



Human Resources Policies and Procedures

Policy Title:	Telecommuting and Flexible Work Arrangements Policy	Policy Number:	3.18
Effective:	June 10, 2021 Supersedes March 13, 2020 HR Policy 3.15 Flextime		
Approval:	<i>Thomas Guajardo</i>		Page 1 of 14

1.0 Scope

- | | |
|--|--|
| <input checked="" type="checkbox"/> Full-time | <input checked="" type="checkbox"/> Union |
| <input checked="" type="checkbox"/> Part-time | <input type="checkbox"/> Independent Contractors |
| <input checked="" type="checkbox"/> Temporary/Contract | <input type="checkbox"/> Visitors, Vendors, Volunteers |
| <input checked="" type="checkbox"/> Non-Union | <input type="checkbox"/> Board and Commission Members |

Employees who are covered under the provisions of a collective bargaining agreement will follow the standards as contained in their respective contracts if this policy conflicts with the language in the contract.

2.0 Purpose

The purpose of this policy is to provide flextime and telecommuting scheduling options for employees within a standardized framework of policies and procedures, where appropriate, in order to attract and retain a skilled, diverse, dedicated workforce, reduce costs, encourage affordable traffic mitigation, reduce carbon emissions as part of the City's climate goals, and improve productivity and satisfaction among employees, while still providing superior services to the City of Ann Arbor. This policy allows the development of alternate work schedules for individual employees only when, in the discretion of management, it can be done without compromising a Service Unit's efficiency and effectiveness of providing services to its customers.

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3.0 Definitions

- 3.1 Alternate work schedule-** An acceptable employee work schedule initiated by the employee, other than that work schedule which has been traditionally worked by the employee, and agreed to by management, without changing the total number of hours to be worked.
- 3.2 Compensatory leave –** Banked or granted time off, at a rate of 1.5 times the amount of overtime worked, in lieu of cash payment for overtime that can be used for time off.
- 3.3 Core Hours-** Prescribed times of day when all available employees must be in work status in their units; core hours may or may not be required in a specific unit, depending upon the nature of the work performed or the level of service to be maintained.
- 3.4 Flextime-** Continuous or intermittent system by which an employee requests to work an alternate work schedule within specific limits dictated by the needs of the Service Unit operation and is subject to management review and approval. City may also request that the employee work a flexible work arrangement
- 3.5 On-site work location –** Normal designed location to perform City job responsibilities on City premises.
- 3.6 Personal leave –** Provides employees time that may be utilized to conduct personal business or deal with family matters that may need to be carried out during regular working hours. Please see Human Resources Policies and Procedures 4.3 for guidelines regarding this type of leave.
- 3.7 Primary Work Schedule –** Established by the service unit and is the span of time beginning at the earliest time an employee may start work and ending at the latest time an employee may stop work.
- 3.8 Remote work location –** Designated and approved alternative location for employee to perform job responsibilities in addition to their normal on-site City location.
- 3.9 Sick leave –** Paid time granted to employees due to absences for reasons of illness or medical conditions of one's self or one's immediate family member. Please see Human Resources Policies and Procedures 4.4 for guidelines regarding this type of leave.
- 3.10 Telecommuter –** City employee who is performing City job responsibilities at an alternate remote work location.

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- 3.11 Telecommuting** – Performing work responsibilities from a remote work location outside of on-site primary work locations(s).
- 3.12 Vacation leave** – Benefit for all regular City employees. Vacations are granted to employees as a way of recognizing their work throughout the year. Please see Human Resources Policies and Procedures 4.1 for guidelines regarding this type of leave.

4.0 Policy

Telecommuting:

- 4.1** It is the policy of the City of Ann Arbor to pursue telecommuting as a means to support employee productivity and morale, to meet the city's climate goals, and to contribute to Ann Arbor being an employer of choice for talented staff members looking for a supportive work environment. City staff shall support this policy as needed to meet these stated goals.

