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# Board of Supervisors Memorandum

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February 15, 2022

## Alternative Work Schedules

### Background

An important element to becoming a more competitive employer of choice is the creation of inclusive and flexible work arrangements. Providing work schedule options for employees not only ensures high quality service to the public, but also improves recruitment and retention efforts, enhance diversity efforts, and can result in cost savings through improved attendance and productivity. Therefore, I am recommending we implement an Alternative Work Schedule Administrative Procedure. (Attachment 1.) This procedure outlines available options for employees; however, the Appointing Authority will make the final determination as to what work schedules will be available to their employees based on the operational and business needs of their Department.

Currently, our time-keeping system is limited in the types of schedules that can be input in the system; however, staff are notifying our time-keeping vendor and will work towards implementation of broader options for non-exempt (hourly) employees. At such time that the system is upgraded, the procedure will be expanded to include more options for non-exempt employees.

Lastly, implementation of Alternative Work Schedules requires revisions to the definitions of "work schedule" and "work week" in Merit System Rule 1, which require Board of Supervisors approval. (Attachment 2)

### Recommendation

I recommend approval of the Alternative Work Schedule Administrative Procedure and Merit System Rule 1 revisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Leshner", is written over a horizontal line.

Jan Leshner  
Acting County Administrator

JKL/anc – January 31, 2022

### Attachments

c: Carmine DeBonis, Jr., Deputy County Administrator  
Francisco Garcia, Chief Medical Officer and Deputy County Administrator  
Michelle Campagne, Director, Finance and Risk Management  
Cathy Bohland, Director, Human Resources

# ATTACHMENT 1

# ADMINISTRATIVE PROCEDURES



Procedure Number: 23-XX

Effective Date: 02/XX/2022

Revision Date:

County Administrator

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SUBJECT: **ALTERNATIVE WORK SCHEDULES**

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DEPARTMENT RESPONSIBLE: **All County Departments**

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## I. **STATEMENT**

This procedure describes alternative work schedule options available to Appointing Authorities when setting work schedules for their employees. These options are in place to promote work-life balance, employee satisfaction, reduce our carbon footprint, and improve work productivity, and quality.

## II. **DEFINITIONS**

**Alternative Work Schedule (AWS):** A term that includes any and all schedules that are outside of the standard work schedule for a particular position. Once established, an Alternative Work Schedule must remain fixed.

**Appointing Authority:** Department Director or Elected Official (or their designee).

**Calendar Week:** Sunday through Saturday.

**Fair Labor Standards Act (FLSA):** Establishes minimum wage, overtime pay, and recordkeeping standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. An employee is either exempt or non-exempt from FLSA regulations.

**Flex Day:** The day in the work week the employee is off when working a 9/80 Exempt Schedule or when the employee is off four (4) hours when working a 9/80 Non-Exempt Schedule.

**FLSA Exempt Employee:** An employee who is not covered by the provisions of the FLSA. These employees are generally not entitled to overtime pay and are commonly referred to as salaried employees.

**FLSA Non-Exempt Employee:** An employee who must be paid for all hours worked in a work week, to include overtime pay for all hours worked over 40 in a work week. Commonly referred to as an hourly employee.

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**Pay Period:** The two workweek cycle consisting of two calendar weeks, beginning at 12:01 a.m. Sunday and ending at 12:00 midnight the second (2nd) Saturday thereafter. The calendar year is divided into 26 pay periods.

**Work Week:** A fixed and regularly recurring period which is seven (7) consecutive 24-hour periods that may begin on any day of the week and at any hour of the day. The work week is the basis on which determinations of overtime compensation is made.

**Short Day:** The eight-hour day of the 9/80 Exempt Schedule.

**Standard Work Schedule:** The basic schedule for a position, as determined by the Appointing Authority. For example, Monday through Friday, 8:00 a.m. to 5:00 p.m., with a one-hour, unpaid, midday meal break.

### III. AVAILABLE ALTERNATIVE WORK SCHEDULES

#### A. 4/10 Schedule

1. During the 40 hours in a work week, the employee will work four 10-hour shifts, and be off on the fifth day.
2. A 4/10 schedule may start at the beginning of any regular pay period or on any day in the work week as long as all four days of work are completed between the hours of 12:01 a.m. Sunday and 12:00 midnight the following Saturday.
3. A 4/10 schedule is available to both non-exempt and exempt employees.

#### B. 9/80 Exempt Schedule

1. During the 80 hours in the pay period, the employee will work eight 9-hour shifts, one eight-hour shift (“short day”), and be off on the tenth day (the “flex” day).
2. Exempt employees are not compensated on the basis of hours worked and may therefore begin the 9/80 Exempt Schedule at the beginning of any pay period.
3. The flex day must remain the same each pay period.

