

New Article 6
Old Article 31
Hours of Work

31.1

Applicability

~~This article applies to full time and part time Headquarters employees whose regularly scheduled duty hours are between the hours of 6:45 a.m. and 6:00 p.m. and whose tour is scheduled within Monday through Friday of each week, except for official holidays. This article applies to full time and part time regional employees whose regularly scheduled duty hours are determined in accordance with Section 31.3 and whose tour is scheduled within Monday through Friday of each week, except for official holidays.~~

~~31.2~~ Official Hours - Headquarters

Official hours at NRC Headquarters offices shall be from 7:30 a.m. to 4:15 p.m., on Monday through Friday of each week except for official holidays. ~~Except where provided otherwise, the lunch period will be 45 minutes. Core hours are from 8:45am to 3:45pm.~~

31.3 Official Hours - Regional Offices

Duty Official hours, and core hours in Regional Offices shall be negotiated locally in each Regional office, ~~except that the number of core hours shall be not fewer than 7 hours (including the lunch break).~~ It is agreed that official hours in the Regions will maximize to the extent feasible the hours of overlap with Headquarters official hours when time zone adjustments are taken into consideration.

31.4 Lunch Breaks

Employees who work more than six continuous hours during a day are required to take a 45 minute their lunch break_s ~~between 11:30 a.m. and 1:00 p.m. unless they have prior approval from their supervisor to take the break at another time. Scheduling of the break will be subject to This does not alter~~ management's right to have provide adequate office coverage during the ~~lunch~~ break period.

31.5 Scheduling Official Hours

Employees may, at the discretion of the supervisor, be required to work the official hours for the purpose of accomplishing NRC's operational and mission requirements, meeting NRC's responsibilities to the public or providing adequate office coverage. If any employee or group of employees is required to work specific hours or work schedule other than the official hours due to operational or mission requirements, the Agency will provide the Union with notice and the

~~opportunity to bargain in accordance with Article 49 (Mid-term Bargaining). The number of employees who work during the official hours may vary according to the nature and extent of the workload.~~ Employees who are not required to work the official hours are eligible to work either a ~~5-4-9~~ compressed work schedule (CWS), ~~or~~ a flexitour work schedule or a "first forty" schedule in accordance with the provisions contained in this Article.

31.6 Office Coverage

Adequate office coverage shall normally be considered to exist during the official hours of the NRC when for each organizational segment of that office there is at least one clerical employee available to provide necessary clerical support and when there is at least one non-clerical employee available in each segment to carry out that segment's responsibilities and to knowledgeable respond to all inquiries regarding the segment's primary function and ongoing projects. Adequate office coverage also includes the availability of sufficient staff to respond to ongoing events which have a significant impact on agency mission or operations.

31.7 Approval of Work Schedules

Each employee shall request in writing the approval of his/her supervisor to work one of the following:

31.7.1 the official hours;

31.7.2 ~~5-4-9 a Compressed Work Schedule (5-4-9 or expanded compressed); with the first Monday, Tuesday, Wednesday, Thursday, or Friday of each pay period off (also designate the desired 8 hour day)~~

~~31.7.3 5-4-9 CWS with the second Monday, Tuesday, Wednesday, Thursday or Friday of each pay period off (also designate the desired 8 hour day);~~

31.7.34 the flexitour schedule; ~~or described in this Article;~~

31.7.4 A "first 40" schedule.

~~Employees who request 31.7.2, 31.7.3, or 31.7.4 should also indicate the arrival and departure time requested. Approval/disapproval by the supervisor of the particular schedule and specific work hours within that schedule will be based on criteria set forth in Section 31.5 and Section 31.6.~~

31.7.5 An employee's work schedule request will be approved unless the request would interfere with work requirements, such as office coverage, training, or participation in collaborative projects. In addition, participation may be denied or limited based on a need for direct supervision of an employee due to less than satisfactory performance or identified time and attendance issues.

