

ARTICLE 24 – HOURS OF WORK

Section 1. Regular Hours. The regular hours of work each day shall be consecutive except for meal periods. Provided however that nothing in this Article is intended to interfere with flexible scheduling on an ongoing or ad hoc basis.

- a. FLSA exempt employees may utilize flex time in accordance with HRAR 8.03 Absences of Less than One Day.

Section 2. Training Sessions, Workshops, And Meetings. Required, ~~of-~~ ~~bureau/city-~~paid attendance at work-related training sessions, workshops and other meetings, whether before, during or after the employee's regular work schedule, is work time.

Section 3. Work Schedules. Employees must work a schedule that allows them to complete their assigned duties and be accessible to coworkers. With mutual agreement between the employee and their manager, an employee may work a schedule other than the standard and compressed workweek schedules set forth in this Article. ~~Absent agreement with the manager to work an a-~~ ~~different alternative~~ schedule, employees will be assigned one of the following ~~standard or alternative~~ schedules:

Standard Schedule.

The standard full-time work week shall consist of a fixed Monday-Friday schedule of eight (8) hours of work within a day, with two consecutive days off each week on Saturday and Sunday.

Compressed Workweek Schedules.

- Four 10-hour days, with one day off during the workweek.

INTENT:

1. Maintain current practice of not compensating exempt employees beyond what is outlined in HRAR 8.03.
2. Refrain from introducing subjective language to the contract
3. Maintain managers rights to organize, assign and direct the work

Commented [KO1]: There was an issue in Article 10 Holidays that the parties have now worked out related to the rollover of deferred holidays. We are trying to mitigate that problem because the Holidays article refers to "alternative and variable schedules" but does not define them. This led to different interpretations by different managers and resulted in a lot of time spent on the issue.

Commented [MF2]: CCL - Compressed Workweek Schedules is how we define these in the HRARs. I dont want to introduce another title for something that is already defined.

Commented [KO3R2]: See proposed change above - Kari can explain more about the time and energy expended on this issue.

- Four 9-hour days and one 4-hour day.
- Eight 9-hour days, one 8-hour day, and one additional day off every other week.

Section 4. Work on Weekends. The standard workweek will normally be Monday through Friday. However, it is recognized that City services and operations may require schedules other than Monday through Friday. The City will not utilize such other schedules unnecessarily. The City will provide reasonable advanced notice when work on weekends is required.

Section 5. Schedule Changes. Except as provided in Section 7 of this Article (Emergency Schedule Changes), the City will provide advanced notice of change in an employee’s regular work schedule, excluding overtime work required. Notice under this section will be at least ~~seven (7)~~fourteen (14) calendar days before the change is to become effective. The City must provide this notice in writing and the change must be effective for at least ~~seven (7)~~fourteen (14) calendar days.

Section 6. Meals And Rest Periods.

Rest Periods.

Unless otherwise provided herein, work schedules shall provide for fifteen (15) minute rest periods during each one-half (1/2) shift which shall be counted as hours worked. Rest periods shall be scheduled at the middle of each one-half (1/2) shift whenever feasible. Employees shall not receive additional pay for rest breaks that are not taken.

Rest Periods, to Express Milk.

Reasonable rest periods of no less than thirty (30) minutes shall be provided to any employee who have a child eighteen (18) months or younger for the purpose of expressing milk. Whenever possible the thirty (30) minute rest period should coincide with the employee’s regular rest period. If the rest period to express milk does coincide with the employee’s regular rest period, for FLSA covered employees, fifteen (15) minutes of each thirty (30) minute rest period for expressing milk is paid. Employees may be allowed to work before or after their regular work shift to make up the amount of time used during the unpaid portion of the rest break.

Commented [MF4]: CCL - 30 days not practical operationally. If we know that far in advance we'll provide notice earlier

Commented [KOSR4]: We think 14 is a good compromise.

Commented [MF6]: Ditto above

The employee must be provided with a private location, in close proximity to their work area, to express milk. The employee must be able to express milk concealed from view and without intrusion by other employees. A public restroom, cleaning supply closet, or toilet stall are not acceptable locations.

An employee who intends to express milk during work hours must provide their supervisor with reasonable verbal or written notice of their intention to allow sufficient time to make the necessary preparations to comply with this rule.

Certain types of work may make it an undue hardship on bureau operations to allow an employee to express milk during work hours. If a manager or supervisor believes there is an undue hardship that would preclude such rest periods, they should consult with their Bureau's HR Business Partner.

Meal Periods.

Unless otherwise provided herein, all FLSA non-exempt employees shall be granted an unpaid meal period of not less than one-half (1/2) hour or more than one (1) hour during each work shift unless extended by mutual agreement of the employee and their supervisor. Whenever possible, the meal period shall be scheduled approximately mid-shift. If an employee is directed to work through a meal break, the meal break will be rescheduled, or the employee will be paid for the time worked. Employees shall not receive additional pay for meal periods that are not taken. Employees working overtime or a schedule other than their regular shift will be provided meal and rest breaks as required by state law.

Section 7. Emergency Work Scheduling. During an emergency, ~~and/or when there is staging for an emergency,~~ changes to an employee's scheduled working hours (i.e., shift) may be necessary. ~~This section applies to FLSA overtime eligible workers.~~

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Commented [KO7]: This is intended to cover the preparation for the ICS or state of emergency; for example in preparing for an incident action plan employees are put on different shifts (12 hour A shift and 12 hour B shift, for example) and switch to those shifts while they are planning and preparing for the emergency. There are emergency employees in a number of different bureaus who are on "safety and emergency management teams/groups" throughout the City who do this work. We have examples.