A Telecommuting Agreement will only be approved if the employee has a portion of their workload that can be completed outside of their normal workplace and has been approved by their Unit Manager and Service Area Administrator. Each request will be reviewed by Human Resources and approved by the Human Resources and Labor Relations Director or his/her designee.

- 4.2** Telecommuting is not a guaranteed employee benefit or condition of employment. It is an alternative method of meeting the needs of both the City and the employee and is dependent on the employee's duties for the City. Approval and denial of a Telecommuting Arrangement is at the discretion of management. Revocation of a Telecommuting Agreement is not an adverse employment action.
- 4.3** Though telecommuting arrangements should be mutually agreed upon by the City and employee, the City may require employees to telecommute at any time and for any reason provided that the City makes available technology suitable for the employee to complete their duties from a remote location.
- 4.4** Employees who begin a telecommuting work arrangement must first enter into a Telecommuting Agreement with the City. The agreement will at a minimum define the length of the telecommuting arrangement, whether the employee will telecommute for all of their hours worked or for only part of their hours worked in a weekly basis, the location where the employee will work, whether they will telecommute for specific project work or for general

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assignment, and any other stipulations as approved by the Unit Manager and Service Area Administrator.

- 4.5** Employees must have passed their probationary period of six months in their current job or have no documented disciplinary or performance issues over the last twelve (12) months that might lead the City to conclude that the employee will not be successful in a telecommuting arrangement. Some positions may require remote work, and so if an employee cannot succeed in a position where remote work is required, then they can receive discipline or a performance improvement plan. Continued failure to improve could lead to termination. These conditions are not applicable when telecommuting is ordered by the City Administrator for health and safety reasons. Requests for exceptions will be reviewed by the Service Area Administrator and the Human Resources and Labor Relations Director for approval. For further information, reference the eligibility section in the policy.
- 4.6** To qualify for a telecommuting arrangement, an employee's manager must determine that the employee can meet the needs of both internal and external customers without adverse impact to the City or the services provided to residents.
- 4.7** If a Telecommuter is working remotely, it is expected that they will attend electronic meetings and be available during their normal, or pre-determined alternative scheduled work day. Telecommuter may be required to attend in person meetings if requested by Supervisor.
- 4.8** Telecommuting arrangements are not to be used as a substitute for dependent care and Telecommuters must make arrangements for dependent care during agreed upon work hours. Telecommuting will not be allowed during travel unrelated to work. Exceptions may be made under emergency situations and when approved by the employee's Unit Manager or SAA. These conditions are not applicable when telecommuting is ordered by the City Administrator for health and safety reasons.
- 4.9** Telecommuter work schedules will be determined by the employee's Supervisor, through discussion with the employee. The Telecommuter's schedule shall be outlined in the Telecommuting Agreement and remain in compliance with wage and hour laws and City policies. The Telecommuting Agreement includes the total number of hours an employee is expected to work via telecommuting and will not change unless approved by the Supervisor. Any changes to the schedule should be discussed with the Supervisor in advance.
- 4.10** Vacation time, personal time, and sick time must be requested and utilized in the same manner as if the employee is working on-site at the City and

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should follow the HR Policies- 4.1-Vacation Leave, 4.3- Personal Leave, 4.4- Sick Leave.

