

DIRECTIVE

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FINANCIAL CRIMES ENFORCEMENT NETWORK

Check one: Issuance Bulletin Manual Supplement Amendment Revision

SUBJECT: Alternative Work Schedule (AWS) Program

1. PURPOSE:

This directive describes the Financial Crimes Enforcement Network's (FinCEN's) AWS policy and program.

2. POLICY:

FinCEN supports programs that strengthen the strategic management of human capital, foster cooperation between all employees, increase employee productivity, and enhance FinCEN's ability to attract and retain a diverse and talented workforce. Generally, AWS can benefit mission accomplishment and provide employees with flexibility to balance work and personal activities. We recognize that while federal employees are required to fulfill a basic work requirement in a pay period, there could be significant operational benefits to allowing supervisors and employees' flexibility in the scheduling of these hours over the course of the pay period. FinCEN's policy is to approve requests for AWS only when an AWS is consistent with the bureau's operational or administrative needs and does not diminish the employee's performance. Operational or administrative needs include, but are not limited to, a threat to security or internal control procedures, a diminished level of service, an increase in operating costs, standard and core hours, mission priorities, interdependency of functions, customer requirements, and staffing requirements. Due to the nature of the work and interdependency of functions, it may be necessary for management to establish only one work schedule to which every employee in an organizational unit must adhere.

This policy does not create any right to an AWS. The decision to execute an *Alternative Work Schedule Agreement* (Form FIN30) or *Biweekly Schedule Request* (Form FIN30A) is at the discretion of an employee's supervisor and, ultimately, his/her Associate Director. Supervisors shall base all decisions regarding requests for an AWS on the organization's operational and administrative needs, as well as the employee's overall performance (i.e., the employee must possess and maintain performance at the "Fully Successful" level and not been on a Performance Improvement Plan within the previous six (6) months). The nature of some employees' work may preclude the

approval of an AWS. Additionally, supervisors and managers may, at their discretion, alter, suspend, or terminate an employee's approved AWS agreement or biweekly schedule.

3. AUTHORITIES:

5 U.S.C. Chapter 61; Title 5 CFR, Part 610

4. SCOPE:

This policy applies to all FinCEN full-time employees, except for GS-1811 Criminal Investigators.

5. SUPERSEDED MATERIAL:

This directive supersedes FinCEN Directive 920.021, dated January 2, 2018.

6. OFFICE OF PRIMARY INTEREST:

Management Division, Office of Human Resources (OHR).

/s/

Kenneth A. Blanco
Director

Attachment**ALTERNATIVE WORK SCHEDULE (AWS) PROGRAM****1. PROGRAM DEFINITIONS:**

- A. Alternative Work Schedule (AWS). AWS includes both Compressed Work Schedules (CWS) and Flexible Work Schedules (FWS).
- B. Alternative Work Schedule Request and Agreement (FIN30). The form that establishes the agreement to an AWS and outlines the employee's and supervisor's responsibilities (located on FinCEN's intranet).
- C. Basic Work Requirement. The hours, excluding overtime hours, an employee is required to work or to account for by the charging of leave, excused absence, holiday hours, compensatory time off, or time off award. The basic work requirement is 80 hours biweekly.
- D. Biweekly Pay Period. The two-week period that an employee is scheduled to perform work. The biweekly pay period begins on a Sunday and ends on the Saturday of the second week.
- E. Biweekly Schedule Request (FIN030A). The form that outlines an employee's biweekly work schedule and provides a matrix that enables an employee to request the days of the week he/she will work and the proposed duty hours (located on FinCEN's intranet).
- F. Compensatory Time. Time off with pay in lieu of overtime pay for irregular or occasional overtime work, or, when permitted under the FWS programs, time off with pay in lieu of overtime pay for regular scheduled work. Employees in the Senior Executive Service may not accumulate compensatory time.
- G. Compressed Work Schedule. A basic work requirement for each pay period scheduled for fewer than ten workdays. This is a *fixed schedule* with a predetermined arrival and departure time for each workday in the pay period, and the same day off each pay period. "5-4/9" is a CWS that includes eight workdays of nine hours each, one workday of eight hours, and one non-workday within the biweekly pay period. "4/10" is a CWS that includes four workdays of 10 hours each and one non-workday in each administrative work week of the biweekly pay period.
- H. Core Hours. The hours of each workday during which an employee covered by a flexible (not compressed) work schedule must normally be on duty. At FinCEN, the core hours are 9:30 a.m. to 3:30 p.m., Monday through Friday, unless management or organizational needs require otherwise. An employee's work schedule that is outside of the established FinCEN core hours must be

approved by the division Associate Director and the Associate Director of the Management Division.

