

**DEPARTMENT OF THE INTERIOR  
MINERALS MANAGEMENT SERVICE MANUAL**

**TRANSMITTAL SHEET**

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Release No. 313

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SUBJECT:   Administrative Series  
          Part 370.610.1-3 Hours of Duty  
          Chapter 1 – General Provisions  
          Chapter 2 – Workweeks  
          Chapter 3 – Work Schedules

**EXPLANATION OF MATERIAL TRANSMITTED:**

These manual chapters revise the policy and procedures that govern hours of duty in the Minerals Management Service by updating Chapter 1, number 6, Delegation of Authority; incorporating Chapter 3, number 3 into number 2 for clarity; and making minor editorial and format changes in all chapters.

Director

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**FILING INSTRUCTIONS:**

Remove:

Part	Chapter	Title	Release	Pages
370.610	1	General Provisions	298	2
	2	Workweeks	298	1
	3	Work Schedules	298	4

Insert:

Part	Chapter	Title	Release	Pages
370.610	1	General Provisions	313	2
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	3	Work Schedules	313	4

OPR: Human Resources Officer  
Date: October 1, 2008

**Minerals Management Service  
Minerals Management Service Manual**

**Effective Date:** October 1, 2008

**Series:** Administrative

**Part 370.610:** Hours of Duty

**Chapter 1:** General Provisions

**Originating Office:** Human Resources Division, Office of Administration and Budget

- 1. Purpose and Scope:** To establish policy and standard procedures for the administration of hours of duty within Minerals Management Service (MMS).
- 2. Objectives:** To ensure uniformity and understanding of hours of duty and to provide a basis for pay and leave administration.
- 3. Policy:** It is the policy of MMS to administer hours of duty according to appropriate law and regulations.
- 4. Authority:** The basic statute governing Federal hours of duty is 5 U.S.C. 61. The Office of Personnel Management (OPM) has also issued regulation 5 C.F.R. Part 610 and OPM Handbook on Alternative Work Schedules that provide additional guidance on Federal hours of duty; other references include Comptroller General Opinions.
- 5. Responsibilities.**
  - A. The Director is responsible for establishing MMS hours of duty in accordance with applicable laws and regulations.
  - B. The Associate Director for Administration and Budget, through the Human Resources Division, is responsible for developing hours of duty policies and procedures.
  - C. Supervisors and managers are responsible for administering hours of duty policies and procedures including ensuring that allowing employees to work alternative schedules does not interfere with the mission of the organization or increase operating costs. Supervisors have the ultimate responsibility to certify that hours reported worked by employees as well as account codes used on the Time and Attendance (T&A) reports are accurate and certified in a timely manner.
  - D. Employees are responsible for adhering to work schedule policies and procedures including being present for work during the hours planned for under the individual's work schedule and accurately reporting actual hours worked each workday and pay period.
  - E. Timekeepers have the capability of entering and validating employee timesheets and monitoring all employees within their timekeeper role to make sure timesheets are certified in a

timely manner.

## **6. Delegation of Authority.**

A. Authority to approve individual requests for nonstandard work schedules in Headquarters rests with the Associate Directors and in the Field offices with the MRM Managers and Regional Directors. Associate Directors may re-delegate this authority. Refer to MMS Manual 218.1-H, Administration Delegations of Authority Handbook.

B. Immediate supervisors are authorized and required to:

- (1) Approve work schedules.
- (2) Determine lunch breaks.
- (3) Verify that reported hours worked are correct.
- (4) Assure work schedule plans for each employee allow for adequate office coverage and provide for productive work to be accomplished.
- (5) Assure that work schedules do not interfere with the mission of the organization or increase operating costs.
- (6) Assure that the employee is present for work during the hours planned for under the individual's schedule.
- (7) Adjust work schedules if the needs of the MMS are better served.
- (8) Withdraw an employee's option of 5-4/9 Maxiflex Work Schedule if warranted by circumstances such as leave concerns, abuse of procedures, critical work projects.

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**Effective Date:** October 1, 2008

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**Part 370.610:** Hours of Duty

**Chapter 2:** Workweeks

**Originating Office:** Human Resources Division, Office of Administration and Budget

- 1. Administrative Workweek:** The Minerals Management Service (MMS) established administrative workweek is the 7-day calendar week extending from Sunday through Saturday.
- 2. Basic 40-hour Workweek:** The basic 40-hour workweek is scheduled on 5 days, Monday through Friday, and the 2 days outside the basic workweek are consecutive.
- 3. Basic Workweek for Full-Time Employees:** The MMS established basic workweek for full-time employees is either the standard workweek of 40 hours or a Flexible Work Schedule that requires an 80-hour biweekly basic work requirement.
- 4. Basic Workweek for Part-Time Employees:** The established basic workweek for part-time employees shall be no less than 16 hours or more than 32 hours per week.
- 5. Basic Workweek for Employees Covered by Collective Bargaining Agreements:** Employees covered by collective bargaining agreements that provide for a basic workweek other than that described above may work the agreed upon workweek.
- 6. Deviations from Basic Workweek:** Deviations from the basic workweek described above may be requested and authorized in accordance with the MMS Administrative Delegations of Authority.