- 4.11** While an employee working in the office may be sent home by the City if they are visibly ill, an employee working from home may continue to work at their discretion and if they are able, however no employee will be compelled to work if they are ill and desire to utilize paid time off to recuperate. The Supervisor may request Employee to take a sick day if unable to perform their responsibilities to the Supervisor's satisfaction.
- 4.12** Employees that are ill and have symptoms of COVID-19, are diagnosed with COVID-19 or are unvaccinated and have had close contact with someone who is diagnosed with COVID-19, stay home (follow your unit's normal call-in procedure to report your absence), and also follow your healthcare provider's instructions.
- 4.13** Regarding information on vaccinations and face coverings, employees should follow the COVID-19 Transition and Operations Guideline document.
- 4.13** The Telecommuter's pay and benefits will be the same as if the Telecommuter were working on-site at the City.
- 4.14** Non-exempt employees are required to work the schedule outlined in the Telecommuting Agreement and are not authorized to work hours outside of the set schedule unless approved in advance by the employee's supervisor. Telecommuters who are non-exempt are not permitted to communicate on work-related items during established non-working hours unless previously approved by their Supervisor. Employees are required to accurately document all hours worked.
- 4.15** Telecommuters are expected to, at their own expense, have an appropriate designated work space that has fully-functioning Internet and have access to a phone with call forwarding set-up from their office phone number. Telecommuters assume full responsibility for any loss, damage or wear, for employee-owned equipment and furniture; the City accepts no responsibility for damage or repairs to employee-owned equipment.
- 4.16** Telecommuters must abide by the Telecommuting Safety Guidelines while telecommuting, complete the Telework Safety Checklist for their designated work area and verify that it is safe and meeting Michigan Occupational Safety and Health Administration (MIOSHA) standards. Telecommuters injured during the course and scope of performing their job responsibilities during the agreed-upon work hours are covered under the state's workers' compensation laws. Telecommuter must immediately report all injuries

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(within 24 hours), illnesses or property damage sustained while engaged in official City of Ann Arbor duties at their telework location and any unsafe conditions. Telecommuter must complete the required forms if injured while working at a remote location. Reference the HR Policy 4.13- Workers Compensation and Telecommuting Safely Guidelines for more information regarding ergonomics, worker's compensation, etc.

- 4.17** Telecommuters are encouraged to work in their digital environment as much as possible to discourage the use of office supplies such as paper and pens. However, the City may provide supplies to the employee or reimburse if approved in advance, reasonable office supply purchases including the following: printer ink, printer paper, notepads, pens, pencils, paperclips, folders and other similar supplies. Equipment, software, and supplies when provided by the City and brought to a remote work location are to be used by the employee for City business only. Personal use of these items may result in termination of their Telecommuting Agreement and/or disciplinary action.
- 4.18** Telecommuters acknowledge that equipment used for business purposes but owned by the employee remain subject to public records laws (e.g., FOIA) or inspection by the employer in some circumstances.
- 4.19** Employees should refrain from providing internal and external customers their personal mobile phone number. Employees should utilize call forwarding from their office phone. Employees should also have VOIP phone calling capabilities, or other similar services, activated on their city computers that they take home so they may make calls from their computer instead of using a personal cell phone.
- 4.20** Employees working remotely must have access to City's intranet and are required to read all City's communications including emails and A2 News Notes.
- 4.21** Telecommuters shall take all appropriate safeguards to secure all City confidential data and information. If any City materials are taken home, they should be kept in a designated secure work location that is not accessible to others and returned as soon as it is no longer needed. Employees should seek their supervisor's approval before removing sensitive or confidential work documents from the workplace.
- 4.22** All City business conducted that generates information or data must be stored on the City's network and not on local computers, memory sticks, external devices, etc. Only City employees are authorized to utilize City computer equipment and systems. Family members and others are strictly prohibited from utilizing City assets.

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- 4.23 Telecommuters may not conduct in-person business meetings at their remote work location.
- 4.24 Telecommuters will not have mail or packages shipped to their remote work location. They should come into the office to receive them or have them scanned and emailed to them.
- 4.25 To the fullest extent possible, telecommuters should respond to all email communications and phone calls within 1 business day when working. Responses should be handled according to the urgency of the email or phone call.