#### C. 9/80 Non-Exempt Schedule

1. During the 40 hours in the work week, the employee will work four 9-hour shifts, one 4-hour shift, and have 4 hours off (the “flex” day) on the remainder of the fifth work day.
2. Non-exempt employees are compensated on the basis of hours worked in a work week. Due to current constraints in the time-keeping system, non-exempt employees can only flex one-half day per work week.

3. The flex day must remain the same each work week.
4. Upon updating the current time-keeping system, the policy will be amended to provide a 9/80 schedule similar to exempt employees.

#### **D. Other**

1. Where an Appointing Authority has a specific AWS not identified within this procedure but which is better suited to their Department's business needs, the Appointing Authority may submit a request to Human Resources for an AWS.
2. Requests must be reviewed by Human Resources and the Department of Finance & Risk Management's Payroll Division for compliance with FLSA and compatibility with the time-keeping system.
3. Upon review and recommendation by Human Resources and the Finance Department, the County Administrator must provide final approval.

### **IV. RESPONSIBILITY**

#### **A. Department**

1. An Appointing Authority will determine which of the AWS options, if any, are available to their employees. An AWS is entirely at the Appointing Authority's discretion.
2. An Appointing Authority must approve an employee's AWS.
3. An Appointing Authority must ensure that all business operations and services of their Department are available to internal and external customers during regular business hours (8:00 a.m. to 5:00 p.m.) and that the efficiency and effectiveness of the Department's operations is not adversely impacted. The utilization and assignment of AWS must not result in a change in a Department's regular hours of operation.
4. Appointing Authorities are responsible to ensure the fair and equitable administration of AWS and records must be maintained and followed under the Fair Labor Standards Act (FLSA) for every non-exempt employee.
5. Once established, an AWS cannot be changed absent extenuating circumstances and consultation with Human Resources. At no time can an employee change their flex day within a 9/80 schedule. Changing an AWS without Human Resources consultation may result in County Administration rescission of AWS.
6. An Appointing Authority may eliminate an AWS at any time; however, the Appointing Authority is required to rescind approval of an AWS where an employee fails to comply with the AWS. When this occurs, the rescission must take effect at the start of a pay period.

**B. Employee**

1. Once an employee has been notified that they are AWS eligible, the employee may request to work an AWS.
2. The employee is responsible for adhering to their approved AWS. Failure to do so may lead to revocation of the AWS and reinstatement of a standard work schedule.
3. Absent extenuating circumstances and approval of the Appointing Authority in consultation with Human Resources, the employee is not permitted to change their AWS once it has been established. Changing a flex day within a 9/80 schedule is not permitted. However, should the employee wish to return to a standard work schedule, they may do so with the approval of their Appointing Authority.
4. An AWS is a privilege, not an employee right.
5. An AWS is not appropriate for all jobs or all situations. The denial of an employee's request for an AWS is not grievable.
6. Noncompliance with the AWS agreement by the employee may result in rescission of the agreement and return to a standard work schedule. Should an agreement be rescinded for noncompliance, this action is not grievable.

**V. ELIGIBILITY**

Eligibility determinations are made by the Appointing Authority following the guidelines of this procedure.

**VI. STANDARD GUIDELINES**

- A.** The AWS will not go into effect until the beginning of the pay period after an AWS agreement has been signed by both the employee and Appointing Authority/designee. The signed agreement must be placed into the employee's Department Personnel File.
- B.** Unpaid meal breaks cannot be completely eliminated from the daily AWS. A minimum of a 30-minute unpaid meal break is required.
- C.** Supervisors must enter the employee's AWS into the time-keeping system.

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**VII. ALTERNATIVE WORK SCHEDULES AND USE OF PAID LEAVE****A. Sick Leave and Annual Leave**

Sick Leave will be administered in accordance with Personnel Policy 8-106 and Annual Leave will be administered in accordance with Personnel Policy 8-105. Sick and annual leave must be recorded for each scheduled work day an employee is on leave within that work week. If the employee is on an AWS, the employee must charge the appropriate amount of hours based on their regularly scheduled work day of the AWS. For example, if the employee is on an AWS and scheduled to work a nine (9) hour shift, they must charge nine (9) hours of leave, but not exceed their 40 hours for the work week.

