at the start and end of the workday and may also allow for flexible hours at midday (during the lunch break).</p> <p>c. Employees shall work or be on leave during core hours.</p>	<p>2. Tour of Duty</p> <p>(See Variable Day Schedule)</p>	<p>2. Tour of Duty</p> <p>(See Variable Day Schedule)</p>
<p>3. Flexibility</p> <p>a. Employees may vary arrival and departure times on a daily basis during the established flexible hours.</p> <p>b. An employee may also vary the length of the workday. The Supervisor may limit the number of hours an employee may work on a daily basis.</p>	<p>3. Flexibility</p> <p>(See Variable Day Schedule)</p> <p>An employee may also vary the length of the workweek.</p>	<p>3. Flexibility</p> <p>(See Variable Week Schedule)</p>

22.2 - Compressed Work Schedules

Sections 22.21 through 22.25 provide the overall policy for the different types of CWS used in the Forest Service.

Section 22.26, exhibit 01 provides an overall comparison of two types of CWS (4-day workweek, 5/4-9 compressed plan) in terms of the basic work requirement and tour of duty.

22.21 - Basic Work Requirement

The basic work requirement is the number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave, holiday hours, excused absence, compensatory time off, or time off taken as an award. Under a CWS the basic work requirement is:

1. Eighty hours in a biweekly pay period that a full-time employee shall be scheduled to work for fewer than 10 workdays in a biweekly pay period.
2. Less than 80 hours in a biweekly pay period that a part-time employee shall be scheduled to work for fewer than 10 workdays in a biweekly pay period.

22.22 - Tour of Duty

1. The tour of duty for employees under a CWS program is an established fixed schedule.
2. CWS are arranged to enable employees to fulfill their basic work requirements in less than 10 working days during the biweekly pay period. Although unit managers may change or stagger the arrival and departure times of employees, there are no provisions for employee flexibility in reporting or quitting times under a CWS program.

22.23 - Credit Hours

There is no legal authority for credit hours to be earned or used under a CWS program. The law provides for credit hours only for FWS.

22.24 - Application of Compressed Work Schedules in Unorganized Units

1. Under Title 5, United States Code, section 6127 (5 U.S.C. 6127), a CWS may not be established in an unorganized unit unless a majority of employees in the organization who would be included vote to be included.

For purposes of this vote, a majority is obtained when the number of affirmative votes exceeds 50 percent of the number of employees and Supervisors in the organization proposed for inclusion in a CWS. (If participation in the CWS program is voluntary for each employee, a vote is unnecessary, because employees who elect not to participate are not included and are unaffected.)

2. In organizations in which employees are exclusively represented by a labor organization, but in which certain employees (for example, Human Capital Management Specialists) are excluded from the bargaining unit, only those employees in the unit are bound by the terms of negotiations establishing a CWS program. Employees in the organization not in the bargaining unit are entitled to vote for or against inclusion in the schedule.
3. Employees who are not in the bargaining unit in an otherwise organized unit are entitled to vote for or against inclusion in the schedule. All employees not in the bargaining unit who would be affected by the outcome should have an opportunity to cast a vote, and the outcome of the vote is binding upon all non-bargaining unit employees, except those exempted by management because of personal hardship.

22.25 - Determining Hardships under Compressed Work Schedules

1. Each unit should have a procedure for an employee to request exclusion from a CWS based on personal hardship. The unit must determine whether the CWS imposes a personal hardship. Title 5, United States Code, section 6127(b)(2) requires that any employee for whom a CWS would impose a personal hardship be excluded from the schedule or be reassigned.
2. Although the term "personal hardship" is undefined, units should take into consideration that a CWS could have an adverse effect on certain employees, particularly disabled employees and those who are responsible for the care of disabled family members or dependent children. The facts and circumstances of each individual case should be considered separately based on merit. Other valid personal hardship situations may occur that could be grounds for excusing an employee from working under a CWS program.

22.26 - Compressed Work Schedule

Exhibit 01 provides an overall comparison of two types of CWS (4-day workweek, 5/4-9 compressed plan) in terms of the basic work requirement and tour of duty.

22.26 - Exhibit 01

Compressed Work Schedules

4-DAY WORKWEEK	5/4-9 COMPRESSED PLAN
<p>1. Basic Work Requirement</p> <p>a. A full-time employee shall work 10 hours a day, 40 hours a week, and 80 hours a biweekly pay period.</p> <p>b. A part-time employee shall work the number of hours the Supervisor determines in a 4-day workweek and in a biweekly pay period.</p>	<p>1. Basic Work Requirement</p> <p>a. A full-time employee shall work eight 9 hour days and one 8 hour day for a total of 80 hours in a biweekly pay period.</p> <p>b. A part-time employee shall work the number of hours the Supervisor determines in a 9-day biweekly pay period.</p>
<p>2. Tour of Duty</p> <p>The “tour of duty” is established by the Supervisor and is limited to four 10-hour days.</p>	<p>2. Tour of Duty</p> <p>The “tour of duty” is established by the Supervisor and is less than 10 workdays in a biweekly pay period.</p>