Flexible Work Arrangements:

- 4.26 It is the policy of the City of Ann Arbor to permit employees, when possible, to utilize flextime to achieve improved service levels and accommodate particular needs of the employee. A flextime schedule allows an employee to work their required number of weekly hours without having to adhere to a typical 5-day work week assigned schedule. Flexible schedules will only be available to employees who work a shift that is not bid as part of a process detailed in a collective bargaining agreement.
- 4.27 Employees who begin a flexible work arrangement must first enter into a Flexible Work Arrangement Agreement with the City. The agreement will at a minimum define the frequency of the flexible work arrangement and the alternative work schedule, as approved by the Unit Manager and Service Area Administrator. Flexible work schedules will be reviewed annually to see that they are still viable and are still meeting the Service Unit's and employee's needs.
- 4.28 Employees working flexible work arrangements are expected to:
 - Be available during established work hours.
 - Provide satisfactory work product.
 - Accurately report all time worked on employee's timesheet.
 - Take breaks and meal periods as authorized. (Reference Overtime Compensation: Non-Exempt Salaried Employee Policy; FLSA Compliance Policy, etc.)
 - Maintain reliable attendance and notify Supervisor of unexpected absences per applicable HR Policy 3.11 Attendance and Dependability.
 - Non-exempt employees must receive approval to work overtime in advance from their supervisor, including coming into City facilities to work after established working hours.
 - Stay in regular communication with their Supervisor and other team members.

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- 4.29** Management and employees recognize that the use of flextime cannot prevent or interfere with the accomplishment of the mission, goals and responsibilities of the City and its various service units, nor can flextime cause a reduction in the levels of service presently being provided.
- 4.30** It is also recognized that the success of flextime depends entirely upon the cooperation and good faith efforts of all parties involved, and on a mutual understanding and acceptance of the benefits and limitation of flextime.
- 4.31** Management must be open to alternative and creative approaches to the scheduling and accomplishment of work, while employees must fulfill their commitments in a trustworthy and productive manner, for flextime to succeed.
- 4.32** Salary, benefits and health insurance will not change as a result of a Flexible Work Arrangement Agreement. The employee's conditions of Employment remain the same as under the standard workweek arrangement.
- 4.33** Service Units wishing to implement flexible work arrangements may begin with a three-month pilot program and evaluate upon completion of the pilot program.
- 4.34** Flexible work schedules should be reviewed annually to see that they are still viable and are still meeting the Service Unit's and employee's needs.
- 4.35** Employee must also be able to respond to any work-related voice mails or electronic mails by close of business or within 1 business day from receipt of the same.

5.0 Responsibility

- 5.1** Supervisors will be responsible for the consistent administration of this policy. Work product of employee should be reviewed regularly (i.e. weekly, bi-weekly one-on-one meetings with the employee and Supervisor) to ensure expectations are being met.
- 5.2** It is the responsibility of each employee to follow this policy.
- 5.3** It is the responsibility of each employee to follow the Information Technology and City policies as if working on-site at the City.

Telecommuting:

- 5.4** Telecommuting employees are expected to:

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- Be available during established work hours and respond within 1 business day to all requests.
 - Have Microsoft Teams open at all times while working on a City computer.
 - Have camera turned on during all active Microsoft Teams or Zoom meetings.
 - Be fully engaged and participate in all Microsoft Teams or Zoom meetings and avoid other multitasking items such as responding to other emails, texting or using a cell phone, or any other activity that interferes or distracts from the meeting the employee is participating in.
 - Provide satisfactory work product.
 - Accurately report all time worked on employee's timesheet.
 - Maintain a safe and minimally distracting telecommute workspace.
 - Take breaks and meal periods as authorized. (Reference Overtime Compensation: Non-Exempt Salaried Employee Policy; FLSA Compliance Policy, etc.)
 - Use telecommute hours to conduct only City business; not to conduct personal business nor perform work outside of official City business.
 - Maintain reliable attendance and notify Supervisor of unexpected absences per applicable HR policy.
 - Non-exempt employees must receive approval to work overtime in advance from their supervisor, including coming into City facilities to work after hours.
 - Stay in regular communication with their Supervisor and other team members.
- 5.5** Management will be responsible for determining the appropriate equipment needs for each Telecommuting Agreement and will supply necessary office supplies to the employee. The Supervisor shall coordinate with Information Technology for the types of computer, applications and software required for the Telecommuter to effectively accomplish their work assignments while working remotely.
- 5.6** The Supervisor shall identify, discuss and provide expectations for the work assignments with the Telecommuter prior to the work arrangement being approved by both the Supervisor and the employee.
- 5.7** Information Technology will provide technical support via the City Helpdesk for City-owned technology equipment, network connectivity issues and software programs. The City Helpdesk team will remotely connect to the Telecommuter's computer to troubleshoot and make repairs as necessary. If the repair can't occur remotely, the Telecommuter will bring the affected IT equipment to the City Information Technology department on-site for the repair (the City will not travel to the Telecommuter's alternative remote work location for repairs).

