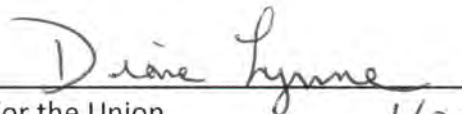



**MEMORANDUM OF UNDERSTANDING  
HEADQUARTERS MAXIFLEX PILOT PROGRAM  
NTEU 280**


This memorandum of understanding (MOU) is entered into between U.S. Environmental Protection Agency ("EPA" or "Agency") and National Treasury Employees Union Chapter 280 ("NTEU" or "Union"), Washington, DC. This agreement covers NTEU 280 bargaining unit employees.

The Parties agree to the following:

1. This MOU authorizes the implementation of the Headquarters Maxiflex Pilot Program, consistent with the following attachments:
  - a. Headquarters Maxiflex Pilot Program
  - b. Attachment 1 - HQ Maxiflex Pilot Work Schedule Agreement
  - c. Attachment 2 - HQ Maxiflex Pay Period Time Sheet & Instructions
  - d. Headquarters Work Schedule Request Form
2. Implementation will occur after the following is complete:
  - a. The Office of the Chief Financial Officer (OCFO) processes the necessary changes to authorize maxiflex for headquarters employees in PeoplePlus (the Agency's timekeeping system).
  - b. The Agency develops and offers training to employees on the maxiflex pilot program.
  - c. The Agency develops and offers training to managers on the maxiflex pilot program.
3. Implementation pursuant to paragraph number 2 above will not be unreasonably delayed.
4. This agreement only applies to the maxiflex pilot program and does not adjust any criteria set forth in other work schedule agreements with the Union.

  
For the Union 1/24/17  
Diane Lynne  
President, NTEU Chapter 280

  
For the Agency 1/24/17  
Krysti Corbett  
Acting Director, Labor and Employee  
Relations Division

  
For the Union 1/24/17  
Joe Edgell  
Senior Vice President, NTEU Chapter 280

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## Headquarters Maxiflex Pilot Program

### Section 1 Introduction

- 1.1 This memorandum outlines a pilot program for the Headquarters Maxiflex work schedule. The pilot Maxiflex work schedule is available to any EPA employee within the Washington, DC commuting area during WMATA SafeTrack Rehabilitation Program.
- 1.2 As with any alternative work schedule, participation in the Maxiflex pilot is not a vested right or entitlement. Approval to participate is at management's discretion.
- 1.3 This memorandum is specific to Maxiflex. For more information on additional work schedules authorized for headquarters employees, reference the applicable collective bargaining unit agreement and policy. Managers are, however, encouraged to utilize this schedule to enable employees to balance their responsibilities at work and at home, consistent with Presidential Memorandum on Enhancing Workplace Flexibilities and Work-Life Programs (June 23, 2014).

### Section 2 General Parameters

- 2.1 Maxiflex allows employees to select their own schedule within agency approved limits. It has an 80-hour bi-weekly work requirement for full time employees (and a prorated amount for part time employees) rather than a daily or weekly work requirement. Maxiflex permits employees to vary the number of hours worked each day and each week. It allows employees to complete the 80-hour work requirement in less than 10 workdays each pay period, and to earn credit hours for voluntary work performed in excess of 80 hours.
- 2.2 Employees on Maxiflex are often able to conserve annual leave. Consequently, those employees in high leave earning categories or with high leave balances run the risk of annual leave forfeiture at the end of the year. Annual leave should be carefully planned and scheduled throughout the year. Employees and supervisors share the mutual responsibility of ensuring that annual leave is scheduled in writing each leave year as necessary to prevent any loss at the end of the leave year. An employee's work schedule is not recognized as a basis on which annual leave can be restored. As a reminder, tracking and requesting annual leave is the responsibility of the employee, not the supervisor.

### Section 3 Elements of the HQ Maxiflex Plan

- 3.1 Tour of Duty under a flexible work schedule means the limits within which an employee must complete his or her basic work requirement. The tour of duty is comprised of both core hours and flexible hours. The tour of duty for HQ employees on Maxiflex is Monday through Friday, and may begin as early as 5:30 a.m. and end as late as 7:00 p.m. Credit hours may be earned outside the Tour of Duty as described in Section 3.7.

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3.1.1 Employees may work up to a maximum of 11½ non-overtime hours in a single workday. These can be basic hours, approved leave, or a combination of these. Hours worked outside of the tour of duty must have prior supervisory approval.

3.2 Basic Work Requirement is the number of hours, excluding overtime hours, an employee is required to work or to account for by charging leave, credit hours, excused absence, holiday hours, compensatory time off, or time off as an award.