The type of schedule, ~~i.e., choice of 31.7.1 through 31.7.4 above,~~ shall be for a fixed term of 3 months ~~as described below,~~ unless otherwise approved by the supervisor. Employees authorized to change their work schedule may do so in 3 month fixed terms beginning on the first day of the first pay period in January, April, July, and October. Changes to the starting hours of the ~~5-4/9~~ CWS or Flexitour may be approved by the supervisor on a pay period basis. ~~Employees authorized to change their work schedule may do so in 3 month fixed terms beginning on the first day of the first pay period in January, April, July, and October.~~

31.8 Scheduling

Any change into or out of ~~CWS~~ a type of schedule may ~~begin~~ start only at the beginning of the pay period.

New employees shall work the official hours unless within 10 workdays of their entrance on duty they make a request in accordance with Section 31.7 above and such request is approved.

An employee's request to work the official hours (7:30 - 4:15 in headquarters) shall be ~~automatically~~ approved by the supervisor, unless the Agency has provided the Union with notice and the opportunity to bargain in accordance with 31.5 and Article 49 (Mid-term Bargaining).

When two or more employees in an organizational segment request the same CWS day off in a pay period ~~and that which~~ cannot both be approved, the employees shall attempt to resolve the issue. If they cannot resolve it, the supervisor shall make the final decision which will be non-grievable and nonarbitrable.

31.9 Requests for Changes in the Upcoming Fixed Term

Subsequent requests for the approval of a change to a different schedule for the upcoming fixed term shall be in writing and shall be submitted as follows: ~~(employees will still be limited to one of the four choices set forth in Section 31.7 above).~~

Employees may request a change to a different schedule for the upcoming fixed term not later than the close of business 10 workdays prior to the requested effective date of the change. ~~end of the current fixed term.~~ Supervisors shall grant or deny such requests prior to the requested effective date. ~~end of the current fixed term.~~ ~~If approved, the schedule shall become effective on the first workday of the first pay period in the new fixed term.~~

31.10 Requests for Changes to a Schedule During Fixed Term

Approval of a schedule change request which is made during the current fixed term to be effective during the current fixed term is at the sole discretion of the supervisor and is non-grievable and nonarbitrable.

31.10+1 Compressed Work Schedules (CWS)

31.10.1 Compressed work schedule is a system whereby a full-time employee works 80 hours in a pay period in fewer than 10 workdays. The type of CWS that employees may work at NRC is a 5-4/9 or, under specified circumstances, an “expanded compressed work schedule.”

31.10.2 Those employees working a 5 4/9 CWS will work a fixed schedule for a minimum period of 3 months unless otherwise approved by the supervisor. Except as below, for full-time employees, the employee will work in a pay period eight 9-hour days, one 8-hour day and 1 day will be scheduled as the CWS day off. Employees on the 5-4/9 CWS may request to begin their workday as early as 6:45 a.m. or as late as 8:15 a.m. in 15 minute increments. Thus, for example, employees who are allowed to begin their normal 9-hour/8-hour workday at 6:45 a.m. would end at 4:30 p.m./3:30 p.m. respectively; those beginning their normal 9-hour/8-hour workday at 8:15 a.m. would end at 6:00 p.m./5:00 p.m. respectively.

Employees on CWS may request Monday, Tuesday, Wednesday, Thursday or Friday as the day off in a pay period. As long as an employee is granted either a Monday or Friday as the day off and a Monday or Friday as the day the 8-hour day is worked in a pay period, the decision as to the day off and the day the 8-hour day is worked is nongrievable and nonarbitrable.

Part time employees on CWS must have their schedules set within the days and times stated above. (In order to establish eligibility for leave under the law a portion of the part-time employee’s work schedule must be regularly scheduled. As little as 1 hour of scheduled work time in each week of the pay period is sufficient to meet this requirement.)

Except as below, if the 5-4/9 CWS which was previously approved is to be terminated, the supervisor shall inform the employee on or before the first workday of a pay period; the termination will become effective the first workday of the following pay period. Such decision shall be based upon the criteria set forth in Section 31.5 and 31.6 of this Article. However, the supervisor may temporarily terminate a 5-4/9 schedule effective at the beginning of a pay period to accommodate training or travel needs, and notify the employee not later than the last workday of the previous pay period.

