



U.S. Department
of Transportation

**Federal Highway
Administration**

Order

Subject:

ALTERNATIVE WORK SCHEDULES

Classification Code

3612.1A

Date

11/06/2023

Office of Primary Interest

HAHR-10

Par.

1. What is the purpose of this directive?
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1. What is the purpose of this directive?

This Order implements updates to and revises requirements for FHWA AWS program.

2. Does this Order cancel an existing FHWA directive?

No, this Order updates the existing [FHWA Order 3612.1 Alternative Work Schedules](#).

3. What are the authorities governing this Order?

- a. Title 5, United States Code, Chapter 61, Hours of Work.
- b. Title 5, Code of Federal Regulations , Part 610, Hours of Duty.
- c. [Office of Personnel Management Handbook on Alternative Work Schedules](#).

- d. Departmental Personnel Manual Chapter 610, Hours of Duty, dated April 22, 2005.

4. Who is covered by this Order?

The Order applies to FHWA General Schedule and Wage Grade employees. These policies, with limitations, also apply to members of the Senior Executive Service (SES).

5. What are the definitions of key terms used in this Order?

- a. **4-10 Compressed Work Schedule (CWS).** This is a schedule that permits employees to complete their 80-hour biweekly basic work requirement in 8 days with 2 regular days off (RDO) during a pay period.
- b. **5/4-9 Compressed Work Schedule.** This is a schedule that permits employees to complete their 80-hour biweekly basic work requirement in 9 days with 1 RDO during a pay period.
- c. **Alternative Work schedules (AWS).** This term collectively refers to Flexible Work Schedules (FWS) and CWS.
- d. **Basic work requirement.** These are the non-overtime hours an employee is required to work each pay period. The basic non-overtime work requirement for full-time employees is 80 hours per pay period.
- e. **Compressed Work schedules.** These are schedules established by FHWA that permit employees to fulfill their basic work requirement of 80 hours in less than 10 days during a biweekly pay period. Employees working a CWS have fixed arrival and departure times.
- f. **Core days.** The day's management sets for all employees to have an in-office presence for collaboration activities. Employees who work an AWS are subject to the same in-office presence requirements set for all employees. Employee attendance on core days counts towards an organization's minimum in-office presence requirements.
- g. **Core hours.** The time periods during the workday, workweek, or pay period in which an employee covered by a FWS is required to be on duty or in an approved leave status. Note: Required core hours associated with working an FWS are separate from the core days an organization sets for collaboration activities.
- h. **Credit hours (CH).** These are hours employees who work a FWS elects to work, with supervisory approval, beyond their regular biweekly work requirement. After earning credit hours and with supervisory approval, employees can then use an equal number of credit hours to be off duty, with no loss of pay, during a subsequent pay period. Only employees on a

FWS are eligible to use the CH flexibility.

- i. **Flexible Work Schedules (FWS).** These are work schedules in which the basic work requirements (80 hours per biweekly pay period for a full-time employee) is met while allowing employees to set a schedule within the limits set by FHWA, to help balance work and family or personal responsibilities.
- j. **Gliding Work Schedules (GWS).** This type of flexible work schedule allows employees, with supervisory approval, to vary their arrival and departure times within established work bands, while working no more than 8 hours in a day and 40 hours in a week.
- k. **Holiday leave.** The type of leave granted to an employee who is not required to work on a Federal holiday. The actual number of hours granted is determined by the employee's work schedule.
- l. **In lieu of holiday.** A substitute holiday is used when a designated holiday falls on an employee's RDO.
- m. **Maxiflex Work Schedule (MWS).** This type of flexible work schedule allows an employee, with supervisory approval, to vary the length of the workday, length of the workweek, and indicate on which days of the work week the employee will work, Monday through Friday of each work week, as long as the employee meets the 80-hour biweekly basic work requirement. Note: Only one RDO per pay period is allowed under an MWS.
- n. **Official business hours.** These are the official hours during which the office is open for business and staff is accessible to internal and external customers.
- o. **Regular Day Off (RDO).** Dependent on the type of work schedule they are approved to work (CWS or MWS), employees who meet their basic work requirement in less than 10 days might have one or two regularly scheduled non-workdays each pay period.
- p. **Simulated Work Compressed Schedule (CS).** This is a schedule that permits employees to complete their 80-hour biweekly basic work requirement in fewer than 10 days while also taking advantage of the flexibilities offered in the maxiflex work schedule. Employees under a simulated compressed schedule are not entitled to more than 8 hours of holiday pay or more than one RDO per pay period.
- q. **Supervisors.** For the purpose of this chapter, this term refers to positions designated as supervisor positions (e.g., managers and supervisors) and non-supervisory team lead positions who have been delegated the authority to approve work schedules.

