



Administrative Policy

Title: Flexible Work Schedules				
Administered By: Administrative Services (Human Resources)				
New Policy No.	Issue Date (Last Revised)	Renumber Date	Department Head Approved	City Manager Approved
01400.604	08-06-04 (08-20-13)	01-03-17		

This Policy had been numbered Policy 200.38. Effective on the Renumber Date noted above, this Policy is hereby renumbered as the Policy Number noted above.

The latest version of the Policy is attached hereto and incorporated herein by reference.

Attachment: Policy 200.38
 Issued: 08-06-04
 Revised: 08-20-13



ADMINISTRATIVE POLICY

SUBJECT: Flexible Work Schedules					
ADMINISTERED BY: Human Resources					
SECTION NO.	POLICY NO.	ISSUE DATE	REVISION DATE	DEPARTMENT HEAD APPROVAL	CITY MANAGER APPROVAL
200	38	8/6/2004	8/20/2013		

I. FLEXIBLE WORK SCHEDULE OPTIONS

The City of Corona ("City") provides various alternative work schedules in order to best accommodate our non-exempt, non-safety employees and the City's various department operations. In addition to the standard 5-days/ 8-hours a day schedule, the City offers the following alternative work schedules: (1) the 4-day/ 10-hours a day (the "4/10") schedule and (2) the 9-day/ 80-hour (the "9/80") bi-weekly schedule.

A. The Standard 5/8 Schedule: This is the traditional work schedule. The workweek begins at 12:01 a.m. on Saturday and is completed at midnight on Friday. Within that time frame employees are scheduled five (5) days of work with eight (8) hours of work scheduled per workday, resulting in forty (40) hours of work during a single workweek.

B. The 4/10 Schedule: This is a common alternative work schedule. The workweek is designated identically to that of the 5/8 Schedule. Thus, the workweek begins at 12:01 a.m. on Saturday and is completed at midnight on Friday. Within that time employees are scheduled four (4) days of work with ten (10) hours of work scheduled per workday, resulting in forty (40) hours of work during a single workweek.

C. The 9/80 Schedule: The 9/80 Schedule results in the employee working eighty (80) hours over a two calendar week period, and the workweek is designated differently for employees depending upon their designated "flexday" (see discussion of "flexday" and workweek below). An employee works nine (9) hours each day for four (4) days in the calendar week. On the 5th day (the "flex day") that same employee will either work an eight (8) hour shift which is split between the designated workweeks (four hours in each workweek) or have the day off. Friday or Monday can be designated as the "flex day" in the City's 9/80 Schedule, resulting in the following "City 9/80 Flex Friday Schedule" and "City 9/80 Flex Monday Schedule":

Calendar Week 1: 9/80 Flex Friday Schedule: Four 9-hour days (Mon-Thurs) and one day off (Fri).

9/80 Flex Monday Schedule: One day off (Mon) and four 9-hour days (Tue-Fri).

Calendar Week 2: 9/80 Flex Friday Schedule: Four 9-hour days (Mon-Thurs) and one 8-hour day (Fri).

9/80 Flex Monday Schedule: One 8-hour day (Mon) and Four 9-hour days (Tue-Fri).

9/80 Workweek Designations: The 9/80 Schedule requires a technical workweek designation that is not consistent with a calendar week or day. The Fair Labor Standards Act ("FLSA") defines a workweek as any consecutive period of 168 hours (seven consecutive 24-hour periods). In the City's 9/80 Flex Friday Schedule the workweek begins at 12:01 p.m. on the first calendar week Friday and ends at 12:00 p.m. on the second calendar week Friday. In the City's 9/80 Flex Monday Schedule the workweek begins at 12:01 p.m. the first calendar week Monday and ends at 12:00 p.m. on the second calendar week Monday. Because the "flex day" is split (providing four hours in each FLSA workweek), only forty (40) hours is scheduled in each designated FLSA workweek and eighty (80) hours is scheduled for every two calendar week period.

While the City does not currently anticipate needing workweeks for the 9/80 Schedule which begin at times other than 12:01 p.m., the City's Administrative Services Director is delegated the authority to change or create them as necessary. If so changed or created, a new Workweek Designation Notice shall also be created and used for such workweek.

II. IMPLEMENTATION PROCEDURES

Use of alternative work schedules are at the discretion of each Department Head, subject to approval by the City Manager. A Department Head who seeks to use alternative work schedules in his or her department must submit a request for approval to the City Manager. Additionally, all requests for changes to an established work schedule are at the discretion of the Department Head, again subject to approval by the City Manager. Following approval, the Department Head submits the request to Human Resources. Human Resources will then provide each employee with a Workweek Designation Notice (samples attached).

For the City Attorney's Office, use of alternative work schedules are at the discretion of the City Attorney. Once approved by the City Attorney, the request shall be submitted to Human Resources. Human Resources will then provide each employee with a Workweek Designation Notice.