31.10.3 Expanded-Compressed Work Schedule in accordance with Yellow Announcement 2003-032 Dated May 7, 2003.

31.10.3.1 This is a type of short-term compressed work schedule (CWS) that deviates from the agency’s standard 5-4/9 CWS (i.e., eight 9-hours days, one 8-hour day, and one nonworkday per pay period), and that is appropriate for certain situations. The schedule may be appropriate for emergency response work, or for inspections, hearings, or other work associated with licensee-site-area visits.

31.10.3.2 The schedule may be appropriate, for example, for emergency response work, or for inspections, hearings, or other work associated with licensee-site-area visits. The schedule is not appropriate for work performed at an employee’s official duty station (with the exception of emergency response work); during attendance at a conference or training; while on international travel; while on travel to Regional Offices or Headquarters; or in situations which involve brief

work periods for which other more appropriate work schedule/compensation mechanisms exist (e.g., overtime, or compensatory time off).

This work schedule has the following characteristics:

The days and hours of work must be predictable yet not conform with an employee's existing work schedule;

A full-time employee may, with supervisory approval, compress more than eight or nine regular (nonovertime) hours into a workday and fewer than nine workdays into a pay period (part-time employees may participate as well). For example, an employee might be scheduled to work eight 10-hour workdays in a given pay period;

There are no restrictions on the times an employee may be scheduled to work (including at night and on weekends), which may result in premium pay.

31.1 ~~12~~ Flexitime/Flexitour

31.1 ~~12.1~~ Flexitime is a system of work scheduling which splits the workday into two distinct kinds of time: core time and flexible time.

31.1 ~~12.2~~ Core time is the part of the day time during which all employees must be present or on approved leave, compensatory time, excused absence, or absence in duty status. ~~The Core hours times in NRC Headquarters Offices for full-time employees shall normally will be from 11:15 10:30 a.m. to 1:45 1:30 p.m. each Wednesday. 8:45 a.m. to 3:45 p.m. (See also Section 31.11 and 31.13.)~~ However, Office Directors may, at their sole discretion, reduce the core hours within this timeframe to as little as 1 hour per pay period.

31.11.3 Employees may not work regular or credit hours on Saturday, Sunday or a federal holiday. For purposes of pay and scheduling, the holiday schedule for employees under this schedule will be 7:30 a.m. to 4:15 p.m.

~~31.1 ~~12.31~~ The core time for part-time employees can be scheduled by supervisors according to workload considerations. In order to establish eligibility for leave under the law, a portion of the part-time employee's work hours must be regularly scheduled. As little as one hour of scheduled work time in each week of the pay period is sufficient to meet this requirement.~~

31.1 ~~12.42~~ Flexitour is a type of flexitime in which selected arrival and departure times, which do not coincide with the official hours of duty, are fixed until changed for one pay period. The employee must work the approved Flexitour schedule for the pay period except when, under special circumstances, the employee obtains the approval of his or her supervisor to change to another Flexitour schedule. Flexitour schedules shall be in 15 minute increments, ~~preceding and following the core hours~~. Employees on Flexitour may request to begin their workday as early as ~~7:00 a.m. or as late as 8:45 a.m., ending as early as 3:45 p.m. or and ending as late as 5:30 8:00 p.m.~~ However, Office Directors and Regional Administrators, at their sole discretion, may extend the hours to as late as 11:00 p.m. Employees are not eligible for night premium pay for any non-overtime hours worked, ~~respectively.~~ (The Supervisor may approve a Flexitour

~~schedule starting the workday at 6:45 a.m. It will not be necessary for employees to claim a hardship to warrant this approval. The supervisor may deny this request on the basis of workload considerations. A denial of this request is neither grievable nor arbitrable.)~~ Employees may include non-contiguous hours (split-shift) in their work schedules.

31.11.4.1 Employees on a flexitour schedule will also be permitted to be on a “gliding schedule.” Employees on a gliding schedule may ~~select any starting and stopping~~ arrive ~~time~~ each day up to one hour before or after their regular start/stop time while completing their daily work schedule. Regardless of the start time, an employee must complete his/her scheduled number of work hours or take approved leave.

31.11.5 Employees may request to work fewer than ten days in a pay period, and may account for up to 11.25 hours a day (including regular hours, credit hours earned/used, leave used, etc.). This limit does not apply to overtime that is ordered or requested/approved. The schedule for full time employees may mirror a compressed work schedule such as a 5/4/9 or a 4-10 or even a regular 10 days, 8 hour schedule. It is not necessary that an employee schedule the same number of hours each work day.