3.3 Approved Work Schedule is the number of hours of work or approved absence that the employee and supervisor agree to and understand that the employee plans to accomplish in a given biweekly pay period. Once submitted, the proposed work schedule becomes the work schedule for that particular pay period unless adjusted as permitted by this policy. An employee may adjust the arrival and/or departure times of the proposed work schedule by a maximum of 1 hour without additional documentation or prior supervisory notification (provided that it does not interfere with the established core hours or the tour of duty). Adjustments of more than 1 hour (earlier or later) to the arrival and/or departure times of the proposed work schedule require prior supervisory notification.

3.4 Compressed Day Off is a scheduled day, or days, during the pay period on which an employee is scheduled to be off from work without charge to leave. Technically, a CDO only applies to compressed schedules, it does not apply to flexible schedules however, the schedules of many employees on Maxiflex tend to mimic compressed schedules so their schedules may include one or more regular non-work days that are similar to CDOs. Core hours do not apply on employee's non-work days.

3.5 Core Hours are the designated hours and days during which an employee must be present for work. Core hours may be accounted for through duty time, through the use of leave, or through the use of accrued credit hours. The core hours for HQ employees on Maxiflex are: 10:00a.m. – 2:30 p.m.

3.6 Flexible Time Bands/ Flexible Hours are the times during the workday, work week, or pay period when an employee covered by a flexible work schedule may choose to vary his or her times of arrival to and departure from work consistent with the duties and requirements of the position, earn and use credit hours, and be absent without being in a leave status. The flexible time bands for HQ employees on Maxiflex are: 5:30 a.m. – 10:00 a.m. and 2:30 p.m. – 7:00 p.m.

3.7 Credit Hours are those hours within the Maxiflex schedule which are in excess of an employee's basic work requirement and which the employee voluntarily elects to work so as to vary the length of a subsequent workday, workweek, or pay period. Credit hours must be earned between the hours of 5:00 a.m. – 8:00 p.m., unless a supervisor granted an exception to work outside those hours. Standing approvals to work outside these hours are not permissible.

3.7.1 The Maxiflex schedule enables employees to earn and use credit hours. Credit hours are strictly voluntary. For example, Ava is scheduled to work 8 hours on Monday. She elects to work 2 extra hours on that day. So long as she works at least 72 more hours during the pay period, the 2 extra hours are considered credit hours because they are in

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excess of the 80 hours that she was scheduled and is required to work in this particular pay period. If at the end of the pay period Ava has not worked 80 hours or has not accounted for 80 hours with a combination of leave and work, the 2 extra hours are counted towards the 80-hour biweekly work requirement and would not be credit hours.

3.7.2 HQ employees on Maxiflex may earn up to 2 credit hours per workday and up to 10 credit hours per pay period, subject to advance supervisory approval. Supervisors may grant more than 2 credit hours per workday/10 per pay period, on a case-by-case basis. Supervisors may grant a standing approval to work credit hours for known or anticipated workload needs if within the 2 credit hours per workday/10 per pay period limit. Standing approvals for more than 2 credit hours per workday/10 per pay period are not permissible. Standing approvals must be for a designated period of time, and must have an end date.

When an employee wishes to earn credit hours, he/she must make the request to his/her supervisor in writing (preferably by email). The supervisor may request additional information regarding the nature of the request (e.g., work to be performed, anticipated duration of work, etc.).

3.7.3 HQ employees on Maxiflex may only earn credit hours on weekends with prior manager approval.

3.7.4 Credit hours must be recorded on the HQ Maxiflex Pay Period Work Schedule, and in PeoplePlus each time they are earned and/or used and must be recorded in 15-minute increments.

3.7.5 If an employee works less than 15 minutes of credit time, it may not be counted as credit hours.

3.7.6 The use of credit hours will be subject to the same criteria as annual or sick leave. An employee may use earned credit hours for all or part of any approved leave. Credit hours must be earned before they may be used.

3.7.7 Once approved, the employee must account for the earning and use of accrued credit hours in the agency's time-reporting system, currently PeoplePlus.

3.7.8 If credit hours are erroneously used instead of use/lose annual leave (that is, accrued annual leave beyond the 240-hour maximum carry over limit), and the annual leave is subsequently forfeited, there is no basis for restoring the forfeited annual leave, under most circumstances.

3.7.9 The statutory limit for credit hour carryover from one pay period to the next is 24 hours for full time employee and 25% of the biweekly work schedule for part time employees. For example, a part-time employee who works 64 hours per pay period may carry up to 16 credit hours from one pay period to another. In no instances can employees carry forward any more than the statutory limit, even under extenuating circumstances.

