

SUBJECT: Alternative and Flexible Work Schedules Policy**Overview**

The City of Madison supports flexible work arrangements and allows Departments to implement these arrangements, where appropriate, for eligible employees. Flexible work arrangements may be implemented when they benefit the City of Madison in one or more of the following ways:

- City of Madison Residents - To provide residents with an even higher level of service with no delays at the beginning of the business day and continue this level of service until the close of the day, and to potentially expand hours of service to the community.
- City of Madison as an Employer – To improve recruitment and retention of high-quality employees; to decrease employee vacancy rates; to provide an effective accommodation for specific individuals with disabilities; to reduce sick leave, FMLA or AWOP use; to improve productivity, and to provide a no-cost enhancement to the City's work environment.
- City of Madison Employees – To improve job satisfaction, employee morale, effectiveness, and productivity; to promote employee health and wellness; to reduce absenteeism by helping employees face the demands of juggling work, family, and life-related issues; and to reduce employees' commute time, cost of fuel, and vehicle maintenance.
- Sustainability – To position the City as a leader for solutions to reduce traffic congestion and improve air quality; to maximize the utilization of City facilities and resources, and to work to meet the City's goal of 100% renewable energy and zero net carbon emissions.

Flexible work arrangements shall not diminish the ability of the City to meet all operational requirements, service to the residents, or the ability to assign responsibility and accountability to individual employees for the provision of services and performance of their duties. Flexible work arrangements shall not result in a delayed opening or early closing of any offices.

No new positions are to be created as a result of flexible workplace arrangements. Flexible work arrangements shall not result in automatic overtime or compensatory time.

The Department/Division Head will have the final authority in the applicability of Flexible Work Arrangements for each situation and shall have the right, after consultation with the Human Resources Director, to terminate the program or any Employee's Flexible Work Schedule at any time with at least two (2) weeks' written notification, unless as a result of disciplinary action.

Background

As part of providing this flexibility, however, the City of Madison must follow ordinances and federal laws that regulate work hours and break times, and these should be taken into account when developing alternative and flexible work schedules. (See below)

FLSA: The Fair Labor Standards Act (FLSA) defines an employee's workweek as a fixed and regularly recurring period of 168 hours—7 consecutive 24-hour periods. Additionally, it describes the maximum number of hours an employee can work, without incurring an overtime obligation, as 40 (or 38.75) hours during the said workweek. During a week in which a paid holiday falls, compressed workweeks shall revert to a standard 5-day work week for consistent holiday pay.

MGO 3.32(3): Standard Hours per Week / per Day: Per [MGO 3.32\(3\)](#), "The standard number of hours per week during which nonrepresented field personnel shall be on duty, shall be forty (40) hours. The standard number of hours per week for office personnel shall be thirty-eight and three-quarters (38¾)." In addition, "standard number of hours per day for nonrepresented non-office personnel shall be eight (8) hours. The standard number of hours per day for nonrepresented office personnel shall be seven and three-quarters (7¾) hours." The MGO also states that the standard number of days per week, during which all nonrepresented employees shall be on duty, is five (5) days. This means that when looking at

alternative and flexible work schedules, nonrepresented field personnel working more than 40-hours/week, and nonrepresented office personnel working more than 38.75 hours/week, must be paid overtime or compensatory time according to their grade level. (See [MGO 3.54\(14\)](#) Overtime Compensation)

Work Schedules

An employee's work schedule is considered a "fixed schedule" in which the employee consistently works the same days and hours. However, employees may be called upon to temporarily work a different schedule in order to accommodate the needs of the City.

Combinations of work schedules may be considered when applying for a flexible work arrangement; however, the employee must be consistent in the schedule or combination of schedules worked. With the exception of teleworking, work is conducted at the employee's assigned workplace.

Types of Work Schedules

- A. **Standard Work Schedule** - Employees work 38.75 or 40 hours, based on their classification or work unit, in the standard five (5) 7.75- or 8-hour days with work being performed five days a week, Monday through Friday.
- B. **Shift Schedule** - Shift work is defined as regular work time performed outside of the standard work schedule as described above. Employees work shifts based on the needs of the Department. The Department determines the start and end times, scheduled workdays, and length of shifts. Shifts can vary daily or weekly. Examples of shift work are rotating shifts, evening shifts, night shifts, split shifts, and irregular schedules.
- C. **Flex-Time** - Employees work 38.75 or 40 hours, based on their classification or work unit, in five (5) days, but with flexible starting and ending times other than the standard workday. Flex-time may also look like split shifts and may suit employees with family care needs or virtual schooling.
- D. **Short-Term Flexible Scheduling** – This may be used on a short-term basis for various reasons and should be discussed with the immediate supervisor as needed. It is not a permanent request, and is expected to have a limited duration (might be for a week or up to six months). Examples may include but are not limited to such needs as: medical appointments, family care, continuing education, inclement weather conditions, etc. FMLA and ADA consideration may apply as necessary.
- E. **Compressed Work Week** - Employees 38.75 or 40 hours, based on their classification, in less than five (5) full workdays. Examples of Compressed Work Weeks are:
 - Four (4) 10-hour days
 - Four (4) 9-hour days and one (1) 4-hour day
- F. **Teleworking** – Employees who regularly work from an alternate location (normally their home) instead of commuting to their regular workplace. Refer to [APM 2-34](#) for more information on the City's policy on teleworking.