**B. Bereavement Leave**

Bereavement Leave will be administered in accordance with Personnel Policy 8-107. Dependent on the circumstances, full-time employees may receive up to either 24 or 40 hours of bereavement leave. Bereavement leave must be recorded for each regularly scheduled work day an employee is on leave within that work week. If the employee is on an AWS, the employee must charge the appropriate amount of hours based on their scheduled work day. For example, if the employee is on an AWS and scheduled to work a nine (9) hour shift, they must charge nine (9) hours of leave. Similarly, if the employee does not have enough hours of bereavement leave to cover a full day's work, they would be required to supplement the remaining hours by their other available accrued leave, to include sick, vacation or compensatory time.

**C. Holiday Pay and Holiday Benefit**

Holiday pay and holiday benefit will be administered in accordance with Personnel Policy 8-102. Cesar Chavez Remembrance Day Leave will be administered in accordance with Personnel Policy 8-107. A full-time employee who does not work because of a holiday or Cesar Chavez Remembrance Day will receive eight (8) hours of pay for the holiday or remembrance day. If the employee is on an AWS, the employee must charge the additional time to their available accrued vacation leave or compensatory time to supplement the remainder of the scheduled work day, if they are scheduled to work more than eight (8) hours.

**VIII. TEMPLATES**

Schedule and agreement templates are available from Human Resources Employment Rights.

**IX. REFERENCES**

Board of Supervisors Policy D 23.17, *Fair Labor Standards Act: New White Collar Rules*

Board of Supervisors Policy D 23.18, *Fair Labor Standards Act: Safe Harbor*

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Personnel Policy 8-102, *Premium Pay*  
Personnel Policy 8-104, *Attendance*  
Personnel Policy 8-105, *Annual Leave*  
Personnel Policy 8-106, *Sick Leave*  
Personnel Policy 8-107, *Special Leaves of Absence with Pay*  
Administrative Procedure 3-33, *Telecommuting*  
Administrative Procedure 22-16, *Time Worked Record*  
Merit System Rule 1, *Definitions*



# ATTACHMENT 2

The following words and terms as used in the Merit System Rules and Personnel Policies shall have the meanings set forth below unless the context requires otherwise:

- 1.01 ADMINISTRATIVE SUSPENSION: A non-disciplinary suspension without pay or with reduced pay in the best interest of the County imposed upon an employee who is under investigatory or judicial proceedings.
- 1.02 ALLOCATION: The assignment of a classification to a position on the basis of the duties and responsibilities assigned to the position.
- 1.03 APPEAL: A request for the Merit System Commission to hear a complaint alleging improper suspension, demotion for disciplinary reasons, reduction in pay for disciplinary reasons, dismissal, or termination under Rule 11.5 B. through D.
- 1.04 APPELLANT: A permanent employee who files an appeal with the Merit System Commission.
- 1.05 APPLICANT: A person seeking County employment or an employee seeking reappointment, promotion, or demotion within County employment, who has completed and returned, on a timely basis, an official Pima County Application according to instructions.
- 1.06 APPOINTING AUTHORITY: For the purpose of these Rules, Appointing Authorities include the Sheriff, Recorder, Treasurer, Superintendent of Schools, County Attorney, Assessor and others designated by the County Administrator, who have authority to take official personnel actions in accordance with these Rules.
- 1.07 APPOINTMENT: The official offer of employment and acceptance by an applicant in accordance with these Rules. The effective date for initial appointments shall be the first actual day of work.
- 1.08 ARS: Arizona Revised Statutes.
- 1.09 AUDIT: A review of the duties and responsibilities of a position in order to determine proper allocation.
- 1.10 BOARD: The Pima County Board of Supervisors.
- 1.11 BUSINESS DAYS: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding holidays, as provided by law.
- 1.12 CERTIFICATION: The process in which Human Resources identifies/certifies eligible applicants to continue in the selection process for a particular position.