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Employees are accountable for keeping track of their credit hour balances from day to day, week to week, and pay period to pay period. If an employee erroneously carries forward credit hours in excess of the allowable amount and the hours are forfeited, they may not be restored or paid to the employee. There is no prohibition, however, to earning credit hours over the 24 hour limit, however an employee must use the excess hours in the same pay period, or they will be forfeited.

3.7.10 Though there is a statutory limit on the number of credit hours that an employee may carry at any one time, there is no time limit for using those credit hours. Credit hours do not expire. So long as the employee's credit hours balance does not exceed the statutory cap, those hours will be available for use as long as the employee is approved to participate in Maxiflex.

3.7.11 If credit hours are approved and overtime is subsequently made available prior to the working of the credit hours, the employee will be afforded the opportunity to elect to work the overtime.

3.7.12 Authorization to earn credit hours does not alter an employee's eligibility to earn compensatory time or overtime.

#### **Section 4 Compensation Provisions**

4.1 Overtime Work. Overtime work consists of hours of work that are officially ordered in advance and in excess of 8 hours a day or 40 hours in a week, but does not include hours that are worked voluntarily, including credit hours.

4.2 Night Pay. When an employee elects to work credit hours, or elects a time of arrival or departure at a time of day when night pay is otherwise authorized, night pay will not be paid. If an employee's tour of duty window includes 8 or more hours available for work during daytime hours (i.e., between 6:00 a.m. and 6:00 p.m.), he or she is not entitled to night pay even though he or she voluntarily elects to work hours for which night pay is normally required (i.e., between 6:00 p.m. and 6:00 a.m.)

4.3 Holiday Pay. On a holiday, employees under Maxiflex work schedules are credited with 8 holiday hours towards their 80-hour basic work requirement for the pay period, even if they would otherwise work more hours on that day. Part time employees will be credited with the number of hours that they would have actually worked that day had it not been a holiday. In the event the President issues an Executive order granting a "half-day" holiday, a full-time employee on a Maxiflex work schedule is credited with half the number of hours he or she was scheduled to work, not to exceed 4 hours.

4.4 Conversion of Credit Hours to Pay. Full time employees receive pay for a maximum of 24 hours of unused credit hours when they separate by retirement, transfer to another agency outside the EPA, or when no longer subject to a flexible work schedule with credit hours. Supervisors should consider allowing employees to use banked credit hours prior to the start of the new work schedule. Part-time employees will be paid for credit hours up to one-quarter of

their biweekly work requirement. Credit hours are paid at the employee's current rate of base pay.

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## Section 5 Timekeeping Requirements, Responsibilities, and Instructions

### 5.1 Employee

5.1.1 Employees are required to submit the HQ Maxiflex Pay Period Work Schedule prior to the start of the pay period. The HQ Maxiflex Pay Period Work Schedule should document planned hours of work, planned leave usage, the number of credit hours intent upon earning, etc. Employees must request leave and credit hour used in the agency's time reporting system, currently PeoplePlus.

5.1.2 Employees must record the time in and time out daily on the HQ Maxiflex Pay Period Work Schedule. The number of credit hours earned and/or used each workday must also be recorded keeping in mind that at the end of the pay period "extra hours" will only be counted as credit hours after the 80-hour bi-weekly requirement is met. The HQ Maxiflex Pay Period Work Schedule must be available at any time upon supervisor request.

5.1.3 The HQ Maxiflex Pay Period Work Schedule is not a substitute for the electronic PeoplePlus timecard. Instead it is a tool for proposing work hours and serves as a reference to be used when completing the PeoplePlus timecard for T&A certification.

5.1.4 Employees must document, at a minimum, a 30-minute unpaid lunch period when scheduled to work at least 6 hours.

5.1.5 Employees may be required to keep their Outlook calendar, or other established method as approved by the supervisor, updated with their current work schedule. This will help coworkers know their availability for meetings.

### 5.2 Supervisor

5.2.1 Responsible for modifying, suspending, or terminating the employee's participation in Maxiflex when appropriate.

5.2.2 Responsible for reviewing the T&A to ensure it is fully completed and properly coded for overall accuracy.

5.2.3 Responsible for approving/disapproving an employee's initial requests to work a maxiflex work schedule expeditiously, normally not longer than 14 calendar days. If requested by the employee, disapprovals of maxiflex will be provided in writing to the employee with the basis for the denial included.

5.2.4 Responsible for reviewing employees' proposed work schedules before the beginning of each pay period.

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5.2.5 Responsible for approving/disapproving the employee's time in People Plus.