Regardless of employee work schedules, public counters at City Hall will be open from 8:00 a.m. until 5:00 p.m., Monday through Friday. Department Heads must provide adequate staffing at all times to ensure quality of service to the public. Alternative work schedules are not allowed at the expense of public service. Further, a department's use of alternative work schedules may not subject the department to greater overtime liability than standard schedules. The City, in its discretion, may withdraw the alternative work schedules at any time in order to curtail abuse, limit overtime, accommodate changing workloads, address job duties, due to legal mandates, changing interpretation of overtime laws, or other needs of the City. The City, in its discretion, may also withdraw an alternative work schedule assigned to any individual employee if, in the City's discretion, it determines the employee either abuses the schedule or is unwilling or unable to comply with the demands of the assigned alternative schedule.

III. HOLIDAYS

City benefits provide certain paid holidays. Non-exempt, non-safety employees receive eight (8) hours of pay when City holiday pay is triggered. This means that non-exempt employees who are assigned a 4/10 or a 9/80 schedule may not be compensated for a full normal ten- or nine-hour shift and may have less hours overall in the relevant pay period than if the employee had worked each day. The employee may request to mitigate this shortage by using accrued annual leave on the day of the holiday sufficient to supplement the holiday pay up to a level to reflect the hours the employee was scheduled to work. This request must be reflected on the employee's timesheet, or the City will presume that the employee will take leave without pay as to that portion of his or her shift that exceeds the eight (8) hours of holiday pay. The Department Head will also have the authority to make other schedule adjustments during that workweek to address the deficiency.

An employee on an alternative work schedule who is entitled to holiday pay on a day where he or she is not normally scheduled to work will, instead, accrue eight (8) hours of annual leave. This must be noted on the employee's time sheet and will show up on the employee's pay stub as eight (8) hours of annual leave earned.

IV. OVERTIME IMPLICATIONS

Under the FLSA the City is obligated to pay non-exempt employees overtime for all time over forty (40) in a workweek. The State overtime obligation for over eight (8) hours in a workday does not apply to the City. (*See Johnson v. Arvin-Edison Water Storage Dist.* (2009) 174 Cal.App.4th 729, 733 [state provisions do not apply to public agencies unless expressly stated].) It is the City's policy that no supervisor shall schedule overtime without express advance approval by the appropriate Department Head. Department Heads must also be mindful of the overtime implications created by the assigned work schedules in his or her department.

In particular, Department Heads and department staff should be mindful of potential overtime issues resulting from the 9/80 Schedule. For the 9/80 Schedule to work, only four (4) hours of work may be performed on the "flex day" before the end of the FLSA workweek. Any work performed before the end of the workweek in excess of four (4) hours will likely constitute overtime under FLSA rules. Therefore, Department Heads must schedule start times and unpaid lunch breaks such that only four (4) hours of work are performed before the end of the workweek on "flex days." Using a 12:00 p.m. "end of workweek" example, a typical schedule would allow a start time at 7:30 a.m. and provide for an unpaid lunch at 11:30 a.m. after four (4) hours of work. Because the lunch hour is unpaid, it is possible to schedule a start time as early as 7:00 a.m., so long as the employee ceases work and goes on unpaid lunch after four (4) hours at 11:00 a.m. Earlier start times will necessarily create overtime issues.

Department Heads requesting a 9/80 Schedule must submit their specific proposed department-wide start and lunch schedule for approval by the Human Resources Department prior to implementation. After vetting, the Human Resources Department will then submit the schedule to the City Manager for final approval.

Exempt employees are not subject to overtime, but are assigned a workweek and are expected to work the hours necessary to complete their job assignments.

If you have any questions concerning the various work schedule options, workweek designations or their overtime implications, please direct them to the Human Resources Department.

DATE: _____

TO: _____ [PRINT EMPLOYEE NAME]

FROM: Human Resources Department

SUBJECT: WORKWEEK DESIGNATION NOTICE – **STANDARD 5/8 SCHEDULE**

The Fair Labor Standards Act (FLSA) requires the City of Corona to formally designate your seven (7) day workweek. You are advised that your workweek begins at 12:01 a.m. on **Saturday**, _____ and ends the following **Friday** at midnight.

PAY DAY NOTIFICATION:

Your paycheck will be paid on _____, for the workweek of _____, through _____.

EMPLOYEE SIGNATURE

DATE

HOLIDAYS

City benefits provide certain paid holidays. Non-exempt, non-safety employees receive eight (8) hours of pay when City holiday pay is triggered. This means that non-exempt employees who are assigned a 4/10 or a 9/80 schedule may not be compensated for a full normal ten- or nine-hour shift and may have less hours overall in the relevant pay period than if the employee had worked each day. The employee may request to mitigate this shortage by using accrued annual leave on the day of the holiday sufficient to supplement the holiday pay up to a level reflect the hours the employee was scheduled to work. This request must be reflected on the employee's timesheet, or the City will presume that the employee will take leave without pay as to that portion of his or her shift that exceeds the eight (8) hours of holiday pay.