- r. **Work band.** The official band of hours in which employees set their work schedules. The FHWA work band is from 6 a.m. to 6 p.m. This work band provides 12 non-premium, daytime hours within which employees are to schedule and complete their regular tours of duty.

6. Who is responsible for the AWS Program, and what are their responsibilities?

- a. **AWS program administration.** Associate Administrators, the Chief Counsel, the Chief Financial Officer, Directors of Field Services, Division Administrators, Division Directors, and equivalent are responsible for establishing and implementing the AWS program within their organizational units. These officials are encouraged to document organizational AWS plans. Plans must be in conformance with this Order and tailored to the mission requirements of the organizations that they manage. When developing AWS plans, employee involvement is encouraged.
- b. **Supervisor responsibilities.** Supervisors are responsible for the day-to-day administration of the AWS program for their units, to include educating employees on AWS program requirements, approving or disapproving the use of an AWS by employees, establishing AWS agreements, and reviewing and signing time and attendance reports providing affirmative evidence that each employee subject to an AWS has worked the proper number of hours in a pay period. Supervisors can further delegate these responsibilities to team leaders.
- c. **Employee responsibilities.** Employees can request to work or change an AWS prior to the beginning of a new pay period. Any requests for schedule changes are subject to supervisory approval. If approved to work an AWS, employees recognize that this is a privilege, not an entitlement. Eligible employees may also be approved or required to work an AWS based on the duties of their position. Employees understand and accept responsibility for adjusting their work schedules to meet work requirements and office needs.
- d. **AWS program technical support.** The Director of Human Resources is responsible for providing technical assistance to officials who are implementing and administering the AWS program.

7. What are the FHWA policies regarding the AWS program?

The FHWA AWS program consists of FWS and CWS. The following policies are applicable to both FWS and CWS programs. Policies that are unique to the FWS or CWS programs are described in sections 8 and 9, respectively.

- a. Implementation of an AWS program shall not result in a decrease in

services provided to the FHWA customers including the general public. This program will not result in an increase in costs to FHWA.

- b. Management officials and employees are expected to work together to ensure appropriate office coverage and customer responsiveness during official business hours established for the office.
- c. Within their organizations, Associate Administrators, the Chief Counsel, the Chief Financial Officer, Directors of Field Services, Division Administrators, Division Directors, or equivalent are encouraged to support participation in an AWS program for all eligible positions and employees.
- d. No organizational unit will be excluded from participating in an AWS program.
- e. When management has determined employee eligibility for AWS, participation is considered a benefit and is voluntary. In rare cases, a written business case may be developed to support mandatory participation by employees in a specific work unit.
- f. Employees who voluntarily elect to work beyond the official work band (i.e., starting before 6 a.m. or working later than 6 p.m.) as part of an AWS are not entitled to night differential pay.
- g. Each FHWA organization must establish official business hours that meet the type, nature, and location of the office. All organizations are required to have appropriate office coverage during official business hours. The official business hours for FHWA Headquarters are 8 a.m. to 4:30 p.m., Monday through Friday.
- h. Lunch periods are unpaid and, therefore, not considered hours worked. Employees must be completely free from duties during a lunch period.
- i. Participating employees and supervisors have a joint responsibility to ensure cooperation in the administration of the AWS program. In the event that unforeseen work activities occur (e.g., major projects, meetings, or training), employees will be expected to adjust their schedules to meet FHWA needs. Supervisors are expected to provide notice as soon as possible or as soon as it is known that employees will need to adjust their work schedule.
- j. Employees who work an AWS are subject to the same in-office presence requirements set for all employees.
- k. When approving a work schedule, including an employee's request for an RDO, supervisors must assure sufficient office coverage is available during official business hours. Employee requests for specific RDOs are

not automatically approved. Requests must be reviewed to create a balance between mission accomplishment and employee flexibility.