5.2.6 Responsible for discussing T&A inaccuracies with the employee, and for requiring employees to submit corrections as appropriate.

5.2.7 Responsible for approving/disapproving requests for exceptions, on a case-by-case basis, of the provisions found in this document.

## **Section 6 Procedures for Using Maxiflex**

### **6.1 Application and Documentation**

6.1.1 Employees interested in participating in the Maxiflex schedule must:

6.1.1.1 Read and understand this HQ Maxiflex Pilot Program.

6.1.1.2 Submit the Maxiflex Agreement to their supervisors for approval or disapproval. (Attachment 1)

6.1.1.3 Submit a proposed work schedule on the HQ Maxiflex Pay Period Work Schedule to their supervisors in advance of each pay period. (Attachment 2). Employees who fail to submit this in advance and are required to work 8 hour days (either from 8:00 a.m.- 4:30 p.m. or from 9:00 a.m. – 5:30 p.m.) for the affected pay period unless their supervisor grants an exception.

6.1.2 Employees may not begin using Maxiflex in the middle of a pay period since the Maxiflex schedule design is based on two-week intervals.

6.1.3 All Maxiflex work schedule approvals and disapprovals will be documented by the supervisor.

6.1.4 Employees are permitted to change work schedule types periodically to accommodate workload demands or for personal reasons. However, they are not permitted to change work schedule types pay period by pay period. For example, an employee may not work on a Maxiflex schedule one pay period and then the next pay period switch to the 5-4/9 Compressed Work Schedule, and then the next pay period switch back to Maxiflex. Employees may alter their Maxiflex work schedule on a pay period to pay period basis.

### **6.2 Advanced Work Scheduling**

6.2.1 All employees on Maxiflex are subject to an advanced scheduling requirement each pay period. Since Maxiflex allows employees to vary their work hours during flexible times each pay period, employees must submit a proposed work schedule on the

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HQ Maxiflex Pay Period Work Schedule to their supervisors in advance of each pay period.

6.2.2 The proposed work schedule must indicate the number of hours and timeframes the employee plans to work on each day of the upcoming pay period. To the extent possible, the schedule must also include any leave planned for use and any credit hours that the employee plans to accrue and/or use. Advanced scheduling of the pay period minimizes potential problems in determining an employee's entitlements to pay and leave and gives the supervisor notice of the employee's availability so that he/she can plan and assign work. Once submitted, an employee may adjust the arrival and/or departure times of the proposed work schedule by a maximum of 1 hour (provided that it does not interfere with the established core hours or the tour of duty) without additional documentation or prior supervisory notification. Adjustments of more than 1 hour to the arrival and/or departure times of the approved work schedule require prior supervisory notification. The actual work schedule may vary from the employee's proposed work schedule.

6.2.3 Part-time and full-time employees follow the same advanced scheduling requirements.

6.2.4 The proposed work schedule of a full or part-time employee must include a 1/2-hour (i.e., 30-minute) unpaid lunch period each workday when the employee is scheduled to work 6 or more hours. An employee may not skip the lunch period or work during the lunch period in order to shorten the length of a workday.

6.2.5 If the supervisor objects to all or part of a proposed work schedule, he/she should state the reason(s) for disapproval on the HQ Maxiflex Pay Period Work Schedule and offer some alternatives, if available.

6.2.6 Regardless of the particular hours that an employee proposes or actually works, at the end of the pay period, all full time employees must meet the 80-hour biweekly work requirement (or the prorated amount for part-time employees). There is no mandatory daily or weekly work requirement. For example, employees are not required to meet a daily work requirement of 8 hours or a weekly work requirement of 40 hours.

**Section 7 Modification, Suspension or Termination of Maxiflex**

7.1 The agency may modify, suspend, or terminate the employee's participation in Maxiflex when there is a documented misconduct or performance issue within the last 12 months, when the employee does not comply with the provisions provided in this plan, or when it is necessary to meet the organization's or work unit's specific operating needs.

7.2 The agency will terminate this Maxiflex pilot program in HQ upon the completion of the WMATA SafeTrack Rehabilitation Program, or sooner, should the agency notice an adverse impact of the Maxiflex work schedule on the agency's ability to accomplish its mission.



7.3 This pilot may be extended after the completion of the WMATA SafeTrack Rehabilitation Program only by mutual agreement of both parties. The agency and unions may modify this agreement through the mutual written consent of all parties to the agreement.