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Flexible Work Arrangements:

- 5.8** Employees participating, or wishing to participate in flextime shall:
- A.) Obtain advance approval of alternate work schedule from his/her supervisor and enter into a Flexible Work Arrangement Agreement with the City.
 - B.) Be able to meet all workload requirements and attend all scheduled meetings while working an alternate work schedule.
 - C.) Submit a timesheet, when required, and accurately indicate exact hours worked each day.
 - D.) Comply with all City policies, as well as State and Federal laws as they relate to this policy.
- 5.9** Supervisors, Managers and Service Area Administrators administering, or wishing to administer flextime shall:
- A.) Ensure compliance with all City policies, as well as State and Federal laws, as they relate to this policy.
 - B.) Approve only hours in which work is available, or in which it is possible to perform the duties of the job.
 - C.) Determine the staffing and workload requirements and, if necessary, designate a minimum number of persons to be available during core hours.
 - D.) Ensure staffing levels are adequate at all times to ensure quality customer service, effective communication and the proper discharge of day-to-day functions and responsibilities.
 - E.) Ensure flexible arrangements conform to City policy and collective bargaining agreements.
- 5.10** Human Resources Services shall:
- A.) Ensure compliance with all City policies, as well as State and Federal laws, as they relate to this policy.
 - B.) Provide guidance on the application of the Flextime policy and procedures.

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6.0 Eligibility

- 6.1** Flextime and telecommuting are not employee benefits; therefore, no City of Ann Arbor employee is entitled to or guaranteed the opportunity to use flextime or telecommuting.
- 6.2** It is understood that flextime and telecommuting are not possible for all positions equally. Specific positions may be excluded on a temporary or permanent basis to meet workload or production requirements.
- 6.3** Employees requiring close supervision are restricted to working only those hours when supervision is available.
- 6.4** If it is determined the flextime or telecommuting option is hindering operations or is being abused, management may discontinue flextime on an individual or service unit-wide basis at any time.
- 6.5** Reference Telecommuting 4.5 for eligibility of probationary employees.

7.0 Procedures

- 7.1** The flextime or telecommuting schedules may be requested by the employee or by the City. Either of these arrangements do not nullify management's right to change official employee work schedules to meet the needs of the City, in a manner consistent with applicable provisions of City policies, collective bargaining agreements, or State or Federal laws. The Flexible Work Arrangement Agreement must include a proposed alternate work schedule for review by the Supervisor.
- 7.2** The ability of an employee to work from home may be denied based on the following reasons:
 - 1. The manager or SAA finds that the work an employee proposes to complete remotely cannot be completed remotely, or the Human Resources and Labor Relations Director or his/her designee finds the same;
 - 2. The limitations and restrictions placed on an employee by this policy or by a unit specific telecommuting policy as described in section 7.3;
 - 3. An employee has a disciplinary history that might indicate that working remotely would not be a successful arrangement as determined by the City;
 - 4. An employee has worked remotely in the past and the manager, SAA, or Human Resources and Labor Relations Director determined

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at their sole discretion that the employee did not succeed in this working arrangement and is unlikely to in the future;

5. As part of a formal performance review, it is determined that the employee cannot succeed in a telecommuting environment;
6. A unit of the City government for which the subject employee works opts not to participate in the telecommuting program, per the guidelines of section 7.3 of this policy.