1. Supervisors can require that employees work a specific work schedule to accommodate work hours related to an employee’s attendance at training or conferences or when traveling for the benefit of the Agency.

- m. Employees on approved AWS receive an in lieu of holiday when a designated holiday falls on an RDO.
 - (1) The in lieu of holiday will generally be the last workday immediately preceding the non-workday. For example, if the RDO is a Monday and that is the designated holiday, the employee’s in lieu of holiday would be the preceding Friday.

 - (2) If the RDO on which the holiday occurs is a Sunday, the next workday is the in lieu of holiday.

The chart below provides information on the normal in lieu of holiday schedule.

| If the holiday falls on: | Your RDO is: | Holiday is observed on: | Your “in lieu of” holiday is: |
|---------------------------------|---------------------|--------------------------------|---|
| Sunday | Monday | Monday | Tuesday |
| Monday | Monday | Monday | Friday of previous week if same pay period |
| Monday | Monday | Monday | Tuesday, if previous Friday is a different pay period |
| Tuesday | Tuesday | Tuesday | Monday |
| Wednesday | Wednesday | Wednesday | Tuesday |
| Thursday | Thursday | Thursday | Wednesday |
| Friday | Friday | Friday | Thursday |
| Saturday | Friday | Friday | Thursday |

- (3) If the normal in lieu of holiday schedule does not provide sufficient office coverage, supervisors have the authority to change an employee’s work schedule before the start of the administrative workweek to ensure mission accomplishment and office coverage.

- (4) Supervisors can require that employees who work an MWS move their RDO to avoid using an in lieu of holiday. If an RDO move is required, supervisors should notify employees on an MWS to move their RDO prior to the start of the affected pay period.

- (5) If Inauguration Day falls on an RDO, employees are not entitled to an in lieu of holiday.
- n. If an FHWA office or the U.S. Department of Transportation is closed as a result of an emergency (weather, widespread power outage, etc.) on the day an employee takes their RDO, the employee is not entitled to another day off.
 - o. Employees approved for AWS are not excluded from participating in the FHWA telework program. Telework days are workdays and are not the same as an employee's RDO. Employee eligibility for telework is based on the policies and requirements for that program.
 - p. Implementation of AWS may result in employees using less leave. Employees are reminded that they are expected to manage the use of their leave throughout the leave year. Employees who accrue leave in excess of carryover limits because of their AWS are not entitled to have that leave restored.

8. What are FHWA policies regarding the use of an FWS?

This section identifies specific policies applicable to FWS. The FWS available within FHWA includes the Maxiflex and Gliding tours of duty. Note that employees approved for FWS are not excluded from participating in the FHWA telework program. Telework days are workdays and are not the same as an employee's RDO. Employee eligibility for telework is based on the policies and requirements for that program.

- a. **Gliding Work Schedule (GWS).** Employees on a GWS have a daily work requirement of 8 hours per day but may vary arrival and departure times, with supervisory approval, within established bands.
 - (1) Each organization must establish arrival and departure bands for gliding schedules. *For example, 6 a.m. to 9:30 a.m. for arrival, and 2:30 p.m. to 6 p.m. for departure.*
 - (2) Gliding schedules have core hours during which employees must be on duty or in an approved leave status. Each organization is responsible for establishing core hours. *For example, core hours from 9:30 a.m. to 2:30 p.m.*
- b. **Maxiflex Work Schedule (MWS).** Employees on an MWS, with prior supervisory approval, may vary times of arrival and departure, vary the number of hours worked each day, and vary on which days of the work week the employee will work, Monday through Friday, with a maximum of 1 day off per pay period. Full-time employees are still required to meet their 80-hour biweekly work requirement and part-time employees must meet their scheduled biweekly tour of duty.