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**Headquarters Work Schedule Request Form**

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Employee:		Organization:	
Supervisor:		Effective Date:	

Please select one of the following:

- Initial work schedule request
- Request for permanent change to work schedule
- One-time adjustment

Pay Period Dates Affected:

I request the following work schedule (select one):

- Regular
- Flexible Schedule:
  - Flexitour
  - Daily Flexible (Gliding)
  - Maxiflex (SafeTrack Pilot)
- Compressed Schedule:
  - 5-4/9 Compressed Work Schedule
  - 4-10 Compressed Work Schedule

My proposed work days and work hours for each biweekly pay period are as follows:

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1 Start Time					
Week 1 Stop Time					
Week 2 Start Time					
Week 2 Stop Time					

Note: This section is not applicable to maxiflex work schedules. Employees approved for a maxiflex work schedule must submit a biweekly proposed work schedule pursuant to the applicable policy/collective bargaining memorandum of understanding.

All work schedules must include a minimum of a 30-minute unpaid lunch break.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Response:

- The requested schedule is approved (forward to time keeper for processing).
- The requested schedule is denied.

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

HQ MaxiFlex Pay Period Time Sheet

Pay Period: \_\_\_\_\_

Proposed Work Schedule (to be completed prior to the start of the pay period)

Week 1								Week 2						
Time	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
In														
Out														
Regular Hours														
Leave														
Credit Hours														
Notes:														

Actual Work Schedule (to be completed on a daily basis during the pay period)

Week 1								Week 2						
Time	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
In														
Out														
Regular Hours														
Leave														
Credit Hours														
Notes:														

Employee Name/Signature: \_\_\_\_\_

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### HQ Maxiflex Pay Period Time Sheet Instructions

1) Filling Out the Proposed Work Schedule

- a) Enter the current pay period.
- b) Fill out the top Proposed Work Schedule section prior to the start of the pay period.  
All projected hours must be scheduled within the tour of duty, Monday-Friday, 5:30 a.m. to 7:00 p.m. Employees may work up to a maximum of 11½ non-overtime hours in a single workday. These can be basic hours, approved leave, or a combination of these. Hours worked outside of the tour of duty window must have prior approval.
- c) Enter the time that you propose to arrive each day in the “In” block.
- d) Enter the time that you propose to depart each day in “Out” block.
- e) Submit the Maxiflex Pay Period Time Sheet to your supervisor prior to the start of the pay period using one of the following options (as instructed by supervisor):

Option 1 (Email)

- i) Enter your name in the “Employee Name/Signature” block.
- ii) Save the Maxiflex Pay Period Time Sheet.
- iii) Email the Maxiflex Pay Period Time Sheet to your supervisor.

Option 2 (Print)

- i) Print your Maxiflex Pay Period Time Sheet, sign it in the “Employee Name/Signature” block.
- ii) Submit to your supervisor.

Option 3 (Shared Drive)

- i) Enter your name in the “Employee Name/Signature” block.
- ii) Save the Maxiflex Pay Period Time Sheet in the designated Shared Drive location or other designated electronic file.

2) Filling Out the Actual Work Schedule

- a) Fill out the bottom Actual Work Schedule section on a daily basis during the pay period.
- b) Enter the time that you actually arrived each day in the “In” block.
- c) Enter the time that you actually departed each day in the “Out” block.
- d) Enter any leave used or credit hours worked in the appropriate box.
- e) Use the Actual Work Schedule section as a reference to complete the official T&A certification in People Plus.
- f) Submit the Maxiflex Pay Period Time Sheet at the end of the pay period to your supervisor (as instructed) using one of the options previously described.

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**HQ Maxiflex Pilot Work Schedule Agreement**

Employee's Name: \_\_\_\_\_

Effective Date of Schedule: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

\_\_\_\_\_ I understand that Maxiflex is a flexible schedule that allows me to change my tour of duty start/end times on a daily basis and I must account for 80 hours per pay period with work and/or by charging leave, credit hours, excused absence, holiday hours, compensatory time off, or time off as an award.

\_\_\_\_\_ I understand I must adhere to core hours established for Headquarters.

\_\_\_\_\_ I agree to submit my proposed work schedule in accordance with the HQ Maxiflex policy.

\_\_\_\_\_ I agree to document my actual work schedule daily in accordance with the HQ Maxiflex policy.

\_\_\_\_\_ I agree to adhere to the HQ Maxiflex rules regarding credit hours.

\_\_\_\_\_ I understand that the agency may modify, suspend, or terminate my participation in Maxiflex according to the terms of the policy.

**I certify that I have read the HQ Maxiflex Pilot Program non bargaining unit policy or bargaining unit agreement applicable to me, I understand the terms, and I agree to abide by those terms.**

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_