- 1.13 CLASS SPECIFICATION: The official document defining the type and level of duties and responsibilities and the minimum qualifications of positions assigned to a particular classification.
- 1.14 CLASSIFICATION: A title and code assigned to a grouping of similar positions as described in the appropriate class specification.
- 1.15 CLASSIFICATION SYSTEM: The orderly arrangement of positions under separate and distinct classifications on the basis of current duties and responsibilities.
- 1.16 CLASSIFIED SERVICE: County positions included in the Merit System and not exempt from the Merit System as provided in Pima County Code, Chapter 2.24.
- 1.17 COMMISSION: The Pima County Merit System Commission.
- 1.18 COMMISSIONER: A member of the Pima County Merit System Commission.
- 1.19 COMPENSATION: The salary, wage, allowances and all other forms of valuable consideration earned by or paid to an employee, except reimbursement for necessary expenses which have been authorized and incurred.
- 1.20 COUNTY: Pima County Government.
- 1.21 COUNTY ADMINISTRATOR: Highest ranking administrator for the Board of Supervisors.
- 1.22 COUNTY EMPLOYEE: A person appointed to and currently filling a paid position within the County.
- 1.23 COUNTY-FUNDED POSITION: A position funded by legally established recurring revenue to the County.
- 1.24 COUNTY-WIDE ANNOUNCEMENT: The official notice posted on the County's website of employment opportunities limited to County employees.
- 1.25 DEMOTION: A change in the assignment of an employee from a position in one classification to a position in another classification having a lower starting salary.
- 1.26 DEPARTMENT: A County governmental unit which has a separate operating budget approved by the Board.
- 1.27 DETAIL: The assignment of an employee to temporary duty which exceeds fifteen (15) work days to a position other than the position to which regularly assigned.

- 1.28 DISCIPLINARY ACTION: An action taken only for cause to correct inappropriate performance or other work-related behavior.
- 1.29 DISMISSAL: The involuntary termination of a person from County employment for a disciplinary reason. For the purposes of employee appeals pursuant to these Rules, a resignation in lieu of dismissal shall be deemed to be a dismissal.
- 1.30 ELIGIBLE APPLICANT: An applicant who has applied for a specific employment opportunity posted on the County's website, and whose previous work experience and/or education meet the eligibility requirements for the classification as determined by the Human Resources Department.
- 1.31 EXEMPT EMPLOYEE: An employee who is not required to receive overtime compensation under the Fair Labor Standards Act and who is not eligible for overtime compensation pursuant to Personnel Policy 8-102.
- 1.32 FULL-TIME POSITION: A position which provides employment for eighty (80) hours per pay period.
- 1.33 GRIEVANCE: A complaint alleging misinterpretation, misapplication, or unequal enforcement of Personnel Policies, Merit System Rules, or Administrative Procedures, or alleging unlawful discrimination under County Personnel Policies, Merit System Rules, or Administrative Procedures.
- 1.34 INTERMITTENT EMPLOYEE: A person who has been hired into a non-exempt classification for seasonal, on-call, or as-needed employment that does not exceed one thousand forty (1040) paid hours per fiscal year. Intermittent employees include Adult Work Experience Program workers, law clerks, youth workers, summer youth, paid interns, and employees with the employment type of intermittent.
- 1.35 INTRADEPARTMENTAL ANNOUNCEMENT: The official notice posted on the County's website of employment opportunities limited to employees in a specific department.
- 1.36 LAYOFF: The conditional termination of a permanent employee due to lack of funds, reduced demand for services, functions or programs, elimination of position, for inability to perform the essential functions of the employee's position with or without reasonable accommodation, or failure to successfully complete promotion, demotion or reappointment probation.
- 1.37 MERIT SYSTEM: The uniform and equitable system of personnel administration under federal guidelines and rules.
- 1.38 NON-EXEMPT EMPLOYEE: An employee who is eligible for overtime compensation under the Fair Labor Standards Act and Personnel Policy 8-102.

- 1.39 OPEN RANGE REAPPOINTMENT: A competitive or non-competitive change in the assignment of an employee in the classified service from or to a position in a numeric grade to or from a position with an open salary range.
- 1.40 OPEN RANGE CLASSIFICATION: A classification in the classified service assigned an alpha-numeric salary grade. The level of compensation is determined by a Salary Administration Plan/Salary Matrix approved by the County Administrator.
- 1.41 OPEN SALARY RANGE: An alpha-numeric salary grade assigned to a classification in the classified service with an approved Salary Administration Plan/Salary Matrix.
- 1.42 PART-TIME POSITION: A position which provides employment for less than eighty (80) hours per pay period.
- 1.43 PAY PERIOD: A two (2) week period established by the Finance and Risk Management Department that shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the second (2<sup>nd</sup>) Saturday thereafter.
- 1.44 PAY STATUS: An employee who is receiving pay based on hours worked, use of annual or sick leave or compensatory time, or paid leaves of absence is considered in pay status.
- 1.45 PERMANENT EMPLOYEE: A regular employee who has successfully completed initial probation.
- 1.46 PRE-LAYOFF REAPPOINTMENT: The appointment of a County employee who has been notified of layoff, prior to the effective date of layoff, to a classification of the same or lower salary.
- 1.47 PROBATION: A specified period of employment following initial appointment, reemployment, reinstatement, reappointment, promotion, or demotion, which is the final step in the examining process during which an employee is evaluated.
- 1.48 PROBATIONARY EMPLOYEE: A regular employee serving initial probation who may be terminated without cause and with no right of appeal.
- 1.49 PROMOTION: A change in the assignment of an employee from one classification to another classification having a higher starting salary.
- 1.50 PUBLIC ANNOUNCEMENT: The official notice posted on the County's website of employment opportunities with the County open to the public.
- 1.51 REALLOCATION: A change in the classification assigned to an existing position.