- (1) Employees are responsible for requesting management approval in advance of setting or changing their MWS.
- (2) Due to the greater flexibility available on an MWS, managers must ensure guidelines for use are in place for their employees.
- (3) Managers may limit the number of hours any employee can work on a given day.
- (4) Generally, employees on an MWS should not work in excess of 10 hours in a workday and must seek supervisory approval prior to doing so. Allowance of employees on an MWS to work in excess of 10 hours in a workday does not entitle those employees to overtime or premium pay; however, eligibility for hazardous duty pay does still apply.
- (5) Managers must establish core hours when employees must be on duty or in an approved leave status. The minimum number of core hours an organization can set is at least 2 hours, on 2 separate days of each work week.
- (6) Employees who work an MWS are subject to the same in-office presence requirements set for all employees.
- (7) Employees on FWS may request approval to work outside of the FHWA official work band of 6 a.m. to 6 p.m. If the employee's request is approved, the employee has no entitlement to night differential pay for those hours.
- (8) Full-time employees on FWS or other non-compressed work schedule, including a traditional 8-hour workday, are entitled to 8 hours of holiday leave at their basic rate of pay for any day on which FHWA or Federal Government is closed for a legal public holiday. Employees are responsible for scheduling the remaining number of hours of work in a pay period in which a holiday occurs to ensure they fulfill their regular work schedule. *(For example, if the employee normally works 80 hours in a pay period, the employee is responsible for scheduling 72 hours when there is one holiday in the pay period).*
- (9) Employees on MWS can request to work a **simulated 5/4-9 CWS**; however, guidelines specific to a CWS, such as on overtime and holiday hours do not apply when working a simulated 5/4-9 CWS. Employees **cannot** work a simulated 4-10 CWS, as employees working a MWS can only have one RDO each pay period.

c. **Senior Executive Service (SES)**

- (1) Employees are responsible for requesting management approval in advance of setting or changing their MWS.
 - (2) The SES members may participate in FWS which allows them to vary hours worked in a day, vary arrival and departure times, and flex midday schedules.
 - (3) The SES members may not have a work schedule that includes an RDO.
- d. **Credit hours (CH)** are hours employees on a FWS can elect to work, with supervisory approval, beyond the employees' basic biweekly work requirement. Only employees who work a FWS are eligible to request CH. Organizational leaders can set additional eligibility requirements based on the business needs of their organization. Once earned and with supervisory approval, those employees can be off duty without a loss of pay for an equal number of hours during a subsequent pay period. The maximum number of accrued credit hours that can be carried over from one pay period to the next is 24 hours.
- (1) Credit hours must be worked during the FHWA work band, including on Saturdays and Sundays. An employee cannot be paid overtime pay nor Sunday or Holiday premium pay for CH.
 - (2) Employees on a regular part-time (PT) FWS can request to voluntarily work CH not to exceed one quarter of the hours that make up those employees' basic work requirement (i.e., a PT employee with a basic biweekly work requirement of 32 hours can accumulate and carryover up to 8 CH).
 - (3) Credit hours cannot be used before earned.
 - (4) If employees work CH in a pay period but subsequently do not work enough hours to meet their basic biweekly work requirement in that same pay period, with supervisory approval employees can substitute the unmet basic work requirement hours with their own paid leave; make up those hours within the parameters of their current FWS; or use CH earned earlier in the same pay period or carried over from a prior pay period.
 - (5) Supervisors cannot order, request, or suggest that employees work CH. Credit hours cannot be worked for the express purpose of avoiding ordered overtime, comp time, and travel comp time. Employees must volunteer to work CH.
 - (6) Employees must provide their supervisor with a justification of the work to be performed when requesting to work credit hours.

- (7) Credit hours cannot be part of an employee's regular schedule.
- (8) Credit hours cannot be worked during Holiday leave hours that correspond to an employee's regular work schedule. An employee can be allowed to work CH prior to, or after, holiday leave hours that correspond with an employee's regular work schedule. (i.e. – an employee's regular work schedule is 8–4:30 p.m., M-F. On the day of a holiday, this employee could not work CH between 8–4:30 p.m.; however, that employee can be allowed to work CH before 8 a.m. and after 4:30 p.m.).
- (9) The maximum number of CH that can be earned in a pay period is 24 hours.
- (10) The maximum number of CH that can be carried over from one pay period to the next is 24 hours.
- (11) Credit hours do not expire, and unused CH (not to exceed 24 hours) must be paid out to an employee at the employee's current basic rate of pay when the employee ends Federal employment, ends employment with the Agency (i.e. – transfers out of the FHWA), or is no longer subject to the Agency's Flexible FWS Program. In addition, employees can be required to use earned CH prior to no longer being subject to FWS program.
- (12) Members of the SES are not eligible to earn and use credit hours.

9. What are FHWA policies regarding the use of CWS?

This paragraph identifies specific policies applicable to CWS. The 5/4-9 and 4-10 CWS are authorized for use by FHWA employees.