31.1~~2.63~~ Except as below, if the Flexitour schedule which was previously approved shall be terminated, the supervisor shall inform the employee on or before the first workday of a pay period; and the termination will become effective the first workday of the following pay period. In an emergency, such as unexpected changes in workload, the termination can become effective the following workday. Such decision shall be based upon the criteria set forth in Sections 31.5 and 31.6 of this Article.

31.11.7 The denial of an employee’s request to work a schedule beginning before 6:00 a.m., or ending after 6:00 p.m., will not be grievable or arbitrable.

31.1~~25~~ Credit Hours

Employees working Flexitour work schedules are permitted to obtain credit hours for working more than the normally scheduled hours per day. In order to earn credit hours, the employee must file a written request, and obtain prior supervisory approval. If it is impractical to obtain written approval, oral approval may be granted, subject to subsequent written confirmation. Approval or disapproval by the supervisor shall be based on a determination of whether the workload supports the requested credit hours. Employees will record, and supervisors will approve, all actual credit hours earned and used in the HRMS time and labor system, and employees will not be required to revise their original credit hour request. Employees may receive up to 10 credit hours per week. No more than 24 credit hours may be carried over from pay period to pay period for full time employees. Part time employees may accumulate no more than 1/4 of the employee's scheduled biweekly tour of duty. Employees may earn credit hours by working earlier than their scheduled arrival time, or by working later than their scheduled departure time. An employee may work a maximum of 11.25 hours per work day, including regular hours, credit hours and paid leave. 3 hours 18 minutes of credit hours per work day. An employee may not earn credit hours on Saturdays, Sundays, and Holidays. ~~Notwithstanding, Articles 31.1 and 31.3, a~~ An employee may earn credit hours between 65:00 a.m. and 68:00 p.m.

However, Office Directors and Regional Administrators, at their sole discretion, may extend those hours to as late as 11:00 p.m. Credit hours may be earned in increments of 156 minutes, subject to a ½ hour minimum per day. Credit hours may be used in the same manner as annual leave.

31.13 “First 40” Schedule

A "first 40" schedule may be approved for those employees, such as resident inspectors, where it is impracticable to prescribe a regular schedule of definite hours of duty for each workday. A first 40 work schedule requires employees to work 40 hours without the requirement for specific days and hours. These hours are all considered regularly scheduled work for hours of duty purposes, and the employee is not eligible for premium pay for such hours. Any additional hours (in excess of forty) of officially ordered or approved work within the administrative workweek are considered overtime work for premium pay purposes.

31.14~~3~~ Supervisory Discretion

A supervisor may assign approve duty hours other than those described in this Agreement. However, a supervisor's refusal to approve a request for such duty hours shall be nongrievable and nonarbitrable.

31.15~~4~~ Grievability

Employees may grieve (starting at Step B) the denial of a work schedule request to work a 5-4/9 CWS or Flexitour (including Flexitour with credit hours) except for the following: as specifically noted otherwise in this Article. Such grievances shall commence at the Step B of the grievance procedure.

Schedule change during the 3-month fixed term (31.9);

Denial of a specific CWS day off, as long as the employee has been granted either a Monday or Friday as his/her CWS day off (31.10.2);

Denial of a specific CWS day off due to the supervisor's resolution of a conflicting request by a co-worker (31.8);

The denial of an employee's request to work a schedule beginning before 6:00 a.m., or ending after 6:00 p.m. (31.11.7); or

A denial by the supervisor of a work schedule not described in this Agreement (31.14).

~~Employees on CWS may request Monday, Tuesday, Wednesday, Thursday or Friday as the day off in a pay period. As long as an employee is granted either a Monday or Friday as the day off and a Monday or Friday as the day the 8-hour day is worked in a pay period, the decision as to the day off and the day the 8-hour day is worked is nongrievable and nonarbitrable.~~

31.16 Right to Reopen Article

The Agency reserves its statutory right under 5 U.S.C. 6131 to reopen negotiations on this Article at any time it makes a determination that a particular flexible or compressed schedule has had an adverse Agency impact.