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**Effective Date:** October 1, 2008

**Series:** Administrative

**Part 370.610:** Hours of Duty

**Chapter 3:** Work Schedules

**Originating Office:** Human Resources Division, Office of Administration and Budget

**1. Work Schedules.**

The Minerals Management Service's (MMS) official work schedule, established by the Director on January 1994, is the Flexible Work Schedule (FWS) using the Gliding Schedule tour of duty or the Maxiflex Schedule tour of duty with the 5-4/9 FWS. The tour of duty is subject to supervisory approval taking into consideration the mission of the organization, operating costs, the need for office coverage, and the nature of the work being performed. Approval of other work schedules must be requested in accordance with the MMS Administrative Delegations of Authority. Each Associate Director has established core hours for that organization. Employees working tours of duty described below must abide by those specific core hours.

**2. FWS Tours of Duty.**

A. Gliding Schedule is a type of FWS tour of duty in which a full-time employee has a basic work requirement of 8 hours in each day and 40 hours in each week, and may select a starting and stopping time each day, and may change starting and stopping times daily.

B. Maxiflex Schedule with 5-4/9 is a type of FWS tour of duty that contains core hours on fewer than 10 workdays in the biweekly pay period and in which a full-time employee has a basic work requirement of 80 hours for the biweekly pay period, but in which an employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established by the supervisor. The MMS uses this schedule with the 5-4/9 FWS.

(1) The Maxiflex 5-4/9 work schedule is characterized by a tour of duty consisting of 9 workdays in each pay period. Eight workdays are 9 hours in length, plus lunch, and 1 workday is 8 hours in length plus lunch. The basic work requirement is 80 hours per pay period. Time for lunch of at least 30 minutes must be provided in the work schedule. Employees are not required to take a lunch break at a specific time, as long as it is taken within the period described under lunch, below.

(a) It is essential that Time and Attendance reports properly reflect actual time performing work. See Time and Attendance Requirements below.

(b) Establishment of a weekly or biweekly core day during which all employees are present for meetings, etc., is encouraged.

(c) When travel, training, or meetings and conferences are scheduled for all or a significant part of the pay period to the extent that the 5-4/9 Maxiflex work schedule would not be feasible, the supervisor may request the employee to return to the Gliding Schedule (five 8-hour workdays in a 40-hour workweek with flexible arrival and departure times). Coming off the 5-4/9 Maxiflex work schedule in these circumstances is not mandatory.

(d) Work schedules must be in effect for entire pay periods without change. Requests from employees for changes to established work schedules will not be made solely to accommodate leave or minimize leave usage. Changes on behalf of individual employees should be for valid reasons and not occur frequently.

(2) The non-workday and the 8-hour day may be any workday in the biweekly pay period, subject to supervisory approval. Supervisors may approve employees varying their choice of non-workday and/or 8-hour workday. When an employee is required to work on his or her nonworkday, another day may be taken as the non-workday in that pay period.

(a) Managers and supervisors should ensure adequate coverage when scheduling non-workdays.

(b) Critical work supersedes an employee's non-workday, which must be rescheduled within the same pay period if possible.

(3) The amount of flexing during the day must be made up through paid leave or via a delayed departure time; however, it may not be such as to require an employee to work past 6 p.m. For example, an employee working a 9-hour day who arrives at 8:30 a.m. may not flex during the day because the employee's 9-hour day, plus 30-minute lunch break will already require working until 6 p.m. If the same employee arrives at 8 a.m., however, he/she could flex up to 30 minutes during the day, in addition to the 30 minute lunch break.

**3. Part-Time Work Schedule.** MMS part-time employees shall have a work schedule of not less than 16 hours or more than 32 hours per week.

**4. Daily Work Schedules.** Daily work schedules may not begin before 6 a.m. or end after 6 p.m.

## **5. Lunch Breaks.**

A. A lunch or meal break of at least 30 minutes in length is allowed each day within a flexible mid-day time band determined by the supervisor.

