

**DHEC ADMINISTRATIVE POLICY MANUAL
COMMISSIONER'S OFFICE**

Subject: Alternative Work Schedules

Laws/Regulations: Fair Labor Standards Act

Policy Statement: It is the policy of the Department to allow the use of Alternative Work Schedules (AWS) where it is a viable management work option. The Department recognizes the benefits of such work options for employees when both program and employee personal needs can be addressed. Participation is voluntary and subject to approval by appropriate management staff. Participation is not an employee right or benefit and may be discontinued at any time by either party. AWS may not be appropriate to all areas of the Department, especially those having limited staff. Alternative work schedules are encouraged to help protect ambient air quality.

Rules:

Alternate Work Schedules fall under the guidelines of the Fair Labor Standards Act (FLSA). The FLSA uses a standard 40 hour workweek to determine overtime. The agency workweek begins at 12:01 a.m. on Saturday and ends at 12:00 midnight the next Friday. Any hours worked over 40 during this time is considered overtime. Employees who are exempt from FLSA requirements cannot be paid for overtime but may be given compensatory time on an hour for hour basis at the discretion of management. Employees who are non-exempt from FLSA requirements must be paid overtime or given compensatory time at a rate 1 ½ times their regular rate. There are two schedules that will allow AWS while avoiding overtime.

On the first schedule, a non-exempt employee will work 75 hours over a nine-day period and be off one day during the two-week period. The work schedule could be as follows:

Week 1 - Five 8-hour workdays (Total of 40 hours)

Week 2* - Three 9-hour days (Total of 27 hours)

- One 8-hour day (Total of 8 hours)
- One day off

Two-week total of 75 hours worked.

* This is just an example. Week One and Week Two could be any combination of hours to equal 75 as long as either week did not exceed 40 hours.

(Employees exempt from the Fair Labor Standards Act may work over 40 hours per week in an Alternate Work Schedule as long as they work 75 hours in a two-week period.)

A second schedule would allow a four-day workweek. An employee would work four days of nine hours and twenty minutes and receive one day off each week.

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Any hours worked over 40 during a workweek would be counted as overtime. Sick and annual leave will be applied in hours and will equal the number of hours the employee is scheduled to work on any given day. When a holiday falls on a regularly scheduled workday, an employee will be given credit for 7.5 hours and must take annual leave, compensatory leave or work extra hours during the workweek to make up the difference. Sick or annual leave is not counted as work time towards meeting a 40-hour week.

AWS may require variable work hours. The authorization for AWS and variable work hours is valid only where adequate personnel are available to provide continuous office coverage during work hours of operation required by law: Monday through Friday, 8:30 a.m. to 5:00 p.m., except on holidays fixed by law. Refer to the Variable Work Hours Policy (A.528) for further information.