An employee on an alternative work schedule who is entitled to holiday pay on a day where he or she is not normally scheduled to work will, instead, accrue eight (8) hours of annual leave. This must be noted on the employee's time sheet and will show up on the employee's pay stub as eight (8) hours of annual leave earned.

DATE: _____

TO: _____ [PRINT EMPLOYEE NAME]

FROM: Human Resources Department

SUBJECT: WORKWEEK DESIGNATION NOTICE – **4/10 SCHEDULE**

The Fair Labor Standards Act (FLSA) requires the City of Corona to formally designate your seven (7) day workweek. You are advised that your workweek begins at 12:01 a.m. on **Saturday**, _____ and ends the following **Friday** at midnight.

PAY DAY NOTIFICATION:

Your paycheck will be paid on _____, for the workweek of _____, through _____.

EMPLOYEE SIGNATURE

DATE

HOLIDAYS

City benefits provide certain paid holidays. Non-exempt, non-safety employees receive eight (8) hours of pay when City holiday pay is triggered. This means that non-exempt employees who are assigned a 4/10 or a 9/80 schedule may not be compensated for a full normal ten- or nine-hour shift and may have less hours overall in the relevant pay period than if the employee had worked each day. The employee may request to mitigate this shortage by using accrued annual leave on the day of the holiday sufficient to supplement the holiday pay up to a level reflect the hours the employee was scheduled to work. This request must be reflected on the employee's timesheet, or the City will presume that the employee will take leave without pay as to that portion of his or her shift that exceeds the eight (8) hours of holiday pay.

An employee on an alternative work schedule who is entitled to holiday pay on a day where he or she is not normally scheduled to work will, instead, accrue eight (8) hours of annual leave. This must be noted on the employee's time sheet and will show up on the employee's pay stub as eight (8) hours of annual leave earned.

DATE: _____

TO: _____ [PRINT EMPLOYEE NAME]

FROM: Human Resources Department

SUBJECT: WORKWEEK DESIGNATION NOTICE – 9/80 FLEX FRIDAY SCHEDULE

The Fair Labor Standards Act (FLSA) requires the City of Corona to formally designate your seven (7) day workweek. You are advised that your workweek begins at 12:01 p.m. on **Friday**, _____ and ends the following **Friday** at 12:00 p.m.

PAY DAY NOTIFICATION:

Your paycheck will be paid on _____, for the workweek of _____, through _____.

EMPLOYEE SIGNATURE

DATE

HOLIDAYS

City benefits provide certain paid holidays. Non-exempt, non-safety employees receive eight (8) hours of pay when City holiday pay is triggered. This means that non-exempt employees who are assigned a 4/10 or a 9/80 schedule may not be compensated for a full normal ten- or nine-hour shift and may have less hours overall in the relevant pay period than if the employee had worked each day. The employee may request to mitigate this shortage by using accrued annual leave on the day of the holiday sufficient to supplement the holiday pay up to a level reflect the hours the employee was scheduled to work. This request must be reflected on the employee's timesheet, or the City will presume that the employee will take leave without pay as to that portion of his or her shift that exceeds the eight (8) hours of holiday pay.

An employee on an alternative work schedule who is entitled to holiday pay on a day where he or she is not normally scheduled to work will, instead, accrue eight (8) hours of annual leave. This must be noted on the employee's time sheet and will show up on the employee's pay stub as eight (8) hours of annual leave earned.

DATE: _____

TO: _____ [PRINT EMPLOYEE NAME]

FROM: Human Resources Department

SUBJECT: WORKWEEK DESIGNATION NOTICE – **9/80 FLEX MONDAY SCHEDULE**

The Fair Labor Standards Act (FLSA) requires the City of Corona to formally designate your seven (7) day workweek. You are advised that your workweek begins at 12:01 p.m. on **Monday**, _____ and ends the following **Monday** at 12:00 p.m.

PAY DAY NOTIFICATION:

Your paycheck will be paid on _____, for the workweek of _____, through _____.

EMPLOYEE SIGNATURE

DATE

HOLIDAYS

City benefits provide certain paid holidays. Non-exempt, non-safety employees receive eight (8) hours of pay when City holiday pay is triggered. This means that non-exempt employees who are assigned a 4/10 or a 9/80 schedule may not be compensated for a full normal ten- or nine-hour shift and may have less hours overall in the relevant pay period than if the employee had worked each day. The employee may request to mitigate this shortage by using accrued annual leave on the day of the holiday sufficient to supplement the holiday pay up to a level reflect the hours the employee was scheduled to work. This request must be reflected on the employee's timesheet, or the City will presume that the employee will take leave without pay as to that portion of his or her shift that exceeds the eight (8) hours of holiday pay.

An employee on an alternative work schedule who is entitled to holiday pay on a day where he or she is not normally scheduled to work will, instead, accrue eight (8) hours of annual leave. This must be noted on the employee's time sheet and will show up on the employee's pay stub as eight (8) hours of annual leave earned.