Schedule Considerations

- In cases in which an employee initiates a request for an alternative/flexible schedule to meet their specific needs (i.e., professional development, family care, educational needs), they should expect to waive/forfeit their rights to wage premiums derived from their request.
- Also, the Department and Division heads may permit employees to work other than standard daily hours to avoid incurring overtime.

Eligibility

A flexible work arrangement is a management option, and by their nature, certain positions are not suited for flexible work arrangements. Participation is not appropriate for all employees, and no employee is entitled to or guaranteed the opportunity to have a flexible work arrangement. Flexible work arrangements are not a benefit.

Flexible work arrangements are determined at the Department level to provide adequate staffing for the functions performed by the Department. The Department/Division head is responsible for ensuring that schedules are established in such a way as to fulfill all the purposes of this policy (such as the need to establish core hours of work (i.e., need to use leave time to not work during core hours). The Department/Division head shall determine the supervisory requirements of an employee with flexible work arrangements.

Permanent full-time and part-time employees (including limited-term employees) may apply for a flexible work arrangement. Consideration is based on a combination of job characteristics and work unit needs. Eligibility is based on a Department's assessment of an employee's role/job as well as the individual employee's work and work habits.

An employee's flexible schedule agreement may be revoked when they no longer demonstrate:

- Adequate attendance and responsiveness.
- Adequate ability to meet project/work deadlines.
- Effective and timely communication with supervisors, co-workers, and customers
- Consistent productivity with measurable or quantifiable work product.

Supervisors will review employee's work performance during a predetermined 30-60-90 day evaluation period (based on the agreement) to assess an employee's abilities and performance expectations as stated above.

Process

Employees may request a flexible work arrangement by following the approval process below:

1. Talk with supervisor to determine eligibility.
2. All requests must be submitted at least 30 days prior to the employee's desire to make the schedule change to allow enough time to review the request, schedule, plan, and consult with the employee's supervisor. Exceptions to the 30-day timeline may be made on a case-by-case basis should immediate needs arise.
3. Complete and submit the [Request for Flexible Work Arrangement](#).
4. Approval Process:
 - Step 1: Request (Flexible Work Arrangement) will be sent to the employee's immediate supervisor to approve or deny.
 - Step 2: The request will also be sent to Department/Division Head, with supervisor recommendations, to approve or deny the request within ten (10) working days before the requested schedule change. If the immediate supervisor denies the request, the employee may go to the Department Head to appeal the decision.
 - Step 3: If the request is denied, the Department/Division Head will give the reason(s) for the denial in writing and forward a copy of the denial to the Human Resources Director for review. All flexible schedule requests (both approved and denied) are sent to the Human Resources Director for review and tracking.

Department/Division Heads are encouraged to approve alternate/flexible work schedule requests and apply fairness and equity principles when weighing the pros and cons of any request.

In positions where a flexible work arrangement is permitted, requests from employees for any change will follow the same procedure as above and be considered based on the standards and the workload of the City. Any changes to the agreement must be approved by the Department/Division Head, after consultation with the employee's supervisor, with a copy to the Human Resources Director.

Supervisor Guidelines

- Check-in regularly with employees who are following a flexible work arrangement. Use these tools to guide your conversations with employees if they are making this request in tandem with Telework:

- [Telework Planning Worksheet for managers](#)
- [Telework Check-In Tracker for managers](#)
- [Employee Telework Priorities & Plan for managers and employees](#)
- See the Work/Life Balance Addendum for additional guidance.

Special Stipulations

- Leave Time: There is no change in how any type of vacation, sick leave or other types of leave is earned, paid or used. When an employee uses any leave for all or part of the workday, the number of hours away from the workplace shall be the number of hours charged to the employee.
- Duration of Flexible Work Arrangement: After an employee begins a flexible work arrangement, periodic reviews are to be conducted by the employee's supervisor to evaluate the success of the arrangement. These reviews are to be conducted at 90-day intervals during the first year of the arrangement or at the end of a temporary arrangement and then annually after that with the employee for continued flexible scheduling arrangements.
- Flexible scheduling is based on the job description and the Department's needs. If an employee moves to another Department, their flexible scheduling will not follow to the new position. The employee will need to see if they are eligible for flexible scheduling in their new position.
- The City's Alternate and Flexible Schedule Policy and Program is not subject to the grievance procedures contained in any ordinance, labor agreement or Memorandum of Understanding, or to any other review or appeal procedures, except as noted in this section. Employees may re-apply for an alternative/flexible schedule arrangement if there is a change to the employee's original job duties or original work situation or after six (6) months if no change occurs. The Department Head has the final decision-making authority.
- The HR Director shall review, monitor trends, and consult with the Department Heads regarding any discrepancies in applying this policy.



Satya V. Rhodes-Conway
Mayor

APM No. 2-35
June 9, 2021