- 7.3** Each unit of government in the City must participate in the telecommuting program unless the City Administrator grants a special exception for the unit not to participate. In recognition that each unit has its own unique operations and needs, for each participating unit the unit manager and/or the SAA must draft unit or service area specific telecommuting policies with guidelines for their employees that stipulate the rules for participation in the program. These rules may be updated by the City at their sole discretion at any time.

For instance, a unit might stipulate that employees may telecommute full-time, or that they may telecommute for only a certain number of days a week. They may stipulate that employees must work normal business hours, or may work a flex schedule. They may stipulate certain types of reporting, weekly check-ins, or certain meetings that they must participate in virtually or in person.

Each unit specific policy will be communicated to the Human Resources and Labor Relations Director within thirty (30) days of the adoption of this policy.

- 7.4** The Supervisor shall discuss the benefits and challenges that may occur with the proposed work schedule.
- 7.5** The Supervisor should notify Human Resources when they have an employee who is interested in completing a Telecommuting Agreement or Flexible Work Arrangement Agreement.
- 7.6** The Human Resources and Labor Relations Director or his/her designee will review the request and the job description for the subject position to make sure that the employee's work can actually be completed remotely.
- 7.7** The employee should complete the Telecommuting Agreement or Flexible Work Arrangement Agreement with their Supervisor. The Supervisor should request the Service Area Administrator's signature and provide the completed agreement to their Human Resources Services Partner.
- 7.8** Feasibility of flextime and telecommuting is based on cooperation and trust among staff, supervisors and management.

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- 7.9 The Supervisor should notify Information Technology of a computer, software or application requests in advance, if needed.
- 7.10 The Supervisor shall provide employee with the required office supplies to complete their job responsibilities at home.
- 7.11 The Human Resources Services Partner should file the completed and signed Telecommuting Agreement or Flexible Work Arrangement Agreement in the employee's official personnel file. If there is not a signed agreement on file, this may result in the inability to continue to work in the telecommuting or flexible work arrangement schedule.

Flexible Work Arrangements:

- 7.12 The standard alternate work schedule for exempt employees is eighty (80) hours per two-week pay period, not including a lunch period each day.
- 7.13 The standard alternate work schedule for non-exempt employees is forty (40) hours per week, not including a lunch period each day.
- 7.14 Employees' work schedules may begin earlier or later than normal operating hours, may extend beyond the normal operating hours and/or include weekend hours.
- 7.15 Rest/break periods may not be used as part of the alternate work schedule, as rest/break periods are standard work time, and employees are in pay status during rest/break periods.
- 7.16 An alternative work schedule shall not allow for regular workdays in excess of ten (10) hours per day (except as provided for by special written agreements through Human Resources Services).
- 7.17 Flextime is always straight-time, hour for hour; employees may not schedule compensable overtime.
- 7.18 All flextime arrangements must conform to the overtime, record keeping, and meal break provisions of the Fair Labor Standards Act (FLSA) and the State of Michigan labor laws.
- 7.19 No alternate work schedules for non-exempt employees will be approved requiring more than forty (40) hours of actual work in a workweek.
- 7.20 Management may deny any employee's request for flextime based on the business needs.

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- 7.21** Due to the varying staffing requirements and operational needs of each service unit, it is not practicable to specify scheduling requirement under this policy. It is considered appropriate to leave these matters to the discretion of management of the operations. See City Policy 2.10, Unit Specific Policies.
- 7.22** Use of leave time, except holidays, will be based on the work schedule.
- 7.23** Holiday time will be considered eight (8) hours per full day holiday. Any additional hours scheduled for that day must be charged to accrued benefit leave time.
- 7.24** If the holiday falls on the employee's regular day off due to alternative work schedule, the employee is entitled to holiday benefit pay in accordance with City Policy 4.2, Holidays.

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