- 1.52 REAPPOINTMENT: A competitive or non-competitive change in the assignment of an employee from one position to another of any classification having the same or lower starting salary.
- 1.53 REASSIGNMENT: A competitive or non-competitive change in the assignment of an employee from one position to another of the same classification and salary within the employee's department.
- 1.54 RECLASSIFICATION: A change in the classification of an employee when his/her position has been reallocated.
- 1.55 REEMPLOYMENT: The appointment of a laid-off employee to a classification, other than the classification from which laid off, in any department, or to the same classification in a department other than the department from which laid off, or an appointment following Uniformed Service leave under Personnel Policy 8-103.
- 1.56 REGULAR EMPLOYEE: An employee who is employed full-time, part-time, or variable-time on a continuous and continuing basis.
- 1.57 REGULAR CLASSIFIED EMPLOYEE: An employee in the classified service who is employed full-time, part-time, or variable-time on a continuous and continuing basis.
- 1.58 REINSTATEMENT: The appointment of a laid-off employee to a position of the same classification in the same department from which laid off, or the returning of an employee as ordered by the Merit System Commission.
- 1.59 RESIGNATION IN LIEU OF DISMISSAL: An employee has been officially dismissed from the County via a formal and final notice of dismissal and the employee requests in writing and is approved to resign instead of being dismissed.
- 1.60 RESPONDENT: The department or individuals named by the Appellant, whose interests are adverse to those of the Appellant, who will be directly affected by the Commission's decision in an appeal.
- 1.61 SALARY GRADE: Either a numeric grade (e.g., 22, 32, 64 etc.) or alpha-numeric grade (e.g., M1, A2, P1 etc.) with an established salary range minimum and salary range maximum.
- 1.62 SELECTIVE CRITERIA: Key position-specific factors within a classification, such as specialized knowledge and/or experience, or special background or qualifications, or particular geographic area, used to identify/certify eligible applicants.

- 1.63 SENIORITY: The number of hours of continuous employment with the County.
- 1.64 SUSPENSION: An involuntarily imposed leave without pay or with reduced pay.
- 1.65 TEMPORARY EMPLOYEE: An employee who has been appointed on a full-time, part-time, or variable-time basis for a limited period not exceeding eighteen (18) months.
- 1.66 TERMINATION: Separation of an employee from County employment.
- 1.67 TERMINATION DATE: Day following the last day of County employment.
- 1.68 TRAINEE: A new hire or regular employee serving in a trainee program pre-approved by Human Resources for such length of time necessary to meet the minimum qualifications or selective criteria for the training classification within six to twenty-four months from the commencement of the program. Employees who fail to successfully complete an approved trainee program have no right of appeal.
- 1.69 UNAUTHORIZED ABSENCE: Any absence or unscheduled time off from work where established notification requirements are disregarded by the employee or authorization was sought and reasonably denied. The exception would be if the employee retroactively applies sick leave to the absence.
- 1.70 VACANT POSITION: A position currently under recruitment or available to be filled as determined by an Appointing Authority.
- 1.71 VARIABLE-TIME POSITION: A position which provides employment for an as-needed number of hours per work week.
- 1.72 WORK DAY: Any designated hours within a twenty-four (24) hour period during which an employee is scheduled to work at a prescribed work place or on duty. Holidays are not work days unless the employee is scheduled to work.
- 1.73 WORK PERIOD: Any established and regularly recurring period of work which cannot be less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days.
- 1.74 WORK RELEASE TIME: Time off work with pay.
- 1.75 WORK SCHEDULE: Time(s) an employee is scheduled to work within the work week and ~~pay period consisting of five (5) eight (8) hour shifts, Monday through Friday, 8:00 a.m. to 5:00 p.m.,~~ excluding holidays, as provided by law.

- 1.76 WORK WEEK: ~~All time within a seven (7) day period~~ **A FIXED AND REGULARLY RECURRING PERIOD WHICH IS SEVEN (7) CONSECUTIVE 24-HOUR PERIODS** during which an employee is required to be on the employer's premises for the performance of prescribed duties, at a prescribed work place, or on duty. ~~Work weeks shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the following Saturday.~~