B. Employees may flex at lunch within approved timeframes. For example, an employee may take a 1-½ hour lunch break, but must still, in addition to making up the extra hour, work the scheduled 8- or 9-hour day.

C. Lunch breaks may not be taken at the beginning or end of the normal workday.

**6. Credit Hours.** Credit hours are hours that an employee elects to work, with supervisory approval, in excess of the employee's basic work requirement under a flexible work schedule. Within MMS, there are no provisions for earning credit hours.

**7. Holidays.** An employee is entitled to 8 hours of basic pay for a holiday. Employees working a 5-4/9 Maxiflex work schedule should consider the holiday as the short (8-hour) day in order to avoid taking 1 hour of annual leave during a pay period in which a Federal holiday falls.

A. If a Federal holiday falls on an employee's scheduled non-workday under a 5-4/9 Maxiflex work schedule, another workday in that pay period will be designated as the non-workday. The actual holiday is the 8-hour day. If the holiday falls on Friday, then Thursday becomes the nonworkday. If the holiday is on Monday, then the non-workday is Tuesday. If the holiday falls on any other day of the week, the non-workday can be prior to or after the holiday.

B. On those occasions where two holidays fall in the same pay period, it will be necessary to make arrangements for full-time employees on a 5-4/9 Maxiflex work schedule to (1) work 1 extra hour during a regularly scheduled workday (note: this is not overtime); (2) take 1 hour of annual leave, earned compensatory time (time off with pay in lieu of overtime pay for irregular or occasional overtime work), or time off award; or (3) revert to the standard 5-day, 40-hour per week schedule for that pay period. Employees need to inform their supervisors prior to the start of the holiday pay period which option they plan to use.

**8. Leave.** When taking approved leave for entire workdays, the number of hours of leave charged will be the number of hours planned for the work that day, or days; i.e., 9 hours of leave will be charged for absences on an entire 9-hour work day. Supervisors will not permit employees to "informally" modify their attendance from established work schedules to accommodate leave.

**9. Overtime or Premium Pay.** Overtime must be officially ordered and approved in advance.

A. Employees working the Gliding Schedule whose hours of work are both officially ordered and approved in advance, and in excess of the 8-hour day or 40-hour week will be paid overtime.

B. Employees on the 5-4/9 Maxiflex work schedule, whose hours of work are officially ordered and approved in advance and who work in excess of 80 hours in a biweekly pay period, will be paid overtime.

## **10. Time and Attendance Requirements.**

A. Time Accounting: A system must be established within each organization to provide accountability for hours worked and to ensure credibility of the program from the perspective of employees, management, and the public. Examples of systems that provide necessary affirmative evidence of hours worked include sign-in/sign-out sheets, and work reports.

B. Time and Attendance reports must accurately reflect the actual hours worked each day of the pay period. Hours totaling 80 hours each pay period for a full-time employee must be reported, as well as the actual hours worked each day. Part-time employees are responsible for reporting the total number of hours they work each pay period, as well as the actual hours worked each day.

The official means of recording employees' Time and Attendance (T&A) records is Quicktime, a web-based T&A system that allows employee entry of time, as well as traditional timekeeper data entry. The system provides for extensive editing to ensure that data meets relational edits and regulatory requirements. T&As must be validated and certified through electronic signatures before updating and producing payroll interface files.

C. It is the supervisor's responsibility to certify that hours reported worked by employees on Time and Attendance reports are correct.

## **11. Exceptions or Exemptions.**

A. Management may determine that the use of the FWS is inappropriate in offices where the size of the staff would pose significant problems in assuring adequate office coverage, where the nature of the work requires more traditional hours of duty, or where participation in the FWS program would incur additional costs. In these situations, employees/positions may be excluded from the FWS or specific tours of duty within the FWS. Exceptions of this nature are to be authorized in accordance with the MMS Administrative Delegations of Authority.

B. Members of the Senior Executive Service may not work a 5-4/9 Maxiflex work schedule.

C. Employees covered by collective bargaining agreements that provide for work schedules other than the Gliding Schedule or the 5-4/9 Maxiflex work schedule may work such schedules.

D. Due to unique requirements of a Region or Office, employees may be covered under work schedules other than the Gliding Schedule or the 5-4/9 Maxiflex work schedule. In such situations, employees may work the established schedule(s) of the Region/Office. This manual chapter may be supplemented to include specific requirements of the work schedule(s) approved for the Region/Office.

E. Certain employees on an irregular workweek consisting of the first 40 hours of duty when in travel status may be exempt. For these employees, participation in the 5-4/9 Maxiflex work schedule is limited to time spent at their duty station.