- a. **5/4 CWS.** This schedule allows a full-time employee to work eight 9-hour days and one 8-hour day (not including a lunch period) during a biweekly pay period. The employee would then receive a regular day off (RDO) during the pay period. *For example, an employee works 7 a.m. to 4:30 p.m., Monday through Thursday of week 1 and week 2 of the pay period. On Friday of week 1, the employee works 7 a.m. to 3:30 p.m.; on Friday of week 2, the employee has an RDO.* **Note:** Employees working on a MWS **can** work a simulated 5/4-9 CWS; however, MWS provisions, such as 8-hour holidays still apply.
- b. This schedule allows a full-time employee to work eight 10-hour days (not including a lunch period) during a biweekly pay period. The employee would then receive two regular days off (RDO) during the pay period. *For example, an employee works 7 a.m. to 5:30 p.m., Monday through Thursday of week 1 and week 2 of the pay period. On the Fridays of week*

1 and week 2, the employee has an RDO). **Note:** Employees working on a MWS **cannot** work a simulated 4-10 CWS, as employees working a MWS can only have one RDO per pay period.

- c. Employee arrival and departure times are fixed under a CWS. Employees working on a CWS must either be in a duty or leave status during their fixed tour of duty. Flexing is not allowed on a CWS.
- d. Employees who work a CWS are subject to the same in-office presence requirements set for all employees.
- e. Employees on CWS receive holiday leave equal to the number of work hours regularly scheduled for that day (i.e., 8, 9, or 10 hours).
- f. **Simulated CWS.** Employees on a MWS can request to simulate a 5/4-9 CWS; however, guidelines specific to a CWS, such as on overtime and holiday hours do not apply when working a simulated 5/4-9 CWS. Employees cannot work a simulated 4-10 CWS, as employees working a MWS can only have one RDO each pay period.
- g. When approving a work schedule and an employee’s RDO, managers and supervisors must make certain that adequate supervision and office coverage are available during all business hours. Employee preference may be considered but the ultimate decision for an RDO is at the discretion of the management official.
- h. Members of the SES are not eligible to participate in the CWS program.

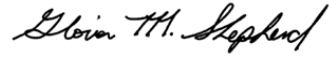
10. Is there a chart that identifies all work schedule options available in FHWA?

| Schedule Options | Type of Schedule | Description | Core Hours | RDO | Holiday Leave | Excused Absence | Management Controls |
|--|------------------|---|----------------|-----|---------------|-----------------|--|
| Regular CASTLE Code: (R or leave blank) | Traditional | Employee has a set 8-hour workday, 40-hour weekly work requirement. | Not applicable | No | 8 hours | 8 hours | Arrival and Departure times are fixed. Approves schedule before the start of a pay period. |

| | | | | | | | |
|---|------------|--|----------------|-------------------------------|--------------|--------------|--|
| 5/4-9 CWS CASTLE Code: C | Compressed | Employee works eight, 9-hour days, one, 8-hour day, and has one regular non-workday each pay period. | Not applicable | One fixed RDO per pay period | 8 or 9 hours | 8 or 9 hours | Arrival and departure times are fixed. RDO is fixed. Approves schedule before the start of a pay period. |
| 4-10 CWS CASTLE Code: C | Compressed | Employee works eight, 10-hour days and has two regular non-workdays each pay period. | Not applicable | Two fixed RDOs per pay period | 10 hours | 10 hours | Arrival and departure times are fixed. RDOs are fixed. Approves schedule before the start of a pay period. |
| Gliding CASTLE Code: F | Flexible | Employee may vary arrival and departure times each day within a pre-established band. | Required | No | 8 hours | 8 hours | Set core hours. Set arrival and departure bands. |
| Maxiflex CASTLE Code: M | Flexible | Employee has a basic work requirement of 80 hours per pay period. Employee may vary the number of days worked each pay period, (M-F), and/or vary the number of hours worked each day. | Required | Maximum of one per pay period | 8 hours | 8 hours | Set core hours. Limit maximum number of hours worked in a day (e.g., 10). Approve schedules in advance of the workday. |

11. Are there any tools available to assist managers and employees with implementing AWS?

Yes. The Office of Human Resources has developed [a sample AWS agreement](#) to assist managers and employees in documenting use of an AWS.



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