Commented [FM8R7]: Staging is not a known or defining term in the City. This provision is triggered by date change, so regardless of title, it functions the same. To consider modifying our position we'll need specific examples, names of employees, time frames, and Bureaus that this sort of activation has happened.

Commented [KO9R7]: **** We are working to bring in examples and stories later this month. We may bring back the "staging" language depending on what "partial activation" may mean (see definition of emergency). Our intent is to ensure that those employees who are forced to change work hours, or extend their work hours to overnight are appropriately compensated for that shift (inclement weather example, when the actual event does not arrive). Our understanding is that the City is in alignment with this concept.

Commented [MF10]: Not interested in compensating exempt employees overtime outside of what the HRAR 8.02 already allows.

Commented [KO11R10]: We are maintaining our position on this.

Definition of Emergency.

An emergency is indicated by either a State of an Emergency called by the Mayor or the activation or partial activation of an Incident Command System.

Commented [KO12]: Same concept as above.

Work Schedule Changes Without Notice Due to Emergency.

During an emergency, the City may make changes to employees' normally scheduled working hours without the notice required under section 5 of this Article. For any such change, an employee's first shift on the new schedule during the emergency and/or when there is staging for an emergency, shall be paid at the rate of one and a half times their normal rate.

Commented [KO13]: See above comment from 3/2 re Intent and look at partial activation as way to resolve.

The City will attempt to avoid situations which require employees to work more than sixteen (16) consecutive hours. Any hours over sixteen (16) will be paid at the double time rate.

There shall be no pyramiding of overtime rates.

Employee Right to Return to Regular Work Hours.

At the end of an emergency, employees shall retain their right to return to their regularly scheduled workweek.

Section 8. Telework Arrangements.

a. General

In accordance with HRAR 4.04 Telework, employees may request a telework arrangement. Should the provisions of HRAR 4.04 change, the City and the Unions will meet to negotiate over the impact of the change(s).

Telework arrangements are by mutual agreement and will not be unreasonably denied. If a telework agreement is denied, it will be done so in writing and state the reason for the denial. Final decisions regarding denial of telework arrangements are at the discretion of the City and are only subject to steps 1 and 2 of the grievance procedure. Such decisions are not subject to arbitration.

In Person Exemption for exceptional circumstances. If the employee demonstrates that their safety is at risk in commuting to in-office work and/or performing in person work and the employee's work can be performed remotely, the City will grant remote work during the period of the exceptional circumstances.

Employees and Managers should work to determine a telework schedule that meets personal preferences and organizational needs, taking into consideration possible technology or process changes to reduce impacts. Routine telework may require that an employee still be present at a City facility as needed.

For the purpose of determining a telework schedule, "in person time" is defined as work that is performed at a city owned facility, in a mobile workplace or from a field location, and other work performed on location or in an alternate city work location.

Management shall provide as much advance notice as practicable when directing an employee to report on site outside of their previously approved telework schedule.

Employees who are scheduled to work remotely and who are required to perform "in person time" on a scheduled telework day may request to modify their schedule so that they can telework on a different day that workweek, so long as it does not disrupt the employees' ability to perform their job duties and they receive advance approval from their supervisor. Such requests should not be unreasonably denied.

If an employee works a hybrid schedule, the City will ensure that on the days the employee is to report to the City's workspace the employee shall be provided with adequate workspace.

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Commented [KO14]: This is intended to address concerns facing employees who have been or could be subject to violent stops and detentions, including unlawful and unconstitutional stops and detentions, by federal agents due to racial or religious profiling that is actively occurring.

Commented [MF15R14]: I understand the request but not something the City could operationalize - language too subjective and standard too subjective (Personal Safety)

Commented [KO16R14]: We took out the "reasonable belief" out of this sentence.

Commented [KO17]: We pulled this "field location" language from the City HR Intranet for the workplace framework and requirements.

Commented [MF18]: Nothing prohibits an ee from requesting to modify their schedule at anytime. Also true managers may approve or not. Unreasonably = Subjective

Commented [KO19R18]: We are maintaining our position on this.

Commented [MF20]: An inherent responsibility of the City/Employer. Issue with the language is the word adequate is subjective and different depending upon person/circumstance. If there are spaces in the City that members don't have "adequate" space, let me know who, what, when, where, so we can look into!

Commented [KO21R20]: We are maintaining our position on this issue. This is a real issue that our members have dealt with.

b. Position designation

If the City determines that a position's hybrid or remote work location status is incompatible with the duties of the work assignment or the operational needs of the work unit, an employee will be given at least ~~six weeks~~^{ninety (90) days} notice of a return to office. If a position designation is changed, it will be done so in writing and state the reason for the change.

c. Personal holiday

Any employees who are required to report to work in person more than 50% of the time shall receive two (2) additional personal holidays. Any employees who are required to report to work in person 100% of the time shall receive three (3) additional personal holidays, effective upon ratification of the contract.

Commented [KO22]: Stewards suggest some sort of LMC or neutral way to determine position description

Commented [MF23]: CCL - 90 days isnt practical in terms of notice. that said, the City is committed to working on options if an ee is experiencing challenges with a transition.

May be ok with the last sentence - need to double check with C/C

Commented [KO24R23]: We are maintaining our position on the 90 days.

Commented [MF25]: CCL - Not interested in adding additional leave. City is very generous.

Commented [KO26R25]: We are maintaining our position on this.