- I. Credit Hours. Any hours within an FWS program that are worked in excess of an employee's basic 80-hour work requirement. These credit hours can be used to take time off in future pay periods rather than utilizing paid leave. The opportunity to earn credit hours is available only to employees who elect to work the FWS option. Employees who work the CWS cannot earn credit hours. The employee's supervisor must approve the earning and using of credit hours. A maximum of 24 credit hours may be accumulated. Credit hours earned may be carried forward and utilized during subsequent pay periods. Credit hours must be earned and used in increments of 15 minutes, and there is no time limit in which credit hours must be used. Employees in the Senior Executive Service may not accumulate credit hours under an AWS.
- J. Flexible Work Hours. The times during the workday, workweek, or pay period within the tour of duty during which an employee covered by FWS may choose to vary his/her times of arrival and departure from the worksite consistent with the duties and requirements of the position. Based on FinCEN core hours, these hours can start as early as 7:00 a.m. and end as early as 6 p.m., Monday through Friday.
- K. Flexible Work Schedule. An 80-hour biweekly basic work requirement that allows the employee to determine his/her own schedule within the limits set by the employee's supervisor.
- L. Flexitour. An FWS program in which an employee is allowed to select his/her workday arrival and departure time within the flexible work hours. Once selected, the hours are fixed and employees must be scheduled for a minimum of eight hours per workday, which include the core hours. For example, instead of working 8:30 a.m. to 5:00 p.m., an employee could request to work 7:00 a.m. to 3:30 p.m., or 9:00 a.m. to 5:30 p.m.
- M. Gliding. An FWS program in which an employee has a basic work requirement of eight hours in each day and 40 hours in each week. The employee may select a workday arrival and departure time each day and may change workday arrival and departure times daily within the established flexible work and core hours. A predominant pattern of arrival should be indicated initially and after that the employee should communicate with his/her supervisor regarding anticipated arrival and departure times. For example, an employee might request a predominant pattern of arrival of 8:00 a.m., with a departure time of 4:30 p.m. If approved, the arrival and departure times could then vary by day, as long as the eight-hour work requirement is met each day.
- N. Maxiflex. An FWS program that allows an employee to choose his/her time of arrival and departure each day, the days of the pay period he/she will work, or

both. An employee may vary the number of hours per day and the number of days per week within the limits established by the employee's supervisor. The organization's operational and/or administrative needs must support this type of schedule.

- O. Overtime. When used with respect to FWS programs, refers to all hours in excess of eight hours in a day or 40 hours in a week that are ordered officially in advance, but does not include credit hours. With respect to CWS programs, overtime hours refers to any hours in excess of those specified hours for full-time employees that constitute the compressed work schedule. For part-time employees, overtime hours are hours in excess of the compressed work schedule for a day (but must be more than eight hours) or for a week (but must be more than 40 hours). Employees in the Senior Executive Service may not accumulate overtime.
- P. Regular Working Hours. The hours within a workday during which an employee is regularly scheduled to be on duty. Meal periods are not hours of work and are excluded from the total regular working hours.
- Q. Standard Hours. The business operating hours of FinCEN are 8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday.
- R. Standard Work Schedule. The traditional federal work schedule in which an employee works 8.5 hours (including non-paid one-half hour for lunch) per day, 40 hours per week, for his/her scheduled regular working hours.
- S. Time Reporting. AWS participants will use WebTA to record the number of hours worked each day. Employees should ensure their profile in WebTA correctly reflects their work schedule.
- T. Tour of Duty. Under an FWS, tour of duty means the limits set by FinCEN within which an employee must complete his/her basic work requirements. Under a CWS, "tour of duty" is synonymous with "basic work requirements."
- U. Workday. The period of time between the commencement and cessation of the employee's principle FinCEN business activities for the day. This period of time encompasses the regular working hours as well as the lunch period.

2. PROGRAM PROCEDURES:

- A. Participation. To participate in FinCEN's AWS Program, an employee must submit the *Alternative Work Schedule Request and Agreement* (Fin030) to his/her supervisor for approval. Employee must possess and maintain performance at the "Fully Successful" level and have not been on a Performance Improvement Plan within the previous six months. Prior to receiving an official performance rating, the supervisor will determine if the

employee is “Fully Successful.” After Associate Director approval and timely submission to the assigned timekeeper in advance of the impacted pay period, the AWS will be effective at the beginning of the next pay period.

- B. Scheduling. Supervisors will communicate AWS procedures to employees and maintain records that document AWS requests, *Biweekly Schedule Requests* (Form FIN30A), and any changes for internal control purposes. Supervisors are responsible for ensuring appropriate employee coverage during standard hours.
- C. Holidays. A full-time employee is entitled to pay for a government holiday based on his/her approved work schedule.

FWS – A full-time employee is prevented from working on a holiday (or an “in lieu of” holiday), and is entitled to pay for eight hours for that day. A part-time employee on FWS prevented from working on a holiday is entitled to pay for the number of hours they would have worked but for the holiday, not to exceed eight hours. When a holiday falls on a non-workday of a part-time employee, there is no entitlement to pay for an “in lieu of” holiday.

CWS – A full-time employee prevented from working on a holiday (or an “in-lieu-of” holiday) is entitled to pay for the number of hours of the compressed work schedule for the employee on that day. A part-time employee prevented from working on a holiday is entitled to pay for the number of hours of the compressed work schedule on that day. When a holiday falls on a non-workday of a part-time employee there is no entitlement to pay or an “in-lieu-of” holiday.

In Lieu of Day Off – If a holiday falls on a non-workday of the employee, the employee’s preceding workday will be the designated “in-lieu-of” holiday day-off.

- D. Leave. Consistent with leave approval procedures and requirements, supervisors may approve leave in excess of eight hours per day for employees on AWS.
- E. Teleworking. There is no current prohibition in Federal law or regulation that says an employee who engages in telework is not eligible to participate in an AWS. The FinCEN Telework policy establishes the guidelines for telework eligibility. Within this framework, managers and supervisors have the discretion to implement or restrict telework and AWS to fit the operational and administrative needs of the organization.
- F. Training. Every employee is required to attend and complete all of the training for which he/she is registered. When an employee on a CWS is enrolled in a five-day or longer training program, he/she should revert to working a standard work schedule of 40 hours per week in the biweekly pay period (i.e., employees

may not use the CWS schedule during the pay period in which they are involved in training). Training of shorter duration also requires the employee's full attendance, which may require an adjustment to his/her schedule. This guidance applies to travel or jury duty as well.

The employee is responsible for notifying his/her supervisor so that appropriate arrangements can be made for the employee to complete 80 hours in the pay period, or 40 hours per week. The employee's supervisor should assess the event's time requirements to determine whether the employee should remain on the CWS or revert to a standard work schedule through the end of the pay period(s) encompassing the event. Any work schedule changes should be submitted to the timekeeper at least one administrative work week before the work schedule change takes effect.

- G. Overtime/Compensatory Time. AWS does not affect the overtime and compensatory time policy; supervisors and employees will submit requests for approval in accordance with the existing policy. With respect to FWS programs, overtime refers to all hours in excess of eight (8) hours in a day or 40 hours in a week officially ordered in advance, but does not include credit hours. With respect to CWS programs, overtime hours refers to any hours in excess of those specified hours for full-time employees that constitute the compressed work schedule. For part-time employees, overtime hours are hours in excess of the compressed work schedule for a day (but must be more than eight (8) hours) or for a week (but must be more than 40 hours). Employees in the Senior Executive Service may not accumulate overtime or compensatory time.
- H. Credit Hours. Credit hours are those hours in excess of eight in one day or 40 in one week in which an employee, on a flexible schedule, may work in order to vary the length of a succeeding workday or workweek. Credit hours may not be worked by employees on a "5/4/9" or "4/10" schedule. Employees on FWS may earn up to 24 credit hours per pay period. Only two (2) credit hours may be earned for anticipated work in excess of the basic work requirement per day. Employees are not paid basic pay or overtime for credit hours when earned.

Credit hours must be approved in advance. Employees must request and obtain management approval to work credit hours. An employee must have assigned work available to fill an expanded schedule. For the purpose of earning credit hours, "assigned work" is that which is necessary for the accomplishment of a particular job task in keeping with the bureau's priorities. An employee may not neglect or delay accomplishment of normal daily work in order to earn credit hours.

Credit hours must be earned and used in increments of fifteen minutes. The use of earned credit hours may be requested at any time. However, the approval/denial of the use of earned credit will be determined by the supervisor consistent with the approval/denial of annual leave procedures. A maximum of

24 credit hours may be accumulated and carried forward from one pay period to the next. Employees may work and earn a maximum of two (2) credit hours on any given workday, and up to eight (8) credit hours on a non-workday, not to exceed 24 credit hours during any biweekly period.

- I. General Provisions. All employees must be present for duty on all regularly scheduled workdays during the assigned core hours. Employees may request a change to their regularly scheduled AWS day-off on a case-by-case basis; the approval will be granted at the Supervisor's discretion. Supervisors may request an employee change his/her regularly scheduled AWS day-off based on the needs of the organization. The change must take place within the same biweekly pay period.

3. **PROGRAM RESPONSIBILITIES:**

A. Managers and Supervisors are responsible for:

- (1) Ensuring that AWS for individuals under his/her supervision are consistent with the bureau's operational and administrative needs.
- (2) Communicating procedures to employees and maintaining records that document signed *Alternative Work Schedule Request and Agreements*, *Biweekly Schedule Requests*, and changes for internal control purposes.
- (3) Completing an *Alternative Work Schedule Request and Agreement* for employees approved and disapproved for the AWS program within 30 calendar days and, if applicable, provide a written explanation for disapproval or otherwise not executing an AWS agreement. In alignment with organizational needs, supervisors have broad discretion to change desired employee selections on the form prior to approval. Changes include but are not limited to work schedule start/end times, type of work schedule, which week of the pay period an employee has off, and the day of the week an employee has off.
- (4) Timely submitting completed *Alternative Work Schedule Request and Agreements* and *Biweekly Schedule Requests* to timekeepers for system updates.
- (5) Ensuring their employees adhere to the procedures and direction contained in this directive.
- (6) Taking appropriate action if an individual employee is unable to comply with this directive, including removing the employee from the AWS Program and/or imposing an appropriate administrative action, including disciplinary and adverse actions. Supervisors must consult

with the Office of Human Resources before taking action in such situations.

- (7) Establishing work schedules to ensure adequate employee and supervisory coverage during FinCEN's standard hours of operation or to meet bureau needs.
- (8) Designating a person to fulfill these responsibilities in his/her absence.

B. Employees are responsible for:

- (1) Understanding and complying with the procedures and direction contained in this policy.
- (2) Considering the bureau's operational and/or administrative needs when requesting to participate in the AWS Program.
- (3) Timely completing the *Alternative Work Schedule Request and Agreement* and *Biweekly Schedule*, and submitting to your supervisor.
- (4) Observing agreed-upon hours of work in accordance with the approved schedule; following procedures developed by the supervisor to request and obtain changes in accordance with this policy.
- (5) Requesting removal from an AWS and requesting to work a standard work schedule at any time, effective the pay period after approval of the request.
- (6) Maintaining accurate records, including *Work Schedule Request and Agreements*, *Biweekly Schedule Requests*, and time and attendance.

C. Timekeepers are responsible for:

- (1) Understanding and complying with the procedures and direction contained in this policy.
- (2) Upon receipt of completed *Alternative Work Schedule Request and Agreements* and *Biweekly Schedule Requests*:
 - (a) Timely update the automated time and attendance system;
 - and
 - (b) Forward all forms electronically to HROps@fincen.gov with a statement acknowledging the automated time and

attendance system was updated.

- (3) Maintaining accurate records, including *Work Schedule Request and Agreements*, *Biweekly Schedule Requests*, and time and attendance.

D. The Management Division, Office of Human Resources is responsible for:

- (1) Oversight and records management of the AWS Program.
- (2) Providing advice and guidance on the administration of the AWS Program.
- (3) Collaborating with the shared services provider, as appropriate, for program administration.

4. MODIFICATION, TERMINATION, OR REVOCATION OF AWS:

- A. Based on the needs or requirements of the organization, a supervisor or manager may terminate, revoke, or modify the AWS for his/her staff at any time. The decision to terminate or modify AWS is final and not subject to appeal.
- B. Supervisors must automatically terminate AWS for any employee who fails to possess and maintain performance at the “Fully Successful” level or any employee who has been on a performance improvement plan in the past six (6) months.
- C. The Director may modify or terminate the bureau AWS Program at any time.

5. RECORDS MANAGEMENT:

- A. All records pertaining to this Circular must be identified, managed, and disposed of in accordance with applicable National Archives and Records Administration (NARA) approved General Records Schedule (GRS) or